

City of Lynden Source Control Business Inspection Program

Pathways for Consideration

November 2022

Section S5.C8 of the City's Western Washington Phase II Municipal Stormwater Permit (Phase II Permit) requires the City to develop and implement, by January 2023, a Source Control Program for Existing Development. The development of this program included establishing an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4. The inventory included:

- Businesses and/or sites identified based on the presence of activities that are pollutant generating; and,
- Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.

From over 1,600 businesses within the City's jurisdiction, 290 were identified as potential pollutant generating businesses per Appendix 8 of the Phase II Permit. The City is required to annually inspect 20% of these businesses which equates to conducting 58 site inspections in 2023. A re-evaluation process will be undertaken every year to update the business inventory and obtain a new target for subsequent years.

Implementation of the City's source control program can take several pathways. Business inspections will require the application of source control BMPs for pollutant generating sources associated with existing land uses and activities and may be done through education and technical assistance programs. Whatcom County Health Department is under contract with Ecology's Pollution Prevention Assistance (PPA) program to conduct such site visits in Whatcom County. County inspections within the City limits could be used to fulfill a portion of the City's required inspections. Regardless of which pathway the City takes, Whatcom County Health will likely conduct inspections within the City limits to respond to complaints and to fulfill their contract with Ecology. The City will need to coordinate with County Health on inspection status, follow-up compliance actions, and enforcement if necessary.

To meet the new permit requirements in 2023, the following three options are presented:

- **Option 1:** Complete the 58 business inspections by partnering with County Health and using three entities:
 - a. County Health - Enter an Interlocal Agreement with County Health to cover up to 20 of the newly required business inspections (free); and,
 - b. City Stormwater Consultant – Use to complete 20 of the required site visits (budgeted at \$22,750), and,
 - c. City Staff - Use the current staff Utility Technician to complete 18 or the remaining visits.
- **Option 2:** Complete the 58 inspections using:
 - a. City Consultant – extend the current contract with Welch Ecological Services, LLC (the 2023 scope of work and budget currently under review includes \$22,750 to cover 20 business inspections).

- b. Increase the Consultant budget – An increase of approximately \$20,000 would cover an additional 20 inspections – (those that were slated for County Health under Option 1); and,
 - c. City Staff - Use the current staff Utility Technician to complete the 18 or the remaining visits.
- **Option 3:** Hire additional staff to assist in conducting all 58 newly required business inspections.

Program Options	Responsible Entity	Costs
1. Joint program with County Health, City Consultant and staff	County Health - 20 business inspections	Free
	City Consultant – 20 business inspections	\$22,750
	City Staff – remaining 18 inspections	Staff time
	Option 1 Total	\$22,750 + current staff
2. No County involvement Increase Consultant Budget	City Consultant - 20 inspections, originally budgeted at \$22,750 and an additional 20	\$43,750
	City Staff – remaining 18 inspections	Staff time
	Option 2 Total	\$43,750 + current staff
3. Hire Staff to complete all inspections	City Staff - 58 inspections in 2023	Additional Staff time
	Option 3 Total	New Hire