



Snohomish County

Dave Somers
County Executive

3000 Rockefeller Ave., M/S 407
Everett, WA 98201-4046
(425) 388-3460
www.snoco.org

January 29, 2020

Mak Kaufman
Department of Ecology
913 Squalicum Way, Suite 101
Bellingham, WA 98225

RECEIVED

FEB 03 2020

DEPT OF ECOLOGY
BELLINGHAM FIELD OFFICE

Re: Phase I Municipal Stormwater Permit #WAR04-4501
Notification of Noncompliance Pursuant to General Permit Condition G20

Dear Mak:

In accordance with General Condition G20 of the 2019 – 2024 Phase I Municipal Stormwater Permit, this letter provides notification to Ecology that Snohomish County has become aware that the County is in violation of Special Condition S7.A and the corresponding surface water monitoring requirement for Swamp Creek in Appendix 2 of that Permit.

Surface water monitoring conditions in Appendix 2 require the County to annually collect 12 water samples for fecal coliform in at least one location within the Stillaguamish River, Snohomish River Tributaries, North Creek, and Swamp Creek Total Maximum Daily Load (TMDL) areas. On January 21, 2020, the County became aware that in 2019 only 10 samples were collected at the Swamp Creek location. The County met compliance for 12 samples annually in the three other TMDL areas.

While the County followed its Ecology-approved 2013 – 2018 Quality Assurance Project Plan (QAPP), which dictates monthly sampling at each location, in August and September 2019 the sampling location in Swamp Creek had no or very low flow. Therefore, samples could not be collected. The County did not collect additional samples in following months because that is not consistent with the Ecology-approved QAPP.

For 2020, the County intends to continue sampling according to its Ecology-approved QAPP. Our Ecology-approved QAPP describes monthly sampling at designated locations but does not include a provision for making up samples due to no or low flow. The County strongly believes that taking make-up samples due to no or low flow biases the data and may lead to underestimating the amount of time a location is out of compliance with Water Quality Standards. When the County revises the QAPP in 2020, we will consider adding language to address how make-up sampling occurs.

If you wish to discuss this matter further, please contact Bill Leif at 425-388-3148 or Bill.Leif@snoco.org.

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or

those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Sincerely,



KEN KLEIN
Executive Director

Dave Somers

Snohomish County Executive

cc: Kelly Snyder, MPA, Public Works Director
Gregg Farris, P.E., Surface Water Management Director
Karen Kerwin, P.E., Engineering Manager
Bill Leif, P.E., Snohomish County NPDES Permit Coordinator