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I do not believe that the DOE draft of rules governing new rural wells in Whatcom county is keeping with the spirit of the state legislature's intent. In addition to being unclear in its wording, the draft places an inequitable burden on owners of new wells when no such restrictions are warranted by research, especially considering the very small amount of water under consideration.

Summary Recommendations:

Retain the previously established limit for wells of 3,000 gallons/day.

Maintain the distinction between indoor and outdoor use.

Drop for now potential use of meters from the regulations until their use is clearly indicated by well-designed research.

Questions and rationale:

It's very puzzling to me that the new--and quite strict--water regulations apply just to rural residents whose water use accounts for only 0.5% of water resources. That's just a tiny fraction of available resources in our county. Is the goal water conservation? If so, it seems efforts to conserve should be directed toward major water users rather than singling out a group whose consumption is miniscule.

It's hard to understand why the sudden change from a limit of 3000 gallons a day to 500 gallons. I'm curious as to what data indicates that this restriction is necessary. Further, it seems an inequitable burden to place on rural property owners with new wells. To be fair, why not limit water consumption for city dwellers whose total consumption is far greater than those in rural areas? In addition, reclaiming water in rural areas is more ecologically efficient than water in the cities with their large tracts of impervious surfaces plus the need to treat water before it's discharged into the environment.

I learned that research by Ecology's own consultant established that 3000 gallons a day is the average consumption used by rural residents in high-use summer months. So why has this limit been drastically lowered to 500 gallons without explanation, and, apparently, without research to substantiate such a restriction? Where did this number come from? These seem to be crucial questions when restricting water to this degree which will cause such negative financial and lifestyle consequences for rural families.

Something else that has me scratching my head is that there's no differentiation between indoor and outdoor water use; the 500 limit covers it all. The distinction between these two usages has for some time been a matter not only of statute but interpretation. Why has this been changed without explanation?

Whatever steps are taken toward water quality and conservation, they should be backed by research. It's my understanding that no well-designed study has been done to check streams before and after well drilling in order to discover any signs of depletion. Apparently it's difficult to detect removal of such small amounts of water. Again, we're talking 0.5%.

Part of the draft language includes, "The department reserves the right to require metering and reporting of water use for domestic users, if more accurate water use data is needed for management of water resources in the area." Does this apply only to new wells or does it include all wells in the county, both existing and new? Please clarify. Further, before any move toward

metering is made, again, good science would dictate the need for research indicating that the meters are actually warranted. So it seems that a well-designed study is in order. Once we have the facts, then we can find ways to solve any existing problems.

It seems as though these rules as they are written could lead to litigation from a number of different angles. After all the time, effort, and financial loss over the last few years, it's time to come to solution more in line with what the legislature proposed.

Having previously lived for decades in a rural Whatcom area, I found that having a well is a privilege, a responsibility, and a necessity. I believe that most rural landowners believe the same. I'd like to see the DOE work in partnership with well owners rather than creating rules that, by comparison to the legislature's conclusion, seem unnecessarily restrictive and discriminatory.