

EDMONDS ENVIRONMENTAL COUNCIL



PRESS RELEASE

January 31, 2025

Settlement Reached with City of Edmonds on EEC’s Appeal of the Deer Creek Aquifer Critical Area Regulations

The Edmonds Environmental Council (EEC) and the City of Edmonds have reached agreement on suspending the EEC’s Appeal of City regulations pending results of a scientific study on stormwater infiltration and its risks of PFAS and other toxins polluting the drinking water aquifer. Pursuant to the Settlement Agreement, the City will use the study results to make recommendations to the Edmonds City Council on the Deer Creek Aquifer Critical Area Regulations. The full text of the Settlement Agreement is available on the EEC website at <https://edmondsenvironmentalcouncil.org>

Background

In July 2024, the EEC appealed the City’s Deer Creek Aquifer Critical Area Regulations because they allowed the use of shallow UIC wells without considering the risks of PFAS and other ‘forever chemicals’ in stormwater contaminating the drinking water in the Deer Creek Aquifer and thus risking human health impacts to the residents of southern Edmonds, Woodway and Esperance. The Appeal, called a ‘Petition for Review’ was filed with the State’s Growth Management Hearings Board requesting the regulations be overturned.

The EEC appealed the City’s regulation based on State law that requires Cities to protect the functions and values of critical areas - which includes drinking water aquifers. This municipal responsibility cannot be deferred to a drinking water purveyor (i.e., Olympic View Water District) especially if it is after the drinking water aquifer has become contaminated. State law defines the City’s responsibility for ‘Protection of Critical Areas’ as “preservation of the functions and values of the natural environment, or to safeguard the public from hazards to health and safety”. The EEC wants to emphasize the word “health” in this definition as the risks to human health from the City allowing potential PFAS contamination of a drinking water aquifer was totally ignored as evidenced by the lack of any mention of PFAS risks in the City’s environmental review documents for the Critical Area Ordinance. This was contrary to the best available science and threatens the health of all of the residents of Woodway as well as southern Edmonds and Esperance.

In October 2024, the City and the EEC began mediated settlement discussions followed by three months of negotiations by respective attorneys resulting in a final draft Settlement Agreement approved by the City Council in Executive Session on January 14, 2025. The City Council made changes that were subsequently approved by the EEC and the final Settlement Agreement was signed by all parties to the Appeal.

The EEC entered into settlement discussions because it wanted to take an amicable approach with the City to save on legal costs for both sides in dealing with the issue of PFAS in stormwater and its impacts to human health.

The EEC conceded many of its settlement objectives during the negotiations, such as the EEC request that the City implement an interim ordinance banning shallow UIC wells. The EEC did this in order to reach agreement on the need for an actual scientific study on PFAS in stormwater and the risks of 'forever chemicals' contaminating the drinking water in the Deer Creek Aquifer and jeopardizing human health. The Settlement Agreement calls for a study to be completed by about June 30, 2025 on the risks and avoidance of PFAS contamination in the Deer Creek Aquifer to inform the City's decision on necessary protections of the Deer Creek Aquifer and human health. The study will include an assessment of options including an identification of known PFAS sources that may enter the groundwater and subsequently the drinking water aquifer and an evaluation of 1) a prohibition on both deep and shallow infiltration; 2) a prohibition on any stormwater infiltration unless the stormwater is first filtered in a manner designed to remove PFAS; and (3) a prohibition on using known PFAS sources in or near a drinking water aquifer.

City staff are to then use the study results to develop action options for Edmonds City Council consideration within 45 days of receipt of the study. The EEC will track this process and provide its input to the City Council also. If the City Council action, within 90 days of the staff report, does not resolve the legal issues raised by the EEC, the GMHB appeal process will resume.

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