



Memorandum

TO: WHATCOM COUNTY COUNCIL
SATPAL SIDHU, COUNTY EXECUTIVE

FROM: Champ Thomaskutty, Whatcom County Health and Community Services Director

DATE: APRIL 14, 2026

RE: Ordinance to require the use of best management practices for stormwater pollution prevention within the Whatcom County Washington Phase II Municipal Stormwater Permit Area

Requested Action

Whatcom County Health and Community Services respectfully request that the County Council approve the attached proposed ordinance and code requiring source control best management practices (BMPs) for existing development per the requirements of the Western Washington Phase II Municipal Stormwater Permit.

The Permit requirement is to establish a source control program through an adopted ordinance, an inventory of businesses, an inspection program, and progressive enforcement. This proposed code is intended to give the County authority to inspect existing properties and businesses within the Phase II Municipal Stormwater Permit area to ensure that best management practices for reducing pollutants in stormwater are being implemented, and also establishes a progressive enforcement mechanism, aligning with permit requirements.

Background

Whatcom County is a regulated permittee under the Washington State Department of Ecology's Western Washington Phase II Municipal Stormwater Permit. The permit, under section S5.C8, requires all permittees to implement a program to prevent and reduce pollutants originating from pollution generating sources (e.g. business practices) from existing development that discharge to the municipal separate storm sewer system.

The requirement refers to Appendix 8-Businesses and Activities that are Potential Sources of Pollutants of the Municipal Stormwater Permit. Appendix 8 lists specific Standard Industrial Code (SIC) and the North American Industry Classification System (NAICS) codes that Permittees cross-reference to existing businesses. Identified businesses within the applicable boundary of the Permit will be included in an inventory that will be inspected for their current application of source control BMPs. Source control BMPs are identified in the most current Stormwater Management Manual of Western Washington, which is adopted by reference in Title 20. New development is already required to implement source control BMPs,

and the proposed source control program is intended to provide existing development with the technical guidance to ensure pollution sources are prevented from entering into the municipal storm sewer system.

The Permit also requires that the County complete the number of inspections equal to 20% of the businesses and/or sites in the inventory annually, and complete the number of inspections equal to 100% of the businesses and/or sites in the inventory over the course of five years.

Along with the inventory and inspection schedule, the Permit requires that the proposed code implements progressive enforcement that requires sites to comply with the requirements within a reasonable time period.

Funding

Health and Community Services was awarded a grant for \$100,817 from the Puget Sound Partnership to assist in the development of this source control program. The grant allows for contracting services that will assist Health with:

- Completing the 20% required business inspections for the calendar year 2026.
- The development of procedures and tasks for staff to perform ongoing inspections for the program.
- The development and identification of job descriptions for inspectors.
- A list of applicable certifications and courses, including on-the-job training for staff.
- The development of a data management infrastructure.
- The development of a communications strategy and plan for the program.

The Washington State Department of Ecology Pollution Prevention and Assistance (PPA) Program grant can reimburse for initial site inspection, but that funding is not applicable to staff tasks that are associated with business inspections resulting in enforcement actions, or to inspection of businesses not covered by the PPA Program. Once the program is up and running, a gap analysis will occur to understand areas of additional funding needs to ensure compliance with the Permit.

Please call Sue Sullivan at ext. 6026 if there are any questions. Thank you.