



2025 Stormwater Management Program Plan (SWMPP)

Permittee Coverage Number: [WA](#)R045554

City of Oak Harbor * 865 SE Barrington Drive * Oak Harbor, WA 98277

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TABLE OF CONTENTS

	Page
1 INTRODUCTION	3
1.1 The Stormwater Management Program Plan (S5)	3
1.2 Stormwater Management in Oak Harbor	4
1.3 Document Organization	5
2 STORMWATER MANAGEMENT PROGRAM PLAN	5
2.1 Stormwater Planning (S5.C.1).....	5
2.2 Public Education and Outreach (S5.C.2).....	9
2.2.1 Permit Requirements	9
2.2.2 Ongoing Activities.....	11
2.2.3 Planned Activities	14
2.3 Public Involvement and Participation (S5.C.3).....	18
2.3.1 Permit Requirements	18
2.3.2 Recent and Ongoing Activities.....	18
2.3.3 Planned Activities	19
2.4 MS4 Mapping and Documentation (S5.C.4).....	20
2.5 Illicit Discharge Detection and Elimination (S5.C.5)	22
2.5.1 Permit Requirements	22
2.5.2 Ongoing Activities.....	25
2.5.3 Planned Activities	26
2.6 Controlling Runoff from New Development, Redevelopment and Construction Sites (S5.C.6).....	32
2.6.1 Permit Requirements	32
2.6.2 Recent and Ongoing Activities.....	33
2.6.3 Planned Activities	34
2.7 Stormwater Management for Existing Development (S5.C.7).....	37
2.7.1 Permit Requirements	37
2.7.2 Ongoing Activities.....	39
2.7.3 Planned Activities	39
2.8 Source Control Program for Existing Development (S5.C.8).....	40
2.9 Operations and Maintenance (S5.C.9)	44
2.9.1 Requirements.....	44
2.9.2 Recent and Ongoing Activities.....	44
2.9.3 Planned Activities	45
3 REFERENCES.....	51

1 INTRODUCTION

This document has been prepared in accordance with the *Western Washington Phase II Municipal Stormwater Permit* (the Permit). The Permit was issued by the Department of Ecology (Ecology) to municipalities with populations of less than 100,000 as operators of small and medium municipal separate storm sewer systems (MS4s). More than 80 medium and small cities, including the City of Oak Harbor (Oak Harbor) and urban portions of five counties in western Washington, must comply with the provisions of the Permit. This five-year Permit was issued by Ecology on July 1, 2024, and is effective from August 1, 2024 through July 31, 2029.

The Permit authorizes the discharge of stormwater runoff from MS4s into the state's surface waters (i.e., streams, rivers, lakes, sounds, wetlands, etc.) and groundwater as long as municipalities implement Permit-specified actions and activities known as Best Management Practices (BMPs) to protect these receiving waters. Permit requirements are phased in over the 5-year Permit term per a specified schedule. Some of the required BMPs are carry-overs from the previous Permit while other requirements are new. Table 1 presents the overall implementation schedule of the current Permit. Additional schedule details can be found in the full text of the Permit found on Ecology's website at:

<https://fortress.wa.gov/ecy/ezshare/wq/permits/MS4GP-WWANewPtimelines.pdf>

1.1 The Stormwater Management Program Plan

Section S5.A of the Permit requires each Permittee to develop and implement a Stormwater Management Program (SWMP). Each Permittee must also annually prepare written documentation of the SWMP, called the SWMP Plan (Plan). This Plan is intended to be a forward-looking document describing the set of actions and activities (BMPs) the Permittee intends to complete in the upcoming calendar year to comply with the Permit.

This SWMP Plan is organized per S5.C of the Permit and will be updated at least annually for submittal with Oak Harbor Annual Reports to Ecology.

The BMPs are grouped under the following Program components:

- Stormwater Planning (S5.C.1)
- Public Education and Outreach (S5.C.2)
- Public Involvement and Participation (S5.C.3)
- MS4 Mapping and Documentation (S5.C.4)
- Illicit Discharge Detection and Elimination (IDDE) (S5.C.5)
- Controlling Runoff from New Development, Redevelopment, and Construction Sites (S5.C.6)

- Stormwater Management for Existing Development (S5.C.7)
- Source Control Program for Existing Development (S5.C.8)
- Operations and Maintenance (O&M) (S5.C.9)

In addition, the Permit requires reporting and, if applicable, implementation of water-body specific cleanup plans developed by Ecology. To date, Ecology has not developed such plans for Oak Harbor's water bodies.

This SWMP Plan covers the City of Oak Harbor's ongoing activities to comply with the Phase II Permit effective August 1, 2024- July 31, 2029 and will cover plans for next year.

1.2 Stormwater Management in Oak Harbor

Oak Harbor is the largest incorporated City on Whidbey Island. Three settlers, Martin Taftson, C.W. Sumner and Ulrich Freund founded Oak Harbor in the early 1850s when it was mainly a fishing town. Since then, the City's growth coincided with two major events: the building of Deception Pass Bridge on July 31, 1935, and the completion of Naval Air Station Whidbey Island in September 1942. It now has an estimated 2020 population of 24,622 and covers approximately 9.4 square miles of land area. The predominant land use within the City is residential, with smaller pockets of commercial and industrial. The majority of the stormwater runoff from Oak Harbor drains into Oak Harbor Bay, which enters Saratoga Passage and Skagit Bay.

Oak Harbor is committed to meeting the compliance requirements and deadlines of the Permit. The stormwater management program in Oak Harbor is led by the City's Administration Manager in the Public Works Department, Stormwater/Wastewater/Compliance Inspector/ Educator with assistance from the Storm Drain/Wastewater Collections Division.

A comprehensive storm drainage plan was adopted by the Mayor and City Council in 2007. The plan contains background information, water quality assessment, and alternative solutions for improving Oak Harbor's stormwater runoff quality. The update to this plan (March 2020) was prepared by the City's consultant, Gray and Osborne Engineering and will be presented to City Council on March 17, 2020 for adoption by resolution. This updated plan was presented to Oak Harbor's Planning Commission and City Council twice, starting in late Fall of 2019 and continuing through Winter of 2020. This updated plan not only examines conveyance/flooding issues, but also considers NPDES II permit requirements, including programming studies of 3 basins or sub-basins for consideration of the 2024 NPDES II permit basin retrofit requirement.

In 2011, the City updated its subdivision code to further allow and encourage low impact development (LID). This was following a study to evaluate options to further

allow LID that was funded in part by the Puget Sound Partnership. In 2016, the City updated its Municipal Code to incorporate LID as the primary methodology of stormwater addressal, as well as adopted the 2012/14 Stormwater Management Manual for Western Washington. In 2022 the 2019 Stormwater Management Manual for Western Washington was adopted.

Oak Harbor continues to track costs associated with the program's actions and activities as required by both the current and previous Permit.

1.3 Document Organization

The remaining sections of this document have been organized to follow the sequence of the Permit requirements S5.C.1 through S5.C.9. Permit requirements, current/ongoing activities, and planned activities for each of the required elements are presented.

2 STORMWATER MANAGEMENT PROGRAM PLAN COMPONENTS

This section discusses the SWMP Plan components found in S5.C of the Western Washington Phase II Municipal Stormwater Permit.

2.1 Stormwater Planning (S5.C.1)

Each Permittee shall implement a Stormwater Planning program to inform and assist in the development of policies and strategies as water quality management tools to protect receiving waters.

Section S5.C.1 Stormwater Planning includes requirements that apply a "holistic" view to municipal stormwater management. This section requires a planning approach that emphasizes protection and improvement in the receiving water quality and beneficial uses under anticipated future developed conditions.

To comply with these permit requirements, not later than August 1, 2020, the City convened an interdisciplinary team which informs and assist in the development, progress and influence of this program. At a minimum, the team will include representatives from Planning, Engineering, Legal, Finance and City Administration.

The team was responsible for the following minimum performance measures:

- Coordination with long-range plan updates by describing how stormwater management needs and protection and/or improvement of the health of the receiving waters are (or are not) informing the planning update processes and influencing policies and implementation strategies.
- Annually assessing and documenting any newly identified administrative or regulatory barriers to implementation of LID principles or BMPs.

- Not later than March 31, 2022, preparation of a watershed inventory which includes a description of the receiving waters and contributing areas.
- Not later than June 30, 2022, preparation of a prioritized and ranked list of receiving waters based on which will receive the most benefit from stormwater facility retrofits, tailored implementation of stormwater management action plans, and other land/development management actions.
- Not later than March 31, 2023, development of a stormwater management action plan for at least one high priority catchment area including:
 - Description of stormwater facility retrofits;
 - Land management and development strategies and/or actions identified for water quality management;
 - Targeted, enhanced, or customized implementation of stormwater management actions;
 - Identification of changes needed to local long-range plans to address stormwater management action planning;
 - Proposed implementation schedule and budget; and
 - Process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.

The City of Oak Harbor’s 2020 Comprehensive Stormwater Plan inventoried and documented all the receiving water and contributing areas, created prioritized and ranked list of projects to benefit receiving waters, and identified existing stormwater conveyance problems. The City’s online GIS mapping tool has identified all stormwater infrastructure catch basin, storm pipes, culverts, ditches, as well as stormwater drainage basins.

Requirements of August 1, 2024 Permit

Each Permittee shall implement a Stormwater Planning program to inform and assist in the development of policies and strategies as water quality management tools to protect receiving waters.

The minimum performance measures are:

- a. ***Each Permittee shall continue to convene an inter-disciplinary team to inform and assist in the development, progress, and influence of this program.***
- b. Coordination with long-range plan updates.
 - i. Each Permittee shall describe how stormwater management needs and protection/improvement of receiving water health are (or are not) informing the long-range or comprehensive planning update processes and influencing policies and implementation strategies in their jurisdiction in the Annual Report, due March 31, 2027. The Annual

Report shall describe the water quality and watershed protection policies, strategies, codes, and other measures intended to protect and improve local receiving water health through planning, considering stormwater management needs or limitations.

c. Low Impact Development (LID) code-related requirements.

- i. Permittees shall continue to require LID Principles and LID BMPs when updating, revising, and developing new local development-related codes, rules, standards, or other enforceable documents, as needed.

The intent shall be to make LID the preferred and commonly used approach to site development. The local development-related codes, rules, standards, or other enforceable documents shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations, where feasible.

Annually, each Permittee shall assess and document any newly identified administrative or regulatory barriers to implementation of LID Principles or LID BMPs since local codes were updated in accordance with the 2013 Permit, and the measures developed to address the barriers. If applicable, the report shall describe mechanisms adopted to encourage or require implementation of LID principles or LID BMPs.

By December 31, 2028, New Permittees shall review, revise, and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID BMPs. New Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership, 2012).

New Permittees shall submit a summary of the results of the review and revision process with the annual report due no later than March 31, 2029. This summary shall be in the required format described in Appendix 5 and include, at a minimum, a list of the participants (job title, brief job description, and department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID principles and LID BMPs. The summary shall include existing requirements for LID principles and LID BMPs in development-related codes. The summary shall be organized as follows:

- a. Measures to minimize impervious surfaces;
- b. Measures to minimize loss of native vegetation; and
- c. Other measures to minimize stormwater runoff.
 - i. No later than December 31, 2028, adopt and implement tree canopy goals and policies to support stormwater management. Permittees shall consider how existing or future tree canopy can support stormwater management and water quality improvements in receiving waters. Establish a long-term (e.g. 5, 10 year or longer) goal of canopy, existing

or future projection, to be used for stormwater management that is appropriate to the jurisdiction. Specific considerations for canopy for stormwater management on Permittee-owned or operated lands shall include (but are not limited to):

- a. Maintaining or increasing canopy in overburdened communities.
- b. Maintaining existing mature canopy.
- c. Document considerations, reasoning, and rationale for goals and policies.

d. Stormwater Management Action Planning (SMAP). Permittees shall conduct a similar process and consider the range of issues outlined in the Stormwater Management Action Planning Guidance (Ecology, 2024; Publication no. 24-10-027) for one new priority catchment or additional actions for an existing SMAP. A purpose of the SMAP is to support implementation in the Stormwater Management for Existing Development (SMED) Program with the identification of strategic investments through the identification of projects and actions.

i. Stormwater Management Action Plan (SMAP). No later than March 31, 2027, Permittees shall complete and submit a SMAP for at least one new high priority catchment area, or additional actions for an existing SMAP, that identifies all of the following:

- a. A description of the stormwater facility retrofits needed for the area, including the BMP types and preferred locations. Include projects that address transportation-related runoff from high traffic areas.
- b. Land management/development strategies and/or actions identified for water quality management.
- c. Focused, enhanced, or customized implementation of stormwater management actions related to Permit sections within S5, including:
 - IDDE field screening;
 - Prioritization of Source Control inspections;
 - O&M inspections or enhanced maintenance; or
 - Public Education and Outreach behavior change programs.

Identified actions shall support other specifically identified stormwater management strategies and actions for the basin overall, or for the catchment area in particular.

d. If applicable, identification of changes needed to local long-range plans to address SMAP priorities.

e. A proposed implementation schedule and budget sources for:

- Short-term actions (i.e., actions to be accomplished within six years); and
- Long-term actions (i.e., actions to be accomplished within seven to 20 years).

f. Actions in the SMAP that may benefit overburdened communities, including specifically vulnerable populations and highly impacted Communities.

g. A process and schedule to provide future assessment and feedback to improve the planning process and implementation of procedures or projects.

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

The required elements for a Public Education and Outreach Program (Section S5.C.2 of the Permit) are summarized below, followed by a description of the ongoing and planned SWMP activities that meet these requirements.

2.2.1 Permit Requirements

The SWMP shall include an education and outreach program designed to:

- Build general awareness about methods to address and reduce impacts from stormwater runoff.
- Effect behavior change to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts.
- Create stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff.

Permittees may choose to meet these requirements individually or as a member of a regional group. The City of Oak Harbor is meeting these requirements individually.

The minimum performance measures are:

- a. Each Permittee shall implement an education and outreach program for the area served by the MS4. The program design shall be based on local water quality information and target audience characteristics to identify high priority target audiences, subject areas, and/or BMPs. Based on the target audience's demographic, the Permittee shall consider delivering its

selected messages in language(s) other than English, as appropriate to the target audience.

- i. **General Awareness.** To build general awareness, Permittees shall annually select at a minimum one target audience and one subject area from lists in the permit.
- ii. **Behavior Change.** To affect behavior change, Permittees shall select, at a minimum, one target audience and one BMP from lists in the permit.

City's Approach to the General Awareness requirement:

- The City provides ongoing General Awareness to the general public regarding Low impact development (LID) principles and LID BMPs, and general impacts of stormwater on surface waters, including impacts from impervious surfaces. Listed below the behavioral change section are activities (ongoing and planned for this year) that provide general awareness.
- In addition to educating the general public, the City provided CESCL training in May 2020 for new staff, local contractors, engineers, developers, and land use planners. The city will continue to certify new employees and recertify current employees. In 2024 4 new employees completed the CESCL training.

City's approach to the Behavior Change:

- Measure the understanding and adoption of the targeted behaviors for at least one target audience in at least one subject area. No later than July 1, 2020 Permittees conducted a new evaluation on the effectiveness of behavior change and direct education and outreach resources most effectively. Permittees may meet this requirement individually or as a member of a regional group. Oak Harbor will meet this requirement individually. In accordance with S5.C.2.a.ii.(c)3, the City is electing to forgo this evaluation and change the target audience and measurement of behavioral change.

Oak Harbor will continue educating businesses on proper source control, housekeeping, and disposal of liquids and other wastes; however, the new measurement of behavioral change will be an audience specific source control educational effort (reference S5.C.8). It will have an emphasis on retrofitting of spill control separator retrofits (control hoods/tees) in private systems nearest the connection to the MS4. The target audience will be specific businesses that have higher potential to spill or dump waste into privately owned on-site catch basins. The program will educate businesses on the benefits of installing spill control separators in their catch basins and will build on the City's source control education effort that targets restaurants and other oil and grease

producing businesses. Behavioral changes will be measured by tracking the installation of spill control separators as retrofits to existing systems. This program must be implemented by April 1, 2021.

The City has decided not to continue with this behavioral change program due to the cost to businesses. The City will continue with its dumpster/restaurant education program as well as monitor the contractors to whom the City provided CESCL training, to ensure this training has helped change behaviors in the proper use of BMP's. The City purchased a new 'Stormwater Pollution Prevention for Construction Sites' training video which will be provided to local contractors. The city added all of the automotive repair shop and paint supply shops to the behavioral change program. Per the permit requirement we did a new survey and evaluation with these types of businesses.

Per permit requirements to evaluate and report on the behavioral change program by March 31, 2024. Our evaluation of this program is.. it will always be ongoing. The inspectors continual education and outreach is key due to the amount of turnover for all businesses listed above. The city will continue to do monthly inspections and hand out educational packets to new businesses when doing final inspection for occupancy. All the departments have really come together to ensure that new businesses are getting all the information they need to be in compliance with city codes and state regulations.

2.2.2 Ongoing Activities

The list of recurrent activities below provides education and general awareness to the general public and occurs annually. Some may not occur in a specific year if the resources are not available or public requests for specific events do not occur.

Examples of General Recurrent Annual Activities

- **Environmental Car Wash Kits** - The City maintains four car wash kits and developed a packet of information, including diagrams on how to use the kits, and a list of biodegradable soaps and where they can be purchased. These information packets were distributed at the local high school. Athletic clubs and other clubs and organizations were informed about the availability of the car wash kits for fundraisers.
- **Car Wash Kit Video** - The City hired a video professional who made a short "how to set up a car wash kit" video that is linked to the City's website and is available on CD for groups that check out a car wash kit. In 2011, the city put the video on YouTube. We also have car wash kit check out forms on the

website. The video is still on the City's website and is currently offered to new users of the car wash kits.

- **Restaurant Inspections** - Since the restaurant survey and study was completed, we continue to conduct site inspections and accompanied discussion, as well as distribute new posters of the BMPs and conduct PowerPoint training videos. We also have two car wash kits strictly for business owners to check out for cleaning their outside areas.
- **Spill Control Retrofitting** - City stormwater inspector was successful in getting Applebee's and Safeway to install spill control hoods in catch basins to provide downstream protection. The City will continue to educate property owners as to the benefits of installing spill control hoods/tees. The city is working with WalMart to get a spill control tee installed in 2025.
- **Stormwater Flow Control and Treatment Facility Maintenance Meetings** - The City holds educational meetings at private stormwater facilities where attendees are instructed how to maintain their specific facilities. These meetings may involve homeowners, property managers, and/or contractors.
- **Native Vegetation Restoration and Education** - The City has been promoting native vegetation re-establishment, with emphasis on Garry oaks and their companion native species. Garry oak is the City's namesake tree and habitat has dramatically decreased across western Washington due to farming, development, and conifer intrusion. Significant efforts have been made with many different activities generally involving education with a "hands on" component. Activities and educational information are posted on the City's website. This subject included the following activities:
 - The City established a 3.5-acre Garry oak grove, called the Centennial Grove, on City owned property with about 370 oak trees planted to date. This project included the public in the following activities: fundraising, sponsorship, planting acorns, growing seedlings, planting seedlings, planting saplings, placing weed fabric, mulching, weeding, building and installing hawk perches as well as an educational component regarding the benefits of native species vegetation restoration. People/groups involved included citizens and groups such as: Oak Harbor Garry Oak Society, Oak Harbor Garden Club, Scouts, Navy volunteers, High School National Honor Society students, High School Ecology Club members, High School Horticulture Class students and Elementary School students. This is an ongoing project that allows continuing opportunities for education and involvement.
 - The City of Oak Harbor earns Tree City USA recognition annually. In celebration of Arbor Day, the City does a tree planting activity which includes an educational component and generally involves some or all of the following: citizens, City employees, Oak Harbor Garry Oak Society members, Garden Club members, Navy volunteers. The selected tree species is usually Garry oak. This is an ongoing annual event.

- City staff coordinated with State Parks staff to have their staff and Hillcrest Elementary staff and students plant Garry oak trees at Joseph Whidbey State Park. This activity occurs annually in September as “Green Apple Day of Service” and includes an educational component.
- Post Office Garry oak habitat native species garden. The City has worked with the local Post Office and the Oak Harbor Garry Oak Society to install and maintain an educational demonstration garden of Garry oak savannah species on City and Post Office owned land. The project is ongoing and species identification and education interpretive signs were installed in 2019.
- Smith Park Interpretive Signs. The City installed three interpretive panels at Smith Park that provide information regarding the native oaks and their ecosystem, including flora and fauna. The unveiling was December 6, 2017. These signs provide continuing education.
- **Special Events Letters** - Prior to downtown special events, the city has meetings and sends out illicit discharge prevention letters to our event organizers explaining the importance of teaching vendors about how to dispose of substances such as mop water, grease, paints, etc. In the past, these items would likely end up in a catch basin.
- **OHHS Automotive Shop** - City staff provides stormwater pollution and downstream effect education videos to Oak Harbor High School Automotive Maintenance Program. This target audience was selected because many of these students are training to enter the profession of automobile repair and will be working with automotive fluids and automobile repair byproducts on a daily basis.
- **Big Rig Days** - City staff takes garbage trucks, sweepers, vacuums, fire trucks and dump trucks to Hillcrest Elementary School each year. Our crews explain the purpose of the equipment and how we use them to clean up spills, maintain catch basins and clean City streets. During this event, we pass out papers using our catch basin stencils and the kids color them and come up with their own phrases about how to stop pollution. The City selects some of the students’ artwork and create bookmarks and garbage truck signs. We also have a book made with the posters that the students created and give it to the school.
- **Water Cycle**
- **City Council Presentations** - Present to City Council regarding NPDES II and LID requirements and BMPs
- **Stormwater Awareness Month** - Oak Harbor declares September to be “Stormwater Awareness Month”. Stickers are given out at Whidbey Coffee, Music Festival and K & R Farms Stand. The stickers display the image of a fish with the words: “Make A Wish-Save A Fish/Only Rain Down the Drain”. The reader board in the City of Oak Harbor displays a message regarding Storm Water awareness month. This is an ongoing activity.

- **Storm Drain Stenciling** - The City has storm drain stencils and paint for stenciling storm drain inlets. City staff works with volunteer groups to paint storm drains throughout the City. Staff has added new stencils that are more creative to continue interest. Since stenciling wears off, it is an ongoing activity.
- **Illicit Discharge Training** - Oak Harbor School District Bus Drivers and Oak Harbor School District Ground Crews. New employees will receive Illicit Discharge training in 2025.
- **Grease Information** - The City hand delivers grease information packets to the public. These packets include a brochure about pollution in Puget Sound, a tin can cover and scraper explaining the proper way to store grease.
- **Book Distribution to Elementary Schools** - *All the Way to the Ocean*.
- **Interpretive Signage** - Installed in various locations throughout parks and trails.
- **CESCL Training** - The City provided Certified Erosion Control Training to local contractors 2020 and City staff in October of 2023. Trainings can also be scheduled online on a per-person basis. 4 new employees received CESCL training in 2024.
- **Dog Waste Signs** - The City partnered with Skagit Conservation District and six other entities to fabricate new dog waste signs replacing older ones as well as installing new ones around the city.

2.2.3 Planned Activities

In 2025, the City plans to continue the recurrent annual public education and outreach activities presented above. The list below will be the primary focus of activities for 2025, the above list of recurrent activities will generally occur as opportunity allows.

- **Storm Drain Stenciling**
- **Stormwater Awareness Month**
- **Grease Information**
- **Dumpster Education**
- **Storm Drain Model**
- **Native Vegetation Restoration and Education**
- **Illicit Discharge Training with Oak Harbor School District Bus Drivers**
- **Illicit Discharge Training with Oak Harbor School District Maintenance Staff** - Staff will explain how the stormwater system works and the effects of not properly maintaining their filling station area, as well as how spills adversely affect the City's stormwater system.
- **Spill Response Training** - The city is providing onsite spill response training to all public works, fire department and police department employees in 2025 through CWT training Academy. New employees in Storm Drain Department will receive Illicit Discharge training in 2025.

- **OHPS Classes** - Staff will arrange to have stormwater pollution and downstream effect education videos shown to Public School classes, including the Oak Harbor High School Automotive Maintenance and Culinary programs, and elementary schools.
- **Detention Pond Maintenance PowerPoint Presentation** - In early 2019, the City posted a detention pond maintenance PowerPoint presentation to the City's website and Facebook accounts. We will continue to run the videos in 2025 .
- **Storm Water BMP Handouts** - The City will provide updated BMP educational pamphlets to contractors and property management companies.
- **Restaurant BMP Handouts** - New Posters printed in English and Spanish were distributed to the restaurants on Best Management Practices.
- **IDDE Video** - The City will show an educational video regarding IDDE and effects to Puget Sound. This video will be displayed on the City's website, Facebook and Channel 10.
- **Navy Volunteers** - Public Work has recently teamed up with the Navy to assist with many of the different task listed above.
- **Adopt a Road** - Litter pick
- **Friends Of Skagit Beaches** - The city has partnered with this volunteer group to do sampling of several different outfalls.
- **Biosolids** - Continue to educate the public on the use of Biosolids.

Requirements of August 1, 2024 Permit

The SWMP shall include an education and outreach program designed to:

- Build general awareness about methods to address and reduce impacts from stormwater runoff;
- Effect behavior change to reduce or eliminate behaviors and practices that cause or contribute to adverse stormwater impacts; and
- Create stewardship opportunities that encourages community engagement in addressing the impacts from stormwater runoff.

Permittees may choose to meet these requirements individually or as a member of a regional group. Regional collaboration on general awareness or behavior change programs, or both, includes Permittees developing a consistent message, determining best methods for communicating the message, and when appropriate, creating strategies to effect behavior change. If a Permittee chooses to adopt one or more elements of a regional program, the Permittee should participate in the regional group and shall implement the adopted element(s) of the regional program in the local jurisdiction.

The minimum performance measures are:

- a. Each Permittee shall implement an education and outreach program. The program design shall be based on local or regional (or a combination of both) water quality information and priority audience characteristics to identify high priority audiences, subject areas, and/or BMPs. Based on the priority

audience's demographic, the Permittee shall consider delivering its selected messages in language(s) other than English, as appropriate to the priority audience.

i. **General awareness.** To build general awareness, Permittees shall annually select, at a minimum, one priority audience and one subject area from either a. or b.:

a. *Priority audiences:* General public (including overburdened communities, school age children, college/university, or trade students) or businesses (including home-based, or mobile businesses). Subject areas:

- General impacts of stormwater on surface waters, including impacts from impervious surfaces.
- Low impact development (LID) principles and LID BMPs.

b. *Priority audiences:* Engineers, contractors, developers, property owners/managers, or land use planners. Subject areas:

- Technical standards for stormwater site and erosion control plans.
- LID principles and LID BMPs.
- Stormwater treatment and flow control BMPs/facilities.
- Source control BMPs for building materials to reduce pollution to stormwater, including but not limited to stormwater pollution from PCB-containing materials.

b. Permittees shall provide subject area information to the priority audience on an ongoing or strategic schedule.

ii. **Behavior change.** To affect behavior change, Permittees shall select, at a minimum, one priority audience and one BMP.

a. *Priority Audiences:* Residents, landscapers, property managers/owners, developers, school age children, college/university, trade students, or businesses (including home-based or mobile businesses).

BMPs:

- Use and storage of: pesticides, fertilizers, and/or other household chemicals.
- Use and storage of: automotive chemicals, hazardous cleaning supplies, carwash soaps, and/or other hazardous materials.
- Prevention of illicit discharges.
- Yard care techniques protective of water quality.
- Carpet cleaning.

- Repair and maintenance BMPs for: vehicles, equipment, and/or home/buildings.
- Pet waste management and disposal.
- LID Principles and LID BMPs.
- Stormwater facility maintenance, including LID facilities.
- Dumpster and trash compactor maintenance.
- Litter and debris prevention.
- Sediment and erosion control.
- (Audience specific) Source control BMPs (refer to S5.C.8).
- (Audience specific) Locally important, municipal stormwater-related subject area.

b. Social marketing campaign development. Based on the recommendation from 2024 evaluation and report, no later than July 1, 2025, each Permittee shall follow social marketing practices and methods and develop a campaign that is tailored to the community, including development of a program evaluation plan. Each Permittee shall:

- i. Develop a strategy and schedule to implement the existing campaign more effectively; or
- ii. Develop a strategy and schedule to expand the existing campaign to a new priority audience or BMPs; or
- iii. Develop a strategy and schedule for a new priority audience and BMP behavior change campaign.

c. Behavior change campaign implementation. No later than September 1, 2025, begin to implement the strategy developed in S5.C.2.a.ii.b.9

d. Behavior change campaign evaluation. No later than March 31, 2029, evaluate and submit report on:

- i. The changes in understanding and adoption of behaviors resulting from the implementation of the strategy; and
- ii. Any planned or recommended changes to the campaign to be more effective; describe the strategies and process to achieve the results.

e. Behavior change campaign adaptive management. Permittees shall use results of the evaluation to continue to direct effective methods and implementation of the ongoing behavior change program.

iii. **Stewardship.** Each Permittee shall provide, partner with, or promote stewardship opportunities to encourage residents or businesses to participate in activities or events planned and organized within the community, such as:

stream teams, storm drain marking, volunteer monitoring, riparian plantings, and watershed habitat improvement. Permittees may provide, partner with, or promote stewardship opportunities created or organized by existing organizations (including non-Permittees).

2.3 Public Involvement and Participation (S5.C.3)

The SWMP requirements for public involvement and participation (Section S5.C.3 of the Phase II Permit) are summarized below, followed by a description of the recent and planned SWMP activities.

2.3.1 Permit Requirements

Permittees shall provide ongoing opportunities for public involvement and participation through advisory councils, public hearings, watershed committees, participation in developing rate-structures or other similar activities. Each Permittee shall comply with applicable state and local public notice requirements when developing elements of the SWMP and SMAP.

The minimum performance measures are:

- a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making processes involving the development, implementation and update of the Permittee's SMAP and SWMP.
- b. Each Permittee shall post on their website their SWMP Plan and the annual report required under S9.A no later than May 31 each year. All other submittals shall be available to the public upon request.

2.3.2 Recent and Ongoing Activities

The City held multiple meetings in 2012, 2013 and 2016, which were advertised in the Whidbey News-Times, the City's information TV Channel 10 and on the City's website, with the times and dates. The purpose of the meetings was to discuss the City's SWMP and to generate ideas from the public on the type of BMPs that would be most applicable for the area. However, there was no public attendance for the meetings. After no one showed for the 1st scheduled meeting in 2016, the City held a second meeting in 2016, and still not a single citizen attended. No meetings were held in 2017 or 2018 due to lack of public interest.

Public input to the SWMP has been through the ongoing public education/outreach efforts and involvement, which are two areas that the City has extensively pursued. At all public education efforts, staff has solicited feedback for incorporation into the upcoming SWMP. In addition, the City has added a page to their website soliciting public input via e-mail. The website link is

https://www.oakharbor.org/news_site_view.cfm?id=3281 and the e-mail address is swmp@oakharbor.org.

The City updated the Municipal Code to implement LID as the first stormwater approach in development and redevelopment on December 31, 2016. To date, the City has not found need to update or revise the relevant code sections.

The City updated its utility rates, including stormwater rates. The ordinance was signed and approved October 20, 2020. The rate increase will go into effect in December 2021.

2.3.3 Planned Activities

The City adopted the March 2020 Stormwater Comprehensive Plan by City Council Resolution on March 17, 2020. Two public Planning Commission meetings were held as well as two televised City Council workshops. The Planning Commission meetings allowed for public comment; the workshops did not. The March 17, 2020 City Council meeting will hold a public hearing and allow for comment. In addition, the SEPA process was followed, which allowed for public comment. **The Stormwater Comprehensive Plan was adopted March 2020.**

Requirements of August 1, 2024 Permit

Permittees shall provide ongoing opportunities for public involvement and participation through advisory councils, public hearings, watershed committees, participation in developing rate-structures or other similar activities. Each Permittee shall comply with applicable state and local public notice requirements when developing elements of the SWMP and SMAP.

The minimum performance measures are:

- a. Permittees shall create opportunities for the public, including overburdened communities, to participate in the decision-making process involving the development, implementation, and update of the Permittee's SMAP and SWMP. Permittees shall document specific outreach measure for overburdened communities.
 - i. Annually, document specific public involvement and participation opportunities provided to overburdened communities and specifically, highly impacted communities.
 - ii. No later than December 31, 2026, document methods used to identify overburdened communities.
- b. Each Permittee shall post on their website their SWMP Plan and the Annual Report, required under S9.A, no later than May 31 each year. All other submittals shall be available to the public upon request.

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

The SWMP is required to include an ongoing program for mapping and documenting the MS4.

The minimum performance measures are:

- a. Ongoing Mapping: Each Permittee shall maintain mapping data for the features listed below:
 - i. Known MS4 outfalls and known MS4 discharge points.
 - ii. Receiving waters, other than groundwater.
 - iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
 - iv. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
 - v. 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 features or attributes (or both) shall be mapped:
 - a) Tributary conveyance type, material, and size where known.
 - b) Associated drainage areas.
 - c) Land use.
 - vi. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
 - vii. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.
- b. New Mapping: Each Permittee shall:
 - i. No later than January 1, 2020, begin to collect size and material for all known MS4 outfalls during normal course of business (e.g. during field screening, inspection, or maintenance) and update records.
 - ii. No later than August 1, 2023, complete mapping of all known connections from the MS4 to a privately-owned stormwater system.
 - a. No later than August 1, 2021, the required format for mapping is electronic (e.g. Geographic Information System, CAD drawings, or other software that can map and store points, lines, polygons, and associated attributes), with fully described mapping standards.
 - b. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.4.a through c, above.
 - c. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes,

municipalities, and other Permittees. This Permit does not preclude Permittees from recovering reasonable costs associated with fulfilling mapping information requests by federally recognized Indian Tribes, municipalities, and other Permittees.

The City collected the outfall sizes and materials prior to January 1, 2020 and has been updating stormwater maps with this information. Much of the other above requirements have been accomplished. The City continually updates the mapping as new infrastructure is added. This information is available both internally and externally to the public via the City's GIS web mapping tool.

Requirements of August 1, 2024 Permit

The SWMP shall include an ongoing program for mapping and documenting the MS4.

The minimum performance measures are:

- i. Known MS4 outfalls and known MS4 discharge points:
 - a. Map outfall size and material, where known.
- ii. Receiving waters, other than groundwater.
- iii. Stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.
- iv. Geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface waters.
- v. 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 features or attributes (or both) shall be mapped:
 - a. Tributary conveyance type, material, and size where known.
 - b. Associated drainage areas.
 - c. Land use.
- vi. Connections between the MS4 owned or operated by the Permittee and other municipalities or public entities.
- vii. All connections to the MS4 authorized or allowed by the Permittee after February 16, 2007.
- viii. All known connections from the MS4 to a privately owned stormwater system.
- ix. No later than March 31, 2026, submit locations of all known MS4 outfalls according to the standard templates and format provided in the Annual Report. Report the size and material of the outfalls, where known.

x. No later than December 31, 2026, using available, existing data, map tree canopy to support stormwater management on Permittee-owned or operated properties. Permittees shall develop and follow a methodology to intentionally identify canopy for stormwater management purposes, which may be updated annually or as needed.

xi. No later than March 31, 2028, 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. Submit with the March 31, 2028 Annual Report a map(s) (.pdf) and table (.xlsx) with a breakdown of the MS4 tributary basins quantifying estimated acres managed or unmanaged by stormwater treatment and flow control BMPs/facilities owned or operated by the Permittee.

xii. No later than December 31, 2028, using available, existing data map overburdened communities in relation to stormwater treatment and flow control BMPs/facilities, outfalls, discharge points, and tree canopy on Permittee-owned or operated properties:

c. The required format for mapping is electronic (e.g. Geographic Information System, CAD drawings, or other software that can map and store points, lines, polygons, and associated attributes), with fully described mapping standards.

d. To the extent consistent with national security laws and directives, each Permittee shall make available to Ecology, upon request, available maps depicting the information required in S5.C.4.a through c, above.

e. Upon request, and to the extent appropriate, Permittees shall provide mapping information to federally recognized Indian Tribes, municipalities, recovering reasonable costs associated with fulfilling mapping information request by federally recognized Indian Tribes, municipalities, and other Permittees.

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

The SWMP requirements for illicit discharge detection and elimination (IDDE) (Section S5.C.5 of the Phase II Permit) are summarized below, followed by a description of the ongoing and planned SWMP activities that meet these requirements.

2.5.1 Permit Requirements

Section S5.C.5. of the Phase II Permit states that the SWMP shall include an ongoing program designed to prevent, detect, characterize, trace and eliminate illicit connections and illicit discharges into the MS4. The minimum performance measures are:

- a. The program shall include procedures for reporting and correcting or removing illicit connections, spills and other illicit discharges when they are suspected or identified. The program shall also include procedures for addressing pollutants entering the MS4 from an interconnected, adjoining MS4.

Illicit connections and illicit discharges must be identified through, but not limited to: field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate.

- b. Permittees shall inform public employees, businesses, and the general public of hazards associated with illicit discharges and improper disposal of waste.
- c. Each Permittee shall implement an Ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extent allowable under state and federal law. A list of allowable discharges and conditionally allowable discharges provided in section S5.C.5.c.i. and ii. If any of the discharges in these lists are identified as significant sources of pollutants to waters of the State, the City will further address the situation.
- d. Each Permittee shall implement an ongoing program designed to detect and identify non-stormwater discharges and illicit connections into the Permittee's MS4.12. The program shall include the following components:
 - i. Procedures for conducting investigations of the Permittee's MS4, including field screening and methods for identifying potential sources. These procedures may also include source control inspections.

The Permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual (Herrera Environmental Consultants, Inc.; May 2020 Revision), or another methodology of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the Annual Report.

- a) All Permittees shall complete field screening for an average of 12% of the MS4 each year. Permittees shall annually track total percentage of the MS4 screened beginning August 1, 2019.
- ii. A publicly listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges.

- iii. An ongoing training program for all municipal field staff, who, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge and/or illicit connection to the MS4, on the identification of an illicit discharge and/or connection, and on the proper procedures for reporting and responding to the illicit discharge and/or connection. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.

- e. Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee's MS4.15 The program shall include:
 - i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge.
 - ii. Procedures for tracing the source of an illicit discharge; including visual inspections, and when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.
 - iii. Procedures for eliminating the discharge, including notification of appropriate authorities (including owners or operators of interconnected MS4s); notification of the property owner; technical assistance; follow-up inspections; and use of the compliance strategy developed pursuant to S5.C.5.c.iv, including escalating enforcement and legal actions if the discharge is not eliminated.
 - iv. Compliance with the provisions in (i), (ii), and (iii), above, shall be achieved by meeting the following timelines:
 - a) Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment, consistent with General Condition G3.
 - b) Investigate (or refer to the appropriate agency with the authority to act) within 7 days, on average, any complaints, reports, or monitoring information that indicates a potential illicit discharge.
 - c) Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection.

- d) Upon confirmation of an illicit connection, use the compliance strategy in a documented effort to eliminate the illicit connection within 6 months. All known illicit connections to the MS4 shall be eliminated.
- f. Permittees shall train staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections, to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements or staffing. Permittees shall document and maintain records of the training provided and the staff trained.
- g. Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for the illicit discharges, spills and illicit connections including those that were found by, reported to, or investigated by the Permittee during the previous calendar year. The data shall include the information specified in Appendix 12 and WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data. Final submittals shall follow the instructions, timelines, and format as described in Appendix 12.

2.5.2 Ongoing Activities

The City enacted an ordinance prohibiting non-stormwater illicit discharges in to its MS4 and continues detecting and identifying illicit discharges/connections. Upon detection, the City may take immediate containment action if applicable. It also traces, characterizes, documents and reports in compliance with the requirements of this permit section.

In addition, the City seeks compliance within the permit allowed time frames, and will use the structure required in the permit and in the Guidance Manual prepared by Herrera in Revised May 2020. The City will continue to train municipal staff on illicit discharge detection, characterization, compliance enforcement, clean-up/containment, host a citizen hotline (360-279-4765), and maintain an up-to-date map, and appropriate record keeping for the annual report.

The City performs ditch inspections during the summer months and has trained all Public Works Divisions to watch for signs of illicit discharges/connections and spills while performing routine work throughout the City. This includes water, sewer, storm drain, solid waste, streets, and engineering divisions. Some of the specific items observed for are visual indicators and odors for septic systems, restaurants, automotive shop inspections, industrial connections, etc. as well as illicit dumping and general observation of the system. In addition, all of this is

observed while performing outfall and catch basin inspections, system cleaning, mowing, and maintenance work.

Staff training has occurred with periodic follow up training. More training will occur as the new Guidance Manual is implemented.

The City informs the public and specific target audiences through direct communications, as well as general messaging. The City's Storm Drain and Wastewater Collections Compliance Inspector/Educator educates and informs businesses and HOAs about illicit discharges while educating about source and spill control. General messaging includes storm drain stenciling, an IDDE video on channel 10, programs in schools, amongst other activities.

2.5.3 Planned Activities

The City screened 100 percent of its system prior to January 1, 2019 and will continue to screen at least 12 percent of the system annually per S5.C.5.d.i.(a). The City will utilize screening methods described in *Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual (Herrera Environmental Consultants, Inc.; May 2020 Revision)*, or another methodology of comparable or improved effectiveness and will document the field screening methodology in the Annual Report. The City will continue to utilize die testing where appropriate.

Requirements of August 1, 2024 Permit
detect, characterize, trace, and eliminate illicit connections and illicit discharges into the MS4.15

The minimum performance measures are:

- a)** The program shall include procedures for reporting and correcting or removing illicit connections, spills, and other illicit discharges when they are suspected or identified. The program shall also include procedures for addressing pollutants entering the MS4 from an interconnected, adjoining MS4. Illicit connections and illicit discharges shall be identified through, but not limited to, field screening, inspections, complaints/reports, construction inspections, maintenance inspections, source control inspections, and/or monitoring information, as appropriate.
- b)** Permittees shall inform public employees, businesses, and the public of hazards associated with illicit discharges and improper disposal of waste.
- c)** Each Permittee shall implement an ordinance or other regulatory mechanism to effectively prohibit non-stormwater, illicit discharges into the Permittee's MS4 to the maximum extend allowable under state and

federal law. The ordinance or other regulatory mechanism in effect as of the effective date of this Permit shall be revised, if necessary, to meet the requirement of this Section no later than July 1, 2027.

i. *Allowable Discharges*: The regulatory mechanism does not need to prohibit the following categories of non-stormwater discharges:

- a. Diverted stream flows
- b. Rising groundwaters
- c. Uncontaminated groundwater infiltration (as defined at 40 CFR 35.2005(b)(20))
- d. Uncontaminated pumped groundwater
- e. Foundation drains
- f. Air conditioning condensation
- g. Irrigation water from agricultural sources that is commingled with urban stormwater
- h. Springs
- i. Uncontaminated water from crawl space pumps
- j. Footing drains
- k. Flows from riparian habitats and wetlands
- l. Non-stormwater discharges authorized by another NPDES or State Waste Discharge permit
- m. Non-stormwater discharges from emergency firefighting activities in accordance with S2 Authorized Discharges:

ii. *Conditionally allowable discharges*: The regulatory mechanism may allow the following categories of non-stormwater discharges only if the stated conditions are met:

(a) Discharges from potable water sources, including but not limited to water line flushing, hyper chlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.

(b) Discharges from lawn watering and other irrigation runoff, including from reclaimed water sources. These discharges shall be minimized

through, at a minimum, public education activities and water conservation efforts.

(c) Discharges from swimming pools, spas, and hot tubs. The discharges shall be dechlorinated/debrominated to a total residual concentration of 0.1 ppm or less, free from sodium chloride, pH-adjusted, and reoxygenated if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

(d) Street and sidewalk wash water and water used to control dust. The Permittee shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4 Permittees shall minimize the amount of street wash and dust control water used.

(e) Routine external building washdown that does not use detergents for buildings built or renovated before 1950 and after 1980. These discharges shall be reduced through, at minimum, public education activities and water conservation efforts. Commercial, industrial, and multi-story residential structures constructed or renovated between the years 1950 and 1980 (i.e. those most likely to have PCB-containing building materials), shall be assessed for PCB-containing materials consistent with *How to find and address PCBs in building materials* (Ecology, 2024, Publication No. 22-04-024) prior to routine building washdown to the MS4. Structures confirmed or suspected to have PCB-containing materials shall not discharge washdown to the MS4. Single-family residential buildings are exempt from PCB assessment prior to building washdown, for the purposes of this section. Structures built or renovated between 1950-1980 and determined to be without PCB-containing materials may conduct routine building washdown (without detergents) as described above.

(f) Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the Permittee which addresses control of such discharges.

iii. The Permittee shall further address any category of discharges in (i) or (ii), above if the discharges are identified as significant sources of pollutants to waters of the State.

iv. The ordinance or other regulatory mechanism shall include escalating enforcement procedures and actions.

n. Each Permittee shall implement an ongoing program design to detect and identify non-stormwater discharges and illicit connection into the Permittee's MS4. The program shall include the following components:

i. Procedures for conducting investigations of the Permittee's MS4, including field screening and methods for identifying potential sources. These procedures may also include source control inspections. The Permittee shall implement a field screening methodology appropriate to the characteristics of the MS4 and water quality concerns. Screening for illicit connections may be conducted using *Illicit Connection and Illicit Discharge Field Screening and Source Tracing Guidance Manual* (Herrera Environmental Consultants, Inc.; May 2020), or another methodology of comparable or improved effectiveness. The Permittee shall document the field screening methodology in the Annual Report.

(a) All Permittees shall complete field screening for an average of 12% of the MS4 each year.

ii. A publicly listed and publicized hotline or other telephone number for public reporting of spills and other illicit discharges.

iii. An ongoing training program for all municipal field staff who, as part of their normal job responsibilities, might come into contact with or otherwise observe an illicit discharge and/or illicit connection to the MS4, on the identification of an illicit discharge and/or connection, and on the proper procedures for reporting and responding to the illicit discharge and/or connection. Follow-up training shall be provided, as needed, to address changes in

procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the trainings provided and the staff trained.

o. Each Permittee shall implement an ongoing program designed to address illicit discharges, including spills and illicit connections, into the Permittee's MS4. The program shall include:

i. Procedures for characterizing the nature of, and potential public or environmental threat posed by, any illicit discharges found by or reported to the Permittee. Procedures shall address the evaluation of whether the discharge must be immediately contained and steps to be taken for containment of the discharge.

ii. Procedures for the post-emergency clean-up of firefighting activities:

(a) No later than December 31, 2026, the Permittee shall coordinate with firefighting agencies/departments that serve the areas that discharge to the MS4 to be notified when PFAS-containing AFFFs are used during emergency firefighting activities.

(b) No later than January 1, 2027, Permittee shall update and implement procedures to minimize discharges to the MS4 during post-emergency clean-up and disposal activities including, but not limited to, the immediate clean-up in all situations where PFAS-containing AFFFs have been used, diversions, and other measures that prevent discharges to the MS4. The Permittee is not expected to deploy control measures during an emergency.

iii. Procedures for tracing the source of an illicit discharge; including visual inspections and, when necessary, opening manholes, using mobile cameras, collecting and analyzing water samples, and/or other detailed inspection procedures.

iv. Procedures for eliminating the discharge including notification of appropriate authorities (including owners or operators of interconnected MS4s), notification of the property owner, technical assistance, follow-up inspections, and use of the compliance strategy developed

pursuant to S5.C.5.c.iv, including escalating enforcement and legal actions if the discharge is not eliminated.

v. Compliance with the provisions in (i)-(iv) above shall be achieved by meeting the following timelines:

(a) Immediately respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare, or the environment, consistent with General Condition G3.

(b) Investigate (or refer to the appropriate agency with the authority to act) within 7 days, on average, any complaints, reports, or monitoring information that indicates a potential illicit discharge.

(c) Initiate an investigation within 21 days of any report or discovery of a suspected illicit connection to determine the source of the connection, the nature and volume of discharge through the connection, and the party responsible for the connection.

(d) Upon confirmation of an illicit connection, use the compliance strategy in a documented effort to eliminate the illicit connection within 6 months. All known illicit connections to the MS4 shall be eliminated.

(f). Permittees shall train staff who are responsible for identification, investigation, termination, cleanup, and reporting of illicit discharges, including spills, and illicit connections, to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of the training provided and the staff trained.

(g). Recordkeeping: Each Permittee shall track and maintain records of the activities conducted to meet the requirements of this Section. In the Annual Report, each Permittee shall submit data for the illicit discharges, spills, and illicit connections including those that were found by, reported to, or investigated by the Permittee during the previous calendar year. The data shall include the information and format specified in Appendix 13 and

WQWebIDDE. Each Permittee may either use their own system or WQWebIDDE for recording this data.

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

The SWMP requirements for controlling runoff from new development, redevelopment and construction sites (Section S5.C.6 of the Phase II Permit) are summarized below, followed by a description of the ongoing and planned SWMP activities that meet these requirements.

2.6.1 Permit Requirements

Section S5.C.6.a-e of the Phase II Permit lists the following requirements:

- Develop and implement an ordinance or ordinance revisions that address runoff from new development, redevelopment and construction projects in a manner that meets the minimum requirements established by Ecology.
- Develop and implement a site planning process, selection and design criteria for best management practices (BMPs) that will protect water quality and reduce the discharge of pollutants to the maximum extent practicable.
- Develop and implement an approval process for new development that includes inspections and enforcement of maintenance standards for private stormwater facilities.
- Revise and implement provisions in development code regarding techniques for low impact development (LID) that make LID the preferred and commonly used approach to site development in order to minimize impervious surfaces, native vegetation loss and stormwater runoff in all types of development situations.
- Develop and implement a permitting process with plan review, inspection and enforcement capability for both public and private projects to ensure sufficient stormwater management, proper installation and maintenance of erosion control BMPs and permanent stormwater facilities, and assignment of responsibility for post-construction maintenance.
- Inspect all construction sites before construction, if they exhibit high potential for sediment transport during construction, to ensure adequate erosion and sediment control BMPs, and again upon completion of construction to ensure proper installation of permanent stormwater controls.
- Implement an ordinance or other enforceable mechanism to verify long-term operation and maintenance (O&M) of post-construction facilities and BMPs.
- Establish standards for stormwater facility maintenance that are equivalent to those included in Ecology's Stormwater Management Manual for Western Washington (Ecology 2019).
- Conduct annual inspections of stormwater treatment and flow control facilities permitted by the City; inspect all new flow control and water quality treatment

facilities for new residential developments that are part of a larger common plan for development or sale.

- Develop a record keeping procedure for inspection reports, warning letters, notices of violations and other enforcement records.
- Provide copies of notice of intent (NOI) letters to representatives of proposed new development and redevelopment projects.
- Train City staff responsible for implementing the program described above, including staff involved with permitting, plan review, construction site inspections and enforcement.

2.6.2 Recent and Ongoing Activities

The City has been and will continue to implement the above permit requirements that were required under the 2013 to 2019 NPDES II Permit. In accordance with the 2019 to 2024 NPDES II permit requirements, the City will update the SWMP to meet any currently unmet requirements of section S5.C.6.b.i through iii by June 30, 2022. Included (but not limited too) these activities are addressing construction/post-construction runoff controls, make Notice of Intents (NOIs) available for sites that require a Construction Stormwater General Permit or an Industrial Stormwater Permit from Ecology, perform site plan review and permitting per the Oak Harbor Municipal Code (OHMC 12.30) (Stormwater Management), perform construction and post-construction inspections, require long-term maintenance and train staff in all aspects of this Permit requirement.

- On December 31 of 2016, we adopted a new City code incorporating development principals that are in accordance with LID design and including adoption of the 2012/14 DOE SWMM Manual, thus complying with Permit Appendix I standards. This update included reviewing and revising the applicable parts of the development code to make Low Impact Development (LID) the preferred approach. The process included both external (public) and internal stakeholders' meetings with discussion of pros and cons of possible code changes and solicitation of inputs. A summary of the results of the LID review and revision process was included with the annual report, completed March 31, 2017.
- The City began this specific process in 2015, with City staff scheduling meetings about the upcoming code changes and sending staff to significant training. Previously, the City had received a grant and worked with Puget Sound Partnership and AHBL to update the Municipal Code to remove barriers to LID. This previous effort, along with the extensive training, proved quite valuable in this latest code update.
- In 2016 and 2017 the City sent staff members to Statewide Certification courses. Four staff members have attended sufficient classes and tested to earn certificates from the Statewide Low Impact Training Program. Two employees earned both the Design Certificate and the Operations and

Maintenance Certificate. Two other employees earned the Operations and Maintenance Certificate.

- On January 31, 2018 three staff members (2 planners and 1 engineer) attended the forum titled "A Future for Stormwater Management In Puget Sound" at the Washington Stormwater Center at WSU Puyallup Extension.
- Staff attended a DOE meeting regarding new permit requirements in Mt. Vernon in 2018 and participated in two phone forums.
- Staff has also informed City elected officials, the City Administrator and City Attorney of upcoming permit requirements.
- On March 3, 2020 four staff members attended Development Reviewer (Washington State Plane Review) training at Snohomish County.

The City has been reviewing developments and redevelopments under the revised code and have not found any barriers to LID to exist. If barriers are found to exist, the pertinent section of the code will be reviewed and revised appropriately.

2.6.3 Planned Activities

In accordance with the 2019 to 2024 NPDES II permit requirements, the City updated the SWMP to meet any currently unmet requirements of section S5.C.6.b.i through iii by June 30, 2022.

Requirements of August 1, 2024 Permit

Each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to a regulated small MS4 from new development, redevelopment, and construction site activities. The program shall apply to private and public development, including transportation projects.²¹

The minimum performance measures are:

a. Implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment, and construction site projects. No later than June 30, 2027, each Permittee shall adopt and make effective a local program, that meets the requirements of S5.C.6.b(i) through (iii), below, and shall apply to all applications submitted:

i. On or after July 1, 2027.

ii. Prior to January 1, 2017, that have not started construction²³ by July 1, 2022.²⁴

iii. Prior to July 1, 2022, that have not started construction by July 1, 2027.

iv. Prior to July 1, 2027, that have not started construction by July 1, 2032.

b. The ordinance or other enforceable mechanism shall include, at a minimum:

i. The Minimum Requirements, thresholds, and definitions in Appendix 1, or the 2019 Appendix 1 amended to include the changes identified in Appendix 10, or Phase I program approved by Ecology and amended to include Appendix 10, for new development, redevelopment, and construction sites. Adjustment and exceptions criteria equivalent to those in Appendix 1 shall be included. More stringent requirements may be used, and/or certain requirements may be tailored to local circumstances through the use of Ecology-approved basin plans or other similar water quality and quantity planning efforts. Such local requirements and thresholds shall provide equal protection of receiving waters and equal levels of pollutant control to those provided in Appendix 1.

ii. The local requirements shall include the following requirements, limitations, and criteria that, when used to implement the minimum requirements in Appendix 1 (or program approved by Ecology under the 2024 Phase I Permit), will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy the State requirement under Chapter 90.48 RCW to apply AKART prior to discharge:

- (a) Site planning requirements;
- (b) BMP selection criteria.
- (c) BMP design criteria.
- (d) BMP infeasibility criteria.
- (e) LID competing needs criteria.
- (f) BMP limitations.

Permittees shall document how the criteria and requirements will protect water quality, reduce the discharge of pollutants to the MEP, and satisfy the state AKART requirements.

Permittees who choose to use the requirements, limitations, and criteria above in the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology, may cite this choice as their sole documentation to meet this requirement.

iii. The legal authority, through the approval process for new development and redevelopment, to inspect and enforce maintenance standards for private stormwater facilities approved under the provisions of this Section that discharge to the Permittee's MS4.

c. The program shall include a permitting process with site plan review, inspection, and enforcement capability to meet the standards listed in (i) through (iv) below, for both private and public projects, using qualified personnel (as defined in Definitions and Acronyms). At a minimum, this

program shall be applied to all sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.

- i. Review of all stormwater site plans for proposed development activities.
- ii. Inspect, prior to clearing and construction, all permitted development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements in Appendix 7 - *Determining Construction Site Sediment Damage Potential*. As an alternative to evaluating each site according to Appendix 7, Permittees may choose to inspect all construction sites that meet the minimum thresholds adopted pursuant to S5.C.6.b.i, above.
- iii. Inspect all permitted development sites during construction to verify proper installation and maintenance of required erosion and sediment controls. Enforce, as necessary, based on the inspection.
- iv. Each Permittee shall manage maintenance activities to inspect all stormwater treatment and flow control BMPs/facilities, and catch basins, in new residential developments at least twice per 12-month period with no less than 4 months between inspections, until 90% of the lots are constructed (or when construction has stopped and the site is fully stabilized), to identify maintenance needs and enforce compliance with maintenance standards as needed.
- v. Inspect all permitted development sites upon completion of construction and prior to final approval or occupancy to ensure proper installation of permanent stormwater facilities. Verify that a maintenance plan is completed and responsibility for maintenance is assigned for stormwater treatment and flow control BMPs/facilities. Enforce, as necessary, based on the inspection.
- vi. Compliance with the inspection requirements in (ii) through (v), above, shall be determined by the presence and records of an established inspection program designed to inspect all sites. Compliance shall be determined by achieving at least 80% of required inspections annually. The inspections may be combined with other inspections provided they are performed using qualified personnel.
- vii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.
- viii. An enforcement strategy shall be implemented to respond to issues of non-compliance.

d. The program shall make available to representatives of proposed new development redevelopment, as applicable: the link to the online Construction

Stormwater Federal Permit Notice of Intent (NOI) form for construction activity, a link to the online Industrial Stormwater Federal Permit NOI form for industrial activity, and a link to the online registration requirement for Underground Injection Control (UIC) wells. Permittees shall continue to enforce local ordinances controlling runoff from sites that are also covered by stormwater permits issued by Ecology.

e. Each Permittee shall ensure that all staff whose primary job duties are implementing the program to Control Stormwater Runoff from New Development, Redevelopment, and Construction Sites, including permitting, plan review, construction site inspection, and enforcement, are trained to conduct these activities. Follow-up training shall be provided as needed to address changes in procedures, techniques, or staffing. Permittees shall document and maintain records of the training provided and staff trained.

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

This section summarizes Phase II Permit requirements related to stormwater management for existing development (Section S5.C.7) and describes current and planned activities related to these requirements.

2.7.1 Requirements

Because Oak Harbor chose S8.B Status and Trends Monitoring Option #1 and S8.C Effectiveness Studies Option 1 in the 2013 to 2018 permit, it had to make two one-time payments per S8A.1 and S8B.1 by December 1, 2019. These payments were made.

Oak Harbor also had to perform its own monitoring and effectiveness studies or choose to pay into collective funds annually. Oak Harbor chose to not perform its own monitoring and effectiveness studies. Therefore, it will make annual payments to regional monitoring and collective effectiveness studies per options S8A.2.a and S8B.2.a. The City has notified DOE of its choice in accordance with the required notification due date.

The pertinent requirements of the above 3 sections are below:

- a. Regional Status and Trends Monitoring
 - i. All Permittees that chose S8.B Status and Trends Monitoring Option #1 in the Phase II Western Washington Municipal Stormwater Permit, August 1, 2013 - July 31, 2018 (extended to July 31, 2019), shall make a one-time payment into the collective fund to implement regional small streams and marine nearshore areas status and trends monitoring in Puget Sound. This payment is due on or before December 1, 2019.

Submit payment according to Section S8.D, below. *Previously Addressed (Paid)*.

- ii. All City and County Permittees covered under the Phase II Western Washington Municipal Stormwater Permit, August 1, 2013 - July 31, 2018 (extended to July 31, 2019), except the Cities of Aberdeen and Centralia, shall notify Ecology in writing which of the following two options for regional status and trends monitoring (S8.A.2.a or S8.A.2.b) the Permittee chooses to carry out during this permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.

- a) Make annual payments into a collective fund to implement regional receiving water status and trends monitoring of either: small streams and marine nearshore areas in Puget Sound; or, urban streams in Clark and Cowlitz Counties in the Lower Columbia River basin, depending on the Permittee's location. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D, below.

b. Stormwater Management Program (SWMP) Effectiveness and Source Identification Studies.

- i. All Permittees that chose S8.C Effectiveness Studies Option #1 in the Phase II Western Washington Municipal Stormwater Permit, August 1, 2013 - July 31, 2018 (extended to July 31, 2019), shall make a one-time payment into the collective fund to implement effectiveness studies and source identification studies. The payment is due on or before December 1, 2019. Submit payment according to Section S8.D, below. *Previously Addressed (Paid)*.
- ii. All City and County Permittees covered under the Phase II Western Washington Municipal Stormwater Permit, August 1, 2013 - July 31, 2018 (extended to July 31, 2019), shall notify Ecology in writing which of the following two options (S8.B.2.a or S8.B.2.b) for effectiveness and source identification studies the Permittee chooses to carry out during this permit term. The written notification with G19 signature is due to Ecology no later than December 1, 2019.
 - a) Make annual payments into a collective fund to implement effectiveness and source identification studies. The annual payments into the collective fund are due on or before August 15 each year beginning in 2020. Submit payments according to Section S8.D, below.

2.7.2 Recent and Ongoing Activities

Oak Harbor paid the two one-time payments per S8A.1 and S8B.1 prior to December 1, 2019. Oak Harbor also notified Ecology that it will pay annually into the collective funds for the regional status and trends monitoring and the stormwater effectiveness studies. These annual payments are to be:

- S8A Regional Status and Trends Monitoring = \$3,778.
- S8B SWMP Effectiveness & Source Identifications Studies = \$6,904.

No monitoring for TMDLs has been undertaken because TMDLs have not been established for Oak Harbor at this time.

2.7.3 Planned Activities

The City will make annual payments per Appendix 11 by August 15 of each year, beginning in 2020.

Requirements of August 1, 2024 Permit

Each Permittee shall implement a Program to control or reduce stormwater discharges to waters of the State from areas of existing development. The Program shall aim to focus on strategic stormwater investments over longer planning timeframes.

The minimum performance measures are:

a. Permittees shall implement stormwater facility retrofits, or tailored SWMP actions that meet the criteria described in Appendix 12, using one or a combination of the following:

b. With each Annual Report, each Permittee shall provide a list of planned, individual projects scheduled for funding or implementation during this Permit term for the purpose of meeting the assigned equivalent acreage in Appendix 12. This list shall include a minimum the information and use the formatting specified in Appendix 12 (.xlsx file format).

c. No later than March 21, 2028, Permittees shall fully fund, start construction, or completely implement project(s) that meet the assigned equivalent acreage and submit documentation with Annual Report (due March 31, 2028) as described in Appendix 12.

i. Strategic stormwater investments identified in Stormwater Management Action Plan(s) (SMAPs, S5.C.1.d.), or similar stormwater planning process; and/or

ii. Opportunistic stormwater investments identified by leveraging projects outside of SMAP areas to improve stormwater management and infrastructure.

- iii. Projects that started construction on or after January 1, 2023, may be included towards achieving the acres required.
 - iv. Permittees may contribute to meeting an overall regional goal to satisfy this permit requirement as described in S5.C.7.d.
 - v. Permittees that completely implement stormwater facility retrofit projects by the expiration date of this Permit that will exceed the area required for this Permit term may apply the excess as a credit to be used for the next Permit term (e.g. 2029-2034 Permit term), not to exceed 50% of the next Permit's requirement.
 - vi. Permittees shall report which projects may provide Tribal benefits and benefits to overburdened communities including specifically Vulnerable Populations and Highly Impacted Communities.
- d. Permittees may collaborate to meet a regional goal.
- i. Each Permittee is required to manage at least 0.5 equivalent acres within their own jurisdiction but may receive acreage credit for contributing to meeting an overall regional goal outside their defined MS4 Permit coverage area. For Permittees assigned 0.5 acres, participation and in-kind services to regional collaboration projects may count as the contribution for this Permit term if there is regional agreement on the strategy.
 - ii. Permittees may contribute to a regional goal, that is the sum of Phase II partners assigned acreage from Appendix 12. Projects may be implemented outside of Permit coverage areas to meet their individual requirement as part of a regional goal where benefits to receiving waters within the Permit coverage areas are identified and anticipated.
- e. Permittees shall report the amount of estimated or projected equivalent acres managed by stormwater facility retrofits for the next Permit term (e.g. 2029-2032). This report shall be submitted to Ecology no later than March 31, 2028.

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

- a. The Permittee shall implement a program to prevent and reduce pollutants in runoff from areas that discharge to the MS4. The program shall include:
 - i. Application of operational source control BMPs, and if necessary, structural source control BMPs or treatment BMPs/facilities, or both, to pollution generating sources associated with existing land uses and activities.
 - ii. Inspections of pollutant generating sources at publicly and privately owned institutional, commercial and industrial sites to enforce implementation of required BMPs to control pollution discharging into the MS4.

- iii. Application and enforcement of local ordinances at sites, identified pursuant to S5.C.8.b.ii, including sites with discharges authorized by a separate NPDES permit. Permittees that are in compliance with the terms of this Permit will not be held liable by Ecology for water quality standard violations or receiving water impacts caused by industries and other Permittees covered, or which should be covered under an NPDES permit issued by Ecology.
- iv. Practices to reduce polluted runoff from the application of pesticides, herbicides, and fertilizers from the sites identified in the inventory.

The City of Oak Harbor has an existing operational source control program. It will expand this program to meet the above goals and minimum permit requirements per section S5.C8.b. The earliest minimum requirement milestone is August 1, 2022. The 2021 SWMP update further developed this program.

Requirements of August 1, 2024 Permit

The Permittee shall implement a program to prevent and reduce pollutants in runoff from areas of existing development that discharge to the MS4. The program shall include application of source control BMPs, inspections, and enforcement.

The minimum performance measures are:

a. Permittees shall enforce ordinance(s), or other enforceable documents, requiring the application of source control BMPs for pollutant generating sources associated with existing land uses and activities (see Appendix 8 to identify pollutant generating sources). Permittees shall update and make effective the ordinance(s), or other enforceable documents, as necessary to meet the requirements of this Section no later than August 1, 2027.

The requirements of this subsection are met by using the source control BMPs in the SWMMWW, or a Phase I Program approved by Ecology. In cases where the manual(s) lack guidance for a specific source of pollutants, the Permittee shall work with the owner/operator to implement or adapt BMPs based on the best professional judgement of the Permittee. Applicable operational source control BMPs shall be required for all pollutant generating sources. Structural source control BMPs, or treatment BMPs/facilities, or both, shall be required for pollutant generating sources if operational source control BMPs do not prevent illicit discharges or violations of surface water, groundwater, or sediment management standards because of inadequate stormwater controls. Implementation of source control requirements may be done through education and technical assistance programs, provided that formal enforcement authority is available to the Permittee and is used as determined necessary by the Permittee, in accordance with S5.C.8.d., below.

b. Permittees shall implement a program to identify publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. Permittees shall update the inventory at least once every 5 years. The inventory shall include:

- i. Businesses and/or sites identified based on the presence of activities that are pollutant generating (refer to Appendix 8); and
- ii. Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.

b. Permittees shall implement an inspection program, performed by qualified personnel, for sites identified pursuant to S5.C.8.a.i., above.

i. All identified sites with a business address shall be provided information about activities that may generate pollutants and the source control requirements applicable to those activities. This information shall be provided by mail, telephone, electronic communications, or in person. This information may be provided all at one time or spread out over the Permit term to allow for tailoring and distribution of the information during site inspections.

ii. The Permittee shall annually complete the number of inspections equal to 20% of the businesses and/or sites listed in their source control inventory to assess BMP effectiveness and compliance with source control requirements. The Permittee may count follow-up compliance inspections at the same site toward the 20% inspection rate. The Permittee may select which sites to inspect each year and is not required to inspect 100% of sites over a 5-year period. Sites may be prioritized for inspection based on their land use category, potential for pollution generation, proximity to receiving waters, or to address an identified pollution problem within a specific geographic area or sub-basin.

iii. Each Permittee shall inspect 100% of sites identified through credible complaints.

iv. Permittees may count inspections conducted based on complaints, or when the property owner denies entry, to the 20% inspection rate.

v. Annual Reporting of inspections shall be organized by business type or activities with potential to generate pollutants to the MS4. Standard Industrial Code (SIC), Major Group, and NAICS numbers may be provided for reference as noted in Appendix 8.

d. Permittees shall implement a progressive enforcement policy that requires sites to comply with stormwater requirements within a reasonable time period as specified below:

i. If the Permittee determines, through inspections or otherwise, that a site has failed to adequately implement required BMPs, the Permittee shall take appropriate follow-up action(s), which may include phone calls, reminder letters, emails, or follow-up inspections.

ii. When a Permittee determines that a site has failed to adequately implement BMPs after a follow-up inspection(s) the Permittee shall take enforcement action as established through authority in its municipal codes or ordinances, or through the judicial system.

iii. Each Permittee shall maintain records, including documentation of each site visit, inspection reports, warning letters, notices of violations, and other enforcement records demonstrating an effort to bring sites into compliance. Each Permittee shall also maintain records of sites that are not inspected because the property owner denies entry.

iv. A Permittee may refer non-emergency violations of local ordinances to Ecology, provided, the Permittee also makes a documented effort of progressive enforcement. At a minimum, a Permittee's enforcement effort shall include documentation of inspections and warning letters or notices of violation.

v. Application and enforcement of local ordinances at sites identified pursuant to S5.C.8.a.i., including sites with discharges authorized by a separate NPDES permit.

e. Permittees shall train staff who are responsible for implementing the source control program to conduct these activities. The ongoing training program shall cover the legal authority for source control, source control BMPs and their proper application, inspection protocols, lessons learned, typical cases, and enforcement procedures. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staff. Permittees shall document and maintain records of the training provided and the staff trained.

2.9 Operation and Maintenance (S5.C.9)

This section summarizes Phase II Permit requirements related to pollution prevention and operations & maintenance for municipal operations (Section S5.C.9) and describes current and planned SWMP activities related to these requirements.

2.9.1 Permit Requirements

Section S5.C.9.a-h of the Phase II Permit lists the following requirements:

- Established standards for stormwater facility maintenance that are equivalent to those included in Ecology's Stormwater Management Manual for Western Washington (2012 as amended in 2014).
- Develop maintenance standards for facilities that currently do not have them.
- Inspect municipally owned or operated permanent stormwater treatment and flow control facilities (other than catch basins) annually and take appropriate maintenance actions.
- Conduct spot checks of potentially damaged permanent treatment and flow control facilities (other than catch basins) after major (greater than 24-hour, 10-year recurrence interval rainfall) storm events.
- Inspect, and clean if necessary, all catch basins and inlets owned or operated by the City at least once by August 1, 2017, and then every two years thereafter. Compliance will be determined by the presence of an established inspection program designed to inspect all sites and achieving 95% of inspections.
- Establish and implement practices, policies and procedures to reduce stormwater impacts associated with runoff from all lands owned and maintained by the City including streets, parking lots, roads, highways, buildings, parks, open space, road right-of-ways, maintenance yards and stormwater treatment and flow control BMPs/facilities.
- Develop and implement an ongoing training program for City employees whose construction, operations or maintenance job functions may adversely affect stormwater quality.
- Develop and implement a stormwater pollution prevention plan for all heavy equipment maintenance or storage yards and material storage facilities owned or operated by the City.
- Maintain records of inspections and maintenance or repair activities.

2.9.2 Ongoing Activities

The City will continue to maintain the City's MS4, annually inspect all City-owned stormwater treatment and flow control BMPs/facilities, perform spot checks of facilities after large storm events, follow the Stormwater Pollution Prevention Plans for municipal lands and facilities, and provide appropriate staff training. We will also document and track maintenance activities. The City will continue to inspect and clean as needed all City owned catch basins and inlets. We had been doing a two-year cleaning and inspection program prior to the permit requirement.

The City's Stormwater Facilities Maintenance Manual includes methods to determine if and what type of maintenance is required and also gives a time frame

of when the work must be completed in order to have the least amount of impact created during municipal operations.

The City's Stormwater Pollution Prevention Plan includes employee training and policies to prevent and reduce stormwater pollution from activities including, but not limited to, application of fertilizers, pesticides and herbicides, sediment and erosion control, landscape maintenance and vegetation disposal, trash management and building exterior cleaning and maintenance. These pollution reduction activities are used at all City owned or maintained properties, including but not limited to, parks and open spaces, road right-of-ways, maintenance yards and stormwater treatment and flow control facilities.

2.9.3 Planned Activities

The City will continue with the ongoing activities. In addition, during the coming year, the City will:

- Continue assessment of maintenance standards to identify any facilities that may have been omitted or that need enhanced maintenance standards.
- Perform spot checks of stormwater BMPs/facilities if there are significant storms.
- Continue the process of updating stormwater facility standards. The City adopted the 2019 Ecology Manual in 2022 and requires that significant O&M Manuals be developed for all new facilities installed under SMMWW minimum requirements 6 and 7, whether public or private.

Requirements of August 1, 2024 Permit

Each Permittee shall implement and document a program to regulate maintenance activities and to conduct maintenance activities by the Permittee to prevent or reduce stormwater impacts.

The minimum performance measures are:

a. Each Permittee shall implement maintenance standards that are as protective, or more protective, of facility function than those specified in the Stormwater Management Manual for Western Washington, or a Phase I program approved by Ecology. For facilities which do not have maintenance standards, the Permittee shall update their maintenance standards as necessary to meet the requirements of this Section.

- i. The purpose of the maintenance standard is to determine if maintenance is required. The maintenance standard is not a measure of the facility's required condition at all times between inspections. Exceeding the maintenance standard between inspections and/or maintenance is not a Permit violation.

ii. Unless there are circumstances beyond the Permittee's control, when an inspection identifies an exceedance of the maintenance standard, maintenance shall be performed:

- Within 1 year for typical maintenance of facilities, except catch basins.
- Within 6 months for catch basins.
- Within 2 years for maintenance that requires capital construction of less than \$25,000.

Circumstances beyond the Permittee's control include denial or delay of access by property owners, denial or delay of necessary Permit approvals, and unexpected reallocations of maintenance staff to perform emergency work. For each exceedance of the required timeframe, the Permittee shall document the circumstances and how they were beyond their control.

b. Maintenance of stormwater treatment and flow control BMPs/facilities regulate by the Permittee:

i. The program shall include provisions to verify adequate long-term O&M of stormwater treatment and flow control BMPs/facilities that are permitted and constructed pursuant to S5.C.6.c and shall be maintained in accordance with S5.C.9.a.

The provisions shall include:

(a) Implementation of an ordinance or other enforceable mechanism that:

- Clearly identifies the party responsible for maintenance in accordance with maintenance standards established under S5.C.9.a.
- Requires inspection of facilities in accordance with the requirements in (b), below.
- Establishes enforcement procedures.

(b) Annual inspections of all stormwater treatment and flow control BMPs/facilities that discharge to the MS4 and were permitted by the Permittee according to S5.C.6.c, including those permitted in accordance with requirements adopted pursuant to the 2007-2024 Ecology municipal stormwater permits, unless there are maintenance records to justify a different frequency. Inspections shall be conducted by qualified personnel or a qualified third party.

Permittees may reduce the inspection frequency based on maintenance records of double the length of time of the

proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experience and shall be certified in accordance with G19 - *Certification and Signature*.

ii. Compliance with the inspection requirements in (b), above, shall be determined by the presence and records of an established inspection program designed to inspect all facilities, and achieving at least 80% of required inspections annually.

iii. The program shall include a procedure for keeping records of inspections and enforcement actions by staff, qualified personnel, and qualified third parties, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall be maintained.

c. Maintenance of stormwater facilities owned or operated by the Permittee:

i. Each Permittee shall implement a program to annually inspect all municipally owned or operated stormwater treatment and flow control BMPs/facilities. Permittees shall implement appropriate maintenance action(s) in accordance with the adopted maintenance standards. The inspection program shall be implemented by qualified personnel.

ii. Permittees may reduce the inspection frequency based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records, the Permittee may substitute written statements to document a specific less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experience and shall be certified in accordance with G19 - *Certification and Signature*.

iii. Each Permittee shall spot check potentially damaged stormwater treatment and flow control BMPs/facilities after major storm events (24-hour storm event with a 10 year or greater recurrence interval). If spot checks indicate widespread damage/maintenance needs, inspect all stormwater treatment and flow control BMPs/facilities that may be affected. Conduct repairs or take appropriate maintenance action in accordance with maintenance standards established above, based on the results of the inspections.

iv. Each Permittee shall continue to inspect all catch basins and inlets owned or operated by the Permittee by December 31, 2025 and every two years after. Clean catch basins if the inspection indicates cleaning is needed to comply with maintenance standards established

in the *Stormwater Management Manual for Western Washington*. Decant water shall be disposed of in accordance with Appendix 6 – *Street Waste Disposal*. The following alternatives to the standard approach of inspecting all catch basins every two years may be applied to all or portions of the system:

(a) The catch basin inspection schedule of every two years may be changed as appropriate to meet the maintenance standards based on maintenance records of double the length of time of the proposed inspection frequency. In the absence of maintenance records for catch basins, the Permittee may substitute written statements to document a specific, less frequent inspection schedule. Written statements shall be based on actual inspection and maintenance experiences and shall be certified in accordance with G19 – *Certification and Signature*.

(b) Inspections every two years may be conducted on a “circuit basis” whereby 25% of catch basins and inlets within each circuit are inspected to identify maintenance needs. Include an inspection of the catch basin immediately upstream of any MS4 outfall, discharge point, or connections to public or private storm systems, if applicable. Clean all catch basins within a given circuit for which the inspection indicates cleaning is needed to comply with maintenance standards established under S5.C.9.a, above.

(c) The Permittee may clean all pipes, ditches, and catch basins and inlets within a circuit once during the Permit term. Circuits selected for this alternative must drain to a single point.

iv. Compliance with the inspection requirements in S5.C.9.c.i-iii, above, shall be determined by the presence of an established inspection program achieving at least 95% of required inspections.

d. Implement practices, policies, and procedures to reduce stormwater impacts associated with runoff from all lands owned or maintained by the Permittee, and road maintenance activities under the functional control of the Permittee. No later than December 31, 2027, document the practices, policies, and procedures. Lands owned or maintained by the Permittee include but are not limited to: streets; parking lots; roads; highways; building; parks; open space; road rights-of-way; maintenance yards; and stormwater treatment and flow control BMPs/facilities.

The following activities shall be addressed:

- i. Pipe cleaning.
- ii. Cleaning of culverts that convey stormwater in ditch systems.
- iii. Ditch maintenance.

- iv. Street cleaning.
- v. Road repair and resurfacing, including pavement grinding.
- vi. Snow and ice control.
- vii. Utility installation.
- viii. Pavement striping maintenance.
- ix. Maintaining roadside areas, including vegetation management.
- x. Dust control.
- xi. Application of fertilizers, pesticides, and herbicides according to the instructions for their use including reducing nutrients and pesticides and using alternatives that minimize environmental impacts.
- xii. Sediment and erosion control.
- xiii. Landscape maintenance and vegetation disposal.
- xiv. Trash and pet waste management.
- xv. Building exterior cleaning and maintenance.

(a) For Permittee-owned buildings built or renovated between 1950-1980, update policies, practices, or procedures to include Source Control BMPs to minimize PCBs from entering the MS4. Permittees shall not discharge washdown water to the MS4 if the building is confirmed or suspected to have PCB-containing materials.

- xvi. Preparing Permittee-owned buildings for renovation or demolition.

(a) Update policies, practices, or procedures to include Source Control BMPs for building materials to prevent PCBs from entering the MS4 in preparation for and during demolition and renovations.

e. No later than July 1, 2027, develop and implement a municipal street sweeping program to focus on priority areas and times during the year that would reasonable be expected to result in the maximum water quality benefits to receiving waters. The following program elements shall be included:

i. Priority areas: Apply street sweeping program to curbed municipal streets that discharge to outfalls and meet any of the following criteria:
(a) High traffic streets, such as arterials or collectors.

(b) Streets that serve commercial or industrial land use areas.

ii. Program timing: Sweep priority areas at least once between July and September each year and at least two additional times a year as determined by the Permittee to provide additional water quality benefits. For calendar year 2027, only one sweeping event is required between July and December.

(a) Compliance during this Permit term shall be determined by records of a sweeping program designed to sweep all priority areas identified and sweeping at least 90% of priority areas each sweeping event.

(b) Permittee may document reasoning for alternative sweeping timing and frequency based on local conditions (e.g., climate) and estimated pollutant deposition quantities. Documentation shall also be based on actual maintenance experience and be certified in accordance with G19 - *Certification and Signature*.

iii. Operational Procedures: Procedures to follow equipment design performance specifications to ensure that street sweeping equipment is operated at the proper design speed with appropriate verification, and that it is properly maintained.

iv. Street Waste Disposal: Dispose of sweeper waste material in accordance with Appendix 6 - *Street Waste Disposal*.

v. Reporting: No later than March 31, 2028, submit with the Annual Report the following information about the priority areas:

(a) Priority areas swept identified on a map (i.e. streets that are considered high traffic (estimated number of vehicles served/or arterials or collectors, and streets serving commercial or industrial land use).

(b) Sweeping date(s).

(c) Sweeping frequency.

(d) Type of sweeper.

(e) Total curb miles of priority areas and curb miles swept.

(f) Approximation of street waste solids removed for each sweeping event (indicate unit of measurement and wet or dry weight, where available).

f. Implement a Stormwater Pollution Prevention Plan (SWPPP) for all heavy equipment maintenance or storage yards and material storage facilities owned or operated by the Permittee in areas subject to this Permit that are not required to have coverage under the Industrial Stormwater Gener Permit or another NPDES permit that authorizes stormwater discharges associated with the activity. SWPPPs shall include the following information, at a minimum:

i. A detailed description of the operational and structural BMPs in use at the facility and a schedule for implementation of additional BMPs when needed. BMPs selected shall be consistent with the *Stormwater Management Manual for Western Washington*, or a Phase I program approved by Ecology. The SWPPP shall be updated as needed to maintain relevancy with the facility.

ii. At minimum, annual inspections of the facility, including visual observations of discharges, to evaluate the effectiveness of the BMPs, identify maintenance needs, and determine if additional or different BMPs are needed. The results of these inspections shall be documented in an inspection report or check list.

iii. An inventory of the materials and equipment stored on-site, and the activities conducted at the facility which may be exposed to precipitation or runoff and could result in stormwater pollution.

iv. A site map showing the facility's stormwater drainage, discharge points, and areas of potential pollutant exposure.

v. A plan for preventing and responding to spills at the facility which could result in an illicit discharge.

g. Implement an ongoing training program for employees of the Permittee who primary construction, operations, or maintenance job functions may impact stormwater quality. The training program shall address the importance of protecting water quality, operation and maintenance standards, inspection procedures, retenant SWPPPs, selecting appropriate BMPs, street sweeper operation, ways to perform Ehrig job activities to prevent or minimize impacts to water quality, and procedures for reporting water quality concerns. Follow-up training shall be provided as needed to address changes in procedures, techniques, requirements, or staffing. Permittees shall document and maintain records of training provided. The staff training records to be kept include dates, activities, or course descriptions, and names and positions of staff in attendance.

h. Maintain records of the activities conducted to meet the requirements of this Section.

3 REFERENCES

Ecology. 2012 Stormwater Management Manual for Western Washington as Amended in December 2014. Washington Department of Ecology publication 12-10-030.

Ecology. 2019 Stormwater Management Manual for Western Washington Washington Department of Ecology publication 19-10-021.

Ecology. 2024 Stormwater Management Manual for Western Washington Washington Department of Ecology publication 24-10-013.

Western Washington Phase II Municipal Stormwater Permit - August 1, 2013 to July 31, 2019.

Western Washington Phase II Municipal Stormwater Permit - August 1, 2019 to July 31, 2024.

Western Washington Phase II Municipal Stormwater Permit - August 1, 2024 to July 31, 2029.