

**Brian Shea**

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**From:** Jeff Nelson  
**Sent:** Monday, November 03, 2008 11:44 AM  
**To:** Brian Shea  
**Subject:** CAO CARA comments

Brian -

Below are some comments regarding Draft 2 of the CAO (CARA section). I have also attached a scanned copy with my notes on it so you get a better idea of what I'm getting at (ignore the hand written comments regarding green houses). If you have any questions please let me know. Thank you.

**Environmental Health Comments**

**18.06.145 Critical Protection Area Development Standards for Critical Aquifer Recharge Areas.**

18.06.145(A)

The terms ~~Washington State-approved municipal water system plans~~, and **Washington State Department of Health-approved Water System Plans (WSP)** are both used. Unless these are, in actuality, two different documents (which I suspect they are not) then the first term should be omitted as the second is more appropriately stated.

The terms **the 2005 Washington State Department of Ecology's "Critical Aquifer Recharge Areas: guidance Document"** and **the Washington State Department of Ecology 2005 document entitled "Critical Aquifer Recharge Areas: guidance Document"**.... Are both used. One should be omitted.

The term **Small Water System Management Program** should be included as this is a document which is utilized by owners/operators of small non-expanding community Group A water systems in lieu of a Water System Plan.

18.06.145(B)(2)

The word **WELLS** should be included before Wellfields

18.05.145((B)(4)

Under the example notice part (b) the term **best** should be omitted from Integrated pest ~~best~~-management practices...i.e. Integrated Pest management practices

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- (b) The perimeter of the habitat area and associated buffer, and those areas to be disturbed pursuant to an approved permit or authorization, shall be marked in the field and inspected by the approval authority prior to the commencement of permitted activities. This temporary marking shall be maintained throughout the duration of the development activity.
- (5) Trees within 200-feet of Lake Quinault shall be retained. Limbs may be removed to maintain views.
- (6) Trees that fall into Lake Quinault shall be left where they fall.
- (7) Trees and logs that float onto the shoreline between OHWM and summer low water shall be retained where they land.
- (8) Bank stabilization, if necessary, shall be accomplished with bioengineering or similar soft/nonstructural stabilization techniques. Materials used for soft/nonstructural stabilization include natural vegetation, submerged aquatic vegetation (SAV), sand fill, and biodegradable organic materials such as natural fiber logs (bio-logs) and organic matting. A professional engineer licensed in the State of Washington, with demonstrated expertise regarding hydraulic actions along shorelines, shall design stabilization projects along Lake Quinault in consultation with a qualified biologist. The stabilization shall be designed and installed to minimize adverse impacts on the habitat's functions. Approved stabilization shall only use materials that do not pose a risk to water quality. Stabilization must be installed above the OHWM. Bank stabilization measures shall be approved by the Quinault Indian Nation and Grays Harbor County prior to permit issuance.

**18.06.145 Critical Protection Area Development Standards for Critical Aquifer Recharge Areas.**

- (A) Grays Harbor County shall utilize ~~Washington State approved municipal water system plans~~, the 1986 United States Department of Agriculture's Soil Survey of Grays Harbor Area, Pacific County, and Wahkaikum County, Washington, the 2005 Washington State Department of Ecology's "Critical Aquifer Recharge Areas: Guidance Document", the Washington State Department of Health 1995 document entitled "Wellhead Protection Program Guidance Document", ~~the Washington State Department of Ecology 2005 document entitled "Critical Aquifer Recharge Areas: Guidance Document"~~, and the Washington State Department of Health-approved Water System Plans (WSP), Regional Water System Plan (RWSP), or Satellite Management Agency (SMA) Plan for the municipalities, water districts, and water system operators located within Grays Harbor County in identifying and determining the application of protection measures for critical aquifer recharge areas. *ADD SMALL WATER SYSTEM MANAGEMENT PROGRAM*
- (B) Critical Aquifer Recharge Areas. Development proposals on sites containing critical aquifer recharge areas shall meet the requirements of the following sub-sections of this chapter.

(1) Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water or are areas where an aquifer serving as the source for drinking water is vulnerable to contamination that would affect the potability of the water. A project shall be reviewed for its potential adverse impact to a critical aquifer recharge area.

WELLS

(2) The sanitary control area for Group A of Group B public water system, wellfields, springs or their Washington State Department of health-recognized wellhead protection area (WHPA) are hereby designated as critical aquifer recharge areas.

(3) All rezones, subdivisions, and development proposals resulting in the creation of a dwelling unit or dwelling units within a critical aquifer recharge area shall be required to prepare and implement a best management practices plan that contains (a) hazardous material best management practices, (b) integrated pest management practices, and (c) landscape maintenance best management practices. Educational materials pertaining to the plan shall be provided to each property owner.

The plan shall be reviewed by the Environmental Health Division prior to any County decision on the proposal.

The Environmental Health Division may require the preparation of a best management plan for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the preparation of the plan as an assurance that the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

J.E.  
GMEIN House  
etc...



(4) Grays Harbor County shall prepare and record a notice with the Grays Harbor County Auditor for any site within the critical aquifer recharge areas for which a plan has been prepared. The notice shall indicate in the public record the existence of the plan for the property. The notice shall be as set forth:

"Notice: This site lies within a critical aquifer recharge area as identified in Grays Harbor County Code 18.06.145. The site was the subject of a development proposal for [application number] filed on [date]. A best management practices plan has been prepared for this site that contains (a) hazardous material best management practices, (b) integrated pest management practices, and (c) landscape maintenance best management practices. A copy of the plan is attached hereto".

(5) Any surface water management plan prepared for a development within a critical aquifer recharge area shall include low impact development techniques consistent with those contained in the January 2005 Puget Sound Action Team and Washington State University Pierce County Extension document entitled "Low Impact Development: Technical Guidance Manual for Puget Sound".

The plan shall be reviewed and approved by the Public Works Division prior to any County decision on the proposal.

(6) The installation and use of underground and above-ground automotive motor fuel and liquefied natural gas fuel-dispensing and storage facilities within a critical aquifer recharge area shall comply with the requirements set forth in the current edition of the International Fire Code (IFC), the underground storage tank regulations set forth in Washington Administrative Code 173-360, and the tank system requirements set forth in Washington Administrative Code 173-303-640.

(7) All rezones and subdivisions within the critical aquifer recharge areas identified in Section 18.06.145(B)(2) shall be required to prepare a hydrogeologic assessment, prepared by a licensed hydrogeologist, that demonstrates conclusively that the proposed development will not threaten down-gradient drinking water or adversely affect aquifer recharge.

The assessment shall be reviewed by the Grays Harbor County Environmental Health Division prior to any County decision on the proposal. In the event that the Division finds that the proposal does not provide an reasonable margin of safety for the critical aquifer recharge area, the proposal shall be (a) required to be revised to increase the margin of safety, including a reduction in lot density, or (b) shall be denied based upon evidence that the proposal represents a probable significant adverse impact to the critical aquifer recharge area.

The Environmental Health Division may require the preparation of a hydrogeologic assessment for any development proposal in the event that it finds that the pre-development condition of the critical aquifer recharge area warrants the assessment to determine whether or not the proposal provides a reasonable margin of safety for the critical aquifer recharge area.

#### **18.06.150 Violations - Penalties.**

(A) Injunctive Relief. As provided by Grays Harbor County Code Chapter 17.96.030, Grays Harbor County may institute any appropriate action to require compliance or enjoin violation of this chapter.

(B) Criminal Penalty. As provided by Grays Harbor County Code Chapter 17.96.020, violation of this chapter is a misdemeanor. Each day the violation occurs is a separate and separately punishable offense.

(C) Civil Penalty. Any person who fails to comply with the provisions of this chapter shall also be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation. Each violation or each day a violation continues shall be a separate and separately punishable violation.

(D) Form of the Civil Penalty. The civil penalty provided for in subsection C of this section shall be imposed by notice in writing, either by certified mail with return receipt requested or by personal service to the person incurring the violation, from the planning director or his or her designee. The written notice shall include the following: (1) a description of the violation with reasonable particularity; (2) a legal description of the property on which the violation occurred or is occurring; (3) the amount of the penalty; (4) a statement that the penalty and order can only be appealed within thirty (30) days of