

Questions from Public Hearing Testimony Oct 13, 2011

Public testimony was given by 29 persons at the public hearing for the Nisqually Reach Watershed Protection Area Septic System Operation & Maintenance program. Written testimony was received from four citizens. The following questions and statements summarize the primary concerns voiced at the hearing.

On the website below, there is another question and answer document that provides detailed responses to questions received at a January 2011 workshop.

<http://www.co.thurston.wa.us/health/ehrp/pdf/Nisqually/NisquallyOpenHouseQ&As.pdf>

Click on a Question or Comment which will Link to the Answer

Question 1: Why are we focusing on shellfish protection?

Comment 2: Should have a provision to ‘kill this’ if it isn’t effective within a few years.

Question 3: How were fees determined?

Question 4: What does the program pay for?

Question 5: This is a tax. How can we be sure the money won’t be used elsewhere?

Question 6: How can I be sure you won’t increase the fee?

Comment 7: County needs to work more efficiently.

Comment 8: There should be room in the current Health Department budget for such programs.

Comment 9: Show me statistics for public health issues from septic tanks.

Question 10: Why are you punishing/targeting septic system owners?

Comment 11: There are bigger pollution sources like LOTT, stormwater, pet waste, etc; find them first.

Comment 12: Nisqually Reach is a big open body of water, not at all the same as Henderson Inlet, so this program isn’t likely to improve water quality.

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Comment 14: “First I’ve heard about this ...”

Program Intent

Question 1: Why are we focusing on shellfish protection?

Answer 1: Shellfish are our warning system. Shellfish are filter feeders – filtering 20+ gallons per day per clam, mussel, oyster; whatever is in the water around it is concentrated within their bodies. If there is fecal coliform pollution in the water, that is germs that can make whoever eats them very sick, then those pathogens (bacteria, viruses, etc) are concentrated. These pollutants don’t usually harm the shellfish, but they can cause illness

and even death in people. When water becomes too polluted to safely eat shellfish grown in those waters, clean-up actions are needed.

When declining water quality causes shellfish harvesting closures, State law (RCW 90.72) requires counties to create shellfish protection districts and identify and correct sources of pollution. State law (RCW 70.118A and WAC 246-272A) requires local health departments to identify areas where septic systems are a major cause of degraded marine water quality and shellfish closures and to develop a plan to find and fix failing systems and make sure that all septic systems are inspected and maintained.

Comment 2: Should have a provision to ‘kill this’ if it isn’t effective within a few years.

Response 2: Yes, there is a sunset clause. In 10 years, the Board will need to take action in order to continue the program. After 5 years the program will be reviewed by the Board.

Fees

Question 3: How were fees determined?

Answer 3: The program rates are calculated based on how much it will cost to run the program for about 4100 properties and their 4900 septic systems.

The time and resources needed to do all the work to issue one septic system operational permit from start to finish including the administration, data management, quality assurance inspections, technical assistance, and compliance was estimated. That cost is \$60. So \$60 would be charged to every property with a septic system. Each additional septic system on a property would have an additional \$10 charge because it takes more time to review the inspections and manage records for the additional septic systems.

High risk systems require a dye test every six years in addition the routine inspection. The cost of these intensive tests is \$450— divided by 6 (years) equals an annual additional amount of \$75. Therefore the “high risk” rate is \$135 (\$60 + \$75).

Community drainfields, schools and restaurants are already required by law to have annual inspections of their on-site sewage systems and renew their operational certificates. Their rate would be set the same as the current fee for a new operational certificate, \$145, because that is what it costs to manage those systems.

This proposed rate structure is designed so that each septic system owner pays the amount related to the cost for their type of septic system.

Question 4: What does the program pay for?

Answer 4: The rates proposed would generate the amount of money needed to cover the County’s actual costs to run the program. The activities include:

- Keeping the roll of properties and septic systems in the program
- Sending inspection notices and reminders to septic system owners
- Managing septic records
- Reviewing inspection reports

- Issuing and mailing operational certificates for functioning septic systems
- Follow-up on malfunctioning or failing septic systems
- Teaching homeowner/inspector certification classes
- Providing technical assistance to septic owners
- Doing quality assurance field checks on 10% of inspection reports
- Dye testing high risk (shoreline) systems

The proposal also includes financial assistance items such as:

- No program fee for senior/disabled qualified owners,
- Rebates for installing septic tank risers,
- Classes to certify homeowners to inspect their own systems, and
- Grants to low income property owners for inspections & maintenance.

Question 5: This is a tax. How can we be sure the money won't be used elsewhere?

Answer 5: To most efficiently collect the program charge, it would be collected by the County Treasurer, as are other special assessments. The Treasurer transfers these funds into a designated account within the Public Health and Social Services Department. The funds are ONLY used for the O&M program and are not used elsewhere. County departments are audited on a routine basis.

Question 6: How can I be sure you won't increase the fee?

Answer 6: There would be rate increase if the cost of living goes up. The rate could not be increased more than 3.5% in any year. In the Henderson program, the rate for low-risk septic systems has increased by a total of \$3 since 2007. The high risk system rate has increased by \$9. There has been no rate increase for the last two years because the cost of living did not increase.

Comment 7: County needs to work more efficiently.

Response 7: Through implementation of the pilot program in the Henderson watershed a very efficient system was developed using the County's geographic information system and a sophisticated permit tracking system. We are always looking for ways to be more efficient, and there have been major improvements in recent years. Septic permit records have been converted to electronic records so they are readily available via the internet. The County and the septic system professionals now use a web-based reporting system, called OnlineRME, to submit and receive electronic inspection and pump reports. This system reduces the need for paper forms and mailing. That same online system communicates directly with the County's permit tracking system too. So when a septic system inspection report is received that shows a septic system is working properly, the permit tracking system automatically sends out the renewed operational certificate. Now County inspector can focus their efforts on systems that are not working.

We will continue to look ways to automate and streamline the system if this program is adopted in the Nisqually area.

Comment 8: There should be room in the current Health Department budget for such programs.

Response 8: The Environmental Health Division receives very little funding from the County's general fund, i.e. property taxes. In these difficult economic times, the county cannot divert general funds to pay for this program with other essential services being further cut. The Environmental Health Division programs operate on a "fee for service" basis or by acquiring outside grants for specific projects. A new program, such as the Nisqually septic O&M program, would need to be funded through a new source of revenue.

Comment 9: Show me statistics for public health issues from septic tanks.

Response 9: There are no statistics available for illness outbreaks due to malfunctioning septic systems. That is in large part because public health agencies work from a PREVENTATIVE approach. Programs and rules are in place to prevent disease outbreaks. The closure of shellfish harvesting areas prevents people from eating contaminated shellfish and getting sick, but it does not solve the pollution problem. The purpose for the proposed septic program is to find and fix pollution coming from septic systems and to prevent future septic failures through routine maintenance.

There are statistics for closures of beaches and shellfish growing areas throughout Thurston County and Puget Sound. Currently 1,850 acres remain "Prohibited" to commercial shellfish harvest between Johnson Point and the Nisqually River delta. The quality of water needed for shellfish harvesting is much higher than that for other beneficial uses, such as swimming. So closures of shellfish harvest areas are usually the first beneficial use lost when water quality degradation occurs.

Pollution Sources

Question 10: Why are you punishing/targeting septic system owners?

Answer 10: Septic systems are one of many types of pollution sources to the Nisqually Reach and its freshwater drainages. Numerous studies done by different agencies have shown this.

The Health Department dyed tested septic systems along the marine shoreline and around the Nisqually Valley highway interchange and found failure rates as high as 33% in some areas. A DNA source tracking study conducted by the county health department in 2004 positively identified the presence of fecal bacteria from humans in drainages coming from residential neighborhoods. A 2005 Washington Department of Ecology water quality report for the Nisqually River Watershed identified several neighborhoods where elevated bacteria levels in the drainages were likely associated with septic systems. The Washington Department of Health identified numerous contaminated freshwater drainages and many individual shoreline septic systems as potential pollution sources.

The program is not intended to be punitive. Its purpose is to protect the community by making sure that septic systems are regularly inspected and maintained. This benefits the community and the owners by:

- Keeping the system operating properly

- Protecting public health by finding and fixing failing systems
- Preventing costly repairs by finding and fixing problems early

Comment 11: There are bigger pollution sources like LOTT, stormwater, pet waste, etc; find them first.

Response 11: This program would address ONE of the sources of fecal coliform nonpoint pollution. The Health Department is the agency with the authority and the responsibility to manage pollution from septic systems. While it is understood that nonpoint pollution comes from many diverse and diffuse sources, it has been shown in both Henderson and Eld Inlets that septic inspection and repair programs helped improve water quality so much so that shellfish beds that had been closed for decades were reopened.

There are many other programs going on that address other sources of pollution. For example, the county and the cities have stormwater programs and are regulated under permit by the Washington Department of Ecology. The LOTT wastewater facilities are highly regulated under permit by the Washington Department of Ecology. Agricultural activities are regulated by several agencies, and farm operators in the Nisqually Valley have made extensive changes in practices in the last decade. Extensive education efforts on managing pet waste are underway by many agencies and nonprofit groups in Thurston County and throughout Puget Sound. .

This proposal addresses the septic system part of the pollution problem.

Comment 12: Nisqually Reach is a big open body of water, not at all the same as Henderson Inlet, so this program isn't likely to improve water quality.

Response 12: It is true that the water quality off shore in the Reach is already good and meets the water quality standard. Yet there are still 1,850 acres of tideland, where commercial harvest is prohibited. The problem is that the freshwater discharges and creeks that drain the upland are polluted. Where they discharge to the tidelands the water quality is poor and the area must be closed for shellfish harvesting. In the past one community beach along the Reach was posted with a recreation advisory due to failing septic systems.

In 2005, State Department of Health completed an evaluation of the shoreline and upland along the Reach; surveying nearly 200 shoreline on-site sewage systems and sampling 132 freshwater drainages entering the growing area from the uplands. Nearly 20% of the on-site sewage systems evaluated during the survey were listed as "potential sources of pollution" based on their age, type, and location. Many of the samples collected from the freshwater drainages were extremely contaminated with fecal coliform bacteria. The result was the closure of a large portion of the Reach to shellfish harvesting.

If the sources of contamination in the freshwater drains and creeks are found and stopped, then the shellfish beds can be reopened in closed areas. The proposed program would also help prevent future downgrades by identifying and correcting failing systems as they happen and preventing failures through regular maintenance.

Comments 13: City of Lacey residents get a free ride.

Response 13: All septic system owners within the program boundaries are part of the program including those within city limits.

Notification

Comment 14: “First I’ve heard about this ...”

Response 14: In July 2010, a shellfish protection district newsletter was sent to property owners within both the Henderson and Nisqually Reach Shellfish Protection Districts. That newsletter included an article about the Nisqually septic program and a link to the project webpage encouraging citizens to follow the stakeholder committee’s progress.

In January 2011, all property owners within the affected area were sent a fluorescent green postcard invitation to a public workshop to learn about the proposal and provide input. Approximately 200 watershed residents attended that open house on January 25th.

A small number of properties in an area adjacent to the lower Nisqually River were overlooked in the January mailing because it is an area that is currently outside the boundaries of the Nisqually Shellfish Protection District but is proposed to be amended to the District. As a result, a special letter was sent to all of those property owners in August 2011 to inform them of the proposal and provide them contact information and the website link where they can learn more.

In October 2011, a neon yellow postcard was sent to every property owner within the affected area inviting them to the public hearing. All meetings have been advertized in the newspaper. Press releases have been sent to newspaper and radio stations for both the January workshop and October hearing. The website has been up and running since the beginning of the project in early 2010.