



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

August 8, 2011

Mr. Steven D. Richtel, R. G.
Director, Closed Site Management Group
Waste Management, Inc.
2400 West Union Avenue
Englewood, Colorado 80110

Dear Mr. Richtel:

Subject: Groundwater use at Olympic View Sanitary Landfill

The Restrictive (Environmental) Covenant recorded for the Olympic View Sanitary Landfill (OVSL) restricts the use of groundwater at the property:

Section 1.

- 1. No groundwater may be taken from the Property for drinking, cooking, or personal use. The use of groundwater for other purposes must be approved in writing by Ecology.*

Groundwater well MW1 is a production well on the OVSL property. In an email sent June 30, 2011, you proposed using water from MW1 for the following purposes:

1. Washing pads (flare, etc.) – fluid is then pumped into leachate pond, and discharged to the POTWs, per an NPDES permit.
2. Maintenance of the leachate pond floating cover – fluid is pumped off as non-contact storm water.
3. Toilet flushing in site trailer – fluid/waste is pumped to a tank, then the tank is pumped into trucks and hauled to a POTW.

A water sample from MW1 was analyzed in September 2005. Results indicate no significant impact from the landfill that would preclude use of the water for the purposes proposed.

Ecology approves the use of groundwater pumped from MW1 for the purposes listed above. The use of the water, however, must be authorized by Ecology in the form of a water right permit or certificate, or fall under the Ground Water Permit Exemption of RCW 90.44.050. A focus sheet on The Ground Water Permit Exemption is enclosed.



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Please contact me at 425-649-7015 if you have any questions about this letter.

Sincerely,

A handwritten signature in cursive script that reads "Madeline Wall".

Madeline Wall, P.E.
Waste 2 Resources Program

Enclosure

cc: Jan Brower, Kitsap County Health District

The Ground Water Permit Exemption RCW 90.44.050

In Washington State, prospective water users must obtain authorization from the Department of Ecology (Ecology) before diverting surface water or withdrawing ground water, with the one exception discussed below.

Authorization to use surface or ground water is granted by Ecology in the form of a water right permit or certificate.

How the Permit Exemption Works

The permit exemption allows certain users of small quantities of ground water (most commonly, single residential well owners) to construct wells and develop their water supplies without first obtaining a water right permit from Ecology. Here are some other facts ground water users should know:

- All wells for a given project apply toward the limits of the exemption. For example, you cannot irrigate two acres by installing four wells (each serving 1/2 acre). If you wish to develop land and supply the commercial or domestic development with water from several wells, all the wells of the development together must pump 5,000 gallons a day or less to be covered under this exemption. Remember, the cumulative total of withdrawn ground water for a commercial or domestic project exceeding 5,000 gallons a day, you need to secure a water right from Ecology.
- Water users have the option of applying for a water right permit from Ecology even if their uses fall under the permit exemption.
- Water users withdrawing ground water under the exemption establish a water right that is subject to the same privileges and restrictions as a water right permit or certificate obtained directly from Ecology.
- Although exempt ground water withdrawals don't require a water right permit, they are always subject to state water law. In some instances, Ecology has had to regulate, stop or reduce ground water withdrawals when they interfere with prior or "senior" water rights, including instream flow rules.

Definitions

Surface water is water located above the ground, such as a river, stream, spring, or lake.

Ground water is water located under the ground.

For More Information

If you have additional questions, please contact the Ecology regional office nearest you.

Northwest Regional Office
3190-160th Avenue SE
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(425) 649-7000

Central Regional Office
15 W. Yakima Ave., Suite 200
Yakima, WA 98902-3452
(509) 575-2490

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P.O. Box 47775
Olympia, WA 98504-7775
(360) 407-6300

Eastern Regional Office
N. 4601 Monroe
Spokane, WA 99205-1295
(509) 329-3400

Special accommodations:

If you need this publication in an alternative format, call the Water Resources Program at 360-407-6600. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Focus on Ground Water

Water Resources Program

April 2008

- The permit exemption is not available to prospective water users in certain areas that have been closed to further appropriation because there is limited or no water available. Check with Ecology staff at the regional offices (listed below) for limits that may apply to your development site.

Ground water right exemption

On November 18, 2005, the state Attorney General's Office issued a formal opinion regarding how the ground water exemption, especially for watering livestock, should be applied. There are four types of ground water uses exempt from state water-right permitting requirements:

- Providing water for livestock (no gallon per day limit or acre restriction).
- Watering a non-commercial lawn or garden one-half acre in size or less (no gallon per day limit).
- Providing water for a single home or groups of homes (limited to 5,000 gallons per day).
- Providing water for industrial purposes, including irrigation (limited to 5,000 gallons per day but no acre limit).

Water use of any sort is subject to the "first in time, first in right" clause, originally established in historical western water law and now part of Washington State law. This means that a senior right cannot be impaired by a junior right. Seniority is established by priority date - the date an application was filed for a permitted or certificated water right - or the date that water was first put to beneficial use in the case of claims and exempt ground water withdrawals.

Other laws and regulations: well-drilling

It is important to remember that although you are exempt from the water right permit process under the ground water exemption, all other water laws and regulations still apply. For example, there are a number of rules and regulations associated with the actual drilling of the well. To begin, it is mandatory under state law to submit a Notice of Intent to Construct a Water Well form to Ecology, accompanied by the appropriate fee, at least 72-hours prior to the beginning of construction.

State law requires that all wells meet certain minimum standards for construction. Information on well construction laws and requirements can be accessed at Ecology's Well Construction and Licensing website at <http://www.ecy.wa.gov/programs/wr/wells/wellhome.html>

This publication and others about water rights and well-drilling are available at:
<http://www.ecy.wa.gov/programs/wr/wrhome.html>

