

Exhibit A
Whatcom County Source Control Program
Scope of Work

The tasks outlined below describe the services to be performed by County Health for the City pursuant to this Agreement.

With the full cooperation of the City, the County shall be responsible for the completion of business inspections as part of a mutually beneficial NPDES II source control program, including the provision of Permit services.

The City recognizes and agrees that the services provided by County Health for the City herein (regarding the City's Permit terms and conditions, as required and directed by Ecology) represent and provide an anticipated significant savings in time, costs, expenses, and other resources for the City. Furthermore, the City is and would otherwise be solely and separately liable and responsible for full compliance with the terms and conditions of the City's Permit as required by Ecology. The parties recognize and agree that the County PPA program has finite and limited resources to provide the services for the City, and that the County provides no guarantees, representations, or warranties (express or implied) concerning the services provided by County Health per the terms of this Agreement.

The City recognizes and agrees that County Health's is not obligated or otherwise responsible for undertaking any specific Permit enforcement action(s) on behalf of the City as part of the services to be performed by County Health as described herein, and County Health shall not be responsible or liable for any alleged failure to identify (or timely identify) and communicate any potential Permit enforcement matters, for any Permit enforcement outcomes by the City, and/or for other costs and expenses incurred by the City arising from or related to the services to be provided by County Health unless such costs and expenses result from County Health's sole negligence.

Source Control Program for Existing Development for the City's Municipal Stormwater Permit (NPDES Phase II Permit) Compliance

Task 1.0 - Source Control Program for Existing Development

This Agreement is intended to establish a partnership with County Health regarding completion of business inspections as part of the City's NPDES Phase II source control program ("program"), as provided per the terms of this Agreement. The City generated an inventory of publicly and privately owned institutional, commercial, and industrial sites, which have the potential to generate pollutants to the Municipal Separate Storm Sewer System (MS4). As a component of the program, County Health will conduct a portion of the inspections that constitute twenty percent (20%) of the City's total inventory annually. The portion of the inspections to be conducted by County Health will be set from between 30 and 35% of the City's required inspections each year that this Agreement is in effect.

Per the Permit, permittees (including the City) are not required to inspect one hundred percent (100%) of their inventory over a 5-year period, but permittees are required to conduct inspections at a rate equal to one hundred percent (100%) of their inventory over a 5-year period of site visits equal to twenty percent (20%). The services involving source

control inspection will include prescribing Best Management Practices (BMPs), as mandated by the Permit. The BMPs and the sources they address are provided in Ecology's most current version of the Stormwater Management Manual for Western Washington (SWMMWW). The City is and will continue to be solely and separately responsible and liable for updating its own site inventories and for separately and independently responding to and adequately addressing all referrals or demands for Permit enforcement, as received from the County and/or Ecology.

Task 1.1 Outreach

County Health, with City assistance, shall contribute to the creation of educational materials and methods that will be made available to publicly and privately owned institutional, commercial, and industrial sites, which have the potential to generate pollutants to the MS4 identified in the City's inventory, and to meet the conditions of the Permit. The essential goals include improving public knowledge of local stormwater issues, receiving public input, and working to build support for the source control program from business owners and the public.

Required Tasks and Deliverables:

County Health, as a part of the Program, shall provide education and outreach materials for selected sites in the City's inventory to support the work of the source control inspection program.

Task 1.2-Site Inventory

The City is responsible for at least one (1) annual update to its inventory of all publicly and privately owned institutional, commercial, and industrial sites, which have the potential to generate pollutants to the MS4. County Health may assist in this effort when staff becomes aware of any changes in the inventory, including inactive sites or newly discovered, qualifying sites, that are not part of the inventory.

Required Tasks and Deliverables:

The City will provide annual updates of its site inventory to County Health no later than January 1 each year.

Task 1.3-Annual Inspection Rate

The Permit requires an annual inspection rate equal to twenty percent (20%) of the total inventory number annually. Each individual site visit, including multiple visits to one (1) site or a site visit in response to a credible complaint, count towards that twenty percent (20%) rate.

Required Tasks and Deliverables:

County Health will document and make available, the total number of inspections conducted in the previous year no later than March 1 each year. The City shall respond to its Annual Report questions due March 31 each year.

Task 1.4-Inspection of All Credible Complaints

County Health will reasonably consult with the City regarding any credible Permit related complaint received by the County to allow the City to determine the best course of action to take concerning such complaints, including, but not limited to potential Permit enforcement

actions by the City.

Required Tasks and Deliverables:

County Health will notify the City regarding all credible Permit related complaints received by the County located in the City's jurisdiction.

Task 1.5- Progressive Enforcement Actions

If County Health determines a site in the City's jurisdiction is in danger of being out of compliance with source control program Permit requirements, as mandated by the State (via Ecology), the County will reasonably inform the City about the site so that the City may determine and undertake potential appropriate actions, as may be required by the Permit.

Required Tasks and Deliverables:

Upon determination of potential Permit compliance, County Health will reasonably document sites potentially in need of Permit enforcement action by the City and refer such information to the City, which is and shall continue to be separately liable and responsible for the City's own enforcement of Permit violations per the source control program.

Task 1.6 - Maintenance of Records

County Health will reasonably maintain a database on each site visit conducted by County Health that will include general site information, date and time of inspection, contact information, any issues identified, appropriate BMPs prescribed, communications, and any other information deemed necessary by County staff. County Health will assure that the City will have access to such information.

Task 1.7- Ecology Referrals

The City **will be** solely and separately responsible for any referrals to Ecology regarding sites in the City's jurisdiction.

Required Tasks and Deliverables:

County Health will refer sites with compliance issues to the City for enforcement actions. Ecology referrals will be the responsibility of the City.