

**Chapter 8.09<sup>7</sup>**

**Potable Water Source and Supply**

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**8.09.010 Authority**

These rules and regulations are established by the Island County Board of Health pursuant to its authority under Revised Code of Washington (RCW) 70.05.060 to:

- A. Enforce through the local Health Officer, the public health statutes of the state and the rules and regulations promulgated by the State Board of Health and Department of Health;
- B. Protect the public health within the jurisdiction;

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<sup>7</sup> Former chapter 8.09, Sanitation Facilities for Camping Vehicles, has been recodified as part of chapter 8.04.

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- C. Enact local rules and regulations as are necessary in order to preserve, promote and improve the public health, and provide for the enforcement thereof;
- D. Provide for the control and prevention of any dangerous, contagious, or infectious disease within the jurisdiction of the local Board of Health;
- E. Provide for the prevention, control, and abatement of nuisances detrimental to the public health; and
- F. Establish fee schedules for the issuing or renewing of licenses or permits, or for other services.

These rules and regulations are further established pursuant to RCW 19.27.031, RCW 19.27.097, and RCW 58.17.118. The Island County Board of Health finds that these rules and regulations are necessary to supervise the maintenance of all health and sanitary measures for the protection of the public health; to preserve, promote, and improve the public health and to provide for the enforcement thereof; to provide for the control and prevention of dangerous, contagious, or infectious diseases; to provide for the prevention, control, and abatement of nuisances detrimental to the public health; and, to govern potable water systems. Nothing contained in these rules and regulations shall be construed to prevent the Health Officer from requiring compliance with higher standards than those contained in these rules and regulations where such higher standards are essential to maintain a safe and sanitary condition.

(Res. HD-08-90, September 18, 1990; amended by Res. C-59-05, June 20, 2005)

### 8.09.020 Definitions

- A. **Adequate water supply** means a water supply which is capable of supplying at least four-hundred (400) gallons of water per connection per day, and meets siting criteria established by state and local regulations.
- B. **Best management practice (BMP)** means a method, activity, maintenance procedure, or other management practice for reducing the amount of pollution entering a water body.
- C. **Board of Health** means the Board of Health of Island County pursuant to the provision of RCW 70.05.
- D. **Critical aquifer recharge areas** means areas with a critical recharge effect on aquifers used for potable water, including sole source aquifer recharge areas designated pursuant to the federal Safe Drinking Water Act.
- E. **Expanding Public Water System** means a public water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities that will enable the system to increase in size its existing service area and/or its number of approved service connections. Exceptions: (1) A system that connects new, previously approved, individual retail or direct service connections onto an

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existing distribution system within an existing service area; or (2) A distribution system extension in an existing service area identified in a current and approved water system plan or project report.

- F. **Health Officer** means the Health Officer of Island County or his authorized representative.
- G. **Potable water** means water which is satisfactory for drinking, culinary, and domestic purposes, and meets the requirements of the State of Washington and the Board of Health.
- H. **Individual water system** means a water system serving or proposed to serve a single-family residence exclusively.
- I. **New Public Water System** means a public water system meeting the definition of WAC 246-290-010 and created after the effective date of this regulation.
- J. **Petroleum** means crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute). The term petroleum does not include propane or asphalt or any other petroleum product which is not liquid at standard conditions of temperature and pressure.
- K. **Public water system** means any water system, excluding a system serving only one single-family residence, providing piped water for human consumption, including any:
  - 1. Collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with such system; and
  - 2. Collection or pretreatment storage facilities not under control of the purveyor primarily used in connection with such system.
- L. **Seawater Intrusion** means the movement of marine water into a freshwater aquifer.
- M. **Subdivision** means a division of land as regulated by RCW 58.17 or Island County Code (ICC) 16.15 including subdivisions, short subdivisions, planned residential developments, creation of parcels through site plan review, and any other creation of parcels of land.
- N. **Tank** means a stationary device designed to contain an accumulation of greater than 100,000 gallons of regulated substances and constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support. Facilities operated by and for the armed services for military purposes by other federal authority for the national defense are excluded from the provisions of this chapter.
- O. **Transmission Facility** means any of the following together with their associated facilities: Crude or refined petroleum or liquid petroleum product transmission pipeline for the transmission of these products. Facilities operated by and for the armed services for military purposes or by other federal authority for the national defense are excluded from the provision of this chapter.

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P. **Vulnerability** means the degree to which groundwater may become contaminated based on local hydrogeologic characteristics and the contaminant loading potential.

Q. **Well log** means a record of the construction or alteration of a well which is completed and filed with the Washington State Department of Ecology in accordance with RCW 18.104.

(Res. HD-08-90, September 18, 1990; amended by Res. HD-07-91, July 1, 1991; amended by HD-04-92, April 13, 1992; amended by Res. C-59-05, June 20, 2005)

## 8.09.030 Scope

The provisions of this chapter constitute minimum requirements of the Island County Health Department governing potable water source and supply and protection of groundwater resources.

(Res. HD-08-90, September 18, 1990; amended by Res. HD-07-91, July 1, 1991)

## 8.09.040 Applicability

These regulations shall apply to all potable water supply systems proposed to be used for building permits issued for buildings in Island County and subdivisions proposed within Island County, and groundwater resource protection from potentially contaminating activities, and all groundwater wells used as a potable water supply in Island County.

(Res. HD-08-90, September 18, 1990; amended by Res. HD-07-91, July 1, 1991; amended by Res. C-59-05, June 20, 2005)

## 8.09.050 Building Permit Requirements

Prior to issuance of a building permit to any building requiring potable water, evidence of an adequate water supply must be provided by the applicant to the Island County Building Department. Improvements or additions to buildings which will not result in an increase in the water usage of the building are not subject to provisions of these regulations. To provide evidence of an adequate water system the applicant must provide:

- A. **For a public water system**, a letter from the water purveyor stating their ability and intention to provide water for the proposed building(s) and a verification from the Island County Health Department that records indicate that water system is approved by the appropriate agency and the proposed connection(s) conforms with the approved plans; or
- B. **For an individual water system with water right permit**, a copy of the water right permit issued by the Department of Ecology (an application for a water right permit or a well log is not sufficient); or
- C. **For an individual water system not requiring a water right**, a copy of the well site approval document issued by the Island County Health Department or a well site certification performed by a Washington State Department of Ecology licensed well driller pursuant to ICC 8.09.070.B; and

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1. A scaled plot plan of the project site including representations of wells, structures (both proposed and existing), roads, sewage disposal systems, property lines, surface water, underground storage tanks, other possible sources of contamination, indication of North, and other prominent features;
2. A well log;
3. The written results of a bailer test, or air lift test, or pump test, any of which is performed for a minimum of one (1) hour, verifying a minimum well yield of four-hundred (400) gallons per day;
4. Water quality results, analyzed by a Washington State Department of Health certified laboratory verifying compliance to standards listed in Washington Administration Code (WAC) 246-290 including bacteriological, nitrate, chloride, conductivity, and such other parameters the Health Officer deems significant based upon local trends of water quality;
5. Provision of sanitary control area pursuant to ICC 8.09.070.D; and
6. Additional information deemed necessary by the Health Officer.

(Res. HD-08-90, September 18, 1990; amended by Res. C-59-05, June 20, 2005)

## **8.09.060 Subdivision Requirements**

- A. Prior to preliminary approval of a subdivision, the applicant must provide to the Island County Planning Department the following:
  1. For a public water system, an Island County Health Department or Washington State Department of Health well site approval, or a letter of commitment from the water purveyor to supply water and documentation of compliance with WAC 248-56 (Public Water System Coordination); and
  2. For an individual water system, an Island County Health Department well site approval or a well site certification performed by a Washington State Department of Ecology licensed well driller pursuant to ICC 8.09.070.B.
- B. Prior to final approval of a subdivision, the applicant must provide the Island County Health Department evidence that the following has been accomplished:
  1. For a public water system, the system must be approved by the appropriate agency or agencies for the ultimate number of anticipated hookups, including current connections, the proposed extension, and all outstanding water share certificates or any other agreements to supply water. Unless exempted by RCW 90.44, such approval shall include application for water rights filed with the Washington State

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Department of Ecology and a written commitment from the Department of Ecology that water rights will be granted. Any water system required by this section shall be installed, or appropriate bonds shall be provided and approved by the Island County Engineer and the Washington State Department of Health; or

2. For an individual water system, evidence of an adequate water supply must be provided by the applicant to the Island County Health Department to include:
  - a) A scaled plot plan of the project site including representations of structures (both proposed and existing), roads, sewage disposal systems, property lines, underground storage tanks, possible sources of contamination, indication of North, surface water, and other prominent features;
  - b) A well log;
  - c) The written results of a bailer test, or air lift test, or pump test, any of which is performed for minimum of one (1) hour, verifying a minimum well yield of four-hundred (400) gallons per day;
  - d) Water quality results, analyzed by a Washington State Department of Health certified laboratory, verifying compliance to standards listed in WAC 248-54 including bacteriological, nitrate, chloride, conductivity, and such other parameters the Health Officer deems significant based upon local trends of water quality;
  - e) Provision of sanitary control area pursuant to ICC 8.09.070.D;
  - f) Additional information deemed necessary by the Health Officer;
  - g) Except that proposed subdivision(s) where each resulting parcel is two and one-half (2.5) acres or larger will be exempt from the requirements to drill wells and determine water quality, as prescribed in section 8.09.060.B.2.b).c) and d). Those exempted parcels will be required to provide a scaled plot plan, sanitary control area and additional information deemed necessary by the Health Officer in accordance with ICC 8.09.060.B.2.a).e) and f).

- C. Minimum requirements prescribed in Island County Code 8.07B.100 must be met for any subdivision.

(Res. HD-08-90, September 18, 1990)

**8.09.070 Well Site Approval**

- A. Well site approval for public water systems must be performed by the Island County Health Department or the Washington State Department of Health.

- B. Well site approval for an individual water system must be performed by the Island County Health Department or a well driller who is licensed by the Washington State Department of Ecology. Documentation of well site approvals made by well drillers must include a written statement signed by the well driller which certifies that the well site conforms to ICC 8.09.070.C.D and E, and any other pertinent county, state, or federal regulations.
- C. All well sites must conform to the following siting criteria:
1. The well site should be located on the highest ground possible, upslope from possible sources of contamination as per WAC 173-160-171; and
  2. Location of the well site should be protected from normal flooding, and surface or subsurface drainage capable of impairing groundwater quality as per WAC 173-160-171; and
  3. The following minimum distances must be maintained between the well and potential sources of contamination:
    - a) Well to septic tank--50 feet as per WAC 173-160-171 and ICC 8.07C.100<sup>7A</sup>;
    - b) Well to edge of septic system absorption field--100 feet as per WAC 173-160-171 and ICC 8.07C.100<sup>7A</sup>;
    - c) Well to privies--100 feet as per WAC 173-160-171 and ICC 8.07C.100<sup>7A</sup>;
    - d) Well to sewer line--100 feet as per WAC 173-160-171;
    - e) Well to sewage or manure lagoon--100 feet as per WAC 173-160-171;
    - f) Well to solid waste landfill--1,000 feet as per WAC 173-160-171;
    - g) Well to county road or state highway right-of-way--100 feet<sup>8</sup> as per ICC 13.03A.070;
    - h) Greater setback distances may be required by the Health Officer based on geological and hydrological data or local water quality trends.
- D. The sanitary control area shall conform with:
1. A minimum sanitary control area having a 100-foot radius around the well must be owned by the purveyor in fee simple, or the purveyor must have the right to exercise complete sanitary control of the land through other legal provision, such as recorded covenants, as per WAC 246-290-135 and 246-291-100.

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<sup>7A</sup> **Reviser’s Note:** Chapter 8.07C was superseded by Chapter 8.07D; see ICC 8.07D.120, Table IV.

<sup>8</sup> For a county road, the right-of-way shall be considered to be sixty (60) feet as a minimum, or as shown by deed when the deeded right-of-way is greater.

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2. Where the single-family structure to be served by an individual water system cannot maintain a 100-foot setback to the well, that structure is excluded from setback requirements when the lack of setbacks does not threaten public health. Nothing herein is intended to permit violations of existing Washington State or Island County Codes requiring wells be separated from known sources of contamination such as septic tanks, drain fields, chemical storage, or any other known source of contamination.
3. Wells drilled prior to July 23, 1990 for individual water systems are excluded from siting requirements when those requirements are beyond the control of the well site property owner and where the lack of sanitary radius does not threaten public health. Documentation, such as a well log, establishing the well drilling date must be provided. Nothing herein is intended to permit violations of existing Washington State or Island County Codes requiring wells be separated from known sources of contamination such as septic tanks, drain fields, chemical storage, or any other known source of contamination.

E. Any well site approval may require drilling test holes to prove the existence of an adequate water supply.

(Res. HD-08-90, September 18, 1990; amended by Res. C-59-05, June 20, 2005)

**8.09.080 Cross-Connection**

Cross-connection in water systems is prohibited as per WAC 246-290-490 and 246-291-270. Individual water systems shall not be connected to other water systems or expanded without the Health Officer's approval.

(Res. HD-08-90, September 18, 1990; amended by Res. C-59-05, June 20, 2005)

**8.09.090 Well Construction**

A. Well construction, capping, and abandonment shall conform to WAC 173-160.

B. A source flow meter will be installed on each potable water source at the well head.

(Res. HD-08-90, September 18, 1990)

**8.09.095 Groundwater Resource Protection**

**A. Locational Standards.**

1. Transmission facilities and/or petroleum storage tanks are prohibited in areas where groundwater is not protected by a one-hundred (100) foot protection zone from all edges of the transmission facility or petroleum storage tank by a four (4) foot thick, native layer of clay or other material with a permeability of no more than  $1 \times 10$  cm/sec.
2. No wells, excavations, or other activities shall penetrate the one-hundred (100) foot protection zone of the transmission facility as required by ICC 8.09.095.A.1.



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3. No portion of the transmission facility or petroleum storage tank shall be located any less than ten (10) feet above the seasonal high level of groundwater in the uppermost aquifer.
4. Transmission facilities or petroleum storage tanks shall not be located closer than one-thousand (1,000) feet to a down-gradient drinking water supply well, unless the owner or operator can show that the transmission facility or petroleum storage tank is no less than ninety (90) days travel time hydraulically to the nearest down-gradient drinking water supply well in the uppermost aquifer.

### B. Construction Standards.

1. Construction standards for transmission facilities or petroleum storage tanks in areas where it has been clearly established that the natural geology provides the degree of protection required by ICC 8.09.095.A.1-4, shall include:
  - a) An initial barrier made up of an impermeable liner or a concrete vault, constructed throughout the transmission facility or petroleum storage tank area.
  - b) An initial barrier or vault designed so it can contain the entire volume of oil within the transmission facility or petroleum storage tank (i.e., secondary containment).
  - c) Transmission facilities and petroleum storage tanks shall be constructed in conformance with all codes, standards, rules, or regulations cited or established in chapter 90.76 RCW, chapter 173-360 WAC, 40 Code of Federal Regulations part 280, chapter 80.50 RCW, chapter 463-42 WAC, chapter 29 Title 49 United States Code, part 195.

### C. Monitoring Requirements.

1. In any case where a transmission facility or petroleum storage tank overlies groundwater:
  - a) Groundwater monitoring wells shall be installed every five-hundred (500) feet down-gradient from the transmission facility or petroleum storage tank. Monitoring wells shall comply with the minimum standards for construction and maintenance of wells specified in chapter 173-160 WAC. Groundwater quality parameters for continued and perpetual monitoring shall be determined by the Island County Health Officer and will be at least as stringent as the requirements of applicable state and federal regulations.
  - b) Monitoring of transmission facilities and petroleum storage tanks shall conform to all codes, standards, rules, or regulations cited or established in chapter 90.76 RCW, chapter 173-360 WAC, 40 Code of Federal Regulations part 280, chapter 80.50 RCW, chapter 463-42 WAC, chapter 29 Title 49 United States Code, part 195.

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**D. Compliance Certification.**

1. Transmission facilities and/or petroleum storage tank facilities which have been permitted or are seeking permits for operation or construction or design or are in operation in Island County shall apply for, obtain, and maintain a certification from the Island County Health Department. In applying for said certification, the transmission facility and/or petroleum storage tank facility shall provide a specific report which addresses each of the requirements in ICC 8.09.095.A through C and information required by ICC 8.09.097.
2. A compliance certification shall be good for one quarter of one year. At the end of each quarter, the petroleum transmission or tank facility will apply for, and obtain, a new compliance certification.
3. Any time during design or construction or operation of a petroleum transmission or tank facility, that such facility does not have a valid compliance certificate for any reason including failure to provide appropriate application or failure to provide appropriate fee or because of non-compliance with this code, the operation and/or construction of said facility shall cease activity within Island County immediately until said certification is obtained.
4. Fees for compliance certifications shall be set by the Island County Board of Health by resolution. Factors to be considered in fee establishment shall include cost of staff time and professional service expenses which are required to monitor compliance with ICC 8.09.095 and 8.09.097, administrative expenses and direct and indirect operations and maintenance expenses. The first quarterly compliance certification shall be accompanied by a set fee established by the Island County Board of Health. Subsequent quarterly compliance certification fees shall be based on costs incurred during the prior quarter's compliance certificate monitoring activity. The rates used to calculate expenses will be set by the Board of Health.
5. The Health Officer shall assure applications for compliance certificates conform to this code.

(Res. HD-07-91, July 1, 1991; amended by Res. HD-04-92, April 13, 1992; amended by Res. C-59-05, June 20, 2005)

**8.09.097 Critical Aquifer Recharge Area Protection**

- A. Critical aquifer recharge areas have been identified for Island County and are delineated on the Island County Critical Aquifer Recharge Area Map<sup>8A</sup> as it currently exists or is hereafter amended. The map designates areas as having a low, moderate or high susceptibility to groundwater contamination as developed using best available science and as interpreted by the Health Officer under the advice of the Island County Hydrogeologist. The map together

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<sup>8A</sup> **Reviser's Note:** The Island County Critical Aquifer Recharge Area Map is maintained by the Health Officer and available upon request.

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with all explanatory details contained thereon, is hereby made part of this chapter. The Island County Critical Aquifer Recharge Area Map shall be maintained by the Health Officer and available upon request.

- B. All project actions that have the potential for groundwater contamination, as identified in ICC 8.09.097.H shall be evaluated by the Health Officer to determine their potential impacts on the groundwater resource.
- C. Best management practices shall be required for the low and moderate susceptibility zones for those activities for which best management practices are recognized and accepted by the Island County Health Officer. A list of currently accepted Best Management Practices shall be maintained by the Health Department. An updated list of BMP's will be provided to the Board of Health when needed.
- D. A hydrogeologic site evaluation shall be required prior to project approval of projects identified by the health officer as having the potential for groundwater contamination and where best management practices will not adequately prevent groundwater contamination.
- E. Based upon available information including that provided by the applicant pursuant to the requirements of this section, the Health Officer shall have discretion to impose conditions designed to prevent degradation of groundwater quality or quantity. Such conditions may include determining background water quality, quantity, and groundwater levels prior to approval and development of groundwater quality and/or quantity management plans. All conditions shall be based on all known, available, and reasonable methods of prevention, control, and treatment.
- F. A mitigation plan shall be required to address groundwater impacts identified in the hydrogeologic site evaluation. The Health Officer may require that the mitigation plan include monitoring, process controls, remediation, and discussion of alternatives.
- G. Project approval shall be based on the conditions and/or mitigation plan required by the Island County Health Department and the Department of Planning and Community Development.
- H. The following activities are subject to the foregoing requirements of 8.09.097.A, B, C, D, E, F, and G:
  - 1. Commercial, industrial, institutional, or other facilities or activities that include, but are not limited to: chemical storage tanks (other than liquified gas), automobile washers, chemical treatment storage and disposal, injection wells, oil and gas drilling, pesticide storage and use, sawmills, waste water application to land surface, animal feedlots, below ground storage tanks, hazardous waste generators, junk and salvage yards, mining, recycling facilities, solid waste handling facilities, underground injection wells, and wood treatment facilities.
  - 2. Petroleum transmission facilities and/or petroleum storage tanks.
  - 3. Those land and subsurface sewage disposal systems as outlined below:

- a) Residential sewage disposal systems designed to serve more than two residences on an off-site drainfield or sewage disposal systems from more than two residences on a single parcel, with a total design flow less than 3500 gallons per day. Adherence to Island County Health Department BMP's are considered adequate to prevent groundwater contamination in the low and moderate zones.
  - b) Sewage disposal systems serving commercial and industrial projects, excluding home-based businesses or home occupations, with total design flows less than 3500 gallons per day, at the Health Officer's discretion. Adherence to Island County Health Department BMP's are considered adequate to prevent groundwater contamination in the low and moderate zones.
  - c) Any sewage disposal system with design flows of more than 3,500 gallons per day in any zone.
4. Surface mining operations requiring a permit from the State Department of Natural Resources.
5. Other projects or activities as determined by the Health Officer.
- a) Hydrogeologic Site Evaluation. A hydrogeologic site evaluation to determine aquifer vulnerability when required by ICC 8.09.097, shall be prepared by a professional who has training and experience in hydrogeology per WAC 308-15-057. The scope of the hydrogeologic site evaluation shall be in direct relationship to the scope of the project. The site evaluation shall address some or all of the following as specified by the Health Officer as advised by the Island County Hydrogeologist:
    - (i) Hydrogeologic Setting:
      - (1) Description of the geologic setting of the site illustrated with geologic and soil maps.
      - (2) Discussion of geologic features which may influence groundwater movement such as faults, landforms, etc.
      - (3) Description of the occurrence and movement of groundwater in the area, including a general discussion of aquifer recharge and discharge, depth of groundwater and groundwater flow patterns. Illustrative materials such as water level maps or flow nets are recommended.
      - (4) General discussion of groundwater quality in the area.
    - (ii) Site-Specific Hydrogeologic Data:

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- (1) Scaled map showing the location of wells (in use or inactive) and springs within 1,000 feet of the site or as required by the Health Officer.
- (2) Depth to groundwater layer in the immediate vicinity.
- (3) Hydrogeological cross-sections through the site and immediate vicinity with references to information used to prepare the cross-sections.
- (4) Description of groundwater movement beneath the site with considerations for the following:
  - (a) Areal distribution, stratification, and hydraulic conductivity of the water-bearing formations.
  - (b) Probable migration pathways for contaminants.
  - (c) An estimate of the probable times of travel through the soil horizontally and vertically from a potential contaminant source.
- (5) Description of how the contaminants of concern will be attenuated within the saturated zone.
- (6) Estimate of the quantity and/or quality of water recharged to the saturated zone under anticipated operation.
- (7) Water quality monitoring program for contaminants of concern.

(Res. HD-04-92, April 13, 1992; amended by Res. C-59-05, June 20, 2005)

### 8.09.099 Seawater Intrusion Protection

- A. The following section applies to all existing and proposed groundwater wells and associated water systems used as a potable water source in Island County. All project actions that have a potential to cause, contribute or exacerbate seawater intrusion shall be evaluated by the Health Officer to determine their impacts on the groundwater resource.
- B. The Island County Health Department will classify areas of the county into seawater intrusion risk categories based upon groundwater elevation information and proximity to existing groundwater wells with chloride data. The seawater intrusion risk categorization is provided in Table 1.

Table 1: Seawater Intrusion Risk Categories

Risk Category	Water Level Elevation <sup>1</sup>	Chloride Concentration <sup>2</sup>
Low	Greater than 8.4	Any <sup>3</sup>
Medium	Less than or equal to 8.4	Less than 100
High	Less than or equal to 8.4	Between 100 and 250
Very High	Less than or equal to 8.4	Greater than 250

<sup>1</sup> Water Level Elevation in feet above Mean Sea Level (MSL) NAVD 88. +4 feet MSL ~ 0 feet relative to Mean Tide Level in the Puget Sound. For tidally influenced wells, water level elevation will be determined by specific methods as identified by the Health Officer.

<sup>2</sup> Chloride concentration in milligrams per liter (mg/L) or parts per million (ppm).

<sup>3</sup> Where water level elevations are greater than 8.4 feet, chloride concentrations are irrelevant.

### C. Application

#### 1. Project actions:

Project actions will be evaluated for Seawater Intrusion Risk Analysis based upon the applicable risk category and proposed activity. Projects that may deleteriously impact groundwater quality by inducing or contributing to seawater intrusion will undergo a comprehensive evaluation by the Health Officer prior to approval. Projects that are subject to this review are listed in Table 2. Project actions not subject to Seawater Intrusion Risk Analysis (as defined by N/A below) and involving a new or expanding public water system shall collect a water level elevation from the proposed groundwater source as part of project approval where specifically required by the Health Officer in areas where water level elevations are not known or are insufficient.

Table 2: Projects subject to Seawater Intrusion Risk Analysis

Risk Category	Land Subdivision	New or Expanding Public Water Systems	Individual Water System
Low	N/A	N/A	N/A
Medium	More than 6 lots	More than 6 connections	N/A
High	All	More than 1 connection	< 1.5 acre lot size
Very High	All	All	< 5 acre lot size

2. Non-Project Actions:

a) Sampling

Public water systems with greater than two residential connections in the medium, high, or very high risk areas shall sample for chloride and conductivity in April and August of each year. Water quality results, analyzed by a Washington State Department of Ecology certified laboratory, shall be provided to the Health Officer.

- D. A hydrogeologic site evaluation, as defined in ICC 8.09.097, may be required as a result of Seawater Intrusion Risk Analysis prior to project review as determined by the Health Officer. Projects will be reviewed on a case-by-case basis to determine the extent of the hydrogeologic evaluation requirements.
- E. Based upon available information including that provided by the applicant pursuant to the requirements of this section, the Health Officer shall have discretion to impose conditions designed to prevent degradation of groundwater quality or quantity. Such conditions may include groundwater monitoring and the development of groundwater quantity management plans. All conditions shall be based on all known, available, and reasonable methods of prevention, control, and treatment.
- F. Projects that cannot mitigate potential impacts to groundwater resources by inducing or contributing to seawater intrusion may be modified, altered or denied by the Health Officer.

(Res. C-59-05, June 20, 2005)

**8.09.100 Administration**

The Health Officer shall administer these rules and regulations under the direction of the Board of Health. The Island County Building Department and Planning Department shall require permits issued or subdivisions approved to comply with this chapter.

(Res. HD-08-90, September 18, 1990; amended by Res. C-59-05, June 20, 2005)

**8.09.110 Waivers**

Whenever a strict interpretation of these rules and regulations would result in extreme hardship, the Health Officer may, upon concurrence of the Board of Health, waive such rule or regulation or portion thereof, provided that the waiver is consistent with the intent of these rules and regulations and that no public health hazard will result. Waivers requested which would not vary substantially from this chapter and which would not require the review of the Secretary of the State Department of Health or Secretary of the State Department of Ecology will be processed administratively by the Health Officer.

(Res. HD-08-90, September 18, 1990)

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**8.09.120 Appeals**

Any person aggrieved by a decision of the Health Officer or his designee may, within ten (10) calendar days, appeal the decision in writing to the Board of Health for hearing during regular session of said Board. The appeal requirements in ICC 8.01.120 may also apply.

(Res. HD-08-90, September 18, 1990; amended by Board of Health, Regular Meeting Minutes dated April 17, 2000)

**8.09.130 General Provision and Penalties**

General provision and penalties shall be in accordance with ICC 8.01. Additionally, if it is established that a licensed well driller certifies a well site which does not conform to this chapter or other pertinent regulations, the Board of Health may take appropriate action to appeal to the Washington State Department of Ecology to revoke that well driller’s license.

(Res. HD-08-90, September 18, 1990)

**8.09.140 Severability**

Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

(Res. HD-08-90, September 18, 1990)

**8.09.150 Fee Schedule**

Fees shall be set by the Island County Board of Health by resolution.

(Res. HD-08-90, September 18, 1990)

**Chapter 8.10<sup>9</sup>**

**(Reserved)**

**Chapter 8.10B**

**Food Establishments and Food Service Workers**

(Chapter 8.10B, Food Establishments and Food Service Workers, Rules and Regs. of Board of Health, November 9, 1981, December 13, 1982, July 14, 1986, and October 21, 1991, repealed by Res. HD-17R-93, December 13, 1993)

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<sup>9</sup> Former chapter 8.10, Definitions and General Provisions, has been recodified as chapter 8.01.