

Olympic View Water & Sewer District: Madrona Underground Injection Control Wells

On June 5, 2018 Edmonds School District held a meeting at the Madrona K-8 school at 5:30 pm. At that meeting it was announced by Superintendent Kris McDuffy that the students would not be moving into the new school in the fall as expected due to the refusal by Olympic View Water and Sewer District to provide a final water connection to the new school.

We regret that we were not prepared for this announcement and were delayed in getting our position out to the public earlier. We further regret that the decision of the School Board to stop negotiations with us has greatly impacted the students, family and staff of the school who has been served by OVWSD since it was originally built.

OVWSD is tasked with providing water to over 13,000 customers who reside within the City of Edmonds, Snohomish County and the Town of Woodway. We are responsible for the health and safety of the people we serve. We take our responsibility very seriously and have maintained the highest standards in our stewardship of the natural creek, Deer Creek, that supplies 40% of the water sold to our customers.

Recent events throughout the Pacific Northwest and the country have placed an even greater awareness of just how vulnerable our water sources are to the effects of an ever-growing population. We are equally aware that as costs continue to escalate in all areas there is a potential conflict between the affordable thing to do and the right thing to do. We have documentation from experts in the field of hydrogeology, on our water source, and state agencies that support our position.

We are committed to working, cooperatively, with ESD to reach an agreement so that the new school can be occupied. We will not be rushed into entering into an agreement that **does not** protect our water for current and future generations.

Our position:

- Olympic View Water and Sewer District was not notified by Edmonds School District or the City of Edmonds that there were plans to use deep (80-120 feet) Underground Injection Control wells at the New Madrona School site during the 2014-2016 planning process.

ESD consultants were aware that the location was within the Deer Creek Surface Source Protection Area, as adopted by the Department of Health and Olympic View in 2002.

- In April 2016, after ESD had completed plans and had preliminary approval from the City of Edmonds, ESD contacted OVWSD for review and approval of water and sewer plans only. There was never any mention of the proposed deep Underground Injection Control wells.
- October 2016, during operations, it was discovered by OVWSD staff that there was a plan to install deep Underground Injection Control well, below the confining layer of the aquifer. At this time OVWSD contacted ESD to voice our concerns regarding this plan. This was before final plan approval by the City of Edmonds. OVWSD still had not approved the water and sewer plans required for final construction permit to be issued.
- December 2016, OVWSD had an evaluation done of the proposed Underground Injection Control wells by Robinson Noble, Inc., a well know hydrogeology firm and long-time district water source consultants. The letter from Robinson Noble details the concerns with the proposed wells.

- In March 2017, ESD issued an addendum to the SEPA for the Madrona K-8 School Replacement Project in which ESD addresses the additional analysis required based on concerns voiced by OVWSD. Included in the SEPA is the evaluation of Wellhead Protection Areas.
- The SEPA Addendum, page 7, references City of Edmonds Code which stated that there “are no areas meeting criteria for CARAs exist in the vicinity of the city of Edmonds” and therefore does not provide for additional specific provisions for protection. The third-party consultant, retained by ESD in April 2018, states “PGG’s opinion is that the City code errs in indicating that no areas meeting criteria for CARA exist in the vicinity. The method used by USGS (United States Geological Survey) to assess sensitivity assigns most of the Qva outcrop area in Edmonds as “low sensitivity”, which is not true for the Qva outcrop area near the Deer Creek water source.” This indicates that additional consideration should be given the siting of the deep Underground Injection Control wells within the Deer Creek Source Protection Plan area. The SEPA was based on information received from the City of Edmonds on the water source and not OVWSD, the owners of and the government responsible for the water source, for a determination of non-significance. This determination by the City of Edmonds is in err, as noted in the third-party evaluation by Pacific Ground Water Group, currently available on ESD’s website.
- On April 19, 2017 ESD staff forwarded the Draft Groundwater Monitoring Plan, in which the OVWSD’s requested changes regarding; 1) increased frequency of testing, 2) extended duration of testing and 3) pretreatment for all sources of storm water, were not addressed. Also, not addressed were the addition of upgradient monitoring wells and testing prior to release into the deep Underground Injection Control wells.
- In April 2017, OVWSD, in good faith, entered into a three-party agreement between OVWSD, ESD and City of Edmonds where all parties agreed that construction could progress, but final occupancy would not be requested or granted until an agreement was reached on the Underground Injection Control well issue between ESD and OVWSD. This agreement was entered into so that construction could move forward, saving potential construction monetary construction penalties. OVWSD was assured that ESD would work to reach an agreement with OVWSD to address concerns on the Underground Injection Control wells. At that time ESD agreed to the statement that OVWSD had not agreed to provide water service to the new school until an agreement was reached.
- In June 2017 a meeting was held to address the concerns voiced by OVWSD. In attendance were representatives from Department of Ecology, Department of Health, ESD, OVWSD and the City of Edmonds. During the meeting it was emphasized that the plans proposed by ESD were adequate and met the requirements for the Department of Ecology guideline. The Department of Health expressed concerns about the use of these wells and the proposed monitoring schedule.
- September 2017 another meeting was scheduled. The day before the meeting, ESD presented an agenda in which they again emphasized that their proposed plan was adequate and met the required guidelines. This meeting was cancelled when the agenda proposed by OVWSD was rejected by ESD. ESD requested specific details on OVWSD’s request.
- November 13, 2017 a detailed list of requests was forwarded to ESD by OVWSD for comment as requested.
- On November 20, 2017 ESD responded that they would be following DOE guidelines and did not specifically address any of the items on the list.

- At that time ESD suggested mediation. OVWSD voiced concerns regarding mediation given that the issues of deep Underground Injection Control wells discharging into water source protection areas is a complicated and technical area. OVWSD suggested that an independent third party be brought in to evaluate both positions.
- On several occasions OVWSD suggested that a joint meeting between the Board of Commissioners and the School Board be set up. ESD staff indicated that, at this time that the meeting between the boards would be premature.
- April 16, 2018 a meeting was held with ESD and OVWSD and corresponding attorneys to determine the agreements that would be needed to complete the third-party evaluation agreement. On April 18, OVWSD was notified that the agreement was to be completed by noon on April 20, or ESD would proceed without OVWSD input or participation. At 12:18 OVWSD received notification from ESD that they were proceeding without OVWSD participation.
- OVWSD was informed that ESD needed to have water connected by June 1, 2018. There was no additional information.
- April 19, 2018 OVWSD and ESD received a letter from the Department of Health indicating concern over the planned deep Underground Injection Control wells.
- On April 27 OVWSD was notified that a meeting with PGG had been set up for 8:30 am on April 30. OVWSD was able to attend along with their consultant from Robinson Noble. None of OVWSD's concerns were addressed in the third-party review by Pacific Ground Water Group.
- On May 14, 2018 a letter was sent to the Department of Ecology by Robinson Noble, on behalf of OVWSD, detailing the concerns related to the final Underground Injection Control well plan submitted by Shannon and Wilson.
- **May 25, 2018 OVWSD submitted to ESD's attorney a Service Agreement that addressed the conditions under which water would be provided to the new school for evaluation. There has been no comment from ESD, to date, on that submission.**
- June 1, 2018 OVWSD received a copy of the ESD commissioned review by Pacific Groundwater Group.
- June 5, 2018, ESD made an announcement was made to all parents, staff and media ESD that the move to the New Madrona K-8 school would not occur due to refusal to provide water by OVWSD. OVWSD was not given any warning of the announcement.