
From: Nancy Alyanak <bc98229@comcast.net>
Sent: Wednesday, September 19, 2018 9:52 PM
To: LWStormwaterUtility
Subject: Public Comment: What determines whether or not stormwater utility rates and charges are valid ?

What determines whether or not stormwater utility rates and charges are valid ? The Supreme Court of Washington State answered that question in the 1985 decision Teter v. Clark County.

Mr. Teeter challenged the method Clark County used to compute stormwater rates. The court was asked to determine if the county acted arbitrarily or capriciously in computing the rates and if the rates were excessive and disproportionate to the services rendered.

The Clark County rate calculations considered peak runoff, total quantity of runoff, water quality impact, intensity of use and their relationship to surface and subsurface water collection. The court found the county rate schedule bore a reasonable relation to the contribution of each lot to surface runoff.

The court required a practical basis for the rate calculation. However, parcel fees that ignore parcel area do not relate the contribution of each lot to surface runoff in any practical way. Quantity of runoff is a function of area. The idea that the total quantity of runoff from a 0.3 acre parcel is comparable to a 100+ acre park parcel is capricious. A flat rate based on parcel existence regardless of parcel size is arbitrary; without consideration and regard for facts or circumstances.

The stormwater services required for the two parcels, one 100s of times larger than the other, are highly disproportionate. Charging both parcels the same stormwater fee is a disproportionate, wilful and unreasoning act. There is no way to relate the stormwater contribution charges among parcels without area in the calculation.

KENNETH E.TETER, ET AL, Appellants, v. CLARK COUNTY, ET AL, Respondents.
No. 51173-0. The Supreme Court of Washington, En Banc. August 8, 1985.

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September 19, 2018

11/14/18 mtg
packet

From: Eric Thomas <ethomas2566@yahoo.com>
Sent: Monday, October 29, 2018 11:19 PM
To: LWStormwaterUtility
Subject: Ineffective notification of sewage line spills into lake whatcom

Greetings.

We live on lake Whatcom Boulevard and unfortunately are not provided water service by the Lake Whatcom Water & Sewer District along with our sewer service. As a result, we are forced to draw and treat our own water from the lake. There are scores of other homes, and possibly more than a hundred, between Strawberry Point and Sudden Valley that are in the same situation.

So, when there is a sewage spill into lake, it obviously is important for us to get immediate notification as we are all drawing lake water for drinking/cooking/bathing purposes.

That timely notification didn't happen during the most recent sewage spill that I am aware of. A year or two ago, there was a sewage spill from a LWW&SD line into the lake. We learned about it from a Bellingham Herald article which was published more than a week after the spill. Apparently the spill info was also passed on to Seattle TV stations, which does us no good as they didn't and aren't going to report a overflow that happens in Lake Whatcom.

I have twice called the Whatcom County Health Department with concerns about the inadequate system of notification by the Sewer District about sewage line spills from its lines into the lake. The health department employee I spoke with said they would look into it but I have heard nothing back from them.

Relying on media to notify us of such spills is ineffective, as they may not get around to reporting it or may not report it in a timely manner. Even if they do, we may not be watching or listening to a particular broadcast or reading a particular edition/page of the paper that mentioned it.

The Sewer District and/or county Health Department can and should be able to set up a personalized notification system via email/text/callouts to immediately notify residents that directly draw water from the lake about such spills. The Sewer District knows who we are, so there should be no problem compiling a list of names, emails, text and phone numbers etc. for sewage spill notifications. Puget Sound Energy sends text alerts/emails whenever there is an outage or other emergency issue to customers so the technology is available for LW&S District or the health department to do so. I just got done taking the Lake Whatcom Cooperative Management survey and wading through the documents and information on the program's website.

If this program and the panel and governments involved with it are concerned about the impact of stormwater runoff, vehicle usage, dirt piles, pesticides, fertilizers, pet droppings, etc. etc. on the lake, they should also be concerned about sewage spills into the lake and the need for immediate and effective notification about those spills to residents who are forced to draw and treat their own water from the lake.

Is anybody (beyond the health department official I spoke with) aware of this problem and is anybody doing anything about it?

I'd appreciate a reply from someone who has the authority and motivation to investigate this, find a solution and get it implemented.

Feel free to contact me at anytime.

Sincerely, Eric Thomas, 2566 Lake Whatcom Blvd. ethomas2566@yahoo.com, 360-671-7354.