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Title: AN ORDINANCE relating to groundwater protection and adding a new chapter to K.C.C. Title 9.

Sponsors: Larry Phillips, Greg Nickels, Louise Miller

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Code sections: 9 -

Attachments: 1. Ordinance 14214.pdf, 2. 2001-0292.2 Revised post-comm staff report.doc

Date	Ver.	Action By	Action	Result
9/24/2001	3	Metropolitan King County Council	Passed as Amended	Pass
9/17/2001	3	Metropolitan King County Council	Deferred	
9/10/2001	2	Metropolitan King County Council	Hearing Held	
9/10/2001	3	Metropolitan King County Council	Deferred	
8/23/2001	2	Natural Resources, Parks and Open Space Committee	Passed Out of Committee Without a Recommendation	Pass
6/28/2001	1	Natural Resources, Parks and Open Space Committee	Deferred	
5/24/2001	1	Natural Resources, Parks and Open Space Committee	Deferred	
5/21/2001	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to groundwater protection and adding a new chapter to K.C.C. Title 9.

STATEMENT OF FACTS:

1. Nearly thirty percent of the people in King County rely on groundwater as its source for drinking water. Almost all of the one thousand eight hundred water systems and twelve thousand private wells in King County use groundwater as all or part of their water supply. Under state and federal regulations, many groundwater supplied utilities have conducted groundwater protection investigations and developed and implemented approved wellhead protection programs to protect groundwater resources.

2. Under the state Growth Management Act, in RCW 36.70A.070(1), protection of the quality and quantity of groundwater used for public water supplies must be addressed as a mandatory element within the county Comprehensive Plan. In accordance with RCW 36.70A.060, King County must also protect critical areas and surface and groundwater resources.
3. The adopted Countywide Planning Policies for King County require all jurisdictions to adopt policies to protect the quality and quantity of groundwater where appropriate (Policy CA-5). The adopted policies require development of best management practices, mapping of groundwater resources, establishment of wellhead protection programs and protection of critical groundwater areas. Local governments have also approved other countywide planning policies to protect regional groundwater, specifically CA-6 (land use regulations), LU-8 (conservation of natural resource lands), LU-15 (retention of undisturbed soils), LU-16 (rural development standards) and LU-17 (recharge and storage of groundwater to preserve base flows in rivers).
4. King County Code provisions support the protection of groundwater in numerous key program areas, including protection of critical aquifer recharge areas (K.C.C. chapter 20.70), surface water management (K.C.C. 9.12.025A.1), zoning (K.C.C. chapter 21A.08 for land use, K.C.C. chapter 21A.16 for water use, K.C.C. chapter 21A.24 for environmentally sensitive areas and K.C.C. chapter 21A.38 for special district overlays), public health (K.C.C. Title 13) and wastewater management (K.C.C. Title 28).
5. The existing framework of regulation and policy directed towards protection and management of surface water and wildlife habitat serves to protect groundwater as well. The existing framework of protection, if implemented, forms a strong basis from which to consider additional protection that might be needed on a case-by-case basis for a particular aquifer. The intent of this legislation is to emphasize the integration of groundwater protection with protection of all water resources.
6. The Washington state Department of Ecology appointed members to five groundwater advisory committees in King County to develop a groundwater management plan for each committee's

groundwater management area. Four of these groundwater advisory committees finalized a groundwater management plan for their groundwater management area. The Metropolitan King County Council concurred with recommendations, subject to specified conditions, of these four groundwater management plans. The Washington state Department of Ecology certified the following four groundwater management plans on May 12, 2000: Vashon-Maury Island groundwater management plan, east King County groundwater management plan, Redmond Bear creek valley groundwater management plan and Issaquah creek valley groundwater management plan. The south King County groundwater advisory committee is currently developing a groundwater management plan for the south King County groundwater management area. It is the intent of this legislation to complement and not replace the efforts and work of the south King County groundwater advisory committee in developing a groundwater management plan and recommendations for implementation of the plan for the south King County groundwater management area.

7. Each certified groundwater management plan envisioned a committee of knowledgeable local representatives to guide the implementation of the plan. The plans recommended specific local interests to be represented on each committee. These geographically distinct committees would provide management, oversight, coordination and technical advice on implementation of recommendations contained in each plan.

8. The Vashon-Maury Island Groundwater Management plan recommends the creation of a Vashon-Maury Island groundwater protection committee. Groundwater protection stakeholders on Vashon-Maury Island have strongly urged that this committee be convened and requested legislation creating this committee. The executive has transmitted Proposed Motion 2001-0289 confirming the executive's appointments to the Vashon-Maury Island groundwater protection committee.

9. Groundwater protection needs to be addressed regionally. This legislation is proposed for King County to discharge its obligations for groundwater protection. The legislative intent is for King

County to cooperate with other jurisdictions and entities for regional groundwater protection and the implementation of certified groundwater management plans.

10. It is not intended by this legislation for King County to infringe upon or displace the authority of any jurisdiction or entity for groundwater protection or to create any new regulatory authority beyond that which King County currently possesses.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 14 of this act should constitute a new chapter 9.14 in K.C.C. Title 9.

NEW SECTION. SECTION 2. Local autonomy for groundwater protection. Nothing in this legislation is intended to infringe upon the authority of any jurisdiction or entity for groundwater protection. Funding, policy and staffing decisions for implementation of activities identified in groundwater management plans, certified by the Washington state department of ecology, for King County, municipalities, special purpose districts, sewer and water utilities and associations, and water purveyors are subject to approval and oversight by each entity responsible for implementation of the activities identified in the plans.

NEW SECTION. SECTION 3. Role of King County in groundwater protection.

King County recognizes that the legal authority to regulate withdrawals of groundwater resides with the State of Washington. It is not intended by this legislation for King County to infringe upon or displace the authority of any jurisdiction or entity, including municipalities, special purpose districts, sewer and water utilities and associations and water purveyors, for groundwater protection or extraction or to create any new regulatory authority beyond that which King County currently possesses.

NEW SECTION. SECTION 4. King County groundwater protection program. Based on available funding, county services are intended to provide groundwater protection, including but not limited to the following activities:

A. Data management, which shall include, but not be limited to, obtaining available data from other local jurisdictions in King County, federal and state agencies and tribal nations; reviewing and mapping data;

maintaining a clearinghouse of data on groundwater in King County; and responding to data requests;

B. Groundwater protection planning, which shall include, but not be limited to, assisting with updating groundwater management plans; coordinating groundwater protection activities with water purveyors, water users, tribal nations, adjoining counties where appropriate, the Washington state departments of Health, Ecology, Fish and Wildlife, and other appropriate state and federal agencies; and participating in county activities and forums where groundwater protection may be a significant issue, in areas such as water resource inventory area work and Endangered Species Act work;

C. Coordination of technical expertise in groundwater, including but not limited to geology, hydrology; geophysics and geophysical methods; and mapping;

D. Monitoring countywide tracking of environmental benchmarks in accordance with King County's countywide planning policies;

E. Monitoring and data collection in the Vashon-Maury Island and east King County groundwater management areas from existing sampling sites, and monitoring and data collection pilot projects in incorporated and unincorporated areas of King County;

F. Stewardship of groundwater in the unincorporated areas of King County where stewardship services are not provided by special purpose districts, sewer and water utilities and associations and water purveyors;

G. Regional education and public involvement in groundwater protection issues;

H. Development of strategies to prevent the contamination of sensitive aquifer areas from spills of hazardous materials;

I. Identification and mapping of critical groundwater recharge areas and participation in the protection and development of protection or remediation strategies for these areas;

J. Serving as a clearinghouse for groundwater models that address cross-jurisdictional groundwater problems within a groundwater management area or among groundwater management areas;

K. Review and recommendation of health regulations related to groundwater protection;

L. Recommendation of amendments to the countywide planning policies and environmental benchmarks related to groundwater protection;

M. Recommendations of any combination of activities, policies and procedures to public and private entities that have impacts on groundwater or that may be necessary to implement elements of the groundwater protection program; and

N. Development of comprehensive policies that integrate groundwater protection, surface water, stormwater, wastewater and reclaimed water and protect critical water recharge areas.

NEW SECTION. SECTION 5. King County support for implementation of certified groundwater management plans. Subject to available funding, the King County groundwater protection program shall support implementation of activities identified in the groundwater management plans in King County that have been certified by the Washington state Department of Ecology.

NEW SECTION. SECTION 6. Lead agency and agency responsibilities. A. The department of natural resources shall be the lead agency for King County's groundwater protection program and shall be responsible for the following activities:

1. Oversee implementation of King County's groundwater protection program;
2. Provide staff support to any groundwater protection committee appointed by King County and respond to the committees in a timely manner regarding the adoption of committee recommendations;
3. Identify sources and methods of funding regional groundwater protection services and seek funding for these services;
4. Develop any combination of interlocal agreements, memorandums of understanding and operating agreements with cities, special purpose districts, sewer and water utilities and associations, and water purveyors for implementation of groundwater management plans and regional groundwater protection services in King County. These agreements shall include provisions addressing the scope, governance, structure, funding and transition to implementation of certified groundwater management plans and regional groundwater protection

services in King County;

5. Consult with the Washington state Department of Ecology about the feasibility of integrating the goals and implementation of certified groundwater management plans, where possible, with adopted watershed plans to avoid creating redundant work programs;

6. Coordinate with the department of development and environmental services for any review required pursuant to K.C.C. Title 21A regarding land use, water use, environmentally sensitive areas and special district overlays, or the exercise of other authorities, that relate to groundwater protection;

7. Coordinate with the Seattle-King County department of public health for work performed pursuant to the King County Board of Health Code Title 10, Solid Waste Handling, Title 11, Hazardous Chemicals, Title 12, Water, Title R12, Water and Title 13, On-site Sewage, or the exercise of other authorities, that relate to groundwater protection;

8. Coordinate with the office of regional policy and planning for work performed pursuant to K.C.C. Title 20, Planning, or the exercise of other authorities, that relate to groundwater protection;

9. Coordinate internally within the department of natural resources for work performed under K.C.C. Title 9, Surface Water Management, K.C.C. chapter 20.70, Critical Aquifer Recharge Areas and K.C.C. Title 28, Water Pollution Abatement and Wastewater Treatment, or the exercise of other authorities, that relate to groundwater protection;

10. In consultation with the department of development and environmental services, the Seattle-King County department of public health, the office of regional policy and planning, and divisions within the department of natural resources, develop an integrated annual work plan that incorporates each of these agencies work programs relative to groundwater protection and that delineates the groundwater protection services provided by King County. A draft annual work plan shall be submitted to any groundwater protection committee appointed by King County for their review and recommendations. The department of natural resources shall distribute the final annual work plan to the King County council, any groundwater protection

committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, water purveyors and other entities that are implementing activities recommended in certified groundwater management plans;

11. Develop a three-year work plan that identifies long-term needs for groundwater protection, in consultation with any groundwater protection committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, and water purveyors. The work plan should include an examination by the Seattle-King County Department of Public Health of the effectiveness of the current compliance methodology for violations of regulations governing operation, maintenance and repair of groundwater facilities by public water systems or individuals, and an examination of alternative compliance methodologies that provide for a hierarchy of responses to such violations (e.g. education, site visit, notification, fines, civil penalty, operating restrictions). The work plan shall include an examination of existing county fees or charges for groundwater testing that could reduce any current testing disincentives caused by unaffordability of those fees or charges. The department of natural resources shall distribute the three-year work plan to the King County council, any groundwater protection committee appointed by King County, cities, special purpose districts, sewer and water utilities and associations, water purveyors and other entities that have a role in the three-year work plan;

12. Provide an annual written report on the groundwater protection program. This report shall include, but not be limited to, information from the prior calendar year on groundwater protection services provided by King County, expenditures for the groundwater protection program and recommendations from any groundwater protection committee appointed by King County. By March 31 of each year this report shall be submitted to the King County council and any groundwater protection committee appointed by King County.

B. The King County auditor shall review whether or not groundwater protection services are being provided by King County and provide to the King County council by July 2003 an inventory of groundwater protection services that are provided and are not provided by King County.

C. The regional water quality committee is requested to make recommendations to the King County council between April and September 2003 on the efficacy of the groundwater protection program in King County, including but not limited to the following areas: public outreach, education and stewardship; data management; coordination of groundwater protection activities with all interested entities, users and individuals; regional involvement in the groundwater protection program; development of agreements and funding for regional groundwater protection services, and the role of the department of natural resources in providing groundwater protection services.

NEW SECTION. SECTION 7. Transitional groundwater protection program and budget. Thirty days after the effective date of this ordinance, the department of natural resources shall submit to the King County council a written program plan and budget for groundwater protection services for the Vashon-Maury Island groundwater management area for the year 2001. This program plan and budget shall be developed in consultation with the Vashon-Maury Island groundwater protection committee.

NEW SECTION. SECTION 8. Vashon-Maury Island groundwater protection committee. The Vashon-Maury Island groundwater protection committee is hereby created and shall continue in existence until December 31, 2004. The Vashon-Maury Island groundwater protection committee shall be referred to as “the groundwater protection committee” or “the committee” throughout this chapter.

A. The groundwater protection committee members shall be selected from within the Vashon-Maury Island groundwater management plan area and shall consist of the following representatives:

1. One representative from the groundwater advisory committee;
2. One representative from water purveyors;
3. Two representatives from sewer and water utilities and associations;
4. One representative from residential well users;
5. One representative from business owners;
6. One representative from commercial agriculturists;

7. One representative from the unincorporated area council;
8. One representative from chambers of commerce;
9. One representative from local environmental organizations.

B. The county shall invite each of the tribal nations with federally recognized rights within the Vashon-Maury Island groundwater management area to recommend candidates for the committee. The committee shall include a representative from each tribal nation with federally recognized rights within the Vashon-Maury Island groundwater management area, provided that the tribal nation provides to the county a candidate for appointment to the committee.

C. Each county abutting the Vashon-Maury Island groundwater management plan area boundary shall be requested to provide to the county a candidate for appointment to the committee on an advisory, nonvoting basis;

D. The Seattle-King County department of public health and the Washington state departments of Ecology and Health shall be requested to provide to the county a candidate for appointment to the committee on an advisory, nonvoting basis; and

E. Each member of the committee shall coordinate internally with the entity the member represents.

NEW SECTION. SECTION 9. East King County groundwater protection committee. The east King County groundwater protection committee is hereby created and shall continue in existence until December 31, 2004. The east King County groundwater protection committee shall be referred to as "the groundwater protection committee" or "the committee" throughout this chapter.

A. The groundwater protection committee members shall be selected from within the east King County groundwater management plan area and shall consist of the following representatives:

1. One representative from the groundwater advisory committee;
2. One representative from water purveyors;
3. Two representatives from sewer and water utilities and associations;

4. One representative from residential well users;
5. One representative from business owners;
6. One representative from commercial agriculturists;
7. One representative from each city;
8. One representative from the unincorporated area council;
9. One representative from chambers of commerce;
10. One representative from local environmental organizations.

B. The county shall invite each of the tribal nations with federally recognized rights within the east King County groundwater management area to recommend candidates for the committee. The committee shall include a representative from each tribal nation with federally recognized rights within the east King County groundwater management area, provided that the tribal nation provides to the county a candidate for appointment to the committee.

C. Each county abutting the east King County groundwater management plan area boundary shall be requested to provide to the county a candidate for appointment to the committee on an advisory, nonvoting basis;

D. The Seattle-King County department of public health and the Washington state departments of Ecology and Health shall be requested to provide to the county a candidate for appointment to the committee on an advisory, nonvoting basis; and

E. Each member of the committee shall coordinate internally with the entity the member represents.

NEW SECTION. SECTION 10. Issaquah Creek Valley groundwater protection committee.

The Issaquah creek valley groundwater protection committee is hereby created and shall continue in existence until December 31, 2004. The Issaquah creek valley groundwater protection committee shall be referred to as "the groundwater protection committee" or "the committee" throughout this chapter.

A. The groundwater protection committee members shall be selected from within the Issaquah creek

valley groundwater management plan area and shall consist of the following representatives:

1. One representative from the groundwater advisory committee;
2. One representative from water purveyors;
3. Two representatives from sewer and water utilities and associations;
4. One representative from residential well users;
5. One representative from business owners;
6. One representative from commercial agriculturists;
7. One representative from each city;
8. One representative from the unincorporated area council;
9. One representative from chambers of commerce;
10. One representative from local environmental organizations.

B. The county shall invite each of the tribal nations with federally recognized rights within the Issaquah creek valley groundwater management area to recommend candidates for the committee. The committee shall include a representative from each tribal nation with federally recognized rights within the Issaquah creek valley groundwater management area, provided that the tribal nation provides to the county a candidate for appointment to the committee.

C. The Seattle-King County department of public health and the Washington state departments of Ecology and Health shall be requested to provide to the county a candidate for appointment to the committee on an advisory, nonvoting basis; and

D. Each member of the committee shall coordinate internally with the entity the member represents.

NEW SECTION. SECTION 11. Responsibilities of groundwater protection committee. Any groundwater protection committee appointed by King County shall meet at least three times a year to advise the King County executive and council on King County's groundwater protection program and shall advise elected officials from King County, municipalities, special purpose districts, water and sewer utilities and associations

and water purveyors on implementation of the certified groundwater management plan for each committee's groundwater management area and shall also carry out the following tasks:

- A. Perform tasks as assigned to the committee pursuant to the certified groundwater management plan;
- B. Review and make recommendations on King County's annual groundwater protection work plan and the three-year work plan that identifies long-term needs for regional groundwater protection services;
- C. Participate in and monitor implementation of the certified groundwater management plan;
- D. Develop and recommend modifications and updates to the certified groundwater management plan, including addressing any unresolved issues in the certified groundwater management plan;
- E. Coordinate community groundwater protection activities in conjunction with the county, municipalities, special purpose districts, water and sewer utilities and associations and water purveyors, in particular public education, public involvement and stewardship activities. The committee may work with other local jurisdictions and community organizations in coordinating these activities;
- F. Provide an annual status report on the following activities: implementation of groundwater protection services in King County; implementation of the certified groundwater management plan, including groundwater protection activities of cities, special purpose districts, sewer and water utilities and associations, and water purveyors within the groundwater management area; efforts to develop interlocal or other agreements relative to implementation of regional groundwater protection services; and trends in groundwater issues;
- G. Make recommendations on the distribution and use of aquifer protection funds, as these funds become available;
- H. Recommend amendments to the countywide planning policies that relate to groundwater protection;
- I. Recommend groundwater protection services tailored to the unique needs of the groundwater management area and policies; and
- J. Provide advice on state groundwater regulation.

NEW SECTION. SECTION 12. Appointment to groundwater protection committee. A. The

executive shall appoint members of the groundwater protection committee, subject to confirmation by the King County council by motion, with members serving staggered terms of not more than three years. The executive shall appoint members from candidates recommended by the council member or members representing the council district or districts in which the groundwater management planning area is located.

B. Beginning January 1, 2002, the executive shall appoint any member filling a vacancy on a groundwater protection committee, subject to confirmation by the King County council by motion, in accordance with K.C.C. chapter 2.28.

NEW SECTION. SECTION 13. Groundwater protection committee operations. A. The department of natural resources shall develop model bylaws governing the operations of the committee, which shall be used as guidelines for the committee to adopt as bylaws. The committee shall adopt bylaws governing the operations of the committee. Decisions of the committee shall be by consensus whenever possible. Procedures for resolving lack of consensus shall be included in the bylaws. If consensus cannot be reached on a committee's recommendation, opposing views may be included in the committee's recommendations.

B. In coordination with the county, municipalities, special purpose districts, water and sewer utilities and associations, and water purveyors, the committee should solicit information and participation from experts and interested parties as necessary. The committee may make use of subcommittees to accomplish some tasks. Federal and state agencies may be asked to serve in a technical capacity, as appropriate, on the subcommittees. Water purveyors relying on a groundwater source may be asked to contribute to technical subcommittees.

NEW SECTION. SECTION 14. Public involvement and outreach. The committee and department of natural resources shall identify individuals, groups, agencies and elected officials with an interest in groundwater protection. The committee and department of natural resources shall keep these interested parties informed of progress in implementation of certified groundwater management plans and King County's groundwater protection program. The committee's meetings shall be open to the public. If the committee or the department of natural resources is aware of a party that has an interest

in a topic being considered by the committee, the party should be invited to attend committee meetings when that item will be considered.