

2024 STORMWATER MANAGEMENT PROGRAM (SWMP) PLAN

March 2024

Permit Term August 1, 2019 – July 31, 2024



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List of Abbreviations

AKART	all known, available, and reasonable methods of treatment	PDS	Planning and Development Services
AOI	area of interest	Permit	NPDES Phase II Municipal Stormwater Permit
BMP	best management practice	PH	Public Health
CBSM	Community Based Social Marketing	Plan	The documentation of the SWMP
CESSCL	Certified Erosion and Sediment Control Lead	POTW	Publicly Operated Treatment Works
County	Skagit County	PW	Public Works
CWA	Clean Water Act	Road Ops	Road Operations
Ecology	Washington State Department of Ecology	RRMP	Regional Roadside Maintenance Program
EM	Emergency Management	SAM	Stormwater Action Monitoring
E&O	Education and Outreach	SCC	Skagit County Code
Engineering	Skagit County's Engineering Division	SCD	Skagit Conservation District
EPA	United States Environmental Protection Agency	SCGIS	Skagit County Geographic Information Services
ESA	Endangered Species Act	SMAP	Stormwater Management Action Plan
FEMA	Federal Emergency Management Agency	SOP(s)	Standard operating procedure(s)
GIS	Geographic Information System	STEM	science, technology, engineering, and math
HAZWOPER	Hazardous Waste and Emergency Response standard	SWMMWW	Stormwater Management Manual for Western Washington
IBC	International Building Code	SWMP	Stormwater Management Program
IC/ID	Illicit Connection/Illicit Detection	SWPPP	Stormwater Pollution Prevention Plan
IDDE	Illicit Discharges Detection and Elimination	TMDL	Total Maximum Daily Load
LEED	Leadership in Energy and Environmental Design	WSDOT	Washington State Department of Transportation
LID	Low Impact Development		
MEP	Maximum Extent Possible		
MR(s)	minimum requirement(s)		
MS4	Municipal Separate Storm Sewer System		
NMFS	National Marine Fisheries Service		
NOI	Notice of Intent		
NPDES	National Pollutant Discharge Elimination System		
NRD	Skagit County's Natural Resources Division		
O&M	Operations and Maintenance		
Operations	Skagit County Operations Division		



Section 1

Purpose of the Stormwater Management Program Plan

Since 2007, Skagit County (County) has been permitted to discharge stormwater to waters of the State under the Western Washington Phase II Municipal Stormwater Permit (Permit). This Permit is a requirement under the United States Environmental Protection Agency's (EPA) National Pollution Discharge Elimination System (NPDES) program. The Washington State Department of Ecology (Ecology) has the power to write and enforce the requirements of this Permit, with the backing of the EPA, the Federal Clean Water Act (CWA), and the State of Washington Water Pollution Control Law (RCW 90.48).

The original Phase II Permit issued by Ecology became effective on February 16, 2007, with an expiration date of February 15, 2012. On June 17, 2009, Ecology released a modified version of the 2007 Permit, which changed some of the requirement deadlines. In 2011 the Washington State Legislature passed, and the governor signed ESHB 1478, authorizing Ecology to issue a new Permit, unchanged from the existing permit with effective dates from August 2012 to August 2013. Despite a gap between the Permit effective dates, the Permittees were required to continue to meet all requirements of the 2007 Permit through August 2013. An updated Permit was issued in August 2012 effective from August 2013 to August 2018; it was subsequently modified in January 2015 to reflect the outcomes of appeals made to the Pollution Control Hearings Board. The Permit was originally set to expire on July 31, 2018, but Ecology administratively extended the Permit for one year, and subsequently issued the current Permit on July 1, 2019, with an effective date of August 1, 2019, and an expiration date of July 31, 2024. Ecology is now in the process of updating the Permit for another 5-year term and the formal draft version of the next Permit was released in the spring of 2023, with a targeted effective date of August 1, 2024. The 2024 SWMP incorporates requirements under the current 2019–2024 Permit.

The County's Stormwater Management Program (SWMP) is required to write this document (Plan) to describe what the SWMP intends to do to protect water quality in Skagit County. The Permit also requires the County to make this document available for public comment and post the document online for public access. The draft Plan will be posted in April 2024 for public comment and the final Plan will be available to the public no later than May 31, 2024.

A SWMP Plan is a set of required actions stated in Special Condition S5 of the Permit. This Plan describes those actions and shows how Skagit County will meet the requirements of the 2019-2024 Permit cycle for 2024. Skagit County will continue to update this Plan annually to reflect actions and planned actions to meet Permit requirements.

1.1 What is Stormwater?

Past surveys found that many people in Western Washington think of stormwater as heavy rainfall during a storm. Heavy rainfall does contribute to stormwater, but the definition used in our SWMP is



somewhat broader. The Permit defines stormwater as “runoff during and following precipitation and snowmelt events, including surface runoff, drainage, and interflow.”¹

According to the Permit, “Stormwater is rain and snow melt that runs off rooftops, paved streets, highways, and parking lots. As it runs off, it picks up pollution like oil, fertilizers, pesticides, soil, trash, and animal manure. Most stormwater is not treated, even when it goes into a street drain. It flows downstream directly into streams, lakes, and marine waters. Stormwater runoff is the leading threat to Washington's urban waters, streambeds, banks, and habitats.”¹ Figure 1-1 shows an example of stormwater runoff flowing into a storm drain.



Figure 1-1. Stormwater runoff flowing into a storm drain before making its way to the Skagit River

It may be difficult to imagine stormwater runoff as being the biggest contributor to water pollution, but small quantities of pollutants entering our streams, rivers, lakes, and bays add up over time, resulting in an accumulation of pollutants that are difficult to treat at a larger scale. Much of the pollution that finds its way into natural waters and aquatic food chains travels there unnoticed and is not quickly broken down or removed naturally. Continued development and population increase make stormwater runoff a growing source of water pollution. Additionally, high flows from the MS4 can endanger human health and safety, and can also inflict damage to the natural environment, transportation systems, public and private property, and economic vitality. Figure 1-2 is a graphic to help illustrate stormwater runoff in a watershed.

¹ Washington State Department of Ecology - <https://ecology.wa.gov/Water-ShorelinesDan/Water-quality/Runoff-pollution/Stormwater>



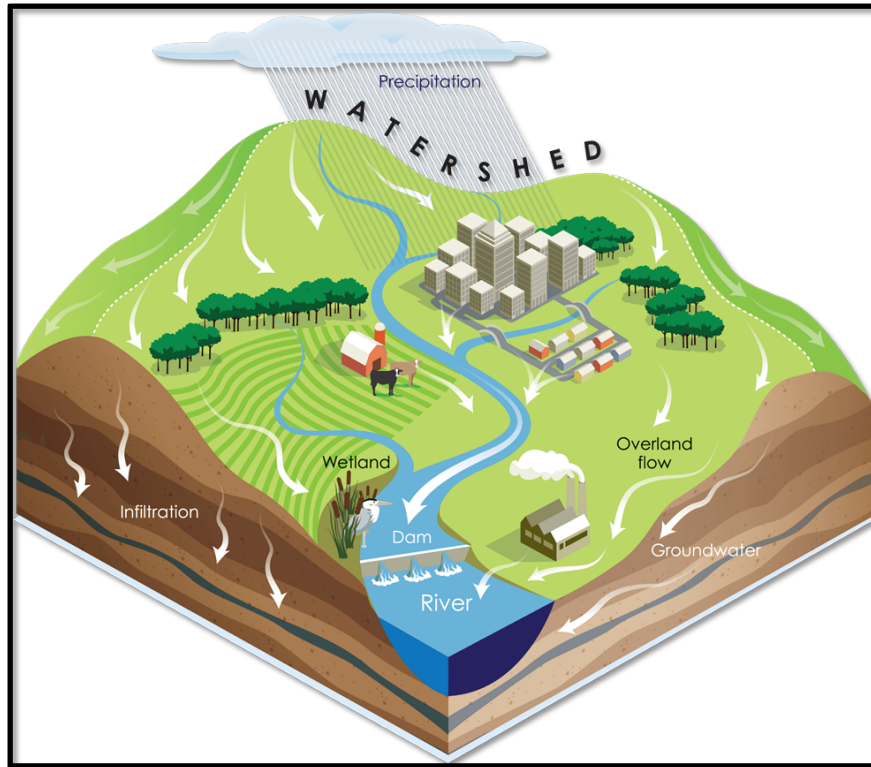


Figure 1-2. Watershed graphic illustration of stormwater runoff

Source: Lake County Illinois Stormwater Management Commission

1.2 Requirements of the SWMP Plan as specified in the Permit (S5.A)

1. The County will continue to implement the Plan, at minimum, throughout the geographic area of the Permit (see Figure 1-3), referred to as the “NPDES Permit Area”. Some of the actions within this Plan, like our social media reach and most of our outreach and education events, will reach audiences beyond the NPDES Permit Area.
2. The SWMP Plan continues to be updated annually. The goal of this document is to inform the public of the work County staff continue to do to protect water quality and stay in compliance with the requirements of the Permit.
3. The Plan includes procedures for gathering, tracking, maintaining, and using information to evaluate the effectiveness of the SWMP, track Permit compliance, and set program priorities. The County will track:
 - a. The cost or estimated cost of development and implementation of the SWMP Plan.
 - b. Number of inspections, inspection follow-ups, enforcement actions, and public education efforts that support the Plan.
4. The County will coordinate with other entities covered by municipal stormwater permits as needed to comply with the Permit. Multiple departments within Skagit County’s government work together to implement the SWMP Plan.



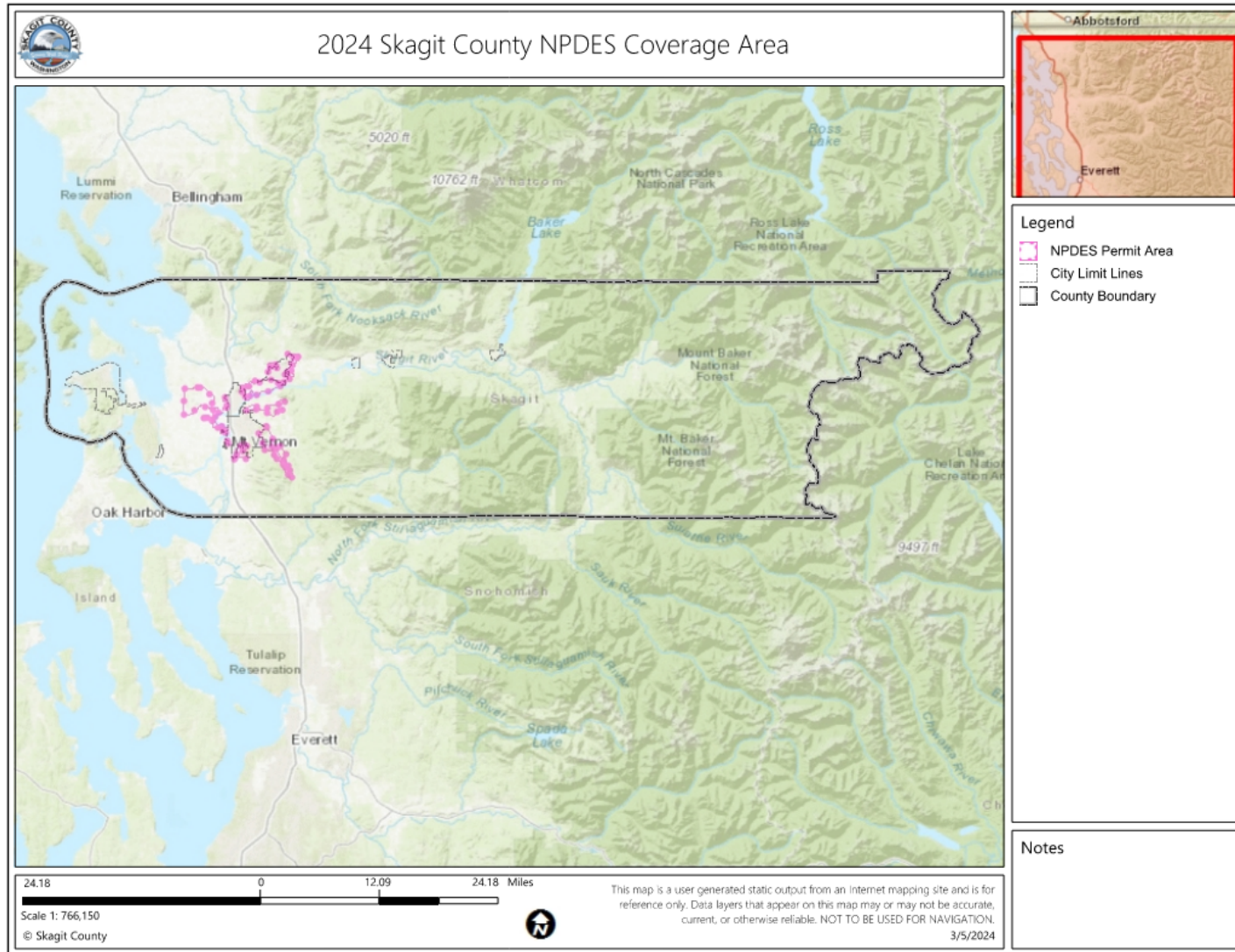


Figure 1-3. The Permit covers the areas on the map, shaded in pink



1.3 Goal and Technical Standard for the SWMP as specified in the Permit (S5.B-C)

The SWMP Plan describes actions under the current Permit that the County is taking to reduce discharges of pollutants from the County's MS4 to the Maximum Extent Practicable (MEP). The MS4 is a stormwater management term that describes a jurisdiction's stormwater system. For Skagit County, the MS4 consists of a variety of types of infrastructure including ditches, pipes, culverts, and storm drains, designed to move stormwater off the developed landscape. The County's MS4 delivers this stormwater to our streams, rivers, lakes, bays, and sometimes to groundwater. Despite common misconception, the MS4 does not deliver stormwater to a Publicly Operated Treatment Works (POTW), commonly known as a sewage treatment facility. Stormwater is delivered directly to waterways, untreated by POTW.

Controlling discharges of pollutants to the MEP means we are trying to manage stormwater runoff with the available technology we understand to be effective and economically feasible. The SWMP's standard is to employ all known, available, and reasonable methods of prevention, control, and treatment (AKART) to protect water quality.

1.4 Elements of the SWMP Plan as specified in the Permit (S5.C)

The nine elements below are the components mentioned earlier in the SWMP Plan that drive the work of the SWMP. Each one of these elements has minimum performance measures designed to give the SWMP Plan² a basic framework that will help support the County's goal of protecting water quality and the resources found in its aquatic habitats and waterways. Other Permit Requirements are provided in Attachment A.

1. Stormwater Planning
2. Public Education and Outreach
3. Public Involvement and Participation
4. MS4 Mapping and Documentation
5. Illicit Discharge Detections and Elimination
6. Controlling Runoff from New Development, Redevelopment, and Construction Sites
7. Operations and Maintenance
8. Source Control Program for Existing Development
9. Monitoring and Assessment

² Note: Permit Section S7 Compliance does not list any TMDL requirements for Skagit County. However, Skagit County discharges to Padilla Bay. A TMDL for Padilla Bay was approved by EPA in 2020. Thus, Padilla Bay TMDL is not listed in the current 2019 Permit, but has been added to the Draft 2024 Permit.



1.5 Stormwater Management Program for Cities, Towns, and Counties (S5)

Skagit County developed a SWMP Plan as required by the Permit and to ensure compliance with the actions and activities listed in the components in Special Condition S5 of that Permit. The SWMP Plan also ensures the County will take any additional actions necessary to meet the requirement of applicable Total Maximum Daily Load (TMDLs) in accordance with Special Condition S7, Compliance with TMDL Requirements, and Special Condition S8, Monitoring and Assessment.



Section 2

Stormwater Planning (S5.C.1)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Stormwater Planning at that time.

2.1 Stormwater Planning Interdisciplinary Team (S5.C.1.a)

Skagit County's SWMP created a Stormwater Planning Interdisciplinary Team in July of 2020 to inform and assist in the development, progress, and influence of the stormwater planning work. The Interdisciplinary Team is made up of staff from the Natural Resources Division (NRD), Road Operations (Road Ops), Planning and Development Services (PDS), the Engineering Division (Engineering), and Skagit County Geographic Information Services (SCGIS). The team meets quarterly meeting the Permit requirements described below as well as and to review and discuss other issues related to long-range stormwater planning.

Examples of work the Stormwater Planning Interdisciplinary Team has been involved with since its inception include:

- Updating the Skagit County Code (SCC) 14.32 Stormwater Management to improve the permitting process.
- Adding a new section, SCC 14.22 Land Disturbance, to County code.
- Updating data collection methods relevant to Permit mapping requirements.
- Updating Permit counter outreach material.
- Updating Permit counter staff on Permit work and requirements.
- Attended Local Ecology presentation on the 2019 Stormwater Management Manual for Western Washington (SWMMWW).
- Developing inhouse Certified Erosion and Sediment Control Lead (CESCL) training based on Regional Road Maintenance Program's (RRMP). Track 3F training designed to protect endangered species from road construction work.
- Complying with the RRMP.
- Performing stormwater management and fish passage barrier correction work.
- Updating Capital Facilities Plan for 2025.
- Updating Comprehensive Plan for 2025.
- Developed and wrote the 2023 Stormwater Management Action Plan (SMAP).
- Reporting as required by the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Community Rating System.



2.2 Coordination with long-range plan updates (S5.C.1.b)

Coordination with long-range plan updates is primarily achieved through the work of the Stormwater Planning Team. This group provides a space for internal coordination efforts involving long-range planning work including Comprehensive Plan and Capital Facility Plan updates. The Stormwater Planning Team also helps support other work in PDS that overlaps with the work of the SWMP. This effort includes implementing the FEMA National Flood Insurance Program Community Rating System, which can reduce flood insurance rates for citizens, and the SMAP work, which drives thoughtful strategies to improve water quality for specific drainage areas.

The County submitted a report to Ecology that described how water quality is being addressed during this Permit term in updates to the Comprehensive Plan (or equivalent) and in other locally initiated or state-mandated, long-range land use plans that are used to accommodate growth or transportation.

Actions included:

- Provisions for protection of the quality and quantity of groundwater used for public water supplies. RCW 36.70A.070(1); WAC 365-196-405(1)(c); WAC 365-196-485(1)(d) resulted in adopting the Guemes Island area of interest (AOI) on December 28th, 2022.
- Work directly with the Stormwater Planning team.
- Regarding RCW 36.70A.070(1) and WAC 365-196-405(2)(e), the Stormwater Planning Team reviews drainage, flooding, and stormwater run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state.

2.3 Low Impact Development code requirements (S5.C.1.c)

When updating, revising, or creating development codes, the County will continue to require Low Impact Development (LID) principles Best Management Practices (BMP). Each year, the County reports any newly identified barriers to LID implementation and describe actions taken to overcome those barriers. This annual report also includes mechanisms developed to encourage or require LID and BMP's principles.

County staff started looking at development areas, including new plats, long plats and short plats, and infill projects. Much of the development happening in the County is occurring in clusters in specific areas of the County, but nearly all that growth is outside the NPDES Permit area. Although code updates were made in 2022 and apply County-wide, the stricter stormwater management requirements are still limited to development within the NPDES Permit area.

The County reviewed its Stormwater Code and Land Disturbance Code in the SCC. In 2022, the County successfully updated SCC 14.32 *Stormwater Management* and created a new code, 14.22 *Land Disturbance*. This 2022 code update addresses Special Condition S5.C.6a – “Each Permittee shall adopt and make effective a local program, no later than June 30, 2022, that meets the requirements of S5.C.6.b(i) through (iii)...” In addition to meeting Special Condition S5.C.6a with the code updates, the County took this opportunity to make other changes staff saw as important to the permitting process for both the public and County staff.



Examples of these changes included:

- *SCC 14.04 Definitions*. This section included several definitions that were no longer applicable; non applicable definitions were removed.
- *SCC 14.18 Land Division*. The new language helps clarify which parcels can be expedited through the permitting process, and also clarifies which parcels will require additional on-site stormwater controls.
- New chapter *SCC 14.22 Land Disturbance*. This new Code chapter improves integration of LID practices and coordinates review of forest conversion practices. Prior to this code, the Building Official processed grading permit Applications pursuant to the requirements in Appendix J of the International Building Code (IBC). In 2022, this new grading permit replaces the existing grading permit and is only required when development is not done in conjunction with a building permit.
- *SCC Chapter 14.32 Stormwater Management*. These updates reorganized the drainage chapter to improve usability.
- *SCC Chapter 14.32 Stormwater Management*. Thresholds outside of NPDES Permit Area were changed for residential development. The stormwater Minimum Requirements (MRs) apply to single family residential development when:
 - MR1–MR5: Developing 4,000 square feet of hard surface or land disturbance of 14,000 square feet; and,
 - MR1–MR 9: Developing 10,000 square feet of hard surface or conversion of 1.5 acres of vegetation.

2.4 Stormwater Management Action Planning (S5.C.1.d)

The County has successfully developed a Stormwater Management Action Plan SMAP³ for a high priority basin within Skagit County and submitted to Ecology in March of 2023. This SMAP was developed for a 530-acre catchment on the eastern shore of Big Lake (see Figure 2-1) and contains prescriptive measures designed to address water quantity and water quantity issues associated with this specific area. The SMAP process helped staff identify this opportunity to potentially address ongoing drainage and water quality issues associated with this specific area within the Big Lake's eastern shore catchment, referred to as Big Lake East Catchment. The SMAP was developed using water quality management tools designed to help reduce pollutant loading and address hydrologic impacts from existing development and planned future development.

The County will begin implementing aspects of the Big Lake East Catchment SMAP this year (2024). The County has a Stormwater Planning Interdisciplinary Team that will bring together the appropriate staff to begin developing a more detailed plan and schedule than that found in the SMAP document. The County plans to begin implementing SMAP actions this year including: two culvert retrofits⁴, evaluation of our street sweeping program⁵, and ensuring the golf course that drains to the SMAP catchment area is properly informed on BMPs for golf course management⁶.

³ [Skagit County SMAP](#)

⁴ SMAP Project IDS RETRO-01 and RETRO-02

⁵ SMAP Action IDE CUST-04

⁶ SMAP Action ID CUST-07



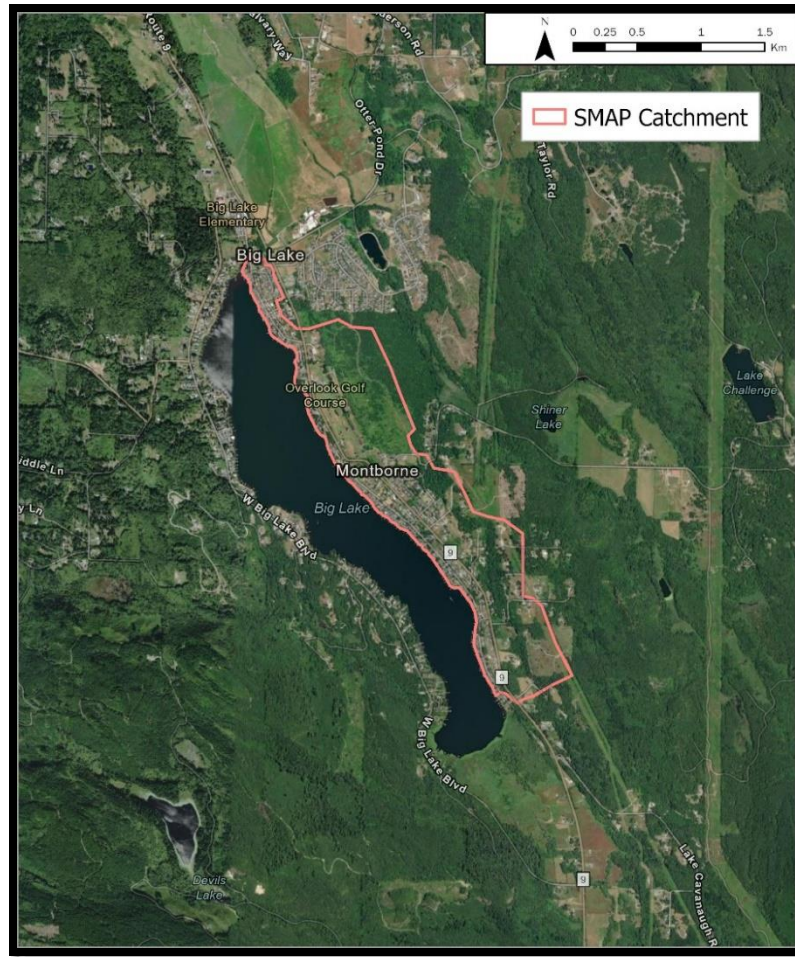


Figure 2-1. Big Lake East catchment area map

The overarching goals of this SMAP include aspects of flood and erosion control, protection of water quality for recreational use, and protection of aquatic habitat in Big Lake and the stream system that flows through it in the Big Lake East catchment.

The steps used for developing the SMAP are prescribed by the Permit and have been completed:

1. Receiving Water Assessment (S5.C.1.d.i): On March 31, 2022, the County submitted a watershed inventory and include a brief description of the relative conditions of the receiving waters and the contributing areas. The County developed this inventory and summary of descriptions using methods outlined in *Stormwater Management Action Planning Guidance* (Ecology, 2019; Publication 19-10-010) and on March 31, 2022, finalized the findings.
2. Receiving Water Prioritization (S5.C.1.d.ii): Informed by the receiving waters assessment and other information the County developed and used prioritization method to determine which receiving waters will get the most benefit from stormwater retrofits, enhanced implementation of SWMP actions, or other land development actions. The prioritization report was completed on June 30, 2022.



3. Final SMAP (S5.C.1.d.iii) was completed March 2023 and included:
 - a. A description of the stormwater facility retrofits needed for the area, including the BMP types and preferred locations. Land management, development strategies, and/or actions identified for water quality management.
 2. Targeted, enhanced, or customized implementation of stormwater management actions as described throughout this SWMP Plan. These actions included education and outreach efforts, a street sweeping program, and a ditch BMP retrofit plan and program, within the Big Lake East catchment.
 3. Schedule and budget including:
 - a. Short-term actions (within 6 years)
 - b. Long-term actions (within 7–20 years)
 4. A process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.



Section 3

Public Education and Outreach (S5.C.2)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Public Education and Outreach (E&O) at that time.

The goals of the SWMP Public E&O are:

- To create awareness about methods used to reduce stormwater impacts.
- To reduce or eliminate behaviors that pollute stormwater.
- To create opportunities for the community to participate in reducing the impacts to our natural resources from stormwater runoff.

In addition, this Permit requirement has a goal of creating E&O campaigns that will measure effectiveness and potentially help the County use financial and human resources more efficiently.

The County's SWMP, along with the SWMPs from the cities of Sedro-Woolley, Burlington, Mount Vernon, and Anacortes, will continue to contract with the Skagit Conservation District (SCD) this year to meet the E&O requirements of the Permit. This will be the 14th year of this cooperative effort. This multi-jurisdictional partnership helps to raise environmental awareness while working together with the community we serve, to improve water quality, and protect the rich natural resources important to our region.

Ongoing SCD projects include:

- Conducting LID education and pilot installations.
- Producing LID workshops and outreach materials.
- Providing LID information to local contractors and businesses on Green building, Leadership in Energy and Environmental Design (LEED) and LID ideas.
- Training volunteers and operating the Skagit Stream Team, which was first established in 1998.
- Leading Backyard Conservation program.
- Producing outreach materials and packets for local schools.
- Visiting hundreds of local school children every year to make presentations about stormwater.
- Applying decals to storm drains.
- Organizing and conducting the Watershed Masters Volunteer Training Program.
- Running a Dog Poop Campaign to meet Community Based Social Marketing (CBSM) Permit requirement.



SWMP staff will actively participate in local, community events by setting up a display table that includes educational games and interactive lessons. Annually, SWMP staff plan to host a table at the following events:

- Country Living Expo (see Figure 3-1)
- Evergreen Elementary School's STEM (science, technology, engineering, and math) Night
- Mount Vernon High School Science Night
- Skagit County Fair (See Figure 3-2)
- Fidalgo Bay Day



Figure 3-1. Skagit County staff teach about permeable pavement and other ways of protecting stormwater from pollution at Taylor Shellfish during the 2023 Festival of Family Farms



Figure 3-2. Skagit County staff table outside of Big Lake Bar and Grill as part of a community based social marketing campaign to reduce fertilizer use by Big Lake residents

The County will continue using social media, including Facebook, YouTube, Instagram, and Nextdoor, for E&O work. The County plans to contribute an article to the bilingual, online publication Eco-Lógica



Magazine NW. Eco-Lógica is a free Spanish/English magazine, based out of the Seattle area, that showcases articles on environmental education and sustainability. The County also made an appearance on local community radio station KSVR 91.7 FM to discuss the County's new "Skagit County Regional Source Control Inspection Program" (source control program). This program is a joint effort between the County and the cities of Mount Vernon, Burlington and Sedro-Wooley.

The County has developed a new community-based social marketing plan known as [Protect Fun](#). The County has already met the Permit requirement for developing a plan by February 1, 2021. The County kicked off this campaign in March 2021 and the campaign is currently ongoing. The target audience is residents who live in a watershed that drains to Big Lake. The focus of the campaign is lawn care practices and fertilizer applications with a goal to reduce nutrient loading into the lake. With the help of Washington State University's Shore Stewards Program, the County will continue outreach to the campaign's target audience this year. This work includes renewing our effort to offer people soil sampling to test for nutrient levels in their yards and a plan to do a tabling event at a restaurant in the community.

The County is working with the SCD and the other four jurisdictions involved in the E&O agreements (mentioned previously) to meet this requirement. The focus of this joint effort will be proper disposal of pet waste. The goal is to encourage behavioral change and reduce fecal coliform pollution to watercourses where fecal coliform loading exceeds Washington State water quality standards.

The County worked in partnership with the SCD to evaluate and report on the effectiveness of the implemented strategies, including the changes in understanding and adoption of targeted behaviors, as well as any planned or recommended changes to the campaign to be more effective. A copy of the report and associated findings can be found attached to the County's 2023 Annual Report.

3.1 Creating Stewardship Opportunities (S5.C.a.iii)

Skagit County's NRD, including the SWMP, will continue to sponsor and promote stewardship opportunities in the community including Storm Team, Salish Sea Stewards, Watershed Masters Volunteer Training Program, Stream Team, Backyard Conservation, Skagit Marine Resources Committee, and Skagit Fisheries Enhancement Group.

Skagit County's SWMP staff use the County's e-newsletter, public web page and social media platforms to advertise volunteer and educational opportunities from other local organizations including:

- [Skagit Land Trust \(https://www.skagitlandtrust.org/\)](https://www.skagitlandtrust.org/).
- [Skagit Fisheries Enhancement Group \(https://www.skagitfisheries.org/\)](https://www.skagitfisheries.org/).
- [Padilla Bay National Estuarine Research Reserve \(https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Padilla-Bay-reserve/\)](https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Padilla-Bay-reserve/).

The County continues to be grateful for all the support these stewardship programs offer year after year. Their value is immeasurable. The hard work and dedication given by these volunteer community members goes a long way in protecting and improving water quality. Many of the natural resources County staff and County citizens value in the Pacific Northwest depend on the habitat naturally found within our streams, rivers, lakes, and bays.



Section 4

Public Involvement and Participation (S5.C.3)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Public Involvement and Participation at that time.

This SWMP Plan is one of the ways for the public to be involved in the SWMP and participate in the process. The SWMP Plan lets the community members know what the County has planned for the year ahead. The Permit, through its minimum performance measures, guides the program, but community input, concerns and criticisms are valuable to us. Listed below are a few of the ways the County engages Skagit County citizens.

County staff will post a draft of the updated Plan on the County's Surface Water Management web page by March 31, 2024, for public review and comment. County staff will address comments before May 31, 2024, which is when we are required to post the SWMP Plan. The SWMP Plan can be viewed at this site:

[Skagit County Stormwater Management Program](#)

The compliance report, which County staff must submit to Ecology annually, is available on the County website for public view and provides a look at what the SWMP has accomplished over the past years. On this website, an email address and phone number for the SWMP Coordinator can be found. The coordinator can address any questions, input, concerns, or criticisms from the Public (See Figure 4-1).



Figure 4-1. County staff welcome phone calls, mail, or email

During this Permit cycle, the County ensured topic specific opportunities for public comment on developing a [Skagit County Regional Source Control Inspection Program \(source control program\)](#) and the SMAP process.



Section 5

MS4 Mapping and Documentation (S5.C.4)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County’s current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for MS4 Mapping and Documentation at that time.

The SWMP is required to maintain an ongoing program to map and document its stormwater system within the NPDES Permit Area. The SWMP also needs to ensure that future stormwater infrastructure and changes to that infrastructure are documented and mapped. The map is located at the link below:

<https://www.skagitcounty.net/Maps/iMap/?mapid=27c3f114b86f442fa8893f568283a691>

The County’s stormwater system is an MS4 (Municipal **Separate** Storm Sewer System). The “separate” in MS4 means that stormwater does not get conveyed in pipes with sanitary sewage and does not flow to a sewage treatment plant. Stormwater from the MS4 discharges directly to streams, rivers, lakes, and bays (see Figure 5-1). Implementation of this Plan and Compliance with the Permit is essential for protecting those streams, rivers, lakes, and bays from polluted MS4 discharges.



Figure 5-1. No Name Slough, which runs east to west from just east of Farm to Market Rd., receives stormwater from the MS4 and drains to Padilla Bay



To meet this requirement the County, with assistance from Operations, SCGIS, Engineering, and County staff, will continue to maintain digital mapping of the following features:

1. Known MS4 outfalls and known discharge points.
2. Receiving waters, other than ground water.
3. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
4. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
5. Tributary conveyances to all known outfalls and discharge points with a 24-inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems. The following attributes must be mapped:
 - a. Tributary conveyance type, material, and size where known.
 - b. Associated drainage areas.
 - c. Land use.
 - d. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
6. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.

As of January 1, 2020, County staff began collecting size and material of all known MS4 outfalls during the normal course of business (i.e., during field screenings, inspection, or maintenance) and update records. The County continues to collect and confirm outfall data, including location, size, material type, and elevations at the outfall's invert. The SWMP mapped all connections between the MS4 and private stormwater infrastructure.⁷

All mapping will follow procedures and meet standards described in the Skagit County GIS Stormwater Mapping Standard Operating Procedures (SOPs). In a manner consistent with national security laws and directives, as well as Ecology's mapping requirements, the SWMP will provide stormwater maps to Ecology upon request. The County will provide appropriate mapping information to federally recognized Indian Tribes, municipalities, the public, and other Permittees upon request.

⁷ Permit Section S5.C.4.b.ii states: "No later than August 1, 2023, complete mapping of all known connections from the MS4 to a privately owned stormwater system."



Section 6

Illicit Discharge Detection and Elimination (S5.C.5)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Illicit Discharge Detection and Elimination at that time.

The goal the County's Illicit Discharge Detection and Elimination (IDDE) program is to prevent, detect, characterize, trace, and eliminate illicit (illegal) discharges and illicit connections to the MS4.

Anything that goes into the MS4 that is not stormwater is considered illicit discharge. Examples include septic tank seepage washing into a roadside ditch, an illicit connection, or disposing of concrete or dry wall waste into the storm system after a home improvement project. That material is not stormwater and is, therefore, illicit discharge. Other examples of things that do not belong in the stormwater system are soaps, paint, laundry wastewater, cooking grease, auto fluids, pesticides, and fertilizers (see Figure 6-1).



Figure 6-1. Soaps and detergents are illicit discharge and are not permitted to flow down storm drains

An illicit connection is any pipe, hose, trench, ditch, or other feature that connects to the MS4 and is not permitted. Occasionally businesses or residences will have waste pipes tapped into stormwater pipes. These can go undiscovered for a long time, but the IDDE program works to detect illicit connections through field screenings, water quality sampling, inspections, and daily work activities. The County will continue to use the methods found in the *Illicit Connection and Illicit Discharge Filed*



Screening and Source Tracing Guidance Manual (IDDE Manual) prepared for Washington State Department of Ecology by Herrera Environmental Consultants in May 2013 and updated in 2020.

The Permit requires the SWMP to develop and follow:

1. Procedures for reporting illicit connections, spills, and other illicit discharges,
2. Procedures for correcting or removing illicit connections, spills, and other illicit discharges, and
3. Procedures for addressing pollutants from interconnected MS4s.

The County will identify illicit connections and discharges through field screening, inspections, complaints/reports, and monitoring information. The SWMP and other relative staff refer to the IDDE Manual for illicit discharge screening methodology.

The County will inform public employees, businesses, and the public about hazards of illicit discharges and improper waste disposal. For employees, the information will be included in training. This information will be included in the general awareness campaigns carried out as part of the E&O element of the SWMP. This information is communicated directly to businesses as part of the existing [Source Control Program](#) element of the SWMP (Section 9 of the SWMP Plan).

In most cases, the County attempts to resolve illicit discharges and connections through technical assistance. In egregious offences and cases not resolved by technical assistance, the SWMP will rely on *SCC 16.32: Water Pollution* and *SCC 14.44 Enforcement/Penalties* to prohibit illicit discharges into the MS4. *SCC 14.44: Enforcement/Penalties* allows for escalating levels of enforcement.

The County continues to evaluate the effectiveness of its regulations for prohibiting illicit discharges and spills into its MS4 and updates those regulations as necessary.

6.1 Detecting Illicit Discharge and Connection (S5.C.5.d)

The County will investigate potential illicit discharges and connections to the MS4. SWMP staff will conduct annual field screenings on an average of 12 percent of the geographic area of the MS4 per year using methods described in the IDDE Manual. To date, the County has screened 100 percent of the geographic area of the MS4. The County will maintain its illicit discharge reporting hotline as way for the public to report concerns of illicit discharges, including spills. The County will provide ongoing training to staff who may observe illicit connections or discharges while doing their work.

The phone number for reporting spills, illicit discharges, and other water quality related issues is 360-416-1400.

6.2 Addressing Illicit Discharges and Connection (S5.C.5.e)

For spills, County staff will follow procedures described in the Spill Plan, which is included in the 2023 Stormwater Pollution Prevention Plan (SWPPP) for Skagit County's Road Shop located in Burlington. The Spill Plan can also be found on a card in each fleet vehicle.

The County will meet the following timelines when addressing illicit discharges (S5.C.5.e.iv):

1. When illicit discharges, including spills, threaten human health or the environment, respond immediately.
2. Investigate or refer to the appropriate agency within 7 days of receiving a complaint, report, or monitoring data that suggests a potential illicit discharge.
3. Investigate illicit connection within 21 days of discovery or receiving a report. Identify the nature and volume of the discharge and the responsible party.



4. When an illicit connection is confirmed, use the compliance strategy to eliminate the connection within 6 months. The Permit requires that all illicit connections to the MS4 be eliminated.

6.3 Staff Training for IDDE (S5.C.5.f)

County staff in Public Works (PW), PDS, Emergency Management (EM), Public Health (PH), Facilities Management, and the Operations Division (Operations) will receive training both from PW staff members and outside organizations. The SWMP will maintain a record of training content, schedules, and staff trained.

These trainings include:

- Certified Erosion and Sediment Control Lead trainings
- Hazardous Waste and Emergency Response standard (HAZWOPER) certification trainings
- RRMP Endangered Species Act (ESA) 4(d) BMP Training Track 3
- Public E&O messaging and trainings
- Illicit Connection/ Illicit Detection (IC/ID) Field Screening and Source Tracing Trainings
- LID trainings
- CBSM trainings
- Spill Response trainings
- Stormwater Chemistry trainings

6.4 IDDE Record Keeping (S5.C.5.g)

County staff will document all actions taken to satisfy the requirements of section S5.C.5 of the Permit and the IDDE section of this SWMP Plan. Information about illicit discharges, including spills and illicit connections, will be included in the annual report. The information in the report will follow the requirements specified in Appendix 12 of the Permit.



Section 7

Controlling Runoff from New Development, Redevelopment, and Construction Sites (S5.C.6)

The Permit requires that the County use an enforceable regulatory mechanism to address runoff from new development, redevelopment, and construction sites. This requirement applies to private and public development and includes roads both within developments and County Road projects.

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024, and new compliance activities will be addressed for Controlling Runoff from New Development, Redevelopment and Construction Sites at that time.

7.1 Skagit County's Regulatory Mechanism for Meeting Stormwater Requirements (S5.C.6.b)

In 2022, SCC 14.32: *Stormwater Management*, was updated to meet the minimum requirements of Appendix 1 of the Permit. (S5.C.6.b.i).

The County's SCC incorporates the following requirements, limitations, and criteria from the most recent version of the *Stormwater Management Manual for Western Washington* to implement the requirements of Appendix 1 of the Permit in a way that will protect water quality, reduce pollutant discharges to the MEP, and meet the RCW 90.48 requirement to apply AKART:

1. Site planning requirements
2. BMP selection criteria
3. BMP design criteria
4. BMP infeasibility criteria
5. LID competing needs criteria
6. BMP limitations

County staff will document how these criteria and requirements protect water quality, reduce the discharge of pollutants to the MEP, and satisfy state AKART requirements (S5.C.6.b.ii).



7.1.1 Plan Review, Inspections, and Enforcement (S5.C.6.c):

Qualified County staff in PDS and PW enforce a permitting process that ensures that both public and private projects subject to the process described in this SWMP Plan section meet the requirements listed above. County staff accomplish this with the following actions:

1. Reviewing stormwater plans for proposed development.
2. Inspecting sites prior to clearing and construction.
3. Inspecting all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. The County will enforce as needed based on inspections.
4. Inspecting sites at construction completion to insure proper installation of permanent stormwater facilities before final approval or occupancy. At this time the County will verify that a maintenance plan is completed and responsibility for maintenance of stormwater treatment and flow control BMPs/facilities is assigned. The County will enforce as needed based on inspections.
5. Compliance with Actions 1 through 4 above is demonstrated by records and must achieve 80 percent of scheduled inspections.

County staff will use education and outreach strategies to deal with issues and an escalating course of enforcement actions *SCC 14.44: Enforcement/Penalties* to respond to non-compliance with stormwater requirements for developments.

7.2 Coordination with Other Stormwater Permits (S5.C.6.d)

Links to the electronic *Construction Stormwater General Permit Notice of Intent* (NOI) form for construction activity and the electronic *Industrial Stormwater General Permit* NOI form for industrial activity are available on the County website:

[Skagit County Stormwater Permitting](#)

The County continues to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology. The County also seeks to coordinate efforts, when appropriate, with secondary Permittees and other partner entities when called for.

7.3 Staff Training for Development and Construction (S5.C.6.e)

CESCL certifications are maintained by County staff whose work involves controlling stormwater runoff from new development, redevelopment, and construction sites, including permitting, plan review, construction site inspections, and enforcement. Staff from other divisions, including Operations and NRD, also maintain CECLS certification.

Starting in fall of 2022, the County began operating an in-house CESCL certification program that was approved by Ecology. This program is aimed at staff from Operations who do construction-related work in the field, but the concepts are the same as taught in many outside CESCL courses designed for private construction work. Pierce and Kitsap Counties are credited with helping to build Skagit County's program, which staff from the County and Environmental Services crew facilitate.

The County also provides other relevant trainings like IDDE, spill response, and others to new employees as a refresher for all appropriate staff.



Section 8

Operations and Maintenance (S5.C.7)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Operations and Maintenance at that time.

8.1 Permit Requirements

The County's Operation and Maintenance (O&M) SWMP element aims to prevent and reduce pollutant runoff from municipal operations and to ensure that stormwater facilities owned or regulated by the County are maintained and properly functioning.

8.2 Maintenance Standards (S5.C.7.a)

Maintenance standards (criteria) for County operated or regulated facilities will be at least as protective as maintenance standards specified in the *Stormwater Management Manual for Western Washington* (SWMMWW). Maintenance standards provide a threshold to determine when maintenance is required. When maintenance is required, it will be performed:

1. Within 6 months for catch basins (see Figure 8-1).
2. Within 1 year for typical facilities other than catch basins.
3. Within 2 years for maintenance which requires capital construction of less than \$25,000.⁸

The County documents reasons for any delays in maintenance, which may include denial of access by property owners, denial or delay of permits, or un-expected reallocation of maintenance staff for emergency work.



Figure 8-1. A crew replaces a stormwater filter in a catch basin at near Guemes Island Ferry Terminal

⁸ Maintenance documentation is available upon request.



8.3 Maintenance of stormwater facilities regulated by the Permittee (S5.C.7.b)

The County continue to ensure that stormwater treatment and flow control facilities permitted and constructed pursuant to *Special Condition S5.C.6.c* of the Permit be maintained in accordance with *Special Condition S5.C.7.a* of the Permit. SWMP staff continue implementing the County's Private Stormwater Facility Inspection Program and annually inspect all municipally owned or operated stormwater treatment and flow control BMPs/facilities. This program also performs education and outreach work with the responsible parties of these facilities and offers free, technical support as requested and within the limits of our expertise. The County has created a document that lists all known companies who work in stormwater management, which includes consultants and vacuum truck companies.

The County will use *SCC 14.32: Stormwater Management* and *SCC 14.44: Enrollment/Penalties* to ensure that the responsible party is identified, and that the facilities are inspected as required by the Permit. Enforcement procedures are used when inspection and maintenance standards are not met. The County maintains records of all maintenance inspections and activities through a software called NPDESPro and excel format documentation.

8.3.1 Annual inspections of all stormwater treatment and flow control BMPs/facilities (S5.C.7.b.i.b)

County staff will inspect all stormwater treatment and flow control BMPs/facilities that discharge to the MS4 and were permitted by the County, pursuant to section S5.C.6.c of the current Permit, and those permitted by the County pursuant to previous versions of the Permit. County staff inspected at least 80 percent of those facilities to stay compliant with the Permit.

8.3.2 Inspections of all permanent stormwater treatment and flow control BMPs/facilities and catch basins (S5.C.7.b.i.c)

County staff from the SWMP or PDS will inspect all permanent stormwater treatment and flow control BMPs/facilities and catch basins in new residential developments every six months until 90 percent of the lots are constructed (or when construction is stopped, and the site is fully stabilized). This work will help identify maintenance needs and enforce compliance with maintenance standards as needed. The County will inspect at least 80 percent of these facilities to stay in compliance with the Permit.

8.4 Maintenance of stormwater facilities owned or operated by the Permittee (S5.C.7.c)

8.4.1 Inspections (S5.C.7.c.i)

County staff will inspect all County-owned or operated permanent stormwater treatment and flow control BMP/facilities and maintain these facilities according to the adopted maintenance standards.



8.4.2 Spot Checks (S5.C.7.c.ii)

After major storm events⁹, the County will spot check these facilities to ensure they are functioning and were not damaged during the storm. If spot checks reveal widespread damage or maintenance needs, staff will inspect all potentially affected facilities and maintain to established standards.

8.4.3 Catch Basins and Inlets (S5.C.7.c.iii)

County staff will inspect all MS4 catch basins and inlets at least once every two years and clean catch basins to establish maintenance standards. Decant water from catch basins must be disposed of according to Appendix 6 of the Permit. This practice last occurred in 2023.

8.4.4 Required Inspections (S5.C.7.c.iv)

Compliance with the inspection requirements in section S5.C.7.c.i-iii, above, shall be determined by the presence of an established inspection program achieving at least 95 percent of required inspections.

8.5 Reducing Stormwater Impacts from County Lands and Road Maintenance (S5.C.7.d)

The County will maintain County roads and County lands to reduce impacts of stormwater runoff. County lands include roads, parking lots, buildings, parks, right-of-way, maintenance yards, and stormwater infrastructure through a Comprehensive Management Strategy for County owned stormwater infrastructure. In the fall of 2022, County staff documented practices, policies, and procedures that direct staff to minimize stormwater impacts while performing the following activities:

1. Pipe Cleaning.
2. Cleaning of culverts that convey stormwater in ditch systems.
3. Ditch maintenance.
4. Street cleaning.
5. Road repair and resurfacing, including pavement grinding.
6. Snow and ice control.
7. Utility installation.
8. Pavement striping maintenance.
9. Maintaining roadside areas, including vegetation management.
10. Dust control.
11. Application of fertilizers, pesticides, and herbicides according to the instructions for their use, including reducing nutrients and pesticides by using alternatives that minimize environmental impacts.
12. Sediment and erosion control.
13. Landscape maintenance and vegetation disposal.
14. Trash and pet waste management.
15. Building exterior cleaning and maintenance.

⁹ A 24-hour storm event with a 10-year or greater recurrence interval.



The County is enrolled in the RRMP. This is a volunteer program coordinated by Washington State Department of Transportation (WSDOT) designed to follow the Road maintenance practices developed regionally as part of compliance activities with respect to the ESA. The ESA component of the program requires participants to employ BMP's during road maintenance activities to protect water quality, aquatic habitat, and ESA listed species. Guidelines followed by RRMP participants were created with input from local government agencies, WSDOT, National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS), and other invested parties. BMPs are modified and addressed annually, as needed and as technology changes and advances.

Maintaining membership in the RRMP requires relevant County staff to follow those guidelines, take specific trainings to protect water quality and ESA listed species, to record BMP implementation at job sites daily, and participate in quarterly meetings with other RRMP members. The County expects active participation in this program to maintain compliance with road requirements found in section S5.C.7.d. This compliance expectation is based on discussions with other jurisdictions in the Puget Sound region who are also members of the RRMP, information learned at ongoing trainings and workshops, contrasting what County staff have learned between WSDOT, RRMP and CESCL trainings, and the knowledge that the NMFS signed off on RRMP guidelines and BMPs. The NMFS's approval means that are RRMP members are employing practices using AKART methodologies designed to protect critically imperiled species from extinction.

RRMP most recently drafted a mobile friendly version of the BMP guidance that can be referenced anywhere, including out in the field. This allows County staff to search by BMP, type of site, and goal (i.e., remove water, prevent turbidity), and see detailed installation instructions.

8.6 Training (S5.C.7.e)

The County maintains and continually improve its training program for staff in PW, Parks and Recreation, and Facilities Management whose construction, operations, and maintenance functions can affect stormwater quality. Training includes:

1. CESCL training
2. Ongoing training with RRMP
3. Continual training on maintenance standards and source control BMPs from the SWMMWW
4. Implementing the 2023 SWPPP for the County Road Shop and 2022 SWPPP for the Transfer Station
5. Spill response and reporting requirements
6. Refresher trainings will also be considered based on need.

County staff continues to document training schedules, subjects, and attendees.

8.7 Stormwater Pollution Prevention Plan (S5.C.7.f)

The County will continue to implement a 2023 SWPPP for the Burlington Road Shop and 2022 the County's Transfer Station and update as needed for consistency with the SWMMWW and to comply with the Permit. The SWPPP includes:

1. A detailed facility description along with BMPs that are consistent with the SWMMWW.
2. Annual inspections.
3. Seasonal spot-checks of certain parts of the stormwater facilities.



4. An Inventory of materials, equipment, and activities that could contribute to stormwater pollution.
5. A site map showing drainage, stormwater facilities, and areas of potential exposure.
6. A spill prevention and response plan for the site.

The County maintains a record of SWPPP inspections, maintenance, and repairs.



Section 9

Source Control Program for Existing Development (S5.C.8)

This section of the SWMP Plan provides a description of Permit requirements related to overall SWMP administration, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Source Control Program for Existing Development at that time.

The 2019–2024 Permit requires the County to implement a Source Control program to prevent and reduce pollutants in runoff from areas that discharge to MS4s and include the following elements (Special Condition S5.C.8.a):

1. Application of operational source control BMPs, and, if necessary, structural source control BMPs or treatment BMPs/facilities, or both, to pollution generating sources associated with existing land uses and activities.
2. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial, and industrial properties to enforce implementation of required BMPs to control pollution discharging into the County's MS4.
3. Enforcement of local ordinances at sites identified pursuant to Special Condition S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.
4. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizer discharging into MS4s owned or operated by the Permittee.

9.1 Source Control Performance Measures (S5.C.8.b)

9.1.1 Source Control Ordinance (S5.C.8.b.i)

The County updated *SCC 16.32: Water Pollution* in July of 2022 to require the application of source control BMPs for pollutant generating sources associated with existing land uses and activities. Source control BMPs are derived from the SWMMWW.

This ordinance requires that all public and privately owned institutional, commercial, and industrial sites which have the potential to discharge pollutants to the MS4 use operational source control BMPs. When operational source control BMPs are not enough to prevent illicit discharges, structural or treatment BMPs, facilities, or both will be required. County staff will use education and technical assistance to implement source control requirements. Formal enforcement will be available if needed.



9.1.2 Inventory of Potential Pollutant Generators (S5.C.8.b.ii)

Skagit County's SWMP has created an inventory of publicly and privately owned institutional, commercial, and industrial sites that have the potential to discharge pollutants to the MS4 within the Permit Area. The current inventory identified sites by using Appendix 8 of the Permit, as well as other methods, to meet the criteria.

9.1.3 Source Control Inspection Program (S5.C.8.b.iii)

The [Skagit County Regional Source Control Inspection Program \(source control program\)](#) was officially started January 1, 2023. The County signed Interlocal Agreements with the cities of Burlington, Mount Vernon, and Sedro-Woolley to handle inspections in their jurisdictions. Individual jurisdictions are responsible for their source control program inspection inventory and their own code enforcement should the need ever arise.

The County and cities saw several advantages to this regional approach to the source control program, including:

- Using resources more efficiently.
- Spreading a more uniform message.
- Benefitting from the positive relationships built off the County's [Pollution Prevention Partnership](#) program, which uses "technical assistance visits that are designed to reduce or eliminate hazardous waste and pollutants at the source."

A new position was added to County Public Work's staff. The new Source Control Inspector position works full-time and is exclusively focused on the source control program. In just three months the program has already successfully inspected several sites in the inventory, among the four jurisdictions it covers, and has prescribed several BMPs to those businesses and public facilities designed to protect water quality and public health.

The SWMP has implemented its source control program, which includes the following actions:

1. Provide all sites within the County's permit area identified in the inventory, described above, with information about activities that can generate pollutants and the applicable source control requirements. This element may use any selection or combination of a variety of communication methods.
2. County staff will complete annual inspections to assure BMP effectiveness and compliance with source control requirements. The number of annual inspections will equal 20 percent of the number sites in the source control inventory. Because follow up compliance inspections count toward this number, the permit does not require that 20 percent of the sites need to be inspected each year, nor does it mean that 100 percent of the sites need to be inspected over 5 years.
3. The County will inspect all sites identified through complaints.

9.1.4 Source Control Program Enforcement Policy (S5.C.8.b.iv)

The County has implemented a progressive enforcement policy that requires sites to comply with stormwater requirements within a specified and reasonable time:

1. If the County determines, through inspections or otherwise, that a site has failed to implement required BMPs, the County shall take appropriate follow-up action(s), which may include phone calls, reminder letters, or follow-up inspections, which the goal of resolving issues through technical assistance.



2. When the County determines that a facility has failed to adequately implement BMPs after a follow-up inspection, the County shall take enforcement action as established through authority in its code and ordinances, or through the judicial system.
3. Staff will maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records, demonstrating an effort to bring facilities into compliance. The County must also maintain records of sites that were not inspected because the property owner denies entry.
4. The County may refer non-emergency violations of local ordinances to Ecology, provided, the County also makes a documented effort of progressive enforcement. At a minimum, the County's enforcement effort shall include documentation of inspections and warning letters or notices of violation.

9.1.5 Staff Training for Source Control Program (S5.C.8.b.v)

The SWMP will ensure staff who are responsible for implementing the new source control program are properly trained to conduct inspections. These trainings will include topics like source control BMPs and their proper application, inspection protocols, lessons learned, the type of cases they can expect to encounter in the field, and enforcement procedures. Ongoing training will be provided to address issues including changes in procedure, techniques, requirements, and to prepare new staff. The SWMP will document and maintain records of all relevant trainings.



Section 10

Monitoring and Assessment (S8)

This section of the SWMP Plan provides a description of Permit requirements related to monitoring and assessment requirements, including descriptions of the County's current and 2024 planned compliance activities for the current Permit. A new Permit is due to be issued on August 1, 2024 and new compliance activities will be addressed for Monitoring and Assessment at that time.

10.1 Monitoring and Assessment (S8)

On October 15, 2019, the SWMP notified Ecology in writing that it will pay into the collective fund for trends monitoring, SAM effectiveness, and source identification studies for the duration of this Permit. The County has selected Special Condition S8.B Trends Monitoring Option #1 for the current Permit Cycle, which runs August 1, 2019, through July 31, 2024 and therefore, the County will pay into the collective fund to implement regional small streams and marine nearshore areas status and trends monitoring in Puget Sound. The payment for Ecology's 2024 fiscal year is due on August 15, 2024, in the amount listed in listed in Appendix 11. The 2024 payment will be due on or before August 15, 2024.

The County submits records of SWMP activities tracked and/or maintained in accordance with S5 and/or S9 in response to requests from the Stormwater Action Monitoring (SAM) Coordinator for information associated with effectiveness and source identification studies that are under active SAM contracts.



Attachment A: Other Permit Requirements



This attachment to the SWMP Plan identifies Permit requirements that are outside of the nine core elements of the SWMP Plan in Sections 2 through 10.

Obtaining Coverage under the Permit (S1.D)

The County, as required by the Permit, filed a Duty to Reapply – NOI for Coverage under NPDES Municipal Stormwater General Permit. The Permittee shall use AKART to prevent and control pollution of waters of the State of Washington. This overarching requirement to use AKART guides all actions in this SWMP Plan.

MS4 Compliance (S4.F)

Reporting Water Quality Standard Violations (S4.F.1)

The County policy regarding water quality violations is to notify Ecology in writing within 30 days of becoming aware of the violation. Based on credible site-specific information, that a discharge from the MS4 owned or operated by the County is causing or contributing to a known or likely violation of Water Quality Standards in the receiving water. The County provides written notification of each incident that includes identification of the source of the site-specific information and the reasons why the MS4 discharge is believed to be causing or contributing to the water quality problem. For ongoing or continuing violations, the County provides a single written notification to Ecology to fulfill this requirement. Correcting Water Quality Violations by Using Permit Requirements or Adaptive Management (S4.F.2&3)

The County must correct any discharges from the MS4 that result in violations of the Water Quality Standards. Special Condition S4.F.2&3 describe the adaptive management process for correction.

TMDL Requirements (Special Condition S7) and TMDLs in Appendix 2 of the Permit are not within the County's NPDES Permit Area. For TMDLs not listed in Appendix 2, compliance with the Permit is considered compliance with the TMDL. The Permit may be modified to include future TMDL requirements. The Permit encourages the County to participate in the development of TMDLs within its jurisdiction. The County has been active in the development of a bacteria TMDL on Padilla Bay.

Reporting (S9)

Annual Report (S9.A&D)

By March 31 each year (started in 2020), the County submits an annual report to Ecology including the following items:

1. A copy of the County's current SWMP Plan as required by Special Condition S5.A.2.
2. Submittal of the annual report form as provided by Ecology pursuant to Special Condition S9.A, describing the status of implementation of the requirements of this permit during the reporting period.
3. Attachments to the annual report form including summaries, descriptions, reports, and other information as required, or as applicable, to meet the requirements of this permit during the reporting period. Refer to Appendix 3 of the Permit for annual report questions.
4. Certification and signature pursuant to Special Condition G19.D, and notification of any changes to authorization pursuant to Special Condition G19.C.



5. A notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the Permittee's geographic area of Permit coverage during the reporting period.

The County is in compliance with the Permit requirements in S9.

Record Keeping (S9.B)

The Permit requires that the County to keep all records related to this Permit and the SWMP for at least five years. The County is in compliance with the Permit requirements in S9.B.

Public Access (S9.C)

The County will make all records related to the Permit and the SWMP available to the public during the Permit period. The County may require advanced notice for access to documents and charge a fee for printing copies of records.

Proper Operation and Maintenance (General Condition 2)

The County will always properly operate and maintain all facilities and systems of collection, treatment, and control (and related appurtenances) which are installed or used by the Permittee for pollution control to achieve compliance with the terms and conditions of this Permit.

Notification of Discharge, Including Spills (General Condition 3)

If the County has knowledge of a discharge, including spills, into or from a MS4 that could constitute a threat to human health, welfare, or the environment, the County does:

1. Take appropriate action to correct or minimize the threat to human health, welfare and/or the environment.
2. Notify the Ecology regional office and other appropriate spill response authorities immediately, but in no case later than within 24 hours of obtaining that knowledge.
3. Immediately report spills or other discharges which might cause bacterial contamination of marine waters, such as discharges resulting from broken sewer lines and failing onsite septic systems, to the Ecology regional office and to the Department of Health, Shellfish Program.
4. Immediately report spills or discharges of oils or hazardous substances to the Ecology regional office and to the Washington Emergency Management Division at 1-800-258-5990.

Bypass Prohibited (General Condition 4)

The County will not allow bypasses to any portion of the MS4 when the design capacity of the treatment capacity of the BMP is not exceeded unless the provisions of Permit General Condition G4 are met.

Right of Entry (General Condition 5)

The County will allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law at reasonable times:

1. To enter upon the Permittee's premises where a discharge is located or where any records shall be kept under the terms and conditions of this Permit.



2. To have access to, and copy at reasonable cost and at reasonable times, any records that shall be kept under the terms of the Permit.
3. To inspect at reasonable times any monitoring equipment or method of monitoring required in the Permit.
4. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities.
5. To sample at reasonable times any discharge of pollutants.

Duty to Mitigate (General Condition 6)

The County will take all reasonable steps to minimize any discharge in violation of this Permit, which has a reasonable likelihood of adversely affecting human health or the environment.

Monitoring and Sampling (General Condition 9)

All monitoring and sampling performed to comply with this Permit will meet the requirements specified in Permit General Condition G9.

Removed Substances – Proper Handling (General Condition 10)

Except for decant material from street waste vehicles, the County shall not allow collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater to be resuspended or reintroduced to the storm sewer system or to waters of the state. Decant from street waste vehicles resulting from cleaning stormwater facilities may be reintroduced only when other practical means are not available and only in accordance with the Street Waste Disposal Guidelines in Permit Appendix 6. Solids generated from maintenance of the MS4 may be reclaimed, recycled, or reused when allowed by local codes and ordinances. Soils that are identified as contaminated pursuant to Chapter 173-350 WAC shall be disposed at a qualified solid waste disposal facility (see Permit Appendix 6).

Reporting a Cause for Modification or Revocation (General Condition 15)

The County will report to Ecology any actions taken or planned, that would constitute cause for modification, revocation, or re-issuance of the Permit.

Duty to Reapply (General Condition 18)

The County will apply for Permit renewal at least 180 days prior to the specified expiration date of this Permit.

Certification and Signature (General Condition 19)

All formal submittals to Ecology shall be signed and certified in accordance with Permit General Condition G9.



Non-Compliance Notification (General Condition 20)

In the event the County is unable to comply with any of the terms and conditions of this Permit, the County will:

1. Notify Ecology of the failure to comply with the permit terms and conditions in writing within 30 days of becoming aware that the non-compliance has occurred. The written notification must include all of the following:
 - a. A description of the non-compliance, including dates.
 - b. Beginning and end dates of the non-compliance, and if the compliance has not been corrected, the anticipated date of correction.
 - c. Steps taken or planned to reduce, eliminate, or prevent reoccurrence of the non-compliance.
2. Take appropriate action to stop or correct the condition of non-compliance.

