



Lake Whatcom Policy Group

September 18, 2024 Meeting

Brief Digest of Presentations and Discussion

Policy Group members in attendance: Hannah Stone, Skip Williams (Bellingham City Council); Todd Donovan (Whatcom County Council); Bruce Ford (Lake Whatcom Water and Sewer District); Nancy Alyanak (Sudden Valley Community Association).

1. On-site Sewage Systems (OSS) Presentation

Whatcom County Health & Community Services (WCHCS) staff gave an overview of the On-site Sewage Systems (OSS) program. The program includes four main components: 1) Compliance, 2) Education, 3) Collaboration, 4) Data.

The Operations and Maintenance OSS program is guided by Whatcom County Code (WCC) 24.05. It defines the frequency of septic system inspections, repair and replacement requirements, and guidelines for permitting requirements. For example, a drain field is permitted based on distance to water and soil type. If there is an onsite sewage system that has a permit, WCC cannot require property owners to update the system to current code standards without demonstrating that the system is failing or cannot meet the needs of the proposed building project. If there is an onsite sewage system without a septic permit, Whatcom County will not support new construction or use expansions associated with that system, until a permitted system is designed and installed.

WCHCS is working on adapting WCC 24.05 Onsite Sewage Code to include new requirements set by the Washington Department of Health. The state requires that an evaluation of a septic system is complete at the time of a property sale. This has already been a requirement in Whatcom County local OSS code as WCC has been stricter compared to state requirements. Whatcom County's current evaluation system database allows for inspections to be submitted specific to property transfers. As part of this code change, Whatcom County is required to update their Local Management Plan. This Local Management Plan is set to be updated over 2025-2027. It includes priority areas in the watersheds of Lake Whatcom, Drayton Harbor, and Portage Bay (Nooksack watershed). The majority of OSS in Lake Whatcom watershed are in the northeast and south side of the lake.

There are currently 30,000 active systems countywide. To monitor systems, an algorithm is used to pull from priority areas and systems that have had a longer time since last inspection. WCHCS sends 1,200 mailings every other month to monitor to properties that have not had an evaluation in the required timeframe. These mailings include timelines for compliance, information about rebates, and specific information relating to who can complete their inspection.

In August 2024, 73% of OSS in Lake Whatcom Watershed were in compliance (having submitted reports). Compliance increased 15% over 2023-2024. The monitoring report includes system components, and is usually submitted by an inspector. For certain types of systems, homeowners can take a course and can complete the report themselves.

WCHCS reviews reports for completeness and checks photos.

In 2023, 82% of reported OSS in the Lake Whatcom watershed were satisfactory, 17% needed maintenance, and 1% failed. Reporting was submitted by 43 homeowners and 229 specialists (contractors).

WCHCS can enforce by adding civil penalties. They also respond to community concerns/complaints and can review current shoreline data to prioritize OSS for follow-up audits.

In the last decade, two studies were completed for Northshore Rd OSS. In the 2016 study, a quarter of samples exceeded the single sample threshold for fecal coliform. In the 2020 study, three samples had the highest levels of human biomarkers. These locations became the focus of follow-up actions by Whatcom County, including continued sampling and checking compliance of OSS in those areas. These follow-up actions are in progress. The 2020 study also concluded that phosphorus and fecal coliform were being effectively removed during transport through the soil column before reaching a monitored drainage.

Between 2021-2023 there were three side sewer repairs, three OSS repairs, six OSS replaced (were failing), two illicit discharges from RVs, and two false positives in the Lake Whatcom watershed. Four of those issues were located near the three high samples from the 2020 study.

Whatcom County is planning to conduct a groundwater study for the TMDL in next few years, which may include an analysis of contaminants in groundwater between OSS and the lake (subject to funding). This will include coordination between Health and Public Works departments.

2. 2025-2029 Work Plan Update & Public Comments

Whatcom County staff gave an overview of the work plan update process and summary of the public comments received. Staff are currently reviewing and responding to comments as well as updating the draft 2025-2029 work plan. A final version of the work plan will be ready at the end of November and will be presented at the December 4th Policy Group meeting.

Staff accepted public comments on the draft work plan from July 24- August 25, 2024. A total of 307 comments were received from 37 individuals and six organizations. Comments were categorized by program area as well as by one of three types: 1) policy, 2) organizational, and 3) substantive. Policy comments require action from elected officials to implement, and such comments will be forwarded to the Policy Group for discussion. Organizational comments are about the structure and organization of the work plan. Substantive comments are being reviewed by staff for consideration. About three-quarters of comments were substantive, one-quarter were policy, and a handful were organizational.

The Land Use and Stormwater program areas received the most comments, followed by the work plan introduction. Of the policy comments, the Recreation and Land Use program areas received the most comments. Common policy comments included banning gasoline boats on Lake Whatcom, concern about fecal coliform and dogs,

	<p>restricting development, and improving consistency between City and County regulations. Common substantive comments included increasing bike lanes and pedestrian paths, focus on wildfire prevention and response, and creating goals that are strategic, measurable, achievable, relevant, and time-bound (SMART). Common organizational comments included evaluating the format of goals and objectives, as well as including more details and references.</p> <p>Staff will send the public comment summary presentation slides to the Policy Group. The City of Bellingham Water Resources Advisory Board will review the work plan update at their October meeting.</p>
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Next Policy Group meeting is December 4, 2024 at 3:00PM