

OLYMPIC VIEW WATER AND SEWER DISTRICT
SNOHOMISH COUNTY, WASHINGTON
RESOLUTION NO. 1149

A RESOLUTION of the Board of Commissioners of Olympic View Water and Sewer District, Snohomish County, Washington, TO PROTECT THE CRITICAL AREAS WHICH HAVE THE POTENTIAL TO IMPACT PUBLIC WATER SUPPLY WITHIN THE OLYMPIC VIEW WATER AND SEWER DISTRICT'S WATERSHED PROTECTION AREAS

Whereas, Olympic View Water and Sewer District provides drinking water to approximately 15,000 customers in Edmonds, Woodway and Snohomish County, and

Whereas, state law recognizes that: "Potable water is an essential life sustaining element for people and many other species. Much of Washington's drinking water comes from groundwater. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up. Preventing contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people and ecosystems." WAC 365-190-110(1); and

Whereas, RCW 36.70A.060 (2), 36.70.A.070, WAC 365-190-100 and other state laws require cities and counties to adopt regulatory protections for environmentally critical areas, including Critical Aquifer Recharge Areas (CARA); and

Whereas, the Department of Ecology's Ground Water Quality Standards include an "antidegradation policy" which provides that "Existing and future beneficial uses shall be maintained and protected and degradation of groundwater quality that would interfere with or become injurious to beneficial uses shall not be allowed" WAC 173-200-030(2)(a); and

Whereas, studies have shown that general urban stormwater is highly contaminated and includes contaminants that are harmful to human health and that are not well filtered by any existing stormwater best management practices ("BMP"); and

Whereas, the 2019 State Stormwater Management Manual for Western Washington ("SWMM"), Volume 1 – Chapter 3 – Page 121 specifically provides for exceptions to stormwater management practices that are in conflict with "A local

code or rule . . . adopted to protect a Critical Aquifer Recharge Area established under the State Growth Management Act”; and

Whereas, the SWMM, specifically recognizes that “Local jurisdictions may have ordinances that apply to development within ground water protection areas, such as . . . wellhead protection areas, and areas designated as Critical Aquifer Recharge Areas”; and

Whereas, the SWMM , (Volume 5 – Chapter 5 – Page 742) states that “A site is not suitable for an infiltration BMP if the infiltration BMP will cause a violation of Ecology’s Ground Water Quality Standards (Chapter 173-200 WAC)”, and

Whereas, on April 10, 2024, the EPA announced regulations setting a maximum level for six (6) PFAS in drinking water, including two (2) common PFAS contaminants in urban stormwater, PFOA and PFOS, that are hazardous to human health at any level, (MCLG = 0); and

Whereas, on April 19, 2024, the EPA announced that two (2) common PFAS contaminants in urban stormwater, PFOA and PFOS, will be regulated under a CERCLA (a/k/a Superfund Law) enforcement discretion policy; and

Whereas, federal law, 40 CFR 144.12(a), prohibits discharge of contaminants via underground injection control in a manner that allows contamination into sources of drinking water if the presence of those contaminants may adversely affect the health of persons, and

Whereas, studies have determined that two (2) of Olympic View’s sources of drinking water include CARAs which are highly susceptible to stormwater contamination, and

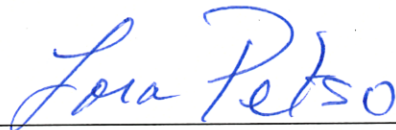
Whereas, these areas are not suitable for use of Underground Injection Control (“UIC”) wells or other means which direct stormwater infiltration into the ground above or near a CARA; and

Whereas, it is therefore necessary for land use authorities to protect Olympic View’s CARAs and prevent contaminated stormwater, including stormwater with toxic PFAS/PFOA/PFOS, from infiltrating into the aquifer; and

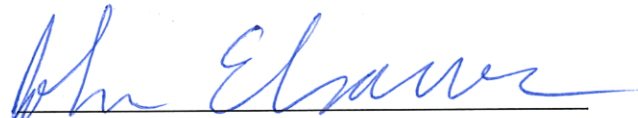
Whereas, Olympic View stands ready to work cooperatively with land use authorities to protect the region’s drinking water sources.

Now, therefore, be it resolved that the Board of Olympic View Water and Sewer District urgently requests that jurisdictions with land use authority over regions which include the District’s water sources:

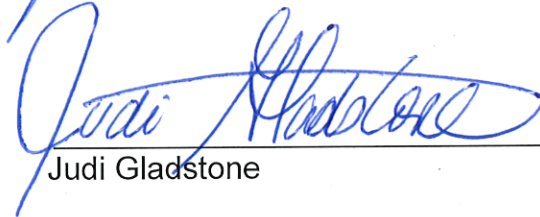
- 1) Adopt ordinances protecting all CARAs from contamination including prohibiting any new stormwater facilities, particularly UIC wells or other means of infiltration in their areas, and
- 2) Promptly notify the District of proposed projects and land use activities or actions in those areas, and
- 3) Publicly commit to regularly reviewing and updating plans and ordinances to protect CARAs based on new information as it becomes available.



Lora L. Petso



John E. Elsasser



Judi Gladstone