

Olympic View Water & Sewer District

See the attached comment.



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Board of Commissioners

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Department of Ecology

Water Quality Section

RE: Comments on proposed 2024 NPDES MS4 Stormwater permits and Stormwater Management Manual

Thank you for the opportunity to comment on the proposed Phase I and II permits and the stormwater manuals (SWMM). The Olympic View Water & Sewer District provides water and sewer service to residents in the Southwest portion of Snohomish County. Providing these essential services to the community requires safe reliable sources of clean water. We are fortunate to have groundwater and surface water influenced by groundwater sources that are high quality with minimal pollutants or contaminants.

Stormwater is a significant risk to these pristine sources of drinking water. Pollutants generated by runoff from streets, roofs, landscape, and other land uses can and do move through the ground layers above an aquifer and ultimately pollute these sources. With Ecology's stance of allowing, and possibly recommending, the use of infiltration for stormwater mitigation, these runoff pollutants are now a direct threat to clean drinking water sources if allowed in CARAs and designated watershed and wellhead protection areas. Allowing UICs in these areas compounds the risk by creating a way to bypass higher soil layers allowing concentrated stormwater with pollutants directly into lower soil layers and ultimately into the aquifer.

Emerging contaminants, i.e., PFAS, also increases this risk significantly and, due to the cost to treat these contaminants, can make once pristine sources of drinking water no longer feasible. These emerging contaminants easily pass through soil layers and do not breakdown. PFAS has been found in stormwater in multiple studies conducted in the state of Washington and elsewhere, including a recent study by the Department of Ecology titled "**Quality Assurance Project Plan: Survey of PFAS in the Greater Lake Washington Watershed.**" The study shows the prevalence of PFAS and other contaminants in runoff and makes the case that sending these contaminants into the ground layers can and will lead to contaminated groundwater.

Our sources are shallow aquifers with areas where the soil layer containing the aquifer is exposed at the surface. In other words, no confining layer. Any infiltration in the capture zones have little to no treatment for pollutants. Using infiltration as stormwater mitigation in these areas should not be allowed due to the inherent risk of contaminated water directly entering the aquifer layer with little to no resistance or treatment. We would recommend the same for all vulnerable drinking water aquifers in the state and would encourage Ecology to take a strong stance that drinking water aquifers are critical assets and should be protected from runoff contaminants.

One of our aquifers is currently threatened by a series of UIC wells for stormwater mitigation at a school in the capture zone. The School District went through the process to authorize the use of the UICs including approval from Ecology. We were not aware of this during design and happened to stumble upon it by accident when a staff member asked questions about a drilling rig crew celebrating the fact that they punched through the confining layer. The confining layer was the confining layer of our drinking water aquifer. This led to a legal battle and countless time and resources to try to stop this threat, with the ultimate outcome being UIC wells still sending stormwater into the drinking water aquifer with the only protection being a sample plan in place to monitor if the aquifer becomes contaminated. This was and is not ideal for anyone involved and, if the aquifer becomes contaminated, we will likely lose a drinking water resource for the community and will be burdened with additional time and resources needed to recover from the loss.

With this experience in mind, we have worked diligently to bring attention to this issue and to try to minimize this threat to all drinking water resources. We have partnered with WASWD for discussions with Ecology about UICs and infiltration in general in wellhead/watershed protection areas. We appreciated the opportunity to voice our concerns and thank Ecology's staff for working with us on a solution.

We reviewed Ecology's stormwater updates and have the following comments:

We are pleased to see language added to the manual that requires applicants to notify "...adjacent drinking water well owner(s), water purveyor(s), and water district(s) (Owners) of the proposal to install a deep UIC well within the drinking water WHPA." This language will allow water users an opportunity to protect their assets from possible threats and be aware of the potential for contamination. However, we have reservations with the word "adjacent" and feel this should include all water users in the area that could be impacted.

We want to emphasize that Ecology must ensure that the requirement for non-endangerment is met and does not burden the water users. The justification for meeting the non-endangerment requirement should be readily available to the water users with a review period and an appeal process for possible impacts recognized by the water users.

Initial monitoring and additional periodic monitoring should be required for all infiltration applications. An initial monitoring assessment is the only way to know if treatment that is in place is effective. These

treatment practices can and do break down over time. Without additional periodic monitoring, treatment practices that become ineffective will not be identified and contaminants will be allowed to pollute the soils and ultimately the aquifers.

The manual does not seem to address mitigating drinking water aquifer contamination caused by authorized infiltration systems such as UICs. Specifically, who and how mitigation of contaminants will be addressed. If Ecology is going to allow infiltration and potential contamination in these critical areas, the water users should not be burdened with the cleanup, adding expensive treatment, or the loss associated with losing a drinking water source.

The manual should remove all language that allows options to circumvent the UIC section, I-1.4. For example, BMP T7.50 Drywells shows the deleting of the text “drywells are subject to UIC regulation” and text added stating “if there is overflow to the MS4...only the registration requirement of the UIC rule applies.” This implies that if there is an overflow to the MS4, then UIC rules including notification and non-endangerment do not apply to a system that in normal conditions will infiltrate stormwater with pollutants, except for the occasional storm event when flow exceeds capacity of the system and overflows into the MS4. An overflow to an MS4 is not a treatment and will not benefit normal day to day infiltration contamination in any way. Overflow to an MS4 should not allow land users to avoid the requirement of the UIC section. Please review and remove any language that offers exceptions to avoid the UIC protections.

Thank you again for the opportunity to comment and we will look forward to future discussions to help protect our critical resources.

Sincerely,

Bob Danson,
General Manager