

Sewer  
Plan



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000  
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September 11, 2020

Dan Eissess, P.E.  
General Manager  
Birch Bay Water and Sewer District  
7096 Point Whitehorn Road  
Blaine, WA 98230

Re: Comprehensive Sewer System Plan revised April 2020

Dear Dan Eisses:

David Evans and Associates, on behalf of Birch Bay Water and Sewer District, submitted the Comprehensive Sewer System Plan, revised April 2020, in hardcopy and digital format to the Department of Ecology (Ecology) for review and approval on August 3, 2020.

In accordance with the Revised Code of Washington (RCW) 90.48.110 and Chapter 173-240 Washington Administrative Code (WAC), Ecology hereby approves the above-referenced document **as a general sewer plan**. Enclosed is a signed PDF of the approved title page, for your records. Ecology's review and approval is limited to assuring compliance with the State water quality laws and regulations listed above. This approval does not satisfy other applicable federal, state or local statutes, ordinances or regulations.

The plan identifies projected dates when the existing wastewater treatment plant will be at full capacity. Upgrades should be in service by 2023 and will need to address interactions with Puget Sound Nutrient Source Reduction Project.

Construction of sewage facilities within the planning area boundary must be according to the approved general sewer plan or amendments thereto. You must submit engineering reports and plans/specifications for construction of planned collection, treatment, and disposal facilities to Ecology for review and approval in accordance with Chapter 173-240 WAC.

Engineering reports, plans, and specifications for sewer line extensions, including pump stations, need not be submitted for approval. Prior to construction, you must submit a written description of the project and written assurance that the extension is in conformance with the general sewer

plan. In the following situations, Ecology approval is necessary for sewer line extensions prior to construction:

a) The proposed sewers or pump stations involve installation of overflows or bypasses;

Or

b) The proposed sewers or pump stations discharge to an overloaded treatment, collection, or disposal facility.

If you have any questions concerning this approval, please contact Steve Hood from our Bellingham Field Office at (360) 255-4396 or by email at [shoo461@ecy.wa.gov](mailto:shoo461@ecy.wa.gov).

Sincerely,



Rachel McCrea  
Water Quality Section Manager  
Northwest Regional Office  
Washington State Department of Ecology

Enclosure: Comprehensive Sewer System Plan Approval

ecc: Cathy Craver, Public Works Department, Whatcom County  
Amy Keenan, Planning and Development Services Department, Whatcom County  
Darin Klein, Health Department, Whatcom County  
Rodney Langer, David Evans and Associates  
PARIS WA0022454

WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT

Jon Hutchings  
Director



James P. Karcher, P. E.  
County Engineer  
322 N. Commercial Street, Ste 301  
Bellingham, WA 98225-4042  
Phone: (360) 778-6210  
Fax: (360) 778-6211

September 1, 2020

Mr. Rodney Langer, P.E.  
David Evans & Associates, Inc.  
14432 South East Eastgate Way, Ste 400  
Bellevue, WA 98007

Subject: Birch Bay Water and Sewer District - 2020 Comprehensive Sewer System Plan

Dear Mr. Langer:

In reply to your letter dated July 15, 2020, I do hereby approve the subject 2020 Comprehensive Sewer System Plan for Birch Bay Water and Sewer District (BBWSD).

Please also note the following related to this approval:

- All work performed in a county right-of-way requires a Revocable Encroachment Permit as a prerequisite. See Whatcom County Code (WCC) 12.16 for additional information. Rodney Vandersypen 360-778-6269, is the County's Permit coordinator.
- Depending on the scope of work of any given BBWSD planned sewer system facilities project, the County might require:
  - Other permits (e.g., building, conditional use, land disturbance, shoreline) as a prerequisite to project execution, and
  - Stormwater management documentation, with possible consequent engineered stormwater management system design.
- To accommodate our desire to minimize disturbance to County roadway surfaces, we encourage the BBWSD to locate, where feasible, new or reworked sewer system facilities outside the existing pavement of any improved County roadways.
- We encourage the BBWSD to accomplish, to the maximum extent feasible, its planned sewer system projects that will involve work in County rights-of-way in advance of our planned road projects to minimize roadway patching that would otherwise occur if not coordinated.

Sincerely,

A handwritten signature in black ink that reads "James P. Karcher".

James P. Karcher, P.E.  
County Engineer

cc: County Council  
County Executive  
Public Works Director  
Engineering Services Development Division Manager  
Engineering Services Traffic Division Senior Engineering Technician

**WHATCOM COUNTY**  
Health Department



*Water and Sewer*  
Erika Lautenbach, Director  
Greg Stern, M.D., Health Officer

September 22, 2020

Rodney Langer, PE  
David Evans and Associates Inc.  
14432 South East Eastgate Way, Suite 400  
Bellevue, WA 98007

Dear Rodney,

The Whatcom County Health Department has received and reviewed the Birch Bay Water and Sewer Districts updated 2020 Comprehensive Water and Sewer System Plan. We have completed our review in accordance with the provisions in WAC 246-290, RCW 57.16.010, and based on addressing the Washington State Department of Health list of items, hereby approve your updated plan.

Sincerely,

A handwritten signature in black ink that reads "John J. Wolpers III".

John J. Wolpers III RS/REHS  
Whatcom County Environmental Health Manager

Cc: Clerk of the Whatcom County Council  
Whatcom County Engineer  
Whatcom County Planning  
Washington State Department of Health, Northwest Regional Office



**From:** Matt Aamot <MAamot@co.whatcom.wa.us>  
**Sent:** Monday, August 10, 2020 4:32 PM  
**To:** Rodney Langer  
**Cc:** Mark Personius; 'Dan Eisses'  
**Subject:** BBWSD Sewer System Plan (Revised April 2020)

Hi Rodney:

Whatcom County Planning and Development Services received the Birch Bay Water and Sewer District's Comprehensive Sewer System Plan (Revised April 2020) on August 3, 2020.

County Planning made a number of recommendations in our e-mail of October 11, 2019 relating to coordination of land use and utility planning. Appendix B of the Birch Bay Water and Sewer District Comprehensive Sewer System Plan (Revised April 2020) addresses these comments, noting the challenges the District faces in implementing some of the recommendations prior to the Growth Management Act's mandated update to the Whatcom County Comprehensive Plan (the State legislature recently changed the update deadline from 2024 to 2025). However, we appreciate the District's willingness, as expressed in Appendix B, to work with the County to coordinate land use/capital facility planning in the 2025 County Comp Plan update process. We also appreciate the District modifying the Sewer Plan to reference WCC 20.82.030 (the County regulations for extending sewer lines outside UGAs).

We have no further comments on the Sewer Plan. We look forward to engaging with the District in the 2025 Comp Plan update process.

Thanks,

Matt

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**From:** Rodney Langer [<mailto:rodney@chsengineers.com>]  
**Sent:** Friday, October 11, 2019 3:14 PM  
**To:** Matt Aamot  
**Cc:** Mark Personius; 'Dan Eisses'; 'Sandi McMillan'  
**Subject:** RE: Whatcom County - Comments on Draft BBWSD Sewer System Plan

Thanks Matt – we will review these with the District and let you know if we would like to discuss any of the points raised.

Have you prepared similar comments on the Water System Plan, other than the fire flow matter we have responded to?

Thanks

Rodney

**From:** Matt Aamot

**Sent:** Friday, October 11, 2019 2:45 PM

**To:** Rodney Langer, CHS Engineers <[rodneyl@chsengineers.com](mailto:rodneyl@chsengineers.com)>

**Cc:** Mark Personius <[MPersoni@co.whatcom.wa.us](mailto:MPersoni@co.whatcom.wa.us)>

**Subject:** Whatcom County - Comments on Draft BBWSD Sewer System Plan

Hi Rodney:

We have the following comments on the draft Birch Bay Water and Sewer District Comprehensive Sewer System Plan (June 2019), which the County received on August 29, 2019.

1. **Sewer Plan Update** – The Sewer Plan indicates “It is recommended that the District update the comprehensive sewer plan within six years, or sooner in response to County land use changes that impact sewer service area or development density therein” (p. 7-3). However, the Capital Improvement Plan indicates that next the Sewer Plan update is schedule for 2027 (Chapter 7, Table 7.2 – see also Summary and Recommendations, Table S.1).

One of our on-going issues with implementation of the Growth Management Act (GMA) is coordinating land use planning with capital facility planning. The GMA requires the County and cities to update our comprehensive plans by June 30, 2024. However, there is no corresponding requirement to update water and sewer plans on this timeline. The Growth Hearings Board has ruled that there must be adequate capital facility plans for urban growth area (UGA) expansions. The County Council will ultimately decide whether or not to expand the Birch Bay UGA in the 2024 update. However, it limits their options if there are not water and sewer plans that plan for projected growth through the new planning period, which will run through 2044. At this point, the County does not have preliminary 2044 growth projections for the Birch Bay UGA (or any other UGA). Therefore, we would not be able to supply such projections to the District at this time, when the District is ready to update the sewer plan. This creates a problematic situation that makes coordination between land use planning and sewer planning difficult.

Having said that, we would ask the next sewer plan update (or perhaps an amendment to the sewer plan) be moved up so it could coincide with the 2024 Comp Plan update.

2. **Sewer Service Area/UGA** – The draft Sewer Plan states that “The sewer service area for this Plan (see Figure 1.2) includes all the area within the Birch Bay UGA. . .” (p. 3-7). It is appropriate to include the entire UGA in sewer service planning.

3. **Sewer Service Area/Outside UGAs**– Figure 3.1 and the text on pages 3-7 and 3-8 indicate that the Sewer Service Area extends outside the Urban Growth Area in several locations. The text on pages 3-8 and 3-9 includes a discussion of the GMA, WAC, and Whatcom County Code sections that regulate provision of sewer service outside of UGAs. We request that you modify the text on p. 3-9 as follows:

“. . . Whatcom County ~~recently~~ amended County Code Section 20.82.030 to include language that is consistent with the WAC recognition that sewer lines may pass through areas not included in a UGA, provided service is not provided to properties in those rural areas. Whatcom County Code 20.82.030 also prohibits extension of sewer lines outside of UGAs to provide service, unless such extensions (new sewer lines with an inside diameter of six inches or more or length of 150’ or more) are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development.”

“. . . The District will not extend sewer lines to properties in rural designated areas, except under conditions as allowed by the GMA, ~~and~~ the WAC as referenced above, and Whatcom County Code 20.82.030. .

4. **Sewer Planning/UGA Reserve** – One parcel in the UGA Reserve is in the sewer service area (p. 3-8). The remainder of the UGA Reserve is outside the sewer service area (see Figure 3.1) and currently zoned Rural one dwelling/ten acres (R10A). A footnote under Table 3.2 states that “UGA Reserve Area to remain outside UGA and is considered Rural land for this forecast, except for one parcel with existing sewer service” (page 3-6). While it’s currently appropriate to keep the UGA Reserve outside the service area (because, among other things, it’s zoned R10A at the current time), it’s also appropriate to include some level of planning to serve this area should the County re-designate it to UGA at some point in the future. The Whatcom County Comprehensive Plan provides general criteria for transferring properties from the Urban Growth Area Reserve to the Urban Growth Area, which include the following:

There are plans and capacity to serve the areas with urban governmental services as set forth in the Growth Management Act. There is no requirement to extend these services prior to transferring the area from Urban Growth Area Reserve to Urban Growth Area, but the Capital Facility Plans must document the capacity and plans to serve at urban levels of service within the 20-year planning period.

As you know, the County’s next Comprehensive Plan update is due by June 2024. The County will evaluate whether the existing UGA can accommodate projected growth over the new planning period (through the year 2044). At

that time, the County Council will decide whether or not to expand the UGA into the UGA Reserve Area based upon a number of factors. However, if there has been no sewer planning for the UGA Reserve, the Council's options will be limited.

5. **Population Growth Projections** – The draft Sewer Plan contains population projections through the year 2038 (p. 3-6). The projections in the current County Comprehensive Plan only go through the year 2036. The County projection for Birch Bay Water and Sewer is 13,046 in the year 2036 (Whatcom County 20-Year Capital Facilities Plan, Appendix E of the Whatcom County Comprehensive Plan, Chp. 12 Sewer Systems, p.47). The draft Sewer Plan shows a projection of 13,381 in the year 2036. Since this is very close to the County Comp Plan, we have no objections to this projection.

However, in the next update (or amendment), we would request that the District insert a population projection for the year 2044 that is consistent with the County's updated projection.

6. **Capital Improvement Plan** – Chapter 7, Capital Improvement Plan, states “. . . Projects which are recommended for completion in the next ten years are presented in Table 7.3. . .” (p. 7-7). Table 7.3 outlines projects through the year 2028. The GMA requires local comprehensive plans to contain (or adopt by reference) “. . . at least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes . . .” (RCW 36.70A.070(3)). Presumably, the six years would run from the 2024 deadline for updating comprehensive plans, meaning it would go through 2030. It would be preferable for the sewer capital facility plan to include projects through at least 2030.

It should be noted that the Growth Hearings Board has required a 20-year capital facilities plan (through the end of the planning period) when UGAs are being expanded. Again, at this point, we do not know if there will be a proposal to expand the Birch Bay UGA.

7. **Misc. Changes** –

- a. “Whatcom County Comprehensive Plan, Whatcom County, updated through 2018 May 2016 . . .” (p. 3-1).
- b. “The population for the Birch Bay UGA is from the BERK Report as adjusted and reported in the March 2015 Draft EIS, and adopted in the Whatcom County Comprehensive Plan. . .” (p. 3-4).
- c. “. . . Population figure for Birch Bay UGA per the BERK Report, 11/13, as adjusted by County Draft EIS, 3/15, and adopted in the Whatcom County Comprehensive Plan” (footnote # 1, p. 3-4).



- d. "Population projections for the District presented in Table 3.2 are based on the County Draft EIS (March 2015) and the Whatcom County Comprehensive Plan. . . (p. 3-5).
- e. "Birch Bay UGA as defined as of 2019 2016. Population figure for Birch Bay UGA in 2013 is per the County Comprehensive Plan County Draft EIS, 3/15. The County growth allocation for Birch Bay UGA is 5,282 (projected growth from 2013-2036 per County Comprehensive Plan revision in May, 2016" (footnote # 1, p. 3-6).
- f. "Per the research in support of the District's 2019 2018 Comprehensive Water System Plan update. . ." (p. 5-24).
- g. The draft Sewer Plan indicates that the NPDES permit expires June 30, 2019 (p. 6-1). Please insert updated information on the new permit.
- h. The draft Sewer Plan indicates that there are four principal ways that improvements can be financed (p. 7-5). It looks like five ways are set forth in the Plan (A-E on pp. 7-5 and 7-6).
- i. "Whatcom County Planning Department; *Whatcom County Comprehensive Plan*; 2018 May, 1997 (References section after Chapter 8).

Please review and, as appropriate, address these comments before submitting the Plan to the County Council for review and approval under RCW 57.16.010(7).

Thanks,

Matt



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