

**Snohomish County
CY 2019 Annual Report
Attachment for Question 46
Source Control Program - Summary of Actions**

From 2019 Snohomish County SWMP Plan Chapter 3.8

- SWM inspects businesses located on parcels from the source control inventory to determine compliance with chapter 7.53 SCC and 7.54 SCC, as well as Volume IV of the Snohomish County Drainage Manual.
- SWM provides education and technical assistance on stormwater pollution prevention BMPs and requirements of chapter 7.53 SCC and 7.54 SCC regarding stormwater pollution at businesses and inspection and maintenance obligations. Educational materials and supplies are distributed during site inspections. These materials and supplies include targeted brochures, factsheets, handouts, flash drives with spill plan templates, and spill kits. Any businesses on parcels included in the inventory that are not visited during the Phase I Permit cycle will receive information by mail about activities that may generate pollution and applicable source control requirements by the end of the Permit term..
- At a minimum, SWM annually conducts the number of inspections equal to 20% of the business parcels listed in the source control inventory to assure BMP effectiveness and compliance with source control requirements. SWM prioritizes the inspection of parcels based on a variety of criteria including the potential to pollute, prior complaints, proximity to surface waters, urban or rural, inspection history, business sector, pollutant types, and correlation with current public outreach campaigns. SWM investigates all businesses and properties associated with a legitimate complaint.
- Snohomish County's business parcel inventory was developed in 2016 with 1,594 business parcels. The inventory will be updated as required by permit in 2021. The annual inspection requirement is 20% or 319 inspections. In 2019, the County completed 340 source control business inspections, including a total of 69 follow-up site visits. Every inspection received program literature regarding activities that may generate pollutants and the source control requirements applicable to those activities. The County also participated in a region-wide Puget Sound Starts Here initiative, distributing 1,875 #orcahero coasters to twelve businesses. The coasters educate the businesses and general public on natural yard care, pet waste management, reporting spills, and stormwater pollution prevention. None of the out of compliant businesses were sent to code enforcement because all had voluntary compliance due to the help of inspectors providing technical assistance. Letters describing Snohomish County's Source Control Business Inspection Program were mailed to 757 business parcels in the inventory that did not receive a source control inspection during the previous permit cycle.

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- The county also participated in regional groups such as the Business Inspection Group to educate fellow inspectors on existing procedures and practices with regards to source control business inspections. Snohomish County has been a lead entity for providing insight and training on how to develop and implement a source control business inspection program which will ultimately engage and work with the business community.

Progressive enforcement program per Special Condition S5.C.8.b.iv

If a business fails to adequately implement required BMPs, the County takes follow-up actions until issues are resolved. Those actions may include: verbal coaching/phone calls, deficiency letters, follow-up inspections, and enforcement actions (including monetary penalties and/or criminal prosecution) under chapter 7.53 SCC.

SWM maintains records for each site visit. Records include an activity log of correspondences, inspection reports, warning letters, notices of violations, and any enforcement records. SWM also maintains records of any sites that are not inspected because the property owner denies entry. All records are stored electronically in Cartegraph OMS.

SWM's progressive enforcement steps are as follows.

- Verbal Coaching: Verbal coaching is employed when an inspection reveals minor issues with a current business practice or procedure, such as failing to keep dumpster lids closed or failing to sweep work or storage areas as needed. These minor concerns do not represent an immediate threat to health, human safety or the environment. At this step it is uncommon for a follow-up inspection to occur. Depending on the issue identified during the inspection, phone calls or emails may be used to communicate with the business to ensure that corrective actions were implemented. Such communication is documented as a follow-up action in Cartegraph OMS.
- Deficiency Letter: An official letter is sent to a business when an inspection reveals deficiencies in behavioral, operational or structural BMPs. The deficiencies must be addressed by the business. The letter indicates a timeframe for a follow-up inspection (typically 30-60 days from the date the letter is mailed), unless other arrangements are coordinated with SWM staff and the business. Follow-up inspection dates and times may be extended at the discretion of SWM staff based on the significance of the deficiencies, the nature of any extension request, or demonstration of the business's progress toward meeting compliance objectives.
- Follow-up Inspection: SWM staff performs follow-up inspections of businesses to which a deficiency letter was sent. The purpose of these inspections is to assess the level of progress made by each business to correct deficiencies identified in the deficiency letter. SWM staff review deficiency items with the business

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representative. SWM staff determine the level of compliance the business has achieved as of the date of the follow-up inspection and inform the business either that it has successfully addressed the deficiencies, it has not adequately addressed the deficiencies, or additional deficiencies have been identified. Compliance status is communicated in person and recorded in the electronic tracking system, Cartegraph OMS. If SWM staff observe new deficiencies during the follow-up inspection, an additional letter is sent to the business.

- **Enforcement Action:** When SWM staff determines that a business has failed to adequately implement BMPs after one or more follow-up inspections, the matter is referred to PDS for enforcement action. SWM inspectors and PDS code enforcement officers coordinate on matters of non-compliance to determine the appropriate course of action, which can include a warning notice, a notice of violation (NOV), and penalties. PDS manages the enforcement process, including correspondence, recordkeeping, the hearing if the NOV is appealed, and final resolution of the matter. SWM inspectors support PDS's efforts by providing subject matter expertise in identifying the deficiencies, determining the remedies, providing expert testimony when a matter goes to hearing, and assisting with the final inspection to determine compliance. If the County cannot secure compliance through this progressive enforcement program, SWM staff will refer the case to Ecology.

In addition to enforcement through the business inspection process described above, enforcement of stormwater control requirements may also be initiated through other means. Observations by other County field staff, members of the public, or by Ecology staff may prompt the County to initiate an investigation into drainage problems. Resolution of the drainage issue depends on the underlying cause as shown in Table 2 below.

The public can submit a drainage investigation request to SWM by an online process available through the County's website. If a complaint is received by SWM in this manner, SWM may follow the process outlined above unless it is determined to be a violation of an active development permit or it is the result of unpermitted development activities. If the drainage issue is a result of a development permit violation, the case will be referred to PDS code enforcement, or to a site or building inspector if the permit is active (i.e. currently being developed or stabilized waiting for final construction to begin).

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PDS may receive stormwater complaints directly, in which case a determination is made by code enforcement. Source control facility maintenance issues are forwarded to SWM inspectors for initial compliance actions, with any necessary subsequent enforcement actions following the process outlined above. Drainage issues on sites with active permits are forwarded to the site and building inspectors. Drainage issues resulting from unpermitted development activities are referred to PDS permit staff for the necessary permits.

In any of these cases, Code Enforcement may be called upon for further action if the situation is not resolved through the County's initial efforts. When necessary, other agencies may be involved if state or federal permit compliance is required.

Code enforcement provisions are codified in chapters 7.53, 7.54 and 30.85 SCC. These code chapters outline criteria and procedures for the issuance warning notices, notices of violation, citations, stop work orders, monetary penalties, appeals hearings, compliance timelines, emergency orders, suspension or revocation of permits, abatement and liens. Table 2 below summarizes the progressive code enforcement strategy used by the County depending on the drainage issue to be resolved and the applicable code enforcement provisions used.

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**Table 2 - Summary of Progressive Code Enforcement
Process for Drainage Problems and Complaints.**

CE = PDS Code Enforcement Division

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Drainage problem has been identified by:	Initial investigation determines that the drainage problem is a result of: (Codified enforcement procedures followed)		
	Stormwater facility maintenance issue (SCC 7.53 and 7.54)	Violation of permit conditions/SWPPP (SCC 30.85)	Unpermitted development activities (SCC 30.85)
SWM inspection of stormwater facility	SWM works with facility owner to resolve issue; if unsuccessful, forwards to CE for further processing.	SWM refers directly to CE; CE forwards to site/bldg. inspectors	SWM refers directly to CE; CE works with owner to obtain necessary permits; further enforcement if necessary.
PDS site or building inspector	Inspector will refer the drainage issue to SWM.	Inspector will provide guidance to project field staff for corrective action; follow-up may include correction notice, assistance from CE, and possible involvement of Ecology or other state or federal agency. May also require involvement of project engineer, County engineer and County building official	Inspector will advise of permit requirements; compliance may necessitate referral to CE.
Complaints:			
Drainage Investigation Request Form (received by SWM)	SWM works with facility owner to resolve issue; if unsuccessful, forwards to CE for further processing.	SWM refers directly to CE; CE forwards to site/bldg. inspectors.	SWM refers directly to CE; CE works with owner to obtain necessary permits; further enforcement if necessary.
Complaint Investigation Request Form (received by PDS)	CE refers to SWM for initial processing; may be referred back to CE by SWM if issues remain unresolved.	CE forwards to site/bldg. inspectors.	CE works with owner to obtain necessary permits; further enforcement if necessary.
Citizen complaint forwarded to County by Ecology (widely distributed by Ecology to multiple county divisions and to external agencies)	SWM works with facility owner to resolve issue; if unsuccessful, forwards to CE for further processing. Depending on specific issues/magnitude of violation, Ecology may take enforcement action.	CE forwards to site/bldg. inspectors. Depending on specific issues/magnitude of violation, Ecology may take enforcement action.	CE works with owner to obtain necessary permits; further enforcement if necessary. Depending on specific issues/magnitude of violation, Ecology may take enforcement action.

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For every code enforcement case, an electronic folder is created in the electronic tracking system, AMANDA, to keep track of all site and ownership data, inspection notes and photos, communications and correspondence, and enforcement actions (notices, citations, etc.) The case data is maintained in AMANDA and is linked to the property record for future reference and access if needed for follow-up or future site development proposals or applications.