

RESOLUTION NO. H-3-2011

A RESOLUTION declaring that the connection of all residences, buildings and other properties discharging sewage within the Woodland Creek Estates and Covington subdivisions to the public sewer system is necessary to protect surface water, ground water, and to protect public health; ordering their connection to public sewer; ordering all on-site sewage systems in the Woodland Creek Estates and Covington subdivisions to be abandoned upon availability of public sewer connections in accordance with a schedule established by the Health Officer; and exempting the affected on-site sewage systems from certain requirements of Article IV, section 16.8.

WHEREAS, the Thurston County Board of Health and the Health Officer adopt the following findings:

1. The Thurston County Board of Health is authorized pursuant to RCW 70.05.060 to enact such local rules and regulations as are necessary in order to preserve, promote and improve the public health and provide for the enforcement thereof.
2. Article IV, Appendix A, Section 5 of the Sanitary Code for Thurston County authorize the Board of Health to require the abandonment of on-site sewage systems (OSS) and the connection to public sewer in an area within the City of Lacey urban growth area where the sewer system has the capacity and the connection is permitted by the sewer utility; a groundwater or surface water pollution problem has been confirmed in excess of state or federal water quality action levels; the pollutant of concern is associated with OSS; the area is within the surface water drainage basin where the water quality problem exists; and the Health Officer determines the OSS are, more likely than not, significant contributors to the pollutant level based on the density, design or condition of the OSS and/or the geology where the OSS are located.
3. Woodland Creek Estates and Covington are subdivisions in northeast Thurston County that abut Woodland Creek within the Henderson Watershed Protection Area, an Area of Special Concern established by the Thurston County Board of Health, and within the surface water drainage basin for Woodland Creek.
4. The Henderson Watershed Protection Area was established because OSS were identified as a significant source of contamination contributing to the water pollution in Henderson Inlet and the presence of sewage from failing OSS in the waters of Henderson Inlet and its tributaries pose a serious risk to the public health.
5. Woodland Creek is the largest tributary to Henderson Inlet and has been shown in water quality studies initiated by the Washington State Department of Ecology (Ecology) to be one of the primary sources of fecal coliform bacteria pollution discharging to Henderson Inlet.
6. The Ecology studies confirm that fecal coliform levels in Woodland Creek violate state and federal water quality standards, resulting in mandates issued by Ecology, through the total maximum daily load (TMDL) process, to reduce fecal coliform bacteria pollution in Woodland Creek.

7. The Ecology TMDL study also attributed high nitrate-nitrogen values of Woodland Creek and the tributaries to localize groundwater contamination.

8. The presence of fecal coliform bacteria and elevated nitrate concentrations is an indicator of fecal waste contamination in water.

9. Henderson Inlet and Woodland Creek do not meet state or federal water quality standards resulting in their listing on the 303(d) list of impaired water bodies under the federal Clean Water Act.

10. After performing water quality monitoring studies in Woodland Creek, Ecology in 2006 and the Thurston County Public Health and Social Services Department in 2006 concluded that human sewage from OSS in the Woodland Creek Estates and Covington neighborhoods are contaminating Woodland Creek, and connecting these neighborhoods to a sewer system is needed to reduce pollution in Woodland Creek.

11. The primary type of OSS installed in the Woodland Creek Estates and Covington subdivisions are deep trench systems installed into a sand layer at depths up to ten feet. The deep trench systems were intended to dispose of sewage but provided very little treatment. The sand layer is part of the shallow groundwater aquifer that flows into Woodland Creek.

12. The Woodland Creek Estates community water system well became contaminated with nitrates in excess of the drinking water standard in 1997 and had to be abandoned and the residences connected to the City of Lacey public water system.

13. The fecal coliform contamination in Henderson Inlet indicates the presence of sewage that poses a public health threat requiring hundreds of acres of tidelands to be classified as either prohibited from or conditionally approved for shellfish harvesting.

14. The sewage contamination in Woodland Creek and Henderson Inlet threatens the public health and may make the water unsafe for recreational water contact.

15. In 2006, the consulting team of Brown and Caldwell and Pacific Groundwater Group estimated that the bacteria load from septic systems within sub-basin WL-17mod (Woodland Creek Estates area) is 2713 billion fecal coliform/year, and that the bacteria load would be reduced to an estimated 153 billion/year by converting septic systems to sewer.

16. The Health Officer has determined that OSS within Woodland Creek Estates and Covington subdivisions are significant contributors to the fecal coliform pollution in Woodland Creek.

17. Connecting the Woodland Creek Estates and Covington subdivisions to a public sewer system is necessary to reduce the contamination of Woodland Creek and Henderson Inlet and to protect surface water, ground water, and public health

18. The Woodland Creek Estates and Covington subdivisions are within the Lacey urban growth area of unincorporated Thurston County.

19. The Thurston County Sewerage General Plan, section IV(E)(2) provides that individual OSS should be required to connect to sewer in areas found to have a high degree of aquifer vulnerability and where OSS pose a water quality problem and sewers are a solution.

20. The Thurston County Comprehensive Plan, Capital Facilities Plan, as amended December 17, 2010, ranks the Woodland Creek Estates sanitary sewer project as the first priority for sewer/wastewater utility projects.

21. The City of Lacey has notified the County that Lacey is the designated sewer service provider for Woodland Creek Estates and Covington and Lacey will assume ownership, operation and maintenance of the sanitary sewer system for these subdivisions when it is constructed.

22. The City of Lacey sewer system has capacity and the City will permit the Woodland Creek Estates and Covington subdivisions to connect to its sewer utility.

23. Thurston County has obtained a grant from Ecology and other funding for the sewer design and construction to accommodate connection of all properties in the Woodland Creek Estates and Covington subdivisions to public sewer.

24. Upon construction of the sewer lines to accommodate connection of the Woodland Creek Estates and Covington subdivisions, all residences, buildings and other properties within these subdivisions discharging sewage should be connected to the public sewer system and the OSS should be abandoned.

25. Any property served by an OSS in the Woodland Creek or Covington subdivisions that is sold or transferred prior to connection to sewer should be required to report the transfer and, if it has no current operational certificate, obtain a professional inspection of the system, but should be exempted from the time of transfer fees and sewage tank pumping.

26. The Board of Health understands that the Thurston County Board of County Commissioners plans to take action to cap sewer connection charges at \$6,640.

NOW, THEREFORE, THE THURSTON COUNTY BOARD OF HEALTH AND HEALTH OFFICER HEREBY RESOLVE AS FOLLOWS:

Section 1. It is necessary to connect all residences, buildings and other properties discharging sewage within the Woodland Creek Estates and Covington subdivisions to a public sewer system because of the demonstrated high degree of aquifer vulnerability in the area, to address the water pollution in Woodland Creek and Henderson Inlet shown to be caused by the on-site sewage systems (OSS) within these areas, and to protect surface water, ground water, and to protect public health.

Section 2. All residences, buildings and other properties discharging sewage in the Woodland Creek Estates and Covington subdivisions shall be connected to public sewer upon availability of sewer connections, and all OSS shall be abandoned as set forth in Article IV, Appendix A, section 5 of the Sanitary Code for Thurston County, in accordance with a schedule established by the Health Officer.

Section 3. The properties subject to the requirements of this Resolution are identified by parcel number in Attachment A, attached hereto.

Section 4. The Health Officer shall require all new development and all structures that will produce sewage, located within properties identified in Attachment A to connect to sewer in accordance with Article IV, section 6.7 of the Sanitary Code for Thurston County.

Section 5. The requirements of Article IV, section 16.8 shall not apply to properties subject to this Resolution. Instead, at time of property transfer, the owner of property served by an OSS is required to submit a completed time-of-transfer application to the health officer on the form provided and, if the OSS does not have a current operational certificate, have the OSS inspected by an OSS professional and file the completed inspection report with the health officer. The OSS shall be exempt from the time of transfer fee.

Section 6. This resolution shall take effect immediately upon adoption.

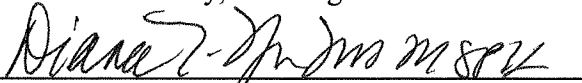
Section 7. Severability. If any provision of this Resolution or its application to any person or circumstance is held invalid, in whole or in part, for any reason, the remainder of this resolution or the application of the provision to other persons or circumstances shall not be affected.

ADOPTED: October 11, 2011

ATTEST:

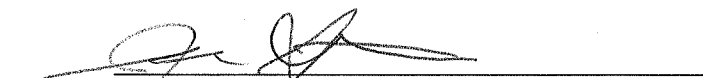

Clerk of the Board of Health

HEALTH OFFICER
Thurston County, Washington



Diana Yu, MD, MSPH

APPROVED AS TO FORM:

JON TUNHEIM
PROSECUTING ATTORNEY


Jane Futterman
Deputy Prosecuting Attorney

BOARD OF HEALTH
Thurston County, Washington


Cathy Wolfe, Chair


Sandra Romero, Vice-chair


Karen Valenzuela, Commissioner

Attachment A

PARCEL NO.	ADDRESS	STREET	CITY	ZIP
84960008600	5614	17TH AVE NE	OLYMPIA	98516
11809420301	5501	17TH AVE NE	OLYMPIA	98516
84960008400	5516	17TH AVE NE	OLYMPIA	98506
11809420302	5503	17TH AVE NE	OLYMPIA	98516
11809420303	5505	17TH AVE NE	OLYMPIA	98506
84960010300	5601	17TH AVE NE	OLYMPIA	98506
84960010000	5633	17TH AVE NE	OLYMPIA	98506
84960010500	5509	17TH AVE NE	OLYMPIA	98506
84960008500	5602	17TH AVE NE	OLYMPIA	98516
84960010200	5613	17TH AVE NE	OLYMPIA	98516
84960008300	5510	17TH AVE NE	OLYMPIA	98516
84960010400	5515	17TH AVE NE	OLYMPIA	98506
84960010100	5625	17TH AVE NE	OLYMPIA	98506
84960008900	5627	18TH CRT NE	OLYMPIA	98516
84960009300	5616	18TH CT NE	OLYMPIA	98506
84960009200	5604	18TH CT NE	OLYMPIA	98506
84960009100	5603	18TH CT NE	OLYMPIA	98516
84960009000	5615	18TH CT NE	OLYMPIA	98506
84960009400	5628	18TH CT NE	OLYMPIA	98516
84950005700	5434	21ST CT NE	OLYMPIA	98516
84950005100	5407	21ST CT NE	OLYMPIA	98516
11809130800	5410	21ST CT NE	OLYMPIA	98516
84950005500	5428	21ST CT NE	OLYMPIA	98506
84950004700	5429	21ST CT NE	OLYMPIA	98506
84950006100	5444	21ST CT NE	OLYMPIA	98516
84950004900	5417	21ST CT NE	OLYMPIA	98516
84950005000	5411	21ST CT NE	OLYMPIA	98506
84950005900	5440	21ST CT NE	OLYMPIA	98516
11809130700	5418	21ST CT NE	OLYMPIA	98516
84950004800	5425	21ST CT NE	OLYMPIA	98506
84950007700	5510	22ND AVE NE	OLYMPIA	98506
84950007800	5430	22ND AVE NE	OLYMPIA	98516
84950007900	5420	22ND AVE NE	OLYMPIA	98506
84940006500	5423	22ND AVE NE	OLYMPIA	98506
43020001200	2524	COVINGTON CRT NE	OLYMPIA	98516
43020000400	2316	COVINGTON CRT NE	OLYMPIA	98516
43020001000	2440	COVINGTON CRT NE	OLYMPIA	98516
43020000700	2346	COVINGTON CRT NE	OLYMPIA	98516
43020000100	2224	COVINGTON CRT NE	OLYMPIA	98516
43020000900	2430	COVINGTON CRT NE	OLYMPIA	98516
43020000300	2306	COVINGTON CRT NE	OLYMPIA	98516
43020001500	2441	COVINGTON CRT NE	OLYMPIA	98516
43020001100	2512	COVINGTON CRT NE	OLYMPIA	98516
43020001300	2523	COVINGTON CRT NE	OLYMPIA	98516
43020000500	2326	COVINGTON CRT NE	OLYMPIA	98516
43020001400	2511	COVINGTON CRT NE	OLYMPIA	98516

Attachment A

43020000800	2410	COVINGTON CRT NE	OLYMPIA	98516
43020000200	2240	COVINGTON CRT NE	OLYMPIA	98516
43020000600	2336	COVINGTON CRT NE	OLYMPIA	98516
84940004600	2017	MARK ST NE	OLYMPIA	98516
84930003400	1915	MARK ST NE	OLYMPIA	98506
84960008800	1717	MARK ST NE	OLYMPIA	98506
84960008700	1705	MARK ST NE	OLYMPIA	98506
84960009500	1813	MARK ST NE	OLYMPIA	98506
84930003300	1819	MARK ST NE	OLYMPIA	98516
84960009800	1706	MARK ST NE	OLYMPIA	98516
11809130900	2011	MARK ST NE	OLYMPIA	98516
84940007400	2114	MARK ST NE	OLYMPIA	98506
84930003100	1910	MARK ST NE	OLYMPIA	98506
84940006800	2105	MARK ST NE	OLYMPIA	98506
84930002800	1924	MARK ST NE	OLYMPIA	98506
11809131100	2005	MARK ST NE	OLYMPIA	98516
84960009700	1812	MARK ST NE	OLYMPIA	98506
84930002900	1918	MARK ST NE	OLYMPIA	98506
84940006900	2008	MARK ST NE	OLYMPIA	98516
84940007200	2106	MARK ST NE	OLYMPIA	98516
11809130500	2113	MARK ST NE	OLYMPIA	98506
84930003500	1917	MARK ST NE	OLYMPIA	98506
84940007100	2016	MARK ST NE	OLYMPIA	98516
84930003200	1826	MARK ST NE	OLYMPIA	98516
84940007300	2110	MARK ST NE	OLYMPIA	98506
84940006700	2109	MARK ST NE	OLYMPIA	98506
84930003000	1914	MARK ST NE	OLYMPIA	98506
84940007000	2012	MARK ST NE	OLYMPIA	98516
84930002700	1930	MARK ST NE	OLYMPIA	98506
84960009900	1702	MARK ST NE	OLYMPIA	98506
11809130400	1820	MARK ST NE	OLYMPIA	98516
84930004300	1704	OXBOW ST NE	OLYMPIA	98516
84930002500	1923	OXBOW ST NE	OLYMPIA	98506
84930002100	1817	OXBOW ST NE	OLYMPIA	98516
84930003600	1908	OXBOW ST NE	OLYMPIA	98516
84930001900	1805	OXBOW ST NE	OLYMPIA	98516
84930003800	1818	OXBOW ST NE	OLYMPIA	98506
84930002300	1907	OXBOW ST NE	OLYMPIA	98516
84930004000	1806	OXBOW ST NE	OLYMPIA	98506
84930002200	1823	OXBOW ST NE	OLYMPIA	98506
84930002400	1919	OXBOW ST NE	OLYMPIA	98516
84930003900	1812	OXBOW ST NE	OLYMPIA	98506
84930001700	1715	OXBOW ST NE	OLYMPIA	98506
84930004100	1716	OXBOW ST NE	OLYMPIA	98516
84930001600	1703	OXBOW ST NE	OLYMPIA	98506
84930003700	1824	OXBOW ST NE	OLYMPIA	98516
84930002000	1811	OXBOW ST NE	OLYMPIA	98516

Attachment A

11809131000	1816	WOODLAND CREEK ST NE	OLYMPIA	98516
84920000900	1630	WOODLAND CREEK ST NE	OLYMPIA	98516
84920001000	1622	WOODLAND CREEK ST NE	OLYMPIA	98516
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84920000600	1621	WOODLAND CREEK ST NE	OLYMPIA	98516
84950006200	2104	WOODLAND CREEK ST NE	OLYMPIA	98516
31250000200	2129	WOODLAND CREEK ST NE	OLYMPIA	98516
31250000800	2009	WOODLAND CREEK ST NE	OLYMPIA	98516
84920000400	1605	WOODLAND CREEK ST NE	OLYMPIA	98516
31250000900	1933	WOODLAND CREEK ST NE	OLYMPIA	98516
31250000400	2117	WOODLAND CREEK ST NE	OLYMPIA	98516
84950001500	1702	WOODLAND CREEK ST NE	OLYMPIA	98516
11809420102	1708	WOODLAND CREEK ST NE	OLYMPIA	98516
31250000100	2207	WOODLAND CREEK ST NE	OLYMPIA	98516
84920000300	1529	WOODLAND CREEK ST NE	OLYMPIA	98516
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31250000700	2017	WOODLAND CREEK ST NE	OLYMPIA	98516
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43020200000		UNDEVELOPED		
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84950008000	5410	22ND AVE NE	OLYMPIA	98506
84950100000	1701	WOODLAND CREEK ST NE	OLYMPIA	98516
43020100000		UNDEVELOPED		