



## Legislation Text

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Clerk 08/31/2012

AN ORDINANCE approving an amendment to the county's long-term combined sewer overflow control plan and authorizing the King County executive to prepare a water quality assessment and monitoring study to provide information for the next combined sewer overflow control program review in 2018.

### STATEMENT OF FACTS:

1. King County has had a long-term combined sewer overflow ("CSO") control plan since 1979. The long-term CSO control plan was last amended in 1999 as part of the regional wastewater services plan that was approved through Ordinance 13680.
2. The county has a total of forty-two CSO outfalls (four CSO outfalls associated with satellite CSO treatment plants and thirty-eight CSO outfalls not associated with satellite CSO treatment plants). The thirty-eight CSO outfalls not associated with satellite CSO treatment plants are required to meet the requirements of WAC 173-245-020(22). Based on available measured data, sixteen of King County's thirty-eight CSO outfall locations not associated with satellite CSO treatment plants are now controlled to the Washington state Department of Ecology's ("Ecology") standard while the remaining twenty-two CSO outfall locations are not controlled to Ecology's standard. Eight of these twenty-two CSO outfall locations not associated with satellite CSO treatment plants currently have projects underway or are early action projects. Three of the eight CSO outfall locations (CSO outfalls 009, 027a and 037) are being adjusted for full control. Of the twenty-two CSO outfall locations that are not controlled to Ecology's

standard, the remaining fourteen CSO outfall locations require future capital projects and are the subject of the King County's long-term CSO control plan amendment.

3. K.C.C. 28.86.080 provides policies to guide the county's long-term CSO control plan.

CSOCP-8 directs the executive to submit a CSO program review to the council and the regional water quality committee prior to submitting a required long-term CSO control plan update for review and approval by the Washington state Department of Ecology and the United States Environmental Protection Agency ("EPA"). WAC 173-245-090 requires an update or amendment to King County's CSO control plan in conjunction with the renewal of the West Point treatment plant's National Pollutant Discharge Elimination System ("NPDES") permit, which occurs approximately every five to seven years. The West Point treatment plant's current NPDES permit expires in June 2014.

4. The wastewater treatment division of the department of natural resources and parks ("WTD") began a comprehensive review of the county's long-term CSO control plan in 2009. The review and technical analyses confirmed control status of the county's controlled CSOs and assessed population and wastewater flow, scientific studies, new technologies, regulations, land costs and public priorities to determine if there have been any changes to these conditions since the last major amendment to the county's long-term CSO control plan in 1999. The results of the review and technical analyses are summarized in the 2012 CSO Control Program Review, which provides the documentation for the plan amendment recommendations.

5. The review of the county's long-term CSO control plan included meetings and discussions with affected stakeholders. In October 2011, WTD issued its recommended plan to control the remaining fourteen uncontrolled CSOs for public comment. Public comment and stakeholder feedback: confirmed that CSO control is important; showed that there is support to next control the CSOs within the area of the Lower Duwamish Waterway Superfund Site; indicated an

expectation for the city of Seattle and King County to collaborate on CSO control; showed interest for incorporating green stormwater infrastructure where it proves to be cost-effective; raised concerns about costs and rate impacts; and questioned whether CSO control is the best investment for improved water quality.

6. The King County executive considered technical analyses associated with the comprehensive review of the county's long-term CSO control plan and stakeholder feedback on WTD's recommended plan. The major elements of the executive's recommended plan include implementing nine projects to control the remaining fourteen CSOs to Ecology's standard by 2030, including joint projects with the city of Seattle when it benefits King County ratepayers. Green stormwater infrastructure projects will also be incorporated if they can be designed to suit the soil, terrain and hydrologic conditions of a community and are cost-effective. The planning-level project cost estimate to implement these projects is seven hundred eleven million dollars in 2010 dollars, though as noted in the plan the total costs may range from three hundred fifty-five million to one billion, four hundred twenty-two million dollars in 2010 dollars.

7. The comprehensive review of the county's long-term CSO control plan included reassessing the order of projects based on new information that became available since development of the 1999 CSO control plan. Accordingly, the summary of the amended long-term CSO control plan outlined in Attachment A to this ordinance reflects a change in the order of projects outlined in the 1999 plan. This change prioritizes proceeding to control the CSOs within the areas of the Lower Duwamish Waterway and East Waterway Superfund Sites so they coincide with the anticipated clean up schedules that will be directed by EPA through a Record of Decision before controlling the University and Montlake CSOs along the east side of the Lake Washington Ship Canal. This prioritization is based on stakeholder input and new water and sediment quality information for receiving waters.

8. The EPA has issued draft guidance on integrated planning approaches to municipal wastewater and stormwater management. The city of Seattle's consent decree to achieve control of the city's uncontrolled CSOs includes this planning framework, as well as adherence to existing federal and state water quality standards under the Clean Water Act and CSO control regulations in Chapter 173-245 WAC.

9. The region is facing more diverse water quality challenges since the county's CSO control plan was last comprehensively amended in 1999. Conducting a water quality assessment and monitoring study with ongoing value engineering can provide a comprehensive view of water quality in the sub-watersheds where County CSO discharges occur, and may help identify strategies to lower implementation costs. A study can analyze and synthesize findings of previous water quality studies and, if necessary, fill data gaps identified during the analysis. A study may identify a potential range of additional actions, including enhanced CSO control, to address the priority water quality problems in these areas. A study should use the EPA's new integrated planning framework to help guide the work program and meet objectives established by the EPA and Ecology. The findings and recommendations of the water quality assessment and monitoring study with value engineering will inform actions to improve water quality and the next CSO Plan update to refine implementation of the CSO program and ensure timely completion of projects. The results of the study cannot alter King County's legal obligations to comply with current water quality standards under the Clean Water Act and to complete all CSO projects by December 31, 2030.

10. Any future updates or amendments to the county's long-term CSO control plan are subject to EPA and Ecology approvals.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. The amendment to the county's long-term CSO control plan as summarized in

Attachment A to this ordinance is hereby approved and incorporated into the Regional Wastewater Services Plan.

B. The 2012 Combined Sewer Overflow (CSO) Control Program Review Report, Attachment B to this ordinance, and the supporting documents listed in subsection C.1. through 9. of this section, on file with the clerk of the council, and referenced in the Review Report are hereby approved.

C. The executive is directed to submit the amendment to the county's long-term CSO control plan along with all required supporting documents referenced herein to the Environmental Protection Agency and Washington State Department of Ecology to comply with federal and state requirements. This documentation includes Attachment B, the 2012 CSO Control Program Review Report, and the appropriate technical memorandums ("TM") referenced in the Review Report including:

1. TM: Habitat Project Opportunities, August 2010;
2. TM 540: Environmental and Habitat Priorities, November 2010;
3. TM 620; Cost Estimating Methodology for CSO Control Facilities, May 2011;
4. TM 700: Treatment Technology Selection, June 2011;
5. TM 750: Sediment Deposition and Contamination Potential from Treated CSO Discharges, January 2012;
6. TM 810: Green Stormwater Infrastructure Feasibility Evaluation, October 2011;
7. TM 970: CSO Control Alternatives Development, October 2011;
8. TM 1100: Project Sequence, October 2011; and
9. Public and Regulatory Agency Participation Plan, updated June 2012.

D. The wastewater treatment division or its successor is responsible to implement the amended long-term CSO control plan according to the schedule in Attachment A to this ordinance.

E. The King County executive will propose legislation to revise policies for the Regional Wastewater Services Plan to be consistent with the amended long-term CSO control plan within six months following the

adoption of this ordinance.

SECTION 2. A. The King County executive is hereby authorized to implement a water quality assessment and monitoring study, consistent with applicable legal requirements, including analysis and value engineering of planned projects to inform EPA's integrated planning approach and future CSO control program review with regard to sequencing and prioritization of CSO projects while meeting the county's state and federal legal obligations to complete required CSO control projects by 2030 and to conform to CSO control regulations in chapter 173-245 WAC.

B. The study should utilize the new EPA integrated planning approach framework to allow integration and sequencing of projects to ensure that investments in CSO control projects are well-planned and timed to optimize water quality improvements in the sub-basins to which King County's CSOs discharge. Furthermore, the study should emphasize and support value-engineering efforts to refine projects and reduce the costs of constructing CSO infrastructure. This should include opportunities to pursue complementary or combined projects with the city of Seattle or other entities, if it is cost-effective for King County ratepayers.

C. The study shall include:

1. Analyzing and synthesizing findings from existing studies;
2. Collecting new information and filling data gaps through additional monitoring and sampling where identified as necessary;
3. Assessing factors affecting water quality in the sub-basins and water bodies where King County CSOs discharge; and
4. Recommending integration and sequencing of projects to meet current federal and state water quality standards and improve water quality.

D. The regional water quality committee shall provide policy guidance and specific questions for analysis in the study scope of work.

E. The King County executive shall transmit legislation for approval of a scope of work for the study

and its cost, consistent with the direction of this ordinance, including a transparent and inclusive stakeholder process. Where appropriate, participation by federal, state, tribal and regional environmental leaders shall be arranged through executive appointment and confirmation by the King County council.

F. The regional water quality committee shall review the recommendations that emerge from the analysis and study.

SECTION 3. The King County executive is requested to consider future proposed modifications to the long term CSO control plan for the purpose of revising the priority and sequencing of CSO control measures when new information is available from studies, audits or other analyses, if the wastewater treatment division demonstrates that the requested modification reflects good engineering practice, is required to coordinate with other infrastructure projects and particularly city of Seattle CSO infrastructure projects, is necessary to attain cost effective and technically sound CSO control measures and will not change, modify, or extend in any way King County's completion of CSO control projects by December 31, 2030.