

WRIA 1 Environmental Caucus

Please find our comment letter attached. Thank you.

**Ecology Draft Amendment to 173-501 WAC:
Comments from the Environmental Caucus of the WRIA 1 Planning Unit
January 17, 2020**

The Environmental Caucus is a member caucus of the Water Resource Inventory Area No. 1 (WRIA 1) Watershed Management Project Planning Unit. We envision a future Whatcom County where our community is unified in restoring and protecting a resilient ecosystem as our highest priority. Members of the Environmental Caucus include nonprofit organizations, community groups, and individual citizens in Whatcom County. We are speaking only as the Environmental Caucus and not on behalf of the Planning Unit as a whole in this letter.

We are pleased to submit these comments to the Washington State Department of Ecology in response to the department's publication, in November 2019, of its Draft Amendment to Chapter 173-501 WAC, its *Preliminary Regulatory Analysis*, and its *Draft Rule Supporting Document*. Our specific comments and suggested revisions cover three topics: (1) Water-use efficiency, (2) lack of due diligence in assessing the 13 projects intended to offset the water expected to be used by new homes that use permit-exempt wells, and (3) lack of any metering or other method to ensure compliance with Ecology's water use limits.

First, we want to express our support for maintaining the 500 gallons per day indoor water use limit and the outdoor water use limit of irrigating up to one-twelfth of an acre. We think this is a reasonable limit as compared to both the 3,000 gallons per day annual average baseline set in the Streamflow Restoration Act (SRA) and the 5,000 gallons per day limit for permit exempt well usage prior to the passage of the SRA. As indicated in the *Draft Rule Supporting Document*, most households use well below the 500 gallons per day indoor limit.

1. Water Use Efficiency

Only one of the 13 projects included in Ecology's list (Chapter 6 of the supporting document) addresses water-use efficiency. And that project has no details to support it. That is, there is no information from Ecology on:

- what actions will be taken to improve efficiency,
- what entities (government or otherwise) will implement the programs,
- the nature of the programs intended to improve efficiency (e.g., general information, site-specific information, financial incentives for installation of efficiency measures, or regulations that require efficient equipment and practices),
- the likely cost of these programs,
- potential and likely funding sources,
- likely benefits (both economic and environmental),
- and the overall cost effectiveness of these efforts.

We hope (and expect) the final rule, to be issued in August 2020, will put some meat on the bones and provide specifics on the who, what, when, where and how. We suggest revising this section based on specific recommendations Eric Hirst¹ and RE Sources² provided in their comments.

2. Lack of Assessment for Projects

It appears that Ecology conducted no independent assessment of the 13 projects presented in Chapter 6 – Projects and Actions. Indeed, this entire chapter appears to have been lifted from a 2018 report prepared by RH2 Engineering for the WRIA 1 participants. The WRIA 1 Planning Unit approved the project list for consideration but did not endorse them unanimously. In the end our Planning Unit was unable to agree either internally or with the Initiating Governments on an approach to offset permit exempt domestic well consumptive use and could not complete a final update to the 2005 WRIA 1 Watershed Management Plan. For these additional reasons, Ecology needs to step in assess whether these projects are feasible and not accept them as approved or endorsed locally.

We hope (and again expect) Ecology to carefully review these 13 projects, talk with the project sponsors, and form its own view on the likelihood of their being implemented and achieving the intended results at reasonable costs.

3. Compliance

Finally, we appreciate Ecology’s plan to impose reasonable limits on the indoor and outdoor water uses for these new rural homes. However, absent metering (which Ecology largely ignores), we see no way for Ecology to monitor actual water use and ensure compliance with its standards. We hope (and expect) the final rule to include an explicit discussion of metering, compliance, and enforcement.

Thank you for considering these comments from the Environmental Caucus.

Karlee Deatherage,
On behalf of the WRIA 1 Environmental Caucus

¹ Hirst, E., “Comments on Ecology’s Draft Amendment to 173-601 WAC”, Dec 9, 2019, p. 6-8:
https://commentinput.com/attachments/projectID_200013/200142/merged//63165D1y8gY.pdf?v=59I3GQTEY

² RE Sources, “Chapter 173-501 WAC Preliminary Draft Rule & Supporting Document”, May 10, 2019, p. 3:
https://commentinput.com/attachments/projectID_1001/10493/merged//5F14AP74j04.pdf?v=GYFS9TME6