

# GMVUAC November 7, 2016

## Meeting Minutes

**Meeting Called to order - 7:00 pm**

**Members Present:**

Steve Hiester	Hank Haynes
Peter Rimbo	Sue Neuner
Warren Iverson	Rhys Sterling
Adam Sterling	Stephen Deutschman
Teresa Sweet	Lorraine Blacklock
Linda Harer	Susan Harvey (7 minutes late)

**Members Absent:**

None

**Agenda:**

No presentation on KC budget (Dwight) currently reviewing it, council sent it over today. Veteran's Day is on Friday this week.

Stephen would like to recognize/thank veterans for their service, Warren seconded.

**Motion passed**

Hank moved to approve agenda, Rhys seconded.

**Motion passed**

**October Meeting Minutes:**

Rhys moved to approve, Warren seconded.

**Motion passed**

**Public Comment Period: - 7:06**

Lisa Chase (200th Ave SE resident): Asked for update regarding MJ permit application, never received update from Peter, he will resend, also apologized for making her wait until end of meeting last month, both haven't heard anything new.

**Guest Speaker: - 7:16 pm**

**Presentation on OSS Management Plan:**

Betsy Howe, Citizens Opposed to OSS Management Washington (COOMWA)  
Glen Morgan, Citizens' Alliance for Property Rights (CAPR)

Betsy: Found out about Board of Health/KC proposal to tax everyone with septic system late in the game, BoH encouraged Dep't of Health to find robust and sustainable source of income. Betsy received advice from Senator Pam Roach and Rep. Chad Magendanz about how to reach out to stakeholders, 1st meeting brought in 700 people, it became obvious to the county that people were aware and opposed. Betsy passed around sheet of what COOMWA objects to, there are 85,000 - 155,000 septic systems in county, but not as much political weight as Seattle. COOMWA is a nonpartisan movement for responsible people without government clout, they brought in real estate association and heard terror stories about having to update last minute before selling, water well managers helped get the word out about meetings, and UA organizations help make it a grassroots effort.

Betsy: COOMWA is fighting demonizing of septic system owners having to prove their own innocence. State told DoH/BoH they are responsible for overseeing septic systems/pollution, DoH assigned septic systems to BoH, BoH has ability to set fees. Betsy claims definition used by BoH was untrue, graphics purport to show septic systems leaking out into groundwater used for drinking wells, staff told BoH that septic systems contaminate wells, pollute, and spread disease, Betsy thinks going to public records requests will help prove innocence for what pollution has been found.

Glen: Works primarily in Thurston county, has made many public records requests, has 5 family members working in waste management, has installed 15+ septic systems himself. Glen looked at datasets used in Thurston county, 4,000 complaints over 14 years in KC over failing septic systems, manually looked through each one, half of complaints were dismissed by health dept, 15% sewer systems, others from RVs dumping waste, most septic complaints were about pumps failing but not making any pollution or other minor things not causing pollution, no evidence in KC, Thurston, or anywhere of septic systems polluting drinking wells.

Betsy: Met with professor of environmental health and looked at data, no well in KC has been contaminated by septic systems. Prof. William Daniell sits on BoH, there was some anecdotal data from Colorado.

Glen: Local governments are trying to turn septic systems into de facto utilities to generate revenue, staff tried to find way to change fact that septic systems bring in no revenue after installation, in Thurston attempted to institute fee, wanted it as part of property tax or make initial entry fee small then jack up price later. Nobody wants pollution, Glen wants to find out how much actually pollute. 14% of septic systems failing number is false, Anderson watershed in Thurston, less than 1% failed in 2009, very few but still presented 14% failure rate, doubtful that falsity is known by higher ups. Current systems work well, but in order to tax government has to create a crisis, now seeing this with septic systems. KC has backed off, but now

looking at Thurston county trying to impose tax, KC wants Thurston to implement so they can. There are claims of fecal coliform getting into streams, all counties have stopped testing for it because science can identify what species of animal it came from and 98% came from birds/other animals, this did not fit narrative of human pollution so counties no longer test by species typing. It does not cost much to test, but DoH decided to obscure data in order to justify taxes.

Glen: This is just another way to charge rural citizens, make it more expensive to live rurally, no net benefit from taxes, and government has been able to get septic service businesses to go along with this because business would increase. Real concern is with pollution events, combined sewer overflows and raw sewage dumps are true causes, largely swept under rug. 150M gallons dumped in KC but better than before, 36M in Victoria dumped into Puget Sound, but they clean up sewage before dumping into ocean. One incident where 1.5M gallons dumped by leaving sewer lid off by accident, pollution can be caused by accident/rain, Soos Creek Water & Sewer District occasionally discharges sewage, any one event has more pollution than that caused by septic systems.

Betsy: County oversees Dep't of Natural Resources which handles waste treatment, DoH oversees septic systems, and DoH refuses to look at raw sewage as it's not their problem. How much should be focused on looking for a problem that's not there (septic) vs. addressing big problems (sewers)? Need \$450M to catch overflows, both departments just not wanting to see big picture. Map shows sewer outlets, overflows/pollution from other areas, Puget Sound Partnership is looking at issue of pollution in area. There is a shellfish/fishing problem, Vashon Island does have homes with pipes leading straight into ocean, but those are not septic systems. Other sources of pollution are due to street runoff, oil/fuel/tar from streets. There is a pollution problem but cannot point at septic systems. Examples, Scatter Creek watershed, 60 years of monthly tests for wells, 300% increase over 30 years in number of septic systems, but nitrate levels went down and aquifer levels never changed. They're just looking for excuse to impose new taxes.

Steve: How do you determine if a septic system has failed?

Glen: Only two ways, if tank itself is broken, usually with systems 40 years and older, would not know unless you inspect, need to replace tank, assumption is that people check their own. Other way is if drain field fails, lasts 30+ years. Baffles can go bad too, but not a failure--just not working as well.

Warren: Vashon has been leaking for over 30 years, government does nothing about it, there are community septic systems, they were available in 2007 but did not connect and they still drain into ocean. Also Fall City issues.

Glen: Mentioned KC paperwork, Federal Way, some weird stories about families digging up and putting in extra septic system. Reality is that this is a misapplication of resources, septic pollution is *de minimis* (negligible).

Rhys: Warren was representative on OSS group, Rhys sat in on one as well. Mentioned "four pillars" work plan, OSS work group discussed where should

- priorities be for limited funds, what are your recommendations? OSS group was looking at plan to implement rigid pumping schedule of every 3 years.
- Glen: 60 year old systems without modern approaches should be prioritized, not many cesspools but those should be fixed first, usually the responsibility of property owner. Once every 12 years is recommended, no need to pump more than that and pumping more often can hurt tanks, but it depends on size of tanks/people/buildup of solids.
- Betsy: New systems need monitoring contract before county would give permit, must have someone come out each year and inspect, close to coercion, maybe not legal. Why would they permit new systems yet require monitoring? Need to educate people who vote on these.
- Glen: Mandatory easement allowing department to come onto property to inspect is contrary to state constitution, will try to work in Olympia to fix issue.
- Warren: People at OSS meeting unclear of whether inspectors had ability to enter without consent, conflict of interests on board. GMVUAC does not want to allow a lot of new building projects but does want to allow people to develop the properties they have. County also wants to discourage building by raising fees, people with expectations of building cannot if unable to put in well.
- Peter: Thanks for the numbers, and a word of caution: KC has flaws, but be careful of saying that KC is trying to push taxes for no purpose unless you have evidence. Good work on educating people, environmental groups also have problems with pollution from overflow/sewers.
- Glen: Trend in Lacey/Olympia/Tumwater/Thurston County (LOTT) wastewater treatment is to put treated water back into watershed in concentrated area, uses triple chlorination process that can create hydrocarbons, gravel areas are chosen to allow treated water to get into aquifer. Cities are incentivized to inject water into municipal wells for water rights purposes instead of distributing water around, they refuse to test for medicines/steroids, 4,000 people on private wells in close proximity to dumping site.
- Steve: Does KC require inspection when a house is sold?
- Betsy: Able to get KC to step back on "turd tax", but they're still looking for funding, they planned on adding services, education programs, etc., overkill based on number of people with septic systems. Kathy Lambert said that Board of Health is weary of the whole topic, only increase they will look at is at the point of sale, will have to get company to inspect, has cost \$111 but recommending increase of 65%, but they will not increase staff and will only check pollution in marine protection areas. Is this a victory? New plan will go to Board of Health in January, but egregious facts not yet taken out, thinks point was made on fees and needless bureaucracy.
- Hank: Returning to the concentrated water dump, class A wastewater can create many hydrocarbons, are these carcinogenic? How long does it take to break down? Why are we not going to California natural models?
- Glen: Yes, half-life varies by combination, can be treated before dumping but harder to treat in aquifer. LOTT refuses to test for it or allow third party testing, starting to do some now but city incentive is to get water rights back, dump back into city wells. Concern is that KC is looking to LOTT as an example.

LOTT comprised of one elected official from each jurisdiction, dep't of ecology placed pressure. LOTT says they are testing now, but no evidence. There are other ways.

Warren: Who can we pressure to prevent this?

Glen: Would want water cleaned to best of ability and then put into Puget Sound, not directly back into aquifer, but it has improved.

### Private Wells:

Glen: On Oct. 6, Whatcom County v. Hirst ruling came down from the State Supreme Court, comprehensive plan in Whatcom County, WWU professors, growth management hearing board said they had to stop putting in new wells without any studies, Nooksack watershed, worried about impact of too many wells on minimum in-stream flow. Rules are needed to maintain fish habitat in river and 6-3 decision eliminates idea of exempt wells, must do hydro-geologic study for each well on whether well would affect watershed/water level. Should only affect counties who plan under growth management act, but typically such rulings result in a complete freeze, Spokane and others have stopped allowing new wells, Glen expects freeze on new well permits in future for fear of litigation. Dissent by Justice Stevens: ruling by majority defies law and common sense. Combination of problems, hydro-geological studies have no objective scientific method of determining whether it's correct, two different scientists can create two separate HG models for each well, would cost 300,000 dollars to get one? Validity of HG models is difficult to test and replicate, would result in litigation between people with different models and no way to prove who is right. Whatcom County v. Hirst litigant Futurewise's next steps: 1. Property rights, would remove access to water, 2. Create counter to groundwater association studies for private consumption that average water use is 150 gallons, irrational scenario, 3. Next logical step would be to extend this to existing exempt wells by metering and taxing water. Futurewise is looking to come after and take away exempt wells. Water trusts felt like they had solution, purchased water rights in watersheds, looking to sell rights back to people who have exempt wells, would pay water trusts to use water, doing this in Kittitas and Clallam counties. Unused water rights in Clallam, decided to put moratorium on exempt wells but \$20M plan to address, but for \$2M could purchase water rights and solve all problems? Glen does not think it's good, legislators looking for legislative fix, but State Supreme Court did not apply law as it is? More concerned about property rights, that state can take away water rights of people is a bad thing. Would have to pay water trust.

Lorraine: KC is starting to do this with water banks, when they bought house forced to close well and hook up to city water.

Glen: They usually fill in unused wells.

Sue: Houses currently with water rights are safe?

Glen: Water law is complex, usually assigned to property/attached to land, water right doc still must be perfected via something. Water rights usually apply to industrial rights.

Rhys: In order to get a building permit you must prove that there is adequate supply of water, big concern is that even with water rights, to get new building permit you would need to do HG test/survey/report to prove, but cost prohibitive for a single family to do so. Hopefully Supreme Court will see the light and reverse their ruling.

Glen: Threats of litigation will prevail with this ruling, so it needs to be fixed in the legislature, but Supreme Court is ignoring plain language, exempt well statute is crystal clear, should be applied as written. Analysis of opinion is posted on CAPR's website, but Glen admits it is biased.

Warren: Are we currently able to build new wells? The comprehensive plan has wells, but should we advocate for public water? Property values will drop.

Glen: Should get well as soon as possible, cannot get building permit without one and investment properties without wells will be useless, but KC is least likely target of litigation by Futurewise because of resources, will probably next sue a smaller county.

Hank: If you start drilling now, can they still demand an HG study?

Glen: Probably, even if one model supports a well, another model can show the opposite.

Peter: Small effects are difficult to calculate. Analyses based on modeling and the sensitivity of results therein are highly dependent on assumptions used, model complexity, etc.

Glen: 1 gallon per minute impact model in litigation? Depends on aquifer, 1,000-year impact, etc.

Peter: Asks Rhys to e-mail case, statute, etc. to everyone, and Rhys already did.

Teresa: Is there any support for smaller counties to defend themselves from this litigation?

Glen: Most legislators should be aware of decision, there is a desire to help.

Rhys: Legislature should define what constitutes an adequate supply of water, in dicta (text aside from the main holding) the court also stated that self-monitoring of sewer systems may not be adequate.

Glen: Describes how 1000 Friends of Washington became Futurewise, formed to defend growth management act.

Bonnie: Does CAPR help private property owners? How to get in contact? Having problems in Maple Valley, focusing on property issues.

Glen: Yes, 360-791-6656, can e-mail directly at glenmorgan89@gmail.com, feel free to contact but might be a while before he can get back.

Warren: Thanks Betsy for organizing opposition to OSS

Ron Iverson: Complains about overregulation, separation of powers.

#### KC OSS Management Plan Response: Rhys Sterling - 8:41

Rhys: Environmental Committee requested to look at plan, in September OSS work group meeting stated that public comments would be accepted, have until

January. Rhys sent out copy of draft plan for comments, got some from Susan, should get it done in a month. Rhys sent out suggested comments focusing mostly on tail end and not on facts, nothing there on sustainable funding. Asks everyone to look at plan and e-mail Rhys comments for consideration in December meeting. Will be sent to Board of Health, Public Health Seattle KC, plan itself developed by Lynn Schneider with input from OSS workgroup, many of Warren's suggestions made way into plan, but most of plan concerns justification for what they want to do. Public Health Seattle KC operates differently because city/county combined. Mandate by state to look at shellfish, etc. Should have something for Peter to submit in December.

Warren: Two different chapters in water/sewage? Can we find out when KC is lobbying state to allow charging for septic tanks? Don't want to get blindsided next year. Should change plan to allow public water in all areas, or must reduce taxable value/tax loss, something.

Allen Painter: County council passes list of what their legislative priorities are, can find out what those are. Can track down whether list has been passed, but might change during session. County's primary goal now is to find funding for transportation. Heard zero discussion on water connected to this...

**Council Business:** - 8:51 pm

**Recording Secretary Update:** Lorraine Blacklock

Lorraine: Adam has volunteered for taking over as recording secretary.  
Linda: Possibly tape and transcribe future meetings? Adam is overworked...

Warren moves to name Adam as Recording Secretary, Hank seconded. Adam abstained.

**Motion Passed**

Rhys: Thanks to both Lorraine and Adam.  
Steve: Since this is an Executive Committee post and, thus, Officer of the Council, Adam needs to send info to Steve for amending charter.

**Committee Reports:** - 8:55 pm

**Public Relations:** Rhys Sterling

Rhys: Is logo official? Yes, it has been passed.  
Linda: Should have prototype printed and brought to next meeting, asks for 5-10 minutes for feedback.  
Peter: Already used logo in newspaper article.

**Economic:** Hank Haynes

No meeting, but Hank did go to Puget Sound Regional Council meeting on September 2, presented a question on whether they would want representatives on

rural communities to weigh in on certain issues (productivity, etc.), one councilmember voiced opinion that they might like that.

Rhys: Wants to know whether this council is a representative governmental organization? Associate member?

Hank: Hopefully it can be, as nobody was there dealing specifically with rural development issues, mostly small cities, businesses, etc.

Susan: Transportation also looking at this. Stephen has done this research, don't feel we get representation.

Peter: GMVUAC might no longer be a representative organization, would be interested in participating in some of these boards, only rural cities are represented but not rural areas, can we represent?

Steve: Can we represent through CSA?

Allen Painter: Official legal status no longer exists, but county still interested in working with unincorporated area councils, might argue that representation in PSRC accomplished through legislature/county representatives. UAC is just a 501(c) nonprofit, unsure if it can become associate member.

Rhys: We can submit application and see what happens?

Steve: We get grants but no funding, different from before.

Hank: Regardless, we can respond as private citizens, to answer questions on how issues affect us.

Allen Painter: Board of Health has private individuals, but unsure if PSRC can have private residents in there.

Rhys: Lists PSRC members, includes universities, etc. Stephen will look into this.

#### Growth Management: Peter Rimbo

Peter: Issaquah Hobart truck route change, Issaquah has banned trucks from several streets via ordinance rerouting those exiting I-90 to SR 900, bigger problem for Four Creeks, might be dumping trucks onto Issaquah Hobart Road at May Valley Road intersection that might be going elsewhere. This is another example of cities externalizing problems to rural areas. Tom from Four Creeks has already started contacting people. Peter has been in contact with DPER for Lake Francis gravel operation, Quality Aggregate trucks ended up damaging Lake Francis Road twice in area, KCDOT traffic review submitted to DPER a week ago, code and standards are problematic, travelshed not at concurrency and will generate 250 trucks per day, county claiming that they have limited money to repair roads, even though they allow permits for this because the code says it's okay, so county is hurting itself. This is another loophole, these kinds of operations are exempt from concurrency, system is crazy, Lake Francis Road will get worse, sub-area plan in 2019 along Cedar Grove road, Peter does not agree with what the county is doing. County is not doing traffic review wrong, but County code/standards need to be looked at. Concurrency is becoming worthless with so many holes, why have policy at all, it also does not apply to federal highways and state highways of statewide significance.



Susan: Is this for Transportation or Growth Management? Both. Will come under greater challenge when PSRC says smaller cities can start converting to large cities (Bonny Lake, Covington).

Peter: Because these cities are exceeding their growth targets, must ask PSRC whether standards will change?

Hank: PSRC predicts growth by 4 million people.

Peter: Should not be going to rural areas. Also, no updates on the proposed MJ processing plant at 200th Ave SE and Wax Road, KC DPER will require the applicant to widen road, but it should end up in court.

#### Transportation: Susan Harvey

Susan: October 18 forum put on by joint transportation initiative group consisting of regional UACs, invited KCDOT and PSRC representatives, 21 attendees. PSRC has little legal powers, but can formulate influential policy. Put together agenda of 4 basic questions. A good in-depth discussion resulted. We want to remove silos, move toward a regional transportation concurrency system. Will be keeping dialog open, asks for questions to give PSRC. Susan has 3 questions, 2 more w/ Issaquah Hobart road, small-large city applications. PSRC heard things they needed to hear.

Lorraine: Biggest accomplishment is showing we existed and have questions.

Susan: Paul Ingram, Charlie Howard, staff to elected board, does work for four counties, get authority through regional transportation planning organizations via RCW.

Warren: Jay Osborne should be contacting him or Susan, Issaquah should be doing Issaquah-Hobart Road study, no input from him on taking care of speed signs, might want to put request in for grant.

#### Environment: Rhys Sterling

Rhys: Get comments in on OSS management plan.

#### Train Show: Steve Hiester

Steve: 19th annual train show, 500 people over weekend, storm threat may have affected attendance, 10 exhibitors, and everything went smoothly.

Susan: Found past brochure on GMVUAC for Public Relations use in future? Passes around.

Linda: Wants poster to tell attendees about UAC next year. Did we suffer financially?

Steve: We did OK. Treasurer will make report. Also have grant from KC for \$2,000.

Sue: \$485 net proceeds from train show, does not have information to put together Treasurer's report, give her expenses for reimbursement.

Steve: November 18 is deadline for requesting grants from KC, if anyone else has idea for grants must submit by then, items, events, etc. Warren might want a speed sign?

Susan: Newsletters?

Rhys: Rob's request for playground?

Allen Painter: Gave money directly to church earlier this year.

Lorraine moved to allow Steve to seek grant for train show, Peter seconded.

**Motion Passed**

**Future Business:** - 9:33

Warren: What happened to gift certificate for Les, suggested card for Do-It Center?  
Something should happen eventually, Warren wants it done by end of year.

Warren moved to adjourn, Hank seconded.

**Motion passed**

**Meeting Adjourned - 9:36 pm**