



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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April 29, 2011

Ms. Cathy Craver  
Whatcom County Planning and Development Services  
5280 Northwest Dr.  
Bellingham WA 98226

Re: Ecology review of Whatcom County recommendations

Dear Ms. <sup>Cathy</sup> Craver:

Ecology has reviewed the goals of the project and the list of codes and development standards that you have proposed for probable revision. We endorse the goals and, with the understanding that we are not experts on your codes and standards, it appears to us that the county has identified the appropriate sections for revision.

As we have said previously, we can assure you that if the adopted revisions meet the stated goals you will have met your obligations to control new development under the pending Lake Whatcom TMDL for dissolved oxygen.

In our discussion on April 27, you indicated you are working to identify the best process to follow to implement the revisions given that the choice affects how the revisions would be enforced. We would ask that you include in your scheduled response on May 13 a summary of the preferred approach along with a description of the process to put the changes into effect, as well as the appeal process for variances to the new rules.



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We look forward to working with you to complete this project on schedule.

Sincerely,

A handwritten signature in black ink, appearing to read "S L Hood". The signature is written in a cursive, somewhat stylized font.

Steven L. Hood  
Water Quality Engineer

Enclosure

cc: Mike Kershner, Whatcom County  
Sandy Petersen, Whatcom County  
Jon Hutchings, Whatcom County  
Dan Pike, City of Bellingham  
Richard Grout, Ecology

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Enclosure: Whatcom County recommendation of code sections and development standards for probable revision reviewed by Ecology

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Purpose: This document reflects the Whatcom County Code sections and development standards to be addressed by Whatcom County staff in order to implement measures of a pending Lake Whatcom Water Quality Clean Up Plan, and reach the agreed upon desired outcomes of an accelerated program for achieving consistent and predictable phosphorus protections for Lake Whatcom. It is intended for discussion purposes only, and is considered a working document.

Goals

1. Presumptive approach:
  - a. By means of infiltration using full dispersion (WWSWMM Vol. III, App. C 7.2.2 and 7.2.4), we presume that total runoff and loading from site matches runoff of a forested or native vegetated site.
2. Demonstrative approach:
  - a. By means of storage for subsequent re-use or infiltration, systems evaluated using WWHM3 or a HSPF model calibrated to the specific site and demonstrating that total runoff after development matches total runoff from forested or native vegetation land cover. Storage can be internal in the form of a reservoir of water within an infiltration facility or external in the form of ponds, cistern or rain barrels.
  - b. Where total post-construction runoff exceeds forested or native vegetated land cover, discharge concentrations from treatment systems match natural phosphorus loading for the site. (Could also target 20 µg/L, if attainable.)

In order to meet the "Presumptive" and "Demonstrative" Approaches, the following code and development standards will be evaluated, a non-exhaustive list of example sections that will need revisions are provided:

1. WCC 20.71.302 Impervious Surface Requirements
  - a. Impervious Surface limits for full dispersion
2. WCC 20.80.636 Stormwater Special District Requirements
  - a. Thresholds directing to Development Standards

- b. Clarification of on-site stormwater management in regards to the pending Water Quality Clean Up Plan
- 3. WCC 20.80.735 Water Resource Special Management Area
  - a. Tree canopy retention
  - b. Native Vegetation requirements
  - c. Revegetation requirements
  - d. Maintenance requirements
- 4. Chapter 2 Stormwater Management-Development Standards
  - a. Sequencing of BMPs to meet no net phosphorus
  - b. Engineered stormwater plans
- 5. Chapter 3 Land Clearing
- 6. No examples identified at this timeSection 221, Stormwater Special District Standards, Chapter 2 Stormwater Management-Development Standards
  - a. Protected Native Growth Areas
- 7. Other documents:
  - a. Sections from the most current addition of the Stormwater Manual for Western Washington will be referenced when addressing impervious surface/native vegetation ratios, requirements of full infiltration, full dispersion, etc.