

Whatcom County

To Whom It May Concern:

Whatcom County Public Works would like to submit a formal comment regarding Appendix 2 of the DRAFT 2024-2029 Western Washington Phase II Municipal Stormwater Permit.

In Appendix 2 of the current 2019-2024 Phase II Permit, Whatcom County (in partnership with the City of Bellingham) were assigned a detailed list of tasks to accomplish in order achieve compliance with the Lake Whatcom Total Maximum Daily Load (TMDL) for Phosphorus and Bacteria. Extensive coordination between the County, City, and the Department of Ecology occurred beginning in 2017 that resulted in a detailed Implementation Plan for Lake Whatcom. Tasks from the implementation plan were adopted into the final version of the 2019-2024 Appendix 2.

Unfortunately, a similar process did not occur for the development of tasks for Appendix 2 of the 2024-2029 Permit. Even though the City, County, and representatives from Ecology did meet early in 2023 on this topic, the resulting draft language for Appendix 2 does not accurately represent current or future activities both jurisdictions have deemed important to accomplish TMDL compliance. Specifically, the proposed Appendix 2 does not include any tasks from the current 2019-2024 Appendix 2. The one proposed task currently included in the Draft Appendix 2 regarding phosphorus is duplicative of recent efforts and does not consider the previously mandated evaluation of effectiveness of built stormwater treatment and flow control facilities in reducing phosphorus. Overall, the draft language does not address the extensive and important activities and tasks that the County (and City) have committed to in order to assure compliance.

Additionally, the currently proposed language regarding bacteria does not accurately reflect the County's extensive programs regarding pet waste management, and refers to current practices already mandated within the body of the Permit. An example from the current proposal, mandating business inspections for an area with no businesses contributing to bacteria in waterways is unnecessary. The reporting of current activities that reduce bacteria, such as the County's pet waste management activities/program, would be more appropriate and relevant to include into Appendix 2.

With the above comments in mind, we would like to submit the attached document which includes the tasks for Appendix 2 that more accurately represent the planning and tracking of important phosphorus and bacteria reducing measures for Lake Whatcom. The City and County have been long-term partners in the protection and restoration of Lake Whatcom through the Lake Whatcom Management Program. The attached proposed activities have been discussed and supported by both jurisdictions, and any further clarification or wordsmithing necessary can be addressed through a coordinated discussion with both entities and Ecology to ensure consistent and agreed upon language.

Please consider the attached proposal.

Regards,
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Whatcom County Public Works
Stormwater Program Manager

Public Comment From Whatcom County Public Works

Proposed 2024-2029 Appendix 2: Lake Whatcom Total Maximum Daily Load for Phosphorus and Bacteria

City of Bellingham and Whatcom County

Section 1: Public Education, Outreach, and Engagement

- A. The City and County will develop education, outreach, and engagement campaigns as follows:
 1. Conduct (in 2028) a repeatable survey to measure watershed residents' beliefs, behaviors, and attitudes over time related to Lake Whatcom water quality problems and solutions to inform the development of Lake Whatcom Watershed outreach programs.
 2. Continue to update, improve, and distribute an informational packet to all watershed residents, including an annual distribution to new watershed property owners.
- B. The City and County will conduct/coordinate Best Management Practice (BMP) Maintenance programming for private stormwater facility maintenance (for residential and commercial property owners). The programs would provide/coordinate BMP inspections and technical reports with maintenance guidelines and recommendations to the property owners. The target audiences include residents, homeowners/condominium associations, and property managers.
- C. As participating jurisdictions in the Lake Whatcom Cooperative Management Program, the City and County will continue to develop and implement other education, outreach, and engagement materials and activities as outlined in the most current version of the Lake Whatcom Work Plan, updated and adopted by City Council Resolution every five years.

Section 2: Stormwater Management

- A. Capital Stormwater Program
 1. The City and County will implement stormwater projects. The list of projects, and their expected reduction in Effective Developed Acres, will be updated annually and submitted to Ecology with the Annual Report by March 31 of each year. The submittal will track all relevant steps of the project(s) including, but not limited to:
 - a. Land acquisition
 - b. Design
 - c. Construction
 - d. Cost
 - e. Drainage area

- f. Treated acres

B. Cooperative Stormwater Management Strategies

1. The City and County will track Effective Developed Acre (EDA) reductions (or other appropriate metrics) in the following categories:
 - a. Stormwater treatment and flow control capital projects;
 - b. Homeowner improvements through voluntary stormwater treatment or reforestation projects sponsored by the City and County
 - c. Land use regulations; and
 - d. Operations and maintenance activities.
2. The City and County will continue as partners in the interjurisdictional Lake Whatcom Management Program and support implementation of Stormwater Management actions as outlined in the most current version of the Lake Whatcom Work Plan, to be updated and adopted by City and County Council resolutions at least every five years.

C. Other Stormwater Management Activities

1. The City and County will continue enhanced street sweeping activities within its jurisdiction to remove phosphorus sources from public streets as conditions allow, and track, to the best of its ability, the total annual phosphorus reduction achieved through this activity.
2. All existing public stormwater treatment facilities will be inspected and maintained as required in the NPDES Phase II Permit.

Section 3: Land Use and Development Regulations

- A. The City and County will continue to implement and enforce land-use and development regulations specific to the Lake Whatcom watershed, as found in Bellingham Municipal Code and Whatcom County Code.
- B. The City and County will continue to require ongoing maintenance of 1) privately-held engineered stormwater facilities dedicated to phosphorus removal and 2) conservation easements dedicated to on-site phosphorus retention. Strategies to ensure maintenance requirements are met include education and outreach as well as enforcement for non-compliance.

Section 4: Operational Best Practices and Good Housekeeping

- A. The City and County will continue to respond to reports of spills or illicit discharges and address the situations as necessary to protect water quality.

Section 5: Water Quality Monitoring and Effectiveness Evaluation

- A. The City and County will continue to support and partner in work that focuses on monitoring and documenting water quality parameters on behalf of the Lake Whatcom Management Program.

- B. The City and County will, through participation in and support of the Lake Whatcom Cooperative Management Program, engage in thorough and scientifically-valid assessments of hydrologic, water quality, and/or pollutant-loading models and studies at regular intervals.

Administration-City and County

- A. The City of Bellingham and Whatcom County shall submit to Ecology an annual report tracking of all phosphorus and bacteria reduction activities and calculations by March 31 of each calendar year (to coincide with the Annual Reporting schedule of the Western Washington Phase II Municipal Stormwater Permit).