



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Suite 102 • Bellingham, Washington
(360)715-5200 • FAX (360) 715-5225

DISTRIBUTED TO

JUL 22 2013

ALL COUNCIL MEMBERS
WHATCOM COUNTY COUNCIL

July 19, 2013

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

Re: Comments on Whatcom County Code Chapter 20.51, Lake Whatcom Watershed Overlay District

Dear Council Members:

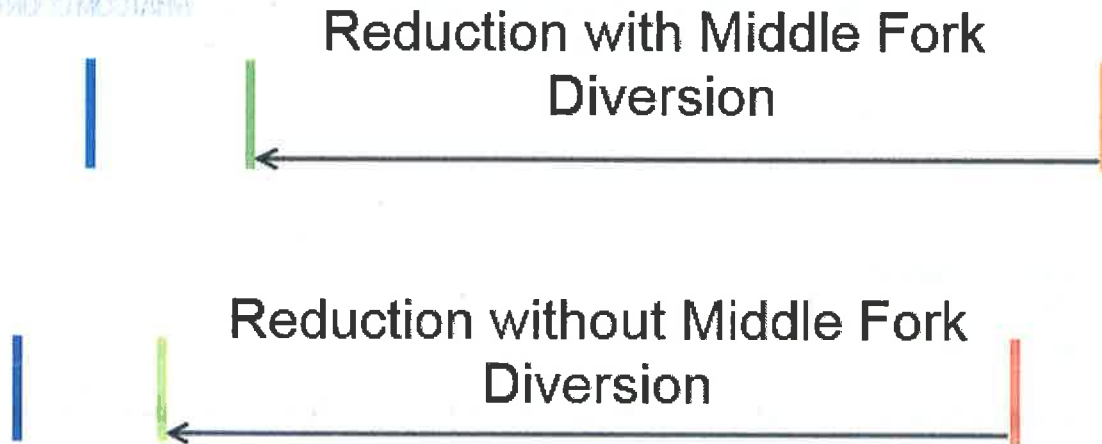
I am sorry that I cannot be at your meeting on July 23. I wish I could thank you and Whatcom County staff once more in person for the hard work you have put into this ordinance. By eliminating additional phosphorus from new development, you are taking a significant step toward alignment with requirements of the proposed TMDL. The provision in WCC 20.51.420 that allows a homeowners association to address stormwater throughout their system is the best way for the Sudden Valley Community Association to take advantage of existing density reduction and protective covenants. If approved, such a plan could ease the burden for both new construction and existing development. The plan would have to meet NPDES Stormwater permit requirements, which require Low Impact Development "if feasible." Full dispersion and rain gardens may not be feasible for small lots in Sudden Valley. The next options to consider are downspout dispersion and perforated stub-outs for roofs. For other hard surfaces, permeable pavements and then sheet flow dispersion must be considered and implemented if feasible. The Sudden Valley requirement to provide an infiltration basin is a more restrictive requirement and might be incorporated into a pervious paved area, reducing the area dedicated to stormwater facilities. It does not appear that the permit-mandated minimums will reduce the flexibility of a Sudden Valley stormwater plan.

You have expressed concern about phosphorus from the Middle Fork diversion being incorporated into the background condition in the TMDL model. What I may not have explained well when I stood before you is that we were *allowed* to add it to the "natural" or background condition because it is a consequence of the city of Bellingham's exercise of its water right. If it is feasible to remove the phosphorus from that source, we would not be allowed to incorporate it into the background condition and thus the background condition would be different.

The background condition sets our target. In the figure below, the lines represent pollution levels. The blue lines to the far left represent conditions we would estimate for the lake if the

watershed was in one of the background conditions (i.e. with or without the Middle Fork diversion included).

WHATCOM COUNTY COUNCIL
MEMBERS



The green lines represent the TMDL target of close to the background condition, and the orange lines represent conditions with existing loading. Without Middle Fork loading, the lake would have naturally less phosphorus loading. Therefore, the TMDL target would also require lower loading. If we remove the Middle Fork Diversion from our existing condition we must remove it from our estimate of the background condition. The figure illustrates that eliminating the Middle Fork diversion will not get us closer to the target. However, it would result in a cleaner lake when the TMDL goals are met.

As part of TMDL implementation, the city of Bellingham and Whatcom County will update the models that support the TMDL. If changes to how the city operates the diversion can be demonstrated to improve the background condition to a state better than the lake without the diversion, we may be able to talk about relaxing the size of the reduction from existing conditions.

Thank you for the hard work you have put into this ordinance and for the continued efforts I know are in our future.

Sincerely,

Steven L. Hood, P.E.
Water Quality Engineer