

## Daniel Clark

The proposed rule to limit water usage to 500 gpd (and also land usage) has many flaws that have already been documented.

One concern not mentioned is the illegitimate use of statistical averages in determining usage (one example being the average of a 2.5 person household). Statistics can be an adequate tool for determine averages and behavior among large groups of people. However, it is an insufficient tool for determining how specific individuals/families are impacted.

For example, the committee uses an average household size of 2.5 people for determining appropriate water usage. My family, however, is a family of 6, not including animals or including future elderly family members who are soon to be cared for.

Furthermore, not only does my family sleep at our residence, my children are educated here and my wife and I (both corporate professionals) work from home. Because we live, and also work, and also play at our home, we often use more than 500 gpd.

What is not taken into consideration is that unlike most individuals/families, we don't use ANY water at a school or workplace--nothing. Furthermore, our carbon footprint is much less than other individuals because we don't drive or consume resources at a school or workplace.

Thus, as a result of the use of "averaging," my specific family (and families like mine) are discriminated against--even though we have a smaller carbon footprint.

The committee's use of statistical averaging actually portends a legitimate Constitutional discrimination claim (these often arise when illegitimately applying statistical averages to specific parties). Not only does the illegitimate application of statistical averaging cause Constitutional Claims to arise, but these claims are buttressed if facts used by rulemaking agencies appear to be unfounded and/or specious. Here there are many good reasons to presume that some of the "facts" used by the committee are specious (e.g., improper inconsideration of recharge rates occurring from both annual rainwater and recharge from septic systems).

I would advise the committee to reconsider the rule and align the rule with the clear guidelines promulgated by the legislature. If not, there are sure to be many lawsuits filed against the DOE. As the rule stands, the rule prevents my family and families like mine from enjoying the use of rural property within Whatcom County.