

**WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT**

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**MEMORANDUM**

**TO:** Mark Personius, PDS Division Manager

**FROM:** Gary Stoyka, Natural Resources Manager *GS*  
Kirk Christensen, Stormwater Manager *KNC*

**DATE:** January 6, 2014

**RE:** Public Works Water Quality Programs

In ongoing proceedings before the Growth Management Hearings Board, several petitioners have challenged the sufficiency of the County's rural measures to protect ground and surface water resources, including protection of water quality. The County has appealed the most recent Board order on this issue and that appeal is ongoing. This memorandum provides more context and background related to the County's ongoing water quality protection efforts. Public Works provides technical and administrative support to several Whatcom County water quality programs including the Lake Whatcom Management Program, National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Program, Birch Bay Watershed and Aquatic Resources Management District (BBWARM) and the Shellfish Protection District Programs. Each of these programs includes monitoring, community outreach, and water quality improvement elements. Additionally, there are three primary Total Maximum Daily Load (TMDL) studies and plans the County participates in: Lake Whatcom, Lower Nooksack River, and Drayton Harbor.

The Lake Whatcom Management Program is a joint program with the City of Bellingham and Lake Whatcom Water and Sewer District. It was established by a joint resolution in 1992 and interlocal agreement in 1998. The management program operates under a five year work plan. The Lake Whatcom TMDL study has incorporated the five year work plan into the draft implementation plan. More information about the Lake Whatcom TMDL can be found at <http://www.ecy.wa.gov/programs/wq/tmdl/lkwhatcom/lkwhatcomtmdl.html>. Through the Lake Whatcom Management Plan development, development and stormwater regulations have been adopted for the watershed to help improve and protect water quality. Public Works also conducts water quality education and outreach activities and has a stormwater capital improvement program for the Lake Whatcom watershed.

The Washington State Department of Ecology issued Whatcom County the Western Washington Phase II Municipal Stormwater Permit beginning in 2007. This permit regulates discharges from Small Municipal Separate Storm Sewers, and is part of the National Pollutant Discharge and Elimination System (NPDES) and State Waste Discharge General Permit. Whatcom County is required to implement various stormwater management strategies to comply with this State permit. As part of the Permit, Whatcom County is required to develop a

Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from the stormwater sewer system into waters of the State. The SWMP document outlines activities, accomplishments, and future projects to comply with the requirements of the Permit. It is intended to be a planning and implementation document for the public, elected officials, and the departments of Whatcom County.

The Birch Bay Watershed and Aquatic Resources Management (BBWARM) District was created in 2007 in response to community concerns about water quality, flooding, and loss of aquatic habitat in the Birch Bay Watershed. BBWARM's stormwater program works to protect water quality and reduce stormwater impacts. BBWARM has a Citizen Advisory Committee with five members appointed by the Whatcom County Flood Control Zone District Board of Supervisors (County Council) for four-year terms. The Advisory Committee represents the Birch Bay community to ensure its interests are represented in BBWARM activities. The BBWARM stormwater program includes capital improvement projects, maintenance and operations, education and outreach, and water quality monitoring. BBWARM is described in Whatcom County Code Chapter 100.07.

The Revised Code of Washington (RCW) Chapter 90.72 requires that the county legislative authority create a shellfish protection district within 180 days after the Washington State Department of Health (DOH) closes or downgrades a shellfish growing area due to a degradation of water quality. There are three Shellfish Protection Districts that have been established in Whatcom County including Drayton Harbor (1995), Portage Bay (1998), and Birch Bay (2009). Each of these districts has a citizen's advisory committee and a shellfish recovery plan that outlines potential pollutant sources and strategies to identify and address water quality issues. The Shellfish Protection Districts are described in Whatcom County Code Chapter 16.20. The shellfish recovery plans have also been incorporated into the Lower Nooksack and Drayton Harbor TMDL studies and plans. More information about these TMDLs can be found at <http://www.ecy.wa.gov/programs/wq/tmdl/NooksackTMDL.html> and [www.ecy.wa.gov/biblio/0803105.html](http://www.ecy.wa.gov/biblio/0803105.html). Implementation of the recovery plans includes a pollution identification and correction (PIC) program with water quality monitoring, ranking of priority drainages, community outreach, technical and financial assistance for landowners, and a regulatory backstop. The County is participating in the Whatcom Clean Waters Program, a partnership of federal, state, tribal, and local organizations through the Washington State Shellfish Initiative (<http://www.ecy.wa.gov/water/whatcomcleanwater.html>). Public Works conducts water quality monitoring, community outreach and engagement, and coordinates with other departments and agencies to share data and coordinate monitoring efforts, provide technical and financial assistance, and implement water quality improvement projects.