

## **Working through the Public Comment Process:**

Contrary to those that work to produce these manuals; I do not get paid to review and comment on the manual and quite frankly this process is not very effective and is a very poor investment of our time; too much is easily dismissed.

I have already spent countless hours on this mission and it is not very rewarding. I do have a business that needs to survive this “recession” and simply cannot afford to donate any more time on an approach designed more to appease me than to actually take my input seriously. While your response was appreciated, the tone I interpreted further convinces me that any hours spent reviewing these bureaucratic processes would be primarily a waste of time; time I need to apply to our business.

For the health of our business; I believe I need to start doing what others have figured out a long time ago. It would be more profitable and expeditious for me to just write the letter saying “...*per the prescriptive techniques allowed, LID will not work on this site*”. Per the prescriptive processes and picking the most restrictive “separation” requirement of the multiple definitions in the manuals, it will be easy to show that per the manuals LID does not work (even though practically speaking it can work almost anywhere). I hate to do it but we will have to resort to this process for survival; the government process is just too big a ship to try and maneuver.

You are simply making it too expensive to do the right thing!

## **I will offer these comments:**

1. The first and easiest to state is to offer more flexibility and do not resort to such a restrictive “prescriptive process”.
2. One big problem has been an issue of the vertical separation between “groundwater” and the bottom of a “facility”. There are multiple definitions in the manual for separation in the DOE manual which have been interpreted in some local jurisdictions to the most restrictive. There needs to be a consistent definition provided throughout the manual; preferably the most reasonable definition as in “a.” below.
  - a. In some places, the separation is reasonably defined as above “groundwater” which seems to indicate water in the Phreatic Zone or saturated flows. The manual further conditions this on water that is likely to end up in an aquifer or as “potable water”. This is a good reasonable definition.
  - b. Some places it talks about and impermeable layer; what is impermeable? Compressed clay can still infiltrate water although it might be at  $10^{-6}$  inches per hour it still infiltrates water that will eventually get to an “aquifer”. Often till layers may be at .1 inches per hour which is reasonable for underdrained biocells. What exactly is the “impermeable” layer? Snohomish County has picked the most restrictive definition and goes for “hardpan” or the first layer with less permeability than the surface layer.
  - c. Some places talk about “restrictive” layer which in 80% of Puget Sound is less than 3 feet. Snohomish County now solely uses this definition and even uses it for surface dispersion devices. You can build a septic system with 2’ of separation but in Snohomish County you need 3’ for a dispersion trench due to selecting the most restrictive description in the DOE manual.

- d. Some jurisdictions interpret “groundwater” to mean even interflow and water in the Vadose Zone or unsaturated flows. Interflow can easily be intercepted and diverted away from a LID facility if needed. It is done for drainfields in septic systems all the time.

The last comment is to define some kind of process to get review by someone from DOE when a local jurisdiction denies something blaming the DOE.

Number 2. Above is the most important piece of your manual to get fixed. Requiring 3’ of separation from a restrictive layer as some have interpreted means 80% and maybe 90% of Puget Sound cannot do LID techniques that involve any form of infiltration.

Thank you

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