

# 2025 STORMWATER MANAGEMENT PROGRAM (SWMP) PLAN

March 2025

Permit Term August 1, 2024 - July 31, 2029



Skagit County Public Works  
Natural Resources Division  
**Stormwater Management Program**  
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## List of Abbreviations

AKART	all known, available, and reasonable methods of treatment	Operations	Skagit County Operations Division
AOI	area of interest	PDS	Planning and Development Services
BMP	best management practice	Permit	NPDES Phase II Municipal Stormwater Permit
CBSM	Community Based Social Marketing	PH	Public Health
CESCL	Certified Erosion and Sediment Control Lead	Plan	The documentation of the SWMP
County	Skagit County	POTW	Publicly Operated Treatment Works
CWA	Clean Water Act	PW	Public Works
E&O	Education and Outreach	Road Ops	Road Operations
Ecology	Washington State Department of Ecology	RRMP	Regional Roadside Maintenance Program
EM	Emergency Management	SAM	Stormwater Action Monitoring
Engineering	Skagit County's Engineering Division	SCC	Skagit County Code
EPA	United States Environmental Protection Agency	SCD	Skagit Conservation District
ESA	Endangered Species Act	SCGIS	Skagit County Geographic Information Services
ESHB	Engrossed Substitute House Bill	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	U&A	usual and accustomed
LID	Low Impact Development	WSDOT	Washington State Department of Transportation
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		



## 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 issued the 2025 Permit on July 1, 2024, with an effective date of August 1, 2024, and an expiration date of July 31, 2029. This 2025 SWMP incorporates requirements under the previous (2019–2024) and current (2024-2029) permits.

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 2024-2029 Permit cycle for 2025. 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.”<sup>1</sup>

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.”<sup>1</sup> 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**

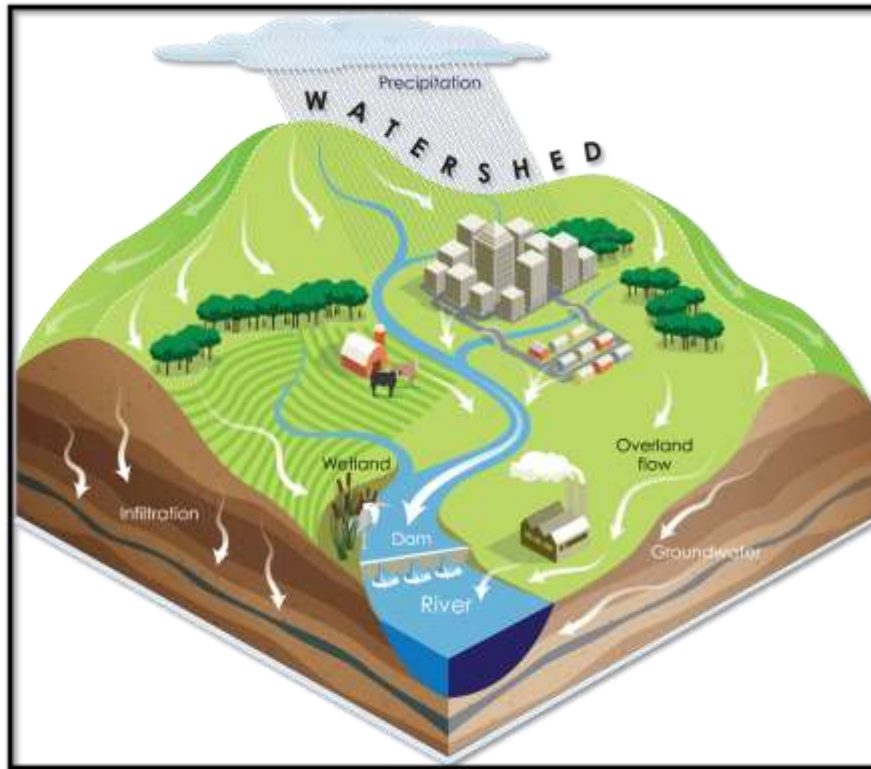
It may be difficult to imagine stormwater runoff as being the biggest contributor to water pollution, but small quantities of pollutants entering our streams, rivers, lakes, and bays add up over time, resulting in an accumulation of pollutants that are difficult to treat at a larger scale. Much of the 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 municipal separate storm sewer system (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.

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<sup>1</sup> 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)

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 the 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.

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 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, as well as sources of funding.





- 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.



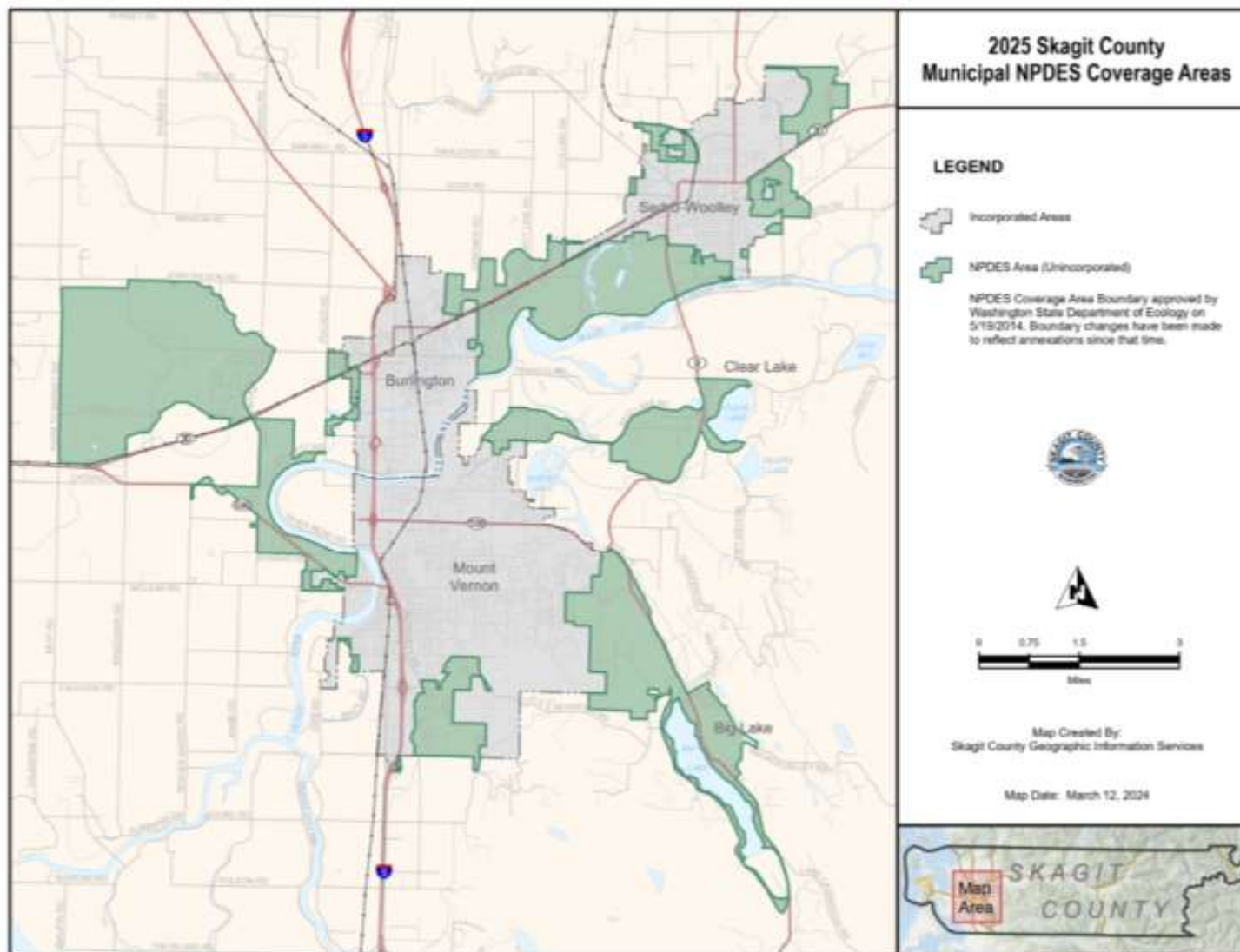


Figure 1-3. The Permit covers the areas on the map, shaded in green.



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

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 Plan 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. Stormwater Management for Existing Development
8. Source Control Program for Existing Development
9. Operations and Maintenance
10. Compliance with Total Maximum Daily Load Requirements
11. Monitoring and Assessment



## Section 2

# Stormwater Planning (S5.C.1)

This section of the SWMP Plan provides a description of Permit requirements related to Stormwater Planning, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and comply with the new 2024 permit requirements for Stormwater Planning.

## 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.
- Attending 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.
- Developing and writing 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 will submit a report to Ecology describing how water quality is being addressed during the 2024-2029 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, no later than March 31, 2027. Planned actions include:

- Implementing provisions for protection of the quality and quantity of groundwater used for public water supplies.
- Continue working directly with the Stormwater Planning team.
- Regarding RCW 36.70A.070(1) and WAC 365-196-405(2)(e), the Stormwater Planning team is continuing to review 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. The 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.

In addition to ongoing activities, the County's Stormwater Interdisciplinary Team will be meeting in the summer of 2025 to discuss how the County will adopt and implement tree canopy goals and policies to support stormwater management. The SWMP will work with PDS and GIS staff to begin mapping tree canopy and implementing related policies.

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

The County successfully developed a Stormwater Management Action Plan SMAP<sup>2</sup> 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

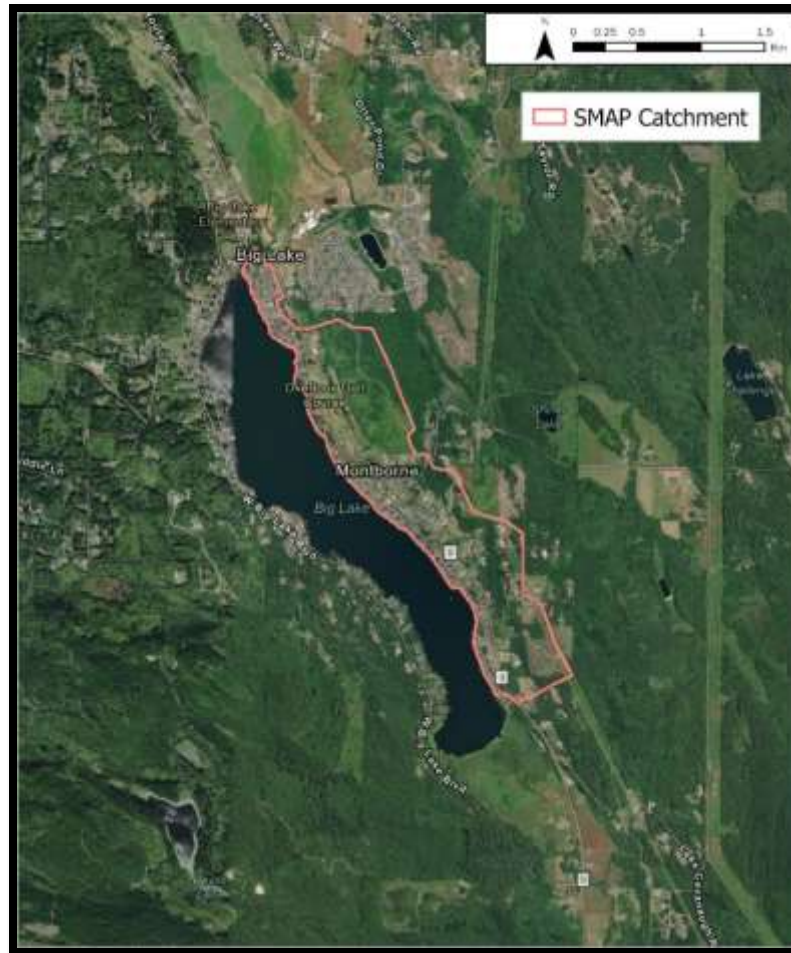
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<sup>2</sup> [Skagit County SMAP](https://www.skagitcounty.net/PublicWorksSurfaceWaterManagement/Documents/Skagit%20County%20SMAP.pdf)

(<https://www.skagitcounty.net/PublicWorksSurfaceWaterManagement/Documents/Skagit%20County%20SMAP.pdf>)



measures designed to address water quantity and water quality issues associated with this specific area. The SMAP process helped staff identify the 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.



**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 were prescribed by the 2019-2024 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.

Skagit County has been reviewing recommendations in the Big Lake East Catchment SMAP and has begun prioritizing projects and actions based on the SMAP, public input, and additional research employing adaptive management. SWMP staff will work with Planning and Development Services (PDS) staff via Interdisciplinary Team meetings to discuss the development of stormwater design standards for in-fill projects in the Big Lake watershed. SWMP staff have also been engaging in the adaptive management process and are currently working on a sampling and monitoring plan around polluted stormwater runoff with an emphasis on phosphorous, which will be shared with Big Lake's Lake Management District for public feedback once the final draft is completed.





### Section 3

# Public Education and Outreach (S5.C.2)

This section of the SWMP Plan provides a description of Permit requirements related to Public Education and Outreach (E&O), including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and comply with the new 2024 permit requirements for Public E&O.

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.

An additional goal of this Permit requirement is to create E&O campaigns that will measure effectiveness and potentially help the County use financial and human resources more efficiently.

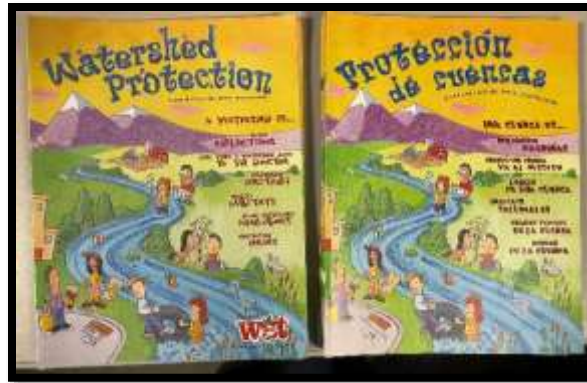
The County's SWMP, along with the SWMPs from the cities of Sedro-Woolley, Burlington, Mount Vernon, and Anacortes, will continue to contract with the Skagit Conservation District (SCD) this year to meet the E&O requirements of the Permit. This will be the 14th year of this cooperative effort. This multi-jurisdictional 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.
- Assisting with the County's dog poop campaign to meet Community Based Social Marketing (CBSM) Permit requirement.
- Attending Bark in the Park in Anacortes to connect with dog owners about dog poop pollution.



SWMP staff will actively participate in local community events by setting up a display table that includes educational games, interactive lessons, and educational materials, including some in Spanish (See Figure 3-1).



**Figure 3-1. The English and Spanish versions of the children's Watershed Protection workbook Skagit County staff brings to relevant events.**

Annually, SWMP staff plan to host a table at the following events:

- Country Living Expo
- Mount Vernon High School Science Night
- Fidalgo Bay Day
- WSU Master Gardeners Plant Fair
- Festival of Family Farms at Taylor Shellfish (See Figure 3-2)
- WSU Master Gardener Discovery Garden Open House
- Western Washington Agricultural Association Farm Fest
- El Grito



**Figure 3-2. Skagit County staff teach about permeable pavement and other ways of protecting stormwater from pollution at Taylor Shellfish during the 2024 Festival of Family Farms.**

The County will continue using social media, including Facebook, YouTube, Instagram, and Nextdoor, for E&O work. These platforms help us keep the public informed about our work, what they can do to keep stormwater clean, and stewardship opportunities.



To meet the CBSM requirement, Skagit County has partnered with Whatcom County to create a Community Based Social Marketing campaign. The focus of this joint effort will be proper disposal of pet waste. The goal is to encourage behavioral change in dog owners and reduce fecal coliform pollution from unscooped dog poop along hiking trails and in people backyards.

Campaign strategies range from in-person outreach to partnerships with trusted sources to paid advertisements across platforms. In-person outreach includes pop-ups at trailheads and pet stores (See Figure 3-3), as well as tabling at some relevant pre-established events such as Festival of Family Farms and the Country Store's Petapalooza events. At these pop-ups, Skagit County staff offer dog owners poop scooping tools like dog bags, dog bag dispensers, and used dog bag holders. County staff also ask dog owners to sign a pledge to scoop their dogs' poop, often specifying situations where they might find this action more difficult, such as when their dog poops in bushes or tall grass.

Working with trusted messengers includes partnerships with veterinarians, dog trainers, and the Humane Society of Skagit Valley. Skagit County provides these partners with free "poop scooping kits," which contain a roll of dog bags, a dog bag dispenser leash attachment, two stickers, and a card with information on how scooping poop affects dog health (See Figure 3-4). The County provides these kits to partners with instructions to offer them, along with verbal information on the importance of scooping poop, to owners of new dogs or dogs with poop-related health issues.

Paid advertisements for this campaign include static image and short video ads through Meta (Facebook and Instagram), video ads on YouTube via Google, and audio ads on both Spotify and public radio.

The County is measuring success via a pre- and post-campaign survey of dog owners on their poop scooping habits, field surveys of how much dog poop is left behind, both bagged and unbagged, along trails, and a count of how many dog owners took the pledge.



**Figure 3-3. A pop-up for the pet waste campaign at a trailhead in the Skagit Valley. The pledge board, where dog owners can pledge to improve their poop scooping behavior, sits in front of the table.**





**Figure 3-4. Contents of the free poop scooping kits Skagit County provides trusted messengers for distribution to people with new dogs or dogs with poop-related health issues.**

### 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 remains 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 Public Involvement and Participation, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Public Involvement and Participation.

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, 2025, for public review and comment. County staff will address comments before May 31, 2025, which is when we are required to post the SWMP Plan. The SWMP Plan can be viewed at this site:

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 the 2019-2024 Permit cycle, the County ensured topic specific opportunities for public comment on developing a Source Control program (see Section 9) and the SMAP process. The County plans to continue creating more opportunities for public comment in the 2024-2029 Permit



cycle, including ongoing outreach to all federally recognized tribes whose reservation land borders the United States within Skagit County's political boundaries or who have usual and accustomed (U&A) fishing grounds that are receiving waters for County municipal stormwater discharges. The County will be reviewing existing data to help inform our response to the Public Involvement and Participation Permit requirements.



## Section 5

# MS4 Mapping and Documentation (S5.C.4)

This section of the SWMP Plan provides a description of Permit requirements related to MS4 Mapping and Documentation, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for MS4 Mapping and Documentation.

### 5.1 Mapping Requirements and Activities

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 other 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 groundwater.
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.
6. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
7. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.
8. All known connections from the MS4 to a privately owned stormwater system.

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 updating records. The County continues to collect and confirm outfall data, including location, size, material type, and elevations at the outfall's invert, and plans to submit this information no later than March 31, 2026. The SWMP mapped all connections between the MS4 and private stormwater infrastructure, and the County plans to continue updating records as needed.

The County plans to use available, existing data to map tree canopy within the NPDES permit area, in addition to overburdened communities in relation to stormwater treatment and flow control BMPs/facilities. The County will also develop and implement a methodology to map and assess acreage of MS4 tributary basins to outfalls with a 24-inch nominal diameter or larger, or an equivalent cross-sectional area for non-pipe systems that have stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.

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.

## 5.2 Overburdened Community Awareness and Mapping

Skagit County has been actively developing its approach to identifying overburdened communities both in and out of the regulated portion of the County's stormwater utility. The County continues to work with our Public Outreach and Education team to develop strategies to identify and meet any overburdened or highly impacted communities where they are.



Based on 2022 data, the Washington State Office of Financial Management reported that roughly 25 percent of the homes in Skagit County speak Spanish<sup>3</sup>. The County is also aware of other languages spoken by County residents including Russian, and Tagalog, and languages indigenous to the land that is Mexico like Zapotec and Mixtec. Skagit County also shares borders with three Federally Recognized Tribal Nations and discharges stormwater to U&A fishing areas of the tribes and tribal communities who have a signed treaty with the United States government. The Permit qualifies treaty tribes as overburdened communities and respects the tribes as stakeholders in projects that will impact receiving waters that also serve as U&A fishing waters for signers of the Treaty of Point Elliott.

The County is also looking at State databases like Puget Sound Watershed Characterization Project and other tools to work on identifying and mapping communities and geographic areas that would qualify as overburdened to ensure this work evolves. This includes looking at economic factors, health disparities, and infant health.

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<sup>3</sup> [Languages spoken at home \(mapped by county\) | Office of Financial Management https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/social-economic-conditions/language-spoken-home/languages-spoken-home-mapped-county](https://ofm.wa.gov/washington-data-research/statewide-data/washington-trends/social-economic-conditions/language-spoken-home/languages-spoken-home-mapped-county)



## Section 6

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

This section of the SWMP Plan provides a description of Permit requirements related to Illicit Discharge Detection and Elimination, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Illicit Discharge Detection and Elimination.

The goal of the County's Illicit Discharge Detection and Elimination (IDDE) program is to prohibit, prevent, detect, characterize, trace, and eliminate illicit (illegal) discharges and illicit connections into 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 Field 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 offenses 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. The County completed the remaining IDDE screening for 11 percent of the NPDES Permit coverage area in 2024 and completed all required screening for the 2019-2024 permit period. 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.

The County also plans to update procedures regarding post-emergency clean-up and disposal activities in order to minimize discharges to the MS4. The County is coordinating with Skagit County's 19 volunteer Fire Districts and confirming that PFAS-containing AFFFs are not used during emergency firefighting activities. If any of the Fire Districts use or have PFAS-containing AFFFs in their inventory, the County is confirming that the district(s) are coordinating with Ecology.

### **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 13 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 Controlling Runoff from New Development, Redevelopment and Construction Sites, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Controlling Runoff from New Development, Redevelopment and Construction Sites.

## 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. The County plans to update SCC 14.32 to meet the minimum requirements of the updated Appendix 1 for the 2024-2029 Permit cycle (S5.C.6.b.i).

The SCC incorporates the following requirements, limitations, and criteria from the most recent version of the SWMMWW 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 the state AKART requirements (S5.C.6.b.ii).





## 7.2 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. Managing maintenance activities to inspect all stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments at least twice a year, with no less than 4 months between inspections, until 90% of lots are constructed. The county will identify maintenance needs and enforce compliance with maintenance standards as needed.
5. Inspecting sites at construction completion to ensure 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.
6. Compliance with Actions 1 through 5 above is demonstrated by records and must achieve 80 percent of required inspections annually.

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.

## 7.3 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, the electronic *Industrial Stormwater General Permit* NOI form for industrial activity, and the online registration requirements for Underground Injection Control (UIC) wells are available on the County website:

[Skagit County Stormwater Permitting](https://www.skagitcounty.net/Departments/PlanningAndPermit/stormwaterpermitmain.htm)

(<https://www.skagitcounty.net/Departments/PlanningAndPermit/stormwaterpermitmain.htm>)

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.

## 7.4 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

# Stormwater Management for Existing Development (S5.C.7)

This section of the SWMP Plan provides a description of Permit requirements related to Stormwater Management for Existing Development, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Stormwater Management for Existing Development.

The 2024-2029 Permit requires the County to implement a Stormwater Management for Existing Development (SMED) Program to control or reduce stormwater discharges to waters of the State from areas of existing development, focusing on strategic stormwater investments over longer planning timeframes.

### 8.1 Stormwater Facility Retrofits (S5.C.7.a)

The County will implement stormwater facility retrofits, or tailored SWMP actions meeting the criteria in Appendix 12, using strategic stormwater investments identified in the County's SMAPs, and/or opportunistic stormwater investments identified by leveraging projects outside of SMAP areas to improve stormwater management and infrastructure.

### 8.2 SMED Projects (S5.C.7.b, S5.C.7.c)

The County will annually provide a list of the planned SMED projects scheduled for funding or implementation during this permit term to meet the County's assigned 1.8 equivalent acres. No later than March 31, 2028, the County will fully fund, start construction or completely implement the projects.

The County is currently in the design phase for retrofitting Skagit County's Water Quality Treatment Stormwater Vault at the Skagit County Transfer Station located in Burlington, WA . The retrofit will involve the purchase of a proprietary product known as the Clear Water Treatment Train, which has proven to be very effective at removing the pollutants of concern which are required to be monitored under the Transfer Station's SWPPP. Construction is currently slated to begin in the summer of 2026.

### 8.3 Regional Collaboration (S5.C.7.d)

The County is required to manage a minimum of 0.5 equivalent acres within the County's jurisdiction, but may receive acreage credit for contributing to meeting an overall regional goal outside their defined MS4 Permit coverage area. The County does not plan to collaborate with other jurisdictions to meet the SMED acreage requirements during this Permit cycle.



## 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 Source Control for Existing Development, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Source Control Program for Existing Development.

The Permit requires the County to implement a Source Control program to prevent and reduce pollutants in runoff from areas of existing development that discharge to the MS4.

### 9.1 Source Control Ordinances (S5.C.8.a)

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.

### 9.2 Inventory of Potential Pollutant Generators (S5.C.8.b)

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. The County will update the inventory once every 5 years at minimum.

### 9.3 Source Control Inspection Program (S5.C.8.c)

The Skagit County Regional Source Control Inspection Program (source control program)<sup>4</sup> 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.

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<sup>4</sup> [Source Control Inspection Program](https://www.skagitcounty.net/Departments/PublicWorksCleanWater/sourcecontrolmain.htm)  
(<https://www.skagitcounty.net/Departments/PublicWorksCleanWater/sourcecontrolmain.htm>)



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 from the County's Pollution Prevention Partnership<sup>5</sup> program, which uses "technical assistance visits that are designed to reduce or eliminate hazardous waste and pollutants at the source."

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.
4. The County will annually report inspections conducted.

## 9.4 Source Control Program Enforcement Policy (S5.C.8.d)

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.

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<sup>5</sup> [Pollution Prevention Assistance \(https://skagitcounty.net/Departments/HealthEnvironmental/PPA.htm\)](https://skagitcounty.net/Departments/HealthEnvironmental/PPA.htm)



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.

## **9.5 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

# Operations and Maintenance (S5.C.9)

This section of the SWMP Plan provides a description of Permit requirements related to Operations and Maintenance, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Operations and Maintenance.

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.

### 10.1 Maintenance Standards (S5.C.9.a)

Maintenance standards (criteria) for County operated or regulated facilities will be at least as protective as maintenance standards specified in the SWMMWW. The County will update maintenance standards with new guidance in the 2024 SWMMWW no later than June 30, 2027. 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 10-1).
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.

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 10-1. A crew replaces a stormwater filter in a catch basin at near Guemes Island Ferry Terminal



## **10.2 Maintenance of stormwater treatment and flow control BMPs/facilities regulated by the Permittee (S5.C.9.b)**

The County continues 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.9.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.

### **10.2.1 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 will annually inspect at least 80 percent of those facilities to stay compliant with the Permit and maintain records of all inspections and maintenance activities including inspection reports, warning letters, notices of violations, and other enforcement records.

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

### **10.3.1 Inspections (S5.C.7.c.i)**

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

### **10.3.2 Spot Checks (S5.C.7.c.ii)**

After major storm events<sup>6</sup>, 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.

### **10.3.3 Catch Basins and Inlets (S5.C.7.c.iii)**

County staff will continue to inspect all MS4 catch basins and inlets by December 31, 2025, and at least once every two years after, cleaning catch basins to comply with maintenance standards.

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<sup>6</sup> A 24-hour storm event with a 10-year or greater recurrence interval.





Decant water from catch basins must be disposed of according to Appendix 6 of the Permit. This practice last occurred in 2023.

#### **10.3.4 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.

### **10.4 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. The County will update 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.
16. Preparing County-owned buildings for renovation or demolition.

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.

### **10.5 Street Sweeping Program (S5.C.7.e)**

The County has an ongoing municipal street sweeping program that conducts both routine and as-needed street sweeping for County roads, including those that run through the NPDES Permit area. The County will revise its existing program to meet Permit requirements, including the following:

1. Sweeping of priority areas at least once between July and September of each year and at least two additional times a year.
2. Operational procedures to follow equipment design performance specifications to ensure that street sweeping equipment is properly operated and maintained.
3. Disposal of sweeper waste material in accordance with Appendix 6.
4. Annual reporting of street sweeping activities.

### **10.6 Stormwater Pollution Prevention Plan (S5.C.7.f)**

The County will continue to implement a 2023 SWPPP for the Burlington Road Shop and a 2022 SWPPP for the County's Transfer Station, updating as needed for consistency with the SWMMWW and to comply with the Permit. The County plans to update the SWPPP for the Burlington Road Shop in 2025.

The SWPPPs include:

1. A detailed facility description along with BMPs that are consistent with the SWMMWW.
2. Annual inspections of the facility to evaluate BMP effectiveness.
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 the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.
6. A spill prevention and response plan for the site.

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



## 10.7 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.
7. Street sweeper operation

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



## Section 11

# Compliance with Total Maximum Daily Load Requirements (S7)

This section of the SWMP Plan provides a description of Permit requirements related to TMDL , including descriptions of the County's planned compliance activities for 2025 under the Permit. EPA approved the County's fecal coliform TMDL for Padilla Bay tributaries in areas served by the County's MS4 within the NPDES Permit coverage area on December 20, 2020. The additional TMDL Permit requirements are based on applicable TMDLs in accordance with Special Condition S7 – Compliance with Total Maximum Daily Load Requirements.

Per the Permit, "For applicable TMDLs listed in Appendix 2, affected Permittees shall comply with the specific requirements identified in Appendix 2. Each Permittee shall keep records of all actions required by this Permit that are relevant to applicable TMDLs within their jurisdiction." There is one applicable TMDL listed in Appendix 2 of the Phase II permit for Skagit County, WRIA 3 – Padilla Bay Freshwater Tributaries Fecal Coliform Bacteria TMDL.

Actions required for the County and the County's specific current and planned actions are summarized below:

- Business Inspections
  - Summarized requirement: Inspect facilities with SIC Industry Group No. 074, 075 including NAICS Major Group 1152XX, and NAICS 325315 for BMPs to prevent bacteria source potential. Perform re-inspection at least once during permit term to verify compliance and initiate enforcement action as necessary.
  - Current and planned actions: The County will incorporate the TMDL requirements into the inspections of the Skagit County Regional Source Control Inspection Program for the County NPDES coverage areas according to the procedures outlined in Section 9 (Source Control Program for Existing Development). The County has identified one composting facility and one animal processing site in its current inventory.
- Public Education and Outreach
  - Requirement Summary: Include E&O activities that increase awareness of bacterial pollution problems and promote proper pet waste management.
  - Current and continued actions: The County's existing E&O program includes Pet Waste awareness events and materials including coordinating with Whatcom County and Skagit Conservation District on the County's pet waste campaign to meet Community Based Social Marketing (CBSM) Permit requirement, hosting in-person outreach tables at pop-up and planned community events, distributing free dog poop scoping kits with trusted community partners, and partnering with trusted sources for paid advertisements across various media platforms.
- Operations and Maintenance



- Requirement summary: Maintain Pet Waste stations at County owned or operated lands commonly used by pet owners and expected to have the potential for pollution to stormwater.
- Planned action: The County operates and maintains Pet Waste stations and trash cans at all County parks.
- Illicit Connection(IC)/IDDE:
  - Requirement summary: As part of IDDE screening as normal course of business, obtain a grab sample to screen for bacterial sources when at the drainage circuits most downstream sampling location if there is water flow. Conduct source tracing according to adopted IDDE procedures if bacterial levels or observations trigger a response.
  - Planned action: The County will incorporate the additional bacteria IC/IDDE screening procedures as a normal course of its IDDES screening activities which will include summarizing its fecal indicator bacteria sampling results and source tracing activities in its annual report.



## Section 12

# Monitoring and Assessment (S8)

This section of the SWMP Plan provides a description of Permit requirements related to Monitoring and Assessment, including descriptions of the County's current and planned compliance activities for 2025 under the Permit. The County's activities after August 1, 2024 were adjusted to address and be in compliance with the new 2024 permit requirements for Monitoring and Assessment.

### 12.1 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 payment for Ecology's 2024 fiscal year was paid on October 11, 2024, in the amount listed in listed in the 2019 Permit Appendix 11.

On November 7, 2024, 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 2024-2029 Permit. The annual payments into the collective fund are due on August 15 each year beginning in 2025, in the amount listed in listed in Appendix 11.

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 County will 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 a 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, the nature and extent of the known or likely violation, 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 Water Quality Standards in a receiving water. Special Condition S4.F.2&3 describe the adaptive management process for correction.

## **TMDL Requirements (S7)**

Stormwater discharges covered under the Permit are required to implement actions necessary to achieve the pollutant reductions called for in applicable TMDLs. Applicable TMDLs are TMDLs which have been approved by the EPA before the issuance date of the permit, or which have been approved by the EPA prior to the date the permittee's application is received by Ecology. Information on Ecology's TMDL program is available on Ecology's website at <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Total-Maximum-Daily-Load-process>.

Where a TMDL or the detailed implementation plan developed for the TMDL identifies actions or activities beyond what is required by this permit, Ecology has identified the additional requirements in Appendix 2 of the permit for all TMDLs approved by EPA prior to issuance of this permit and any subsequent modifications.

Appendix 2 of the permit lists the cities and counties affected by the one or more TMDLs



## Reporting (S9)

### Annual Report Submittal (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 S9A&D.

### Records Retention (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 will:

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 Washington State 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 of stormwater from all or any portion of a stormwater treatment BMP when the design capacity of the treatment BMP is not exceeded unless the provisions of Permit General Condition 4 are met.

### **Right of Entry (General Condition 5)**

The County will allow Ecology, or an authorized representative of Ecology (including an authorized contractor acting as a representative of Ecology), upon the presentation of credentials and such other documents as may be required by law to:

1. Enter upon the Permittee's premises where a regulated facility or activity is located or where records shall be kept under the conditions of this Permit.
2. 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. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, operations regulated or required under this Permit.
4. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

### **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 MS4 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 or revocation and 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 shall 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.

