



April 6, 2017

Washington State Department of Ecology
Water Quality Program
ATTN. Steve Hood
1440 10th Street, Suite 102
Bellingham, WA 98225

Re: Lake Whatcom Total Maximum Daily Load (TMDL)-Summary of Enforcement Process

Dear Mr. Hood,

As part of the requirements of the approved Lake Whatcom Watershed Total Phosphorus and Bacteria TMDL, Whatcom County is submitting a summary of the enforcement process utilized to ensure the various regulations intended to protect water quality in the Lake Whatcom watershed is properly implemented. The following ordinances and enforcement process applies to both public and private development and activities.

The Western Washington Phase II Municipal Stormwater Permit currently requires implementation of an ordinance to prohibit non-stormwater, illicit discharges into the County's MS4, as well as implement a compliance strategy with informal compliance actions under Section S5.C.3.b of the Permit. These requirements were fulfilled with the adoption of the Illicit Discharge Detection and Elimination Program Ordinance found in Whatcom County Code 16.36, Ordinance 2010-002. The ordinance was adopted on January 26, 2010, is enforced by the Whatcom County Health and Planning & Development Services (PDS) Departments, and applies to all Whatcom County NPDES areas and the entire Lake Whatcom watershed.

The Western Washington Phase II Municipal Stormwater Permit also requires implementation of an ordinance to address runoff from new development, redevelopment, and construction site projects, as well as a process for site plan review, inspection, long term operation and maintenance, and enforcement under Section S5.C.4 of the Permit. These requirements were fulfilled with the adoption of the Lake Whatcom Watershed Overlay Ordinance found in Whatcom County Code 20.51, Ordinance 2013-043. The ordinance was originally adopted on July 23, 2013 with amendments to include Low Impact Development requirements of the Permit adopted through Ordinance 2016-045 on October 11, 2016. The ordinance is enforced by Whatcom County Planning & Development Services.

The Lake Whatcom Watershed Overlay chapter implements standards above the requirements of the Phase II Municipal Stormwater Permit and requires development to achieve a "no additional phosphorus loading beyond a forested condition" as outlined in the ordinance. The ordinance also has a requirement that land clearing greater than 500 square feet can only occur June 1-September 30, along with implementing the required erosion and sediment control measures.

The following is a summary of the current enforcement sequence utilized by Whatcom County staff for the adopted ordinances referenced above:

1. Incident is reported and assigned to staff.
2. Staff visits site and determines if a violation has occurred, and if so, what type of violation and determine the proper code provision.
 - a. Photo documentation of the violation is collected, along with observations.
3. Staff initiates communication with applicant/property owner/contractor.
4. Correction Notices and Stop Work Orders are written with requirements for responsible party to complete corrective actions with specific time-frames.
5. If corrective actions are not complied with, further enforcement action will be determined by the Director of Health, the Director of PDS, or their designees, under the appropriate codes and their authorities.

The ordinances, as well as Whatcom County's enforcement sequence, encompasses the mechanisms utilized to protect the water quality of Lake Whatcom for regulated and non-regulated actions. Both ordinances and the enforcement process are currently part of Whatcom County's Stormwater Management Plan, and are evaluated on an ongoing basis to ensure the effectiveness of these protective measures.

Regards,



Joseph P. Rutan, P.E.
County Engineer/Assistant Director