



Clean Water Advisory Committee

August 15, 2024

Committee Members in Attendance: Lynn Bahrych, Jenny DeGroot, Bob Eagan, Vicki Heater, Judy Meyer, Melissa Rohde, Kimbal Sundberg

Ex-officio, County support staff, and members of public: Raquel Callans, Sophia Cassam, Krista Chavez, Tyler Davis, Kyle Dodd, Susan Eshelman, Kelly Hamilton, Paul Hart, Katie Johnson, Laura Pitts, Kendra Smith, Sarah Wozniak

9:02 AM **Convene meeting** *Kimbal Sundberg*

9:03 AM **Public Comment** *none*

9:04 AM **Business Operations**

- Approve August 15th Agenda – a couple of small additions explained by Tyler; the agenda is approved
- Approve June 20th Minutes – no additions/corrections, no objections, the minutes are approved

9:05 AM **Staff & Agency Updates**

- Health *Raquel Callans*

Introducing Krista Chavez who will be reviewing SJC water system plans. About PFAS, we're in initial monitoring phase preparing for State action levels for Group A systems. At present doesn't apply to Group B systems. We have support for systems that haven't yet conducted required monitoring, reach out to Raquel for resources. If exceed levels, systems need to notify public. 2029 is target for treatment and addressing high values.

Judy: what will be the treatment?

Raquel: now there's a lot of activated carbon use, Roche Harbor system currently uses that.

Melissa: what about reverse osmosis filtration? It would be helpful to disclose more information about PFAS

Raquel: yes, I've sent out a few links that have been curated for the public, available to distribute

<https://doh.wa.gov/community-and-environment/contaminants/pfas>

<https://www.epa.gov/sdwa/and-polyfluoroalkyl-substances-pfas#Technical>

<https://doh.wa.gov/sites/default/files/2022-10/331-699.pdf>

<https://forms.office.com/pages/responsepage.aspx?id=F-LQEU4mCkCLOfCwSfXLV1gK-TXSMZCofs7OBvgYYJUMIFMVldFN0s5RTIyTTJFRkRVV0JYNUNaMi4u>

NOTE: additionally, Raquel shared a presentation in pdf format following this meeting: "Examining Per- and Poly-fluoroalkyl (PFAS) Removal Strategies in Groundwater Contaminated by Aqueous Film-forming Foam (AFFF)", Madjid Mohseni, PhD, PEng, May 2024, madjid.mohseni@ubc.ca

Kendra: is there any discussion on the septic system side of this equation? builds up and get into groundwater -more discussion of sources of PFAS and how to handle it – more discussion to come when Paul Hart presents

9:14 AM • Ecology *Kelly Hamilton*

Raquel: any information about invasive species at Cascade Lake?

Kelly: we're in water resources, not really involved in that but I can ask around with Parks

Susan: may I have a contact to refer to about GIS data I need for well mapping? kelly.hamilton@ecy.wa.gov

Judy: any more information about what's happening with water rights with Rosario?

Kelly: nothing new about the sale of water rights

Bob: there's some confusion about the 5,000 gallons limit for exempt wells – is that just for use or also storage?

Kelly: can take 5k and store it, and then in the peak season use 5k and also use stored water. The key is when water is taken out of the ground. If storing it, it's already taken. So can both take 5k and use stored water

Raquel: but in a group A system there's a design element, you need to be able to take 5k a day

Kim: that 5k/day can only be used for the uses specified for an exempt well like irrigation

-some discussion of the definition of commercial irrigation (non-personal garden)

-some discussion of a particular court case

Kelly: The Kim Decision clarifies that small commercial nursery fits within the "industrial" exemption and is allowed to use a permit-exempt well,

<https://apps.wa.ecology.gov/docs/WaterRights/wrwebpdf/kimvpchb.pdf>

Judy: any updates on the concrete plant?

Kim: the Hearing Examiner ruled in favor of the appellants; the county needs to go back and redo the SEPA finding. Kyle will say more

9:23 AM • County Health

Kyle Dodd

USGS indicated in April that they're doing a Puget Sound-wide recharge study and waiting until that's finished to calibrate the San Juan study – ours and the Guemes studies are held up until they finalize this wider study I sent an email to my program manager contact last week and I'll forward her response when I get that. I

expect to receive a renewed draft prior to publication that I'll route through this committee

Melissa: what model are they using in this analysis? Chloride mass balance and soil samples?

Kyle: Soil Water Balance, it didn't involve site visits or site-specific data – it's a model

Kim: the subcommittee working on the water element wanted a finalized report on this for their comp plan report. I hope you can continue to report on progress made so that we can get that into the process

Judy: any further updates about the concrete plant?

Kyle: The hearing examiner has sent this to appeals, the applicant will be resubmitting and going through the conditional use project permit process for that

Kim: is County Health compiling trend data from metering water reports?

Kyle: not specifically as part of our annual group B program, it would need to be requested from permittees

Kim: If those numbers aren't part of annual reporting, what do Group B systems need to report?

Kyle: they submit annual bacteria and nitrate analysis, self-assessment survey (the operator walk-through)

-more discussion of how to get more data about this topic and why it's important

Kyle: we can discuss how to build a program around that but it's not currently part of our database

Raquel: there are a lot of ways to extrapolate from household averages. I'd be glad to help with this

-some discussion of the difference between water use from group A systems and individual well use

• Discussion of Hauled Water

Vicki: when we made recommendations to revise the water element our aim was to eliminate the use of hauled water as a water source. But we'd like data on how many hauled water permits have been issued

Kyle: I'll have to think about how that affects SJ Code 8106. When I last looked at hauled water availabilities, it comprised about 10% of availabilities issued. It's usually about timing – i.e. not having a well drilled in time.

Much of the hauled water permits issued are for failed or failing wells. Those data are hard to pull together.

BUT I can get you the number of hauled water availabilities approved

Melissa: about water use per household, do the estimates factor in outdoor use as well (i.e. garden/irrigation)?

Raquel: yes, most people are using potable water for gardens etc. and their total average use includes that

Bob: I'm not in agreement about restricting hauled water. The difficulty to build has increased. If there is a purveyor and water is available, that is the second-best source of water for use. Trying to use a rain-catchment system isn't realistic if clean water can be transported, this is just using water availability to limit growth.

Kim: water availability is in eye of the beholder. FH felt they didn't have control over who was using their water and the effects on their ratepayers. Every system is different, but FH didn't want to do it anymore.

Bob: what I heard was that this committee is making a recommendation to stop issuing all water availability

Kim: no, we're more in an exploration stage, not cast in concrete. We just want more information

Vicki: that is what's in the draft now. But without the data we can't make a final call. If there were a lot using hauled water to avoid reviewing a new well's effect on the area, it would be better not to use hauled water

ACTION ITEM: Kyle will provide the exact number of approvals and do his best to be at subcommittee meeting

ACTION ITEM: let's put that on the agenda for this fall and ask Sophia about this when she talks

Bob: my concern is that if a preexisting or new well on a waterfront parcel doesn't meet guidelines for source approval, people are waiting to build. e.g., people on more remote islands using reserve osmosis systems

Lynn: we recently looked at issues with transferring water; it dewateres one place and brings an unnatural amount of water to another place. There are environmental effects to the transfer of water

Kendra: the committee is not making a yes or no statement on whether there will be hauled water. It's making certain statements on what data are needed etc. Feedback on existing regulations and question-asking

ACTION ITEM: Tyler will send out comp plan memo (emailed to members by end of this meeting, 8/15/24)

- Tyler reads from Section 4.3.1.2 regarding hauled water systems and proposed rewording

Raquel: For building permits, do you need the certificate of availability for potable water or for construction?

Kyle: meeting RCW 1927 making sure there's an adequate water source for every building permit

Kim: if you want to build in the County, you need to demonstrate first that you have an adequate water supply

Bob: No re-inspecting or insuring once certificate of availability is approved if they keep their documentation

Vicki: that's true, the only requirement on approving water is one time when people request a building permit

Kim: this is complicated, but this group wants to provide the best available advice to the County. There's more information needed to provide a cogent recommendation going forward. This discussion will be continued.

Kelly: <https://www.whatcomcounty.us/4420/Water-Use-Estimators>

Whatcom County is in the process of creating water use estimation tools (indoor/outdoor irrigation/stock-water) for the upcoming Nooksack Adjudication. They should be available online in the coming months

10:04 AM **Subcommittee Updates** – Groundwater and Surfacewater Subcommittees had no July meetings

10:05 AM **Ongoing Business Discussion**

- Comp Plan Update & Next Steps

Sophia Cassam

Thank you for reviewing the comp plan and giving recommendations. We were happy to have Susan's help. There were several references to addressing climate change – we are working closely with the climate element team led by Kendra in ES. Also with Kyle Dodd. We're a couple months behind schedule, plan to start work on elements in October. Then once we have a draft we'll bring it back to CWAC to see how we've incorporated suggestions and get more feedback. Work on the comp plan will dovetail with the critical area ordinances plan. We'll begin work on elements in October, then come back to the CWAC with a draft in November/December

Kim: we meet in October and December and with subcommittees in between, in the off-months.

Judy: we can call a full committee meeting and meet in November, feedback on the comp plan is important

Sophia: good to know, I'll work with Tyler to get on your agenda

ACTION ITEM: subcommittees next month can review previous memo with recommendations to comp plan

Lynn: thanks for paying such close attention to our recommendations, it's reassuring to hear you've read it

Sophia: we'll be sure to communicate the weight the CWAC's recommendations carry to planning commission

Vicki: can we get water availability data by next month for subcommittee meetings and be sure to include Bob?

ACTION ITEM: yes, Kyle will make that happen in time for water element subcommittee meeting next month
Sophia: we have a consultant doing the comp plan update work, we're a couple months behind but working to juggle things around and make it work. We have an agreement to be done with the work by June 2025

10:15 AM • LIO OSS Update

Katie Johnson

I'm Katie Johnson from ES with an update on the funding coming through for On-Site Septics (OSS). We have an action plan in two project elements: one is inventory and GIS map of septic in the County, beginning with properties in the floodplain and critical areas. The second element will be to increase the voucher program base for current Health Dept. program, including targeted outreach to floodplain properties. All funds start in 2025 and must be spent by June 2027. Most of work will be covered by Environmental Health septic program. Kim: this is a special opportunity from the State due to Katie's efforts with Puget Sound Partnership. It's one-time funding with the goal of reducing effects of failing septic on shellfish and nearshore habitats. Katie: hopefully there will be more funding put towards these efforts in future on a larger scale

10:19 AM • Hannah Heights Homeowners PFAS Update

Paul Hart

We discovered high PFAS levels in our well. We've learned the systems set up to deal with an event like this are not fit for purpose. Technical folks we've worked with at County, Health, and Ecology have all been helpful, emergency funds are supporting hauled water. We've limited our households to 2000 gallons a month (average in WA is 3000/month). We're grateful for all the partnership and the fundraising, but some federal funds put constraints on certain equipment and had to be refused. Challenge now is finding water. We'll need several wells to make up for what we've lost. We won't be able to connect a new well to distribution system until we have data showing it's safe. There are 45 homes and one firehouse in our community. Data from July showed 17 households used less than 1000 gallons in July, and only seven used over 3000 gallons. Ecology is working to trace the source of contamination and its pathways, the first step in a larger process. Many in our community have taken PFAS serum blood tests and have numbers several times higher than national average. Kim: so sorry you're having to go through all this. Is there anything this committee could do to help? Let us know. Is the strategy to develop new water sources rather than clean up the contaminated wells? Paul: primary strategy is to drill new wells in Hannah Heights. But there's danger of contamination. We believe plume is going SE so we're focusing on western drier part of Hannah Heights. But we also feel treatment could work. We'll be getting NFS certification that will help, Raquel has been helpful, but it's a secondary strategy Bob: when you said there's drilling going on upgradient, is that surface testing or are they going into bedrock? Paul: just 40' bore holes through soils and gravel to rock surface. They're sampling both soil and water. Bob: is there a mandate by HOA to find anyone responsible for this? Paul: we set out looking for solutions, not villains. We're looking into insurance coverage of the fire dept. Vicki: I understand you've decided you're not interested in pursuing desalination, why not? Financial reasons? Paul: it's financial and compliance. the permit burden is high and exceeds construction costs, estimated to take 3-4 years and a drilled well for a community of our size is a better option for the operations costs Lynn: could you send us information about the UBC program, did they find a possible solution? Also, the USDA conservation branch has practices for detention ponds built to filter heavy metals. You should look into NRCS Paul: I'm grateful for any information you can send. The PFAS we have are miniscule, several parts per billion Kim: please email Paul if you have further questions or suggestions
Melissa: <https://www.sciencedirect.com/science/article/abs/pii/S0045653523000097>

10:45 AM • Clean Water CIP

Kendra Smith

Kendra shares spreadsheet summarizing projects and funds. 5-year plan in review, shows annual assessment as well as storm water review money from Public Works. When rates restructured, we needed build up cash

reserves to operate without relying on grants or general funds. We've hit the mark and our average capital expense is close to projected. Next year costs will be higher due to Bayhead Culvert. We need to manage this utility with respect to the fact that many projects have lag but keep things stable. Base charge has crept up and as with capital charge, it stayed the same for a few years and then went up in 2024. One change in CIP this year is our department has Bayhead creek culvert but we have FEMA resources for that. Aim to get it back on track with community. Kendra reviews details for several other projects. Fee structure next year will stay same. The utility will just fund Bayhead until reimbursed by FEMA. The 2' culvert Public Works had put in was adequate for roads, but WDFW determined it needed to be fish passable. That mandate along with climate resilience.

Kim: on Richardson marsh – when we were in the field you explained using utility funds to help with groundwater study. Reviewers wanted to know about saltwater intrusion before taking out tide gate?

Kendra: yes, that's planning-level money to start; then hope for go-ahead to move it forward. Important reminder regarding utilities is that they collect revenues and capital programs shift and adjust over time. We collect less than maximum collection rate, technically each island is its own fund, build up money to support projects on consistently. If resources don't get used on a particular project, they go toward another, and we secure a lot of grant funds. For Richardson Bay we're partners with Friends of SJ, committed to getting it done.

Bob: Kendra, how are we doing with the public in Killebrew Lake?

Kendra: consultant contracts on board. They scheduled project to start beginning of July to August, but road closure timing was too hard. We'll need to operate within road right-of-way. We plan to do some smaller community neighborhood-related meetings. We need to come up with some other ideas for how to make that work because hauling material to and back from that site is untenable. We'll see what consultants have to say and then reach out to public in next few weeks. Need approval of CIP to advance to Council for consideration

MOTION: call the question – approve the revised CIP. Lynn seconds the motion. All in favor, motion passes

Jenny: curious about the FEMA funding that'll disappear in 2026. Why didn't FEMA help with Doe Bay creek?

Kendra: Public Works won't be able to come up with a fix for Doe Bay given limited habitat below the waterfall; improvement would devastate the floodplain on the upstream site. They don't have a good answer

Jenny: too bad given the presence of threatened cutthroat trout, it would be nice to get input from DFW.

Kendra: let's talk further about this offline

11:08AM **Committee Housekeeping**

- District 2 Position 5

Laura Pitts

Kim: Tyler, Judy, and I interviewed Laura with the Conservation District (CD). She's attended some meetings. We want to advance her nomination to the committee and then tomorrow to the Council.

MOTION: Lynn moves to recommend Laura for membership, Judy seconds. No objections, Laura is in!

Kendra: we need to touch base with Cindy and get her sign off

Tyler: I heard from her during this meeting that she approves

11:11 AM • October 17th Meeting – False Bay Creek Site Visit?

One idea: hour-long business meeting and then visit FB creek to view ongoing riparian restoration projects.

Tyler: I worry it'll be too hard to cut the agenda short; maybe we can have a separate field trip at another date.

ACTION ITEM: Tyler and Kendra will propose a plan for a field trip separate from the regular meeting

11:13 AM **Adjourn Meeting**