

# Skagit County Drainage and Irrigation Improvement District No. 19

## STORMWATER MANAGEMENT PROGRAM



March 2021

Revised

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## S6. A. Stormwater Management for Secondary Permittee

### Overview

This document presents the Drainage and Irrigation Improvement District No. 19 (District 19) Stormwater Management Program (SWMP). Preparation, implementation, and updating of this SWMP is required by the Washington State Department of Ecology (Ecology) as a condition of the federal National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. Implementation, by the District, of the various permit conditions and requirements are addressed in the SWMP, and are phased over the five-year duration of the NPDES permit. The District seeks to implement its stormwater management program in close cooperation with Skagit County, with the goal of protecting the quality of surface waters by reducing the discharge of pollutants.

### Stormwater Quality

Stormwater is the leading contributor to water quality pollution in our waterways and is Washington's fastest growing water quality problem. Stormwater discharges are generated by runoff from impervious areas such as paved streets, parking lots, and building rooftops during rainfall and snow events that often contain pollutants. There are a number of "non-point" pollution sources that contaminate stormwater including land use activities, illicit discharges, spills, operation and maintenance activities, vehicles that travel our roads, and atmospheric transport and deposition. Common pollutants include oil, grease and metals from roadways, sediment from construction sites, organic toxins, pesticides, animal waste, and carelessly discarded trash. Polluted storm water runoff is transported to municipal separate storm sewer systems (MS4s) and ultimately discharged into local rivers and streams without treatment. Pollutants in stormwater can cause a wide range of impacts. These pollutants adversely affect water quality in the waterways, thereby discouraging recreational use of the resource, contaminating drinking water supplies, and interfering with habitat for fish, other aquatic organisms, and wildlife.

Many of the sources of pollution that contaminate our waterways are not under the direct control of the municipal entities that own or operate the stormwater conveyance systems. Yet, the municipalities have been assigned the primary responsibility of responding to this challenge. In response to the 1987 Amendments to the Clean Water Act (CWA), the U.S. Environmental Protection Agency (EPA) developed the Stormwater Program component to the NPDES permit system. This program is focused on working with landowners, municipalities and other governmental entities to improve the quality of our waterways by reducing the quantity of pollutants that stormwater inherits and carries into stormwater conveyances and drainage systems.

### Regulatory Background

The NPDES permit program is a requirement of the federal Clean Water Act, which is intended to protect and restore waters for "fishable, swimmable" uses. In Washington, the federal

Environmental Protection Agency has delegated the NPDES permit authority to the Ecology. Under the NPDES permit program municipalities are required to obtain coverage through the Western Washington Phase II Municipal Stormwater Permit. The Western Washington NPDES Phase II Stormwater permit issued by the Ecology became effective on February 16, 2007. Ecology modified the permit on June 17, 2009. The permit expired on February 15, 2012. Ecology reissued it unmodified on August 1, 2012 at legislative direction to be effective through July 31, 2013. After an extensive public process, Ecology also reissued the updated 2013 to 2018 permit on August 1, 2012. Accordingly, this document has been reviewed and revised as appropriate.

Additionally, the Ecology administers Chapter 90.48 RCW, the Water Pollution Control Act. This state statute also regulates non-stormwater discharges into storm sewers and requires controls to reduce the discharge of pollutants.

The District is a designated under the NPDES Phase II stormwater permit as a “Secondary Permittee”, small MS4, since it serves an area with a population of greater than 10,000 persons and 1000 people per square mile as determined by the 2000 Decennial Census. “Secondary Permittees” are operators of regulated small MS4s such as diking and drainage districts, ports, and universities that are not a city, town or county. As such, the District submitted a Notice of Intent (NOI) to the Ecology and received coverage under the permit on August 31, 2007.

#### Drainage District Description and NPDES Area

The District is a public municipal special purpose district, and operates under authority of Chapter 85.06 RCW. The District is charged with maintaining a 9,436 acre agricultural drainage and irrigation improvement district, to protect prime agricultural land located in the Skagit River Delta floodplain. The general area of the District is defined by Bay View Ridge to the north, the Swinomish Channel and Padilla Bay to the west, the city limits of Burlington and Mount Vernon on the east, and the principal duties of the District are to operate and maintain the drainage and irrigation infrastructure facilities including a network of drainage and water conveyance ditches, tidegates, check dams and pumps. The District’s activities are managed by a Board of Drainage Commissioners, consisting of three elected commissioners. The District has no full or part-time employees. All operations are overseen by the commissioners, and maintenance activities are generally performed by qualified contractors.

While commercial agriculture in the delta floodplain is the predominate land use within the district, portions of the District along the fringes in the north and eastern area of the district are characterized by industrial, port and residential development. The Skagit Golf and Country Club is a large golf course community located in the District on the southern slope of Bay View Ridge.

The NPDES coverage area within the District applies to the portion of the District within the urban growth areas. This area is also under the jurisdictional control of Skagit County. The map identifies 2,640 acres within the District as subject to NPDES permit coverage (Figure 1).

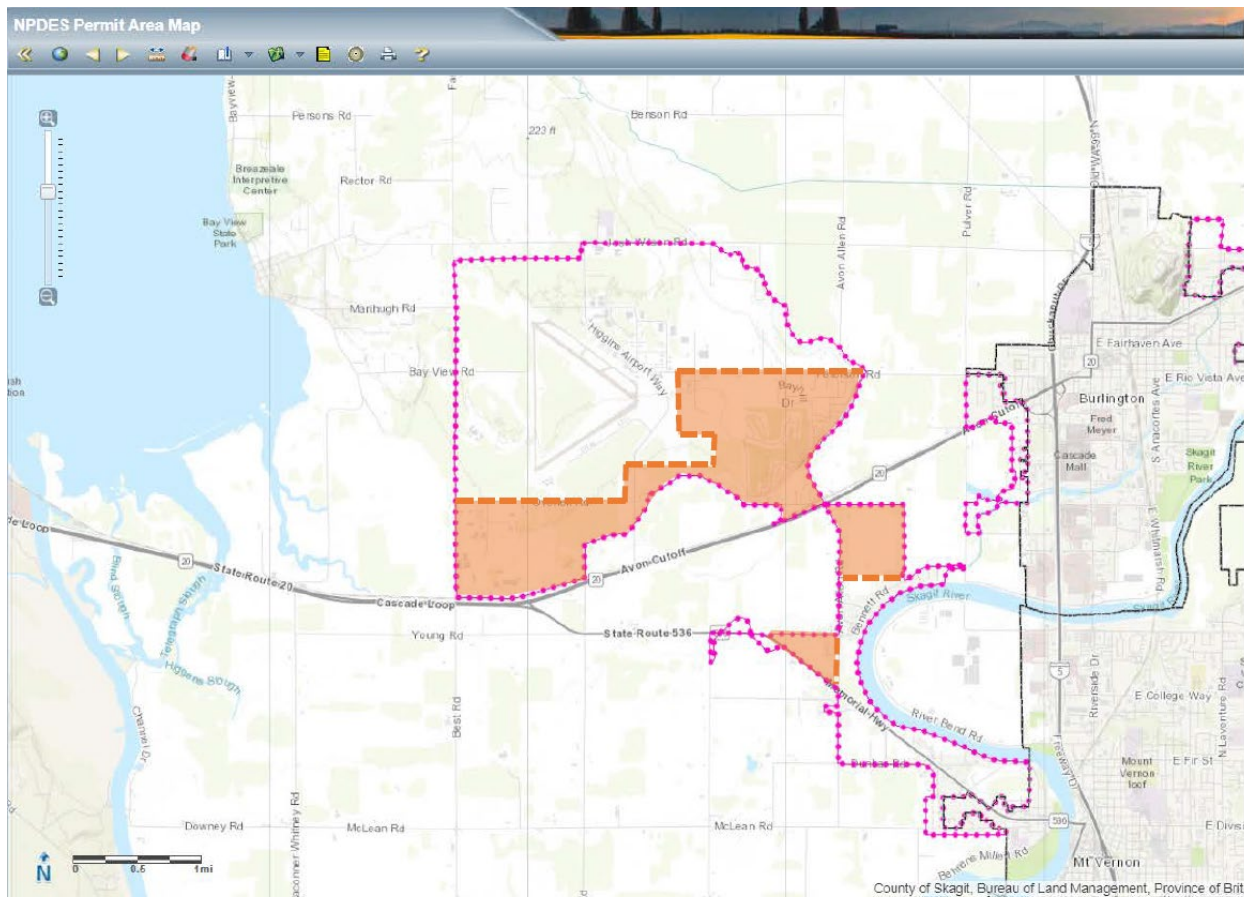


Figure 1. District 19 NPDES Coverage area

This area overlaps with the Coverage Area for Skagit County; which is an NPDES Phase 2 Permittee.

## S6.B. Coordination of Activities with Other MS4s

Section S6.B requires the District to include mechanisms in the SWMP to encourage coordinated stormwater-related activities. The District is working together with Skagit County and has established an on-going dialogue to develop and implement a coordinated approach to implementing respective stormwater program responsibilities. More detail is provided in section S6.D.



## S6.C Legal Authority

The District is authorized to operate under Chapter 85.06 RCW. This statute grants broad authority to the District to construct operate and maintain the necessary drainage and irrigation infrastructure including drainage ditches, water conveyances, dams, pumps, and related appurtenant structures for the purpose of insuring that prime commercial farmlands are protected from excessive ground water table heights, field-ponding and flooding so that they may be cultivated seasonally. The District is required to serve all parcels 40 acres or larger that are located within the District boundaries. Specific activities performed by the District are:

- Maintain, clean, straighten, widen, deepen, improve, or alter the course of, or discontinue the use and maintenance of, or abandon any existing drains or ditches in the District.
- Dig or construct any additional and auxiliary drains or ditches.
- Obtain, improve, or alter any existing reservoirs, spillways or outlets.
- Lease, acquire, build, or construct additional, new, or better reservoirs, spillways, and outlets.
- Lease, acquire, erect, build, or construct and operate any pumping plant and acquire equipment necessary therefor.
- Divert, dam, or carry off the waters of any stream or water endangering or damaging said District and protect against damage or flood from any waters.
- Implement the provisions of the Drainage Maintenance Plan (DMP) adopted by the District (Attachment 1)

The District has sufficient legal authority under Chapter 85.06 RCW to implement appropriate controls and action related to these direct activities performed by the District that are regulated under the permit.

## S6. D. Stormwater Management Program

The District is taking the actions described in the following section to comply with Permit. The overall objective is to protect water quality by reducing the discharge of pollutants to the maximum extent practicable through the effective implementation of the six (6) minimum requirements and to be in compliance with any approved total maximum daily load (TMDL) or equivalent analysis, where appropriate, and evaluation and assessment of program compliance.

### Stormwater Management Plan (SWMP)

The District developed a first draft of its SWMP in March 2008. The SWMP documentation is organized, as required by the permit, according to the program components in section S6.D of the permit.

The contents and organization of this SWMP document are based on the requirements outlined in the permit document. Each section includes a summary of the relevant permit requirements and a description of current and planned compliance activities. The document addresses background information and program administration activities required by the permit:

- S6. D.1            Public Education and Outreach Program
- S6. D.2            Public Involvement and Participation Program
- S6. D.3            Illicit Discharge Detection and Elimination Program
- S6. D.4            Construction Site Stormwater Runoff Control
- S6. D.5            Post-Construction Program
- S6. D.6            Pollution Prevention/Good Housekeeping Program

### S6. D.1 Public Education and Outreach

Section S6. D.1. requires the District to conduct specific education and outreach activities. These are broken into two categories 1) labeling storm drain inlets owned and operated by the District, and 2) distributing educational information to residents on the impact of stormwater discharges on receiving waters.

#### Storm Drain Labels

The District does not own or operate any storm drain inlets within the permit coverage area. Skagit County owns and operates the storm drainage network within the portion of District 19 that is within the UGA and therefore subject to the NPDES permit.

In 2009, the District entered into an Interlocal Agreement with the Skagit Conservation District (SCD) to label the storm drain inlets as specifically required under the permit. The SCD completed this task in May 2009, marking approximately 120 storm drains within the District service area. Additionally, about 200 informational door hangers were distributed to neighborhood residents that provided tips on how to prevent contaminated storm water runoff.



## Educational Information

Because the industrial facilities and residential population within the District is served most directly and effectively by the county for direct public education and outreach activities the District will rely primarily on their efforts. The Port of Skagit County is also implementing an NPDES Secondary permit program, and is working with businesses in the port district.

In 2008, the SCD has also received a Ecology grant to assist the local jurisdictions with these education and outreach activities, and the District is participating with this coordinated effort. The SCD program components include assistance with development and distribution of resource materials, brochures and fact sheets on various topics related to municipal stormwater management and protection of water quality.

The District also developed and published two brochures related to the protection of water quality. The first brochure “Water Quality and Agriculture - Planting Hedgerows on Drainage Ditches” explains the purpose and advantage of establishing vegetative buffers on watercourses for fish and water quality benefits. The second brochure “Water Quality and Agriculture – Eliminating Illicit Discharges for Clean Water” focuses on illicit discharges, protecting water quality and preventing pollution in the District’s drainage and stormwater system.

## S6. D.2 Public Involvement and Participation

Section S6. D.2. requires the District to (1) make the annual report available on the Permittee’s website, (2) make the SWMP available on the Permittee’s website, or submit the updated SWMP and annual report to Ecology for posting on Ecology’s website.

## S6. D.3. Illicit Discharge, Detection and Elimination (IDDE)

The permit in section S6. D.3., directs the District to comply with a number of specific performance requirements regarding the detection and elimination of illicit discharges to the District’s system:

1. Comply with relevant local jurisdiction rules, ordinances and regulations governing non-stormwater discharges.
2. Develop, adopt and implement policies prohibiting illicit discharges and illegal dumping.
3. Maintain a comprehensive storm sewer map showing the locations of all known MS4 outfalls and discharge points
4. Conduct inspections for illicit discharges (one-third of system in each year) and keep records of inspections.
5. Develop and implement a Spill Response Plan
6. Provide staff (Drainage District Commissioners) training.

## Comply with relevant local jurisdiction rules

The District is currently in compliance with all relevant ordinances, rules and regulations of the local jurisdiction(s) that govern non-stormwater discharges.

### Illicit Discharge Policy

The District developed and adopted by resolution a policy prohibiting illicit discharges and illegal dumping (Attachment 3). The District has also developed procedures for the initiating appropriate enforcement response to documented situations.

### Comprehensive Storm Sewer Map

During development of the District' infrastructure inventory and mapping project in 2008, all of the catch basins, drains and culverts owned and operated by the District were located, inspected and documented. Additionally, as a part of the project, the District worked with Skagit County to locate and inventory private and county owned infrastructure facilities (Figure 2.

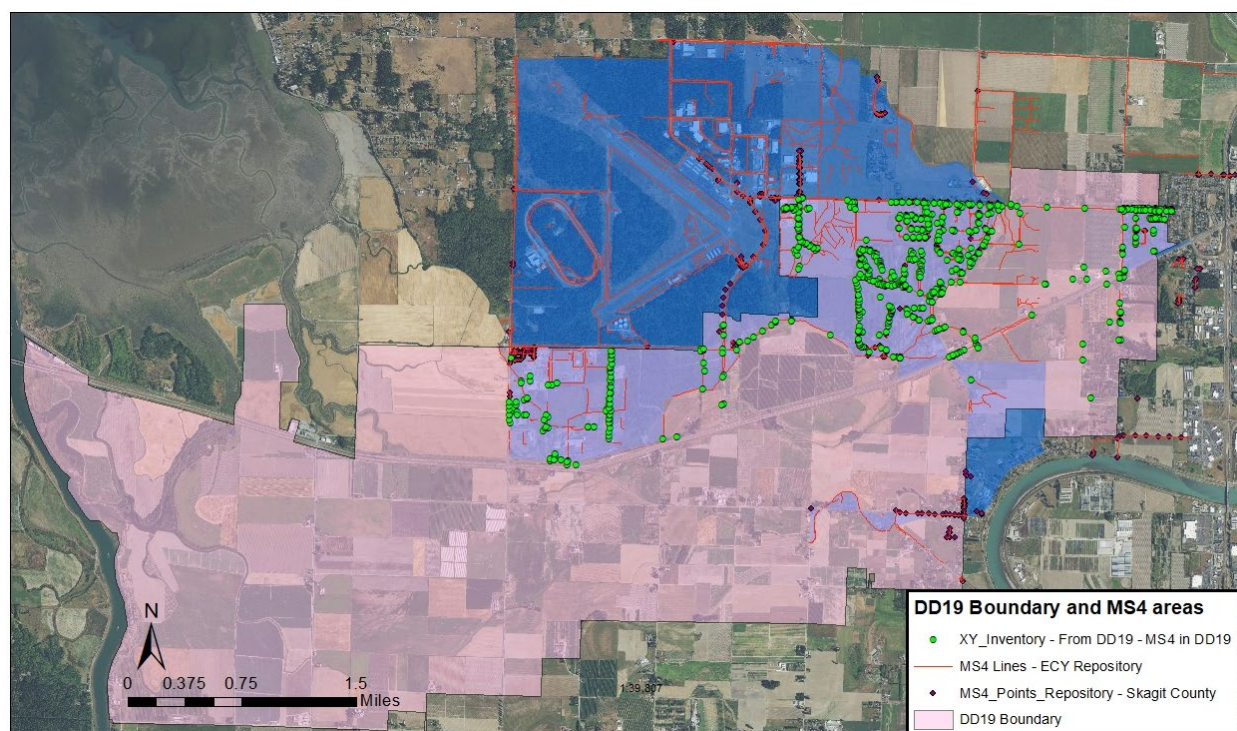


Figure 2. MS4 Storm Sewer Map

As shown in Figure 2. The storm sewer network within the MS4 boundary area is owned and operated by Skagit County. Skagit County maintains a map of facilities on their website. The remainder of District 19 is served by agricultural drainage ditches and infrastructure that is outside the jurisdictional boundary of the permit. Operation and Maintenance of this network of drainage infrastructure is permitted under the Drainage Fish Initiative (Attachments 1 and 2.

### Illicit Discharge Inspections

The Commissioners are conducting routine unscheduled system inspections and are visually inspecting for illicit discharges. The District will continue to coordinate with the county and state agencies to identify possible IDDE violations, report discharges, pollution sources and oil or hazardous materials spills. The District will support and assist the local or state agencies efforts to obtain access for inspection and investigation of illicit connections or discharges to obtain

corrective action of the responsible parties. The District also will continue to coordinate with Skagit County for routine general water quality monitoring within selected District managed watercourses.

### Spill Response plan

Spill response policy is articulated in the District's IDDE Policy. For areas outside the MS4 boundary, the District has incorporated associated Spill Response Plan provisions in its Drainage Maintenance Plan. A quick reference Agency Emergency Contacts and Spill Reporting List has been developed and distributed to the Commissioners and contractors employed by the District.

### Training

In 2009, the Commissioners and maintenance contractors employed by the District have also received orientation on detecting and reporting illicit discharges, and on spill prevention, response and reporting.

## S.6. D.4 Construction Site Stormwater Runoff Control

Section S6.D.4 prescribe requirements for the District related to new construction work performed directly by the District ,as well as, for others engaged in construction activities within the District.

### Compliance with relevant ordinances

The District will obtain coverage under, and comply with, the Construction Stormwater General Permit administered by Ecology for any new construction projects undertaken by the District that trigger the thresholds for this requirement. The District must also comply with all relevant ordinances, rules and regulations of the county that govern construction and post-construction stormwater pollution prevention measures for the construction site. The District already has coverage for routine drainage maintenance projects outside the MS4 area (Attachment 2). The District will encourage other entities to obtain and comply with the appropriate permits from Skagit County during the construction phase of their new projects.

### Require NPDES Construction Stormwater General Permit

The District does not have functional control of construction projects over non-district led construction projects. Therefore, the District relies on Skagit County to ensure coverage under the ND PES Construction Stormwater General Permit is obtained as necessary for projects.

### Coordinate with Skagit County

The District does not have functional control of construction projects over non-district led construction projects. Therefore, the District relies on Skagit County to ensure coverage under the ND PES Construction Stormwater General Permit is obtained as necessary for projects.

### Provide Training

The District is a member of the Skagit Drainage and Irrigation District Consortium. The staff of this entity have professional training related to erosion and sediment control BMPs. The District, through the Consortium, maintains a roster of qualified contractors, that can provide services for erosion and sediment control inspections as needed.

### Coordinate with Ecology

The District does not have functional control of construction projects over non-district led construction projects. Therefore, the District relies on Skagit County to ensure coverage under the ND PES Construction Stormwater General Permit is obtained as necessary for projects.

## S.6. D.5 Post-Construction Stormwater Management for New Development and Redevelopment

Sections S6.D.5 prescribe requirements for the District related to new construction work performed directly by the District ,as well as, for others engaged in construction activities within the District.

### Compliance with Relevant Ordinances

The District will obtain coverage under, and comply with all relevant ordinances and rules of Skagit County as it pertains to post-construction stormwater management.

### Coordinate with Skagit County

The District does not have functional control of construction projects over non-district led construction projects. Therefore, the District relies on Skagit County to ensure compliance with post-construction stormwater management rules and regulations.

The District planning to work with the County to update the Bayview Ridge Sub-Area Plan to insure that water quality and function of the District's drainage infrastructure will not be adversely affected by project construction activity or post-construction site activities. The District will also work with the Ecology and county to assist them, where needed, to secure adequate water protection and permit compliance with projects by other entities which are located within the District boundaries.

## S.6. D.6. Pollution Prevention and Good Housekeeping

Section S6. D.6 requires the District to:

- (1) Develop and implement a municipal operation and maintenance (O&M)
- (2) Obtain an industrial permit for facilities operated by the District
- (3) Demonstrate compliance with O&M plan documentation
- (4) Establish a training plan

### Municipal Operations and Maintenance Plan

The District does not own or maintenance any stormwater control facilities or storm sewers. Therefore, the District does not have a municipal operations and maintenance plan. As stated previously, Skagit County has mapped, operates and maintains the storm sewer system within the MS4 coverage area. As the Skagit County MS4 Coverage area overlaps with the District coverage area, Skagit County takes the lead on this effort.

The District has updated the DMP in 2021 for operations and maintenance for drainage district infrastructure outside the NPDES permit coverage area. and received approval from the Washington Department of Fish and Wildlife (WDFW). The DMP identifies and prescribes appropriate Best Management Practices (BMPs) for drainage operation and maintenance activities. The DMP also prescribes, timing windows for when work may be performed in the water, emergency notification and work protocols, and annual activity reporting. Additionally, the DMP provides maintenance activity descriptions, a watercourse classification system, and a set of detailed maps. It also identifies habitat improvement project opportunities (Attachment 1).

The WDFW has issued a five-year Programmatic HPA authorizing the activities covered by the DMP. The District also applied for and received in October 2009 an Army Corps of Engineers Section 10 and 404 Permit. This permit incorporates the Water Quality 401 Certification Order #6419 (Attachment 2) issued by the Ecology. The District has developed and included a Water Quality BMPs General Supplement to the Drainage Maintenance Plan document to meet requirements of the order. Collectively these documents address the required elements identified in Section S6.D.6.a. thru c. of the NPDES permit, and will constitute the District's Operation and Maintenance (O&M) Plan.

### Industrial Permit

District 19 does not own or operate and facilities that would be subject to an industrial stormwater permit.

## S.7 Total Maximum Daily Load (TMDL) Compliance

Stormwater discharges are required to implement actions necessary to achieve the pollutant reductions called for in applicable Total Maximum Daily Loads (TMDLs) and the implementing Water Quality Action Plans as provided for in Section S7 of the NPDES permit. TMDL requirements apply to the stormwater discharges from MS4s owned or operated by the permittee if an applicable TMDL has been approved on or before the date permit coverage is granted.

Ecology established a fecal coliform TMDLs for Padilla Bay tributaries that includes portions of District 19. While the District has no current TMDL's requirements the District will coordinate with Skagit County and Ecology to address concerns regarding fecal coliform.

The SWMP recognizes the TMDL process and the role of Water Quality Action Plans developed by the Ecology to address improvement of water quality impaired waters. The mechanism for the SWMP to address these issues is through the scheduled permit renewal cycle and program update process. At these established periods, the program provisions will be reviewed and evaluated for meeting the management objectives identified in the TMDL document. Also at that time, any requested actions identified in the Water Quality Action Plan would be considered, and incorporated as appropriate during the updating and revision of the District's SWMP program.



## S.8. Monitoring Requirements

As a Secondary Permittee under the current NPDES permit, Section S8.A.1., the District is not perform regular routine water quality sampling or other testing during the term of this permit. However, it is desirable to have such provisions for the detection and elimination of illicit discharges, and to evaluate program compliance, appropriateness of BMPs, and progress toward achieving measurable goals.

There are specific provisions applicable to monitoring of O&M activities, such as seasonal ditch cleaning maintenance work performed by the District for areas outside the NPDES Coverage area (Attachment 1 and 2).

### Monitoring by Others

The NPDES permit, S8.B, requires the District to provide information, maps, and access for sampling by others, as necessary, and encourages the District to participate in the monitoring program. The District, has for several years, and will continue to voluntarily support and cooperate with regular water quality monitoring activities conducted by Skagit County for water quality within the District boundaries. While this monitoring is not done on behalf of the District, it provides useful information to the District regarding stormwater discharges. The samples analysis are not provided to the District but are available by request.

The Skagit County Water Quality Monitoring Program regularly tracks surface water quality at 40 sites throughout western Skagit County. Among those sites are two in District 19: Big Indian Slough at the Highway 20 truck scales (Site 40 in the program), and Swinomish Channel at the County boat ramp (Site 47 in the program). Dissolved oxygen, temperature, conductivity, salinity, pH, and turbidity are measured on-site once every two weeks, and samples are obtained for fecal Coliform. Nutrient samples are obtained every other visit, or every four weeks.

In addition, the County has obtained occasional stormwater event samples at two additional locations in Drainage District 19: The ditch next to Higgins Airport Way just south of Ovenell Road (Site BV-2), and the storm drain outlet into Higgins Slough at the corner of Petersen Road and Avon-Allen Road (Site BV-3). These locations were sampled on eight occasions between January 2003 and September 2006. Parameters were identical to those listed above. Both of these locations drain to Big Indian Slough.

## S9. Reporting Requirements

The District is required to track, evaluate and document the actions associated with the SWMP required by the permit. An Annual Report, pursuant to S9.A is to be submitted to the Ecology by March 31st of each year. The District will submit the required Annual Report for Secondary Permittees via the web portal.

The purpose of the report is to document and summarize the status of the SWMP development and implementation, and provide information for assessment of program progress. The permit requirements also direct the District to submit documentation that describes the proposed SWMP activities for the coming year. The SWMP is to be updated annually and reports submitted each March 31st of the following year for the duration of the permit.

The District will make the annual reports available to any individual or entity requesting them. The District will make all records related to this permit and their SWMP available to the public. Permittees are required to keep all records related to this permit and the SWMP for at least five years.

## Summary of Previous Work Completed

Reference	Task	Date Complete
S1.A.	Prepare Coverage Area Map	8/19/2011
	Prepare and implement SWMP	2009
	Prepare and publish NOI	7/26/2007
S6.B.	Coordination	on-going
S6.C.	Demonstrate legal authority	2009
S6.D	Stormwater Management Program	
	1.a Label 50% of storm drain inlets	2009
	1.a Complete labeling (100%) of storm drains	Completed
	1.b Distribute educational materials	available
	2.c Submit SWMP and Annual Report to Ecology	annually
	3.b Adopt IDDE Policies	1/16/2008
	3.b Develop Enforcement Plan	8/16/2008
	3.c Develop and maintain storm sewer system map	8/19/2011
	3.b Conduct inventory of storm sewer system	Complete
	3.e Develop/Implement Spill Response Plan	8/19/2011
	3.f Staff IDDE Training	On-going
	3.d Establish Field Inspection Program	2/16/2009
	3.e Develop and Implement a Spill Response Plan	8/19/2011
	4.b Obtain permits for District construction projects	As needed
	4.c Review and comment to County for construction projects by others located in the District	Ongoing
	4.c Assist County with compliance for construction projects by others located in the District	Ongoing
	4.d Staff BMPs Training	Ongoing
	5.a Post-construction stormwater management	As needed
	6.a Develop O&M Plan	2/17/2010
	6.b Train all employees	On-going

## 2021 SWMP Planned Compliance Activities

- ❖ The District will work with Ecology and Skagit County to better understand roles and responsibilities within the MS4 coverage area.
- ❖ The District will work with Ecology and Skagit County to update the coverage and facility maps as needed.
- ❖ As needed, the District will work with Skagit County and other parties to enhance public involvement and participation.
- ❖ Coordinate with Skagit County and relabel storm drains as needed
- ❖ Coordinate with Ecology and Skagit County to determine inspection needs for MS4 outfalls and conduct the necessary inspections
- ❖ Identify and coordinate with Skagit County to identify a qualified spill responder
- ❖ The District will support Skagit County IDDE process and PIC program.
- ❖ The District will continue to follow IDDE policy.
- ❖ The District will continue to make the SWMP available and invite comments from any individual or entity with an interest in the program.
- ❖ For all areas outside the MS4 coverage area, the District will perform operation and maintenance activities as described in the DMP (Attachment 1). All O & M activities will be conducted in conformance with the DMP, the supplemental documents, and any specific conditions in the HPA, Corps Authorization and WQ Certification. Additionally, the District will conduct Annual Review Meetings with the agencies to evaluate year-to-year performance, as well as the schedule of upcoming O & M work activities and projects.