



## Legislation Text

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**File #:** 2005-0487, **Version:** 2

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Clerk 12/21/2005

AN ORDINANCE relating to the Regional Wastewater Services Plan reporting requirements, amending Ordinance 13680, Section 5, as amended, and K.C.C. 28.86.050, and Ordinance 13680, Section 12, and K.C.C. 28.86.120, and Ordinance 13680, Section 13, and K.C.C. 28.86.130, Ordinance 12353, Section 2, as amended, and K.C.C. 4.90.010 and Ordinance 11398, Section 1, as amended, and K.C.C. 28.84.055 and adding a new section to K.C.C. chapter 28.86.

### STATEMENT OF FACTS:

1. The Regional Wastewater Services Plan ("RWSP") was adopted by the King County council in November 1999 by Ordinance 13680 and subsequently codified in K.C.C. chapter 28.86.
2. The RWSP is a supplement to the King County comprehensive water pollution abatement plan. The RWSP identifies projects and programs needed to provide wastewater capacity for homes and businesses in the wastewater service area through the year 2030. The RWSP also provides policy direction for the operation and continued development of the wastewater system and its capital improvement program. Many of the policies include reporting requirements that allow for review and oversight of RWSP projects and programs by the King County executive, council, council committees and staff.
3. K.C.C. chapter 28.86 includes several policies that describe RWSP reporting requirements related to odor control, treatment plant siting, infiltration and inflow control, water quality monitoring, RWSP implementation and review, and finance. The frequency of these reports

ranges from "as needed," to once every three years, though most are required annually at different times throughout the year. Some of these reports are redundant or outdated or have due dates inconsistent with the availability of necessary information, completion of key milestones or time needed to complete data collection and analysis. This ordinance eliminates redundancies in the reporting requirements, adjusts the due dates to reflect the availability of information, consolidates the reporting requirements into fewer, but more comprehensive, reports and facilitates future changes or additions to these requirements.

4. The King County council adopted provisos to the 2001 Budget Ordinance (Ordinance 14018, Section 126) and the 2005 Budget Ordinance (Ordinance 15083, Section 116) that included reporting requirements related to RWSP projects. Although these ordinances are only in effect for the associated budget year, the intent was for the reports in these provisos to be provided on an ongoing basis. Section 6 of this ordinance incorporates the reporting requirements of these provisos.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 13680, Section 5, as amended, and K.C.C. 28.86.050 are each hereby amended to read as follows:

**Treatment plant policies (TPP).**

A. Explanatory material. The treatment plant policies are intended to guide the county in providing treatment at its existing plants and in expanding treatment capacity through the year 2030. The policies direct that secondary treatment will be provided to all base sanitary flows. The county will investigate possible tertiary treatment with a freshwater outfall to facilitate water reuse. The policies also direct how the county will provide the expanded treatment capacity necessary to handle the projected increases in wastewater flows resulting from population and employment growth. The policies provide for the construction of a new treatment plant (the north treatment plant) to handle flows in a new north service area, expansion of the south

treatment plant to handle additional south and east King County flows((;)) and the reservation of capacity at the west treatment plant to handle Seattle flows and CSOs. The potential for expansion at the west and south treatment plants will be retained for unanticipated circumstances such as changes in regulations. The policies address goals for odor control at treatment plants and direct that water reuse is to continue and potentially expand at treatment plants. The policies also describe a cooperative siting process for the new north treatment plant and its outfall.

B. Policies.

TPP-1: King County shall provide secondary treatment to all base sanitary flow delivered to its treatment plants. Treatment beyond the secondary level may be provided to meet water quality standards and achieve other goals such as furthering the water reuse program or benefiting species listed under the Endangered Species Act (ESA).

TPP-2: King County shall provide additional wastewater treatment capacity to serve growing wastewater needs by constructing a new north treatment plant in north King County or south Snohomish County and then expanding the treatment capacity at the south treatment plant. The west treatment plant shall be maintained at its rated capacity of one hundred thirty-three mgd. The south treatment plant capacity shall be limited to that needed to serve the eastside and south King County, except for flows from the North Creek Diversion project and the planned six-million-gallon storage tank. The potential for expansion at the west treatment plant and south treatment plant should be retained for unexpected circumstances which shall include, but not be limited to, higher than anticipated population growth, new facilities to implement the CSO reduction program or new regulatory requirements.

TPP-3: Any changes in facilities of the west treatment plant shall comply with the terms of the West Point settlement agreement.

TPP-4: King County's goal is to prevent and control nuisance odor occurrences at all treatment plants and associated conveyance facilities and will carry out an odor prevention program that goes beyond traditional

odor control. To achieve these goals, the following policies shall be implemented:

1. Existing treatment facilities shall be retrofit in a phased manner up to the High/Existing Plant Retrofit odor prevention level as defined in Table 1 of Attachment A to ~~((this-))~~ Ordinance 14712, the odor prevention policy recommendations dated March 18, 2003. This level reflects what is currently defined as the best in the country for retrofit treatment facilities of a similar size. Odor prevention systems will be employed as required to meet the goal of preventing and controlling nuisance odor occurrences;
2. Existing conveyance facilities that pose nuisance odor problems shall be retrofitted with odor prevention systems as soon as such odors occur, subject to technical and financial feasibility. All other existing conveyance facilities shall be retrofitted with odor control systems during the next facility upgrade;
3. The executive shall phase odor prevention systems implementing the tasks that generate the greatest improvements first, balancing benefit gained with cost, and report to the council on the status of the odor prevention program ~~((annually. This report shall include a listing and summary of odor complaints received and detail progress on implementing odor prevention policies and projects))~~ in the annual RWSP report as outlined in section 6 of this ordinance;
4. New regional treatment facilities shall be constructed with odor control systems that are designed to meet the High/New Plant odor prevention level as defined in Table 1 of Attachment A to ~~((this-))~~ Ordinance 14712, the odor prevention policy recommendations dated March 18, 2003. This level reflects what is currently defined as the best in the country for new treatment facilities of a similar size;
5. New conveyance facilities serving these new regional treatment facilities shall also be constructed with odor control systems as an integral part of their design;
6. Design standards will be developed and maintained for odor control systems to meet the county's odor prevention and control goals;
7. A comprehensive odor control and prevention monitoring program for the county's wastewater treatment and conveyance facilities will be developed. This program shall include the use of near facility

neighbor surveys and tracking of odor complaints and responses to complaints and shall consider development of an odor prevention benchmarking and audit program with peer utilities; and

8. New odor prevention and measurement technologies will be assessed and methods for pilot testing new technologies identified when determined by the executive to be necessary and appropriate for achieving the goals of this policy.

TPP-5: King County shall undertake studies to determine whether it is economically and environmentally feasible to discharge reclaimed water to systems such as the Lake Washington and Lake Sammamish watersheds including the Ballard Locks.

TPP-6: When there are opportunities to transfer flows between King County's treatment facilities and treatment facilities owned and operated by other wastewater utilities in the region, the county shall evaluate them. Such evaluation shall include, but not be limited to cost, environmental and community impacts, liability, engineering feasibility, flexibility, impacts to contractual and regulatory obligations and consistency with the level of service provided at the county owned and operated facilities.

TPP-7: King County may explore the possibility of constructing one or more satellite treatment plants in order to produce reclaimed water. The county may build these plants in cooperation with a local community and provide the community with reclaimed water through a regional water supply agency. In order to ensure integrated water resource planning, in the interim period prior to the development of a regional water supply plan, King County shall consult and coordinate with regional water suppliers to ensure that water reuse decisions are consistent with regional water supply plans. To ensure costs and benefits are shared equally throughout the region, all reclaimed water used in the community shall be distributed through a municipal water supply or regional water supply agency consistent with a regional water supply plan.

TPP-8: King County shall continue water reuse and explore opportunities for expanded use at existing plants, and shall explore water reuse opportunities at all new treatment facilities.

TPP-9: A comprehensive public involvement program shall be developed and implemented to provide

the public, at a minimum, the opportunity to give input on the criteria and the screening process used for selecting the list of possible sites for the new north treatment plant, its conveyance system and outfall and to comment on the final selection of a site. The King County executive shall establish one or more committees to aid in the siting of a north treatment plant. The committees shall, at a minimum, evaluate siting criteria to be used and propose a narrowed list of sites for consideration by the executive after consulting with the council as follows:

1. The King County executive shall transmit a motion to the council that establishes the criteria by which sites will be selected; and
2. The executive shall provide the council with timely reports that detail the sites that meet the criteria and are under consideration and, at a later date, those sites that are final candidates for the siting of the north treatment plant.

TPP-10: Based on criteria approved by the council, the King County executive shall have the final decision on the site for a north treatment plant.

SECTION 2. Ordinance 13680, Section 12, and K.C.C. 28.86.120 are each hereby amended to read as follows:

**Water quality protection policies (WQPP).**

A. Explanatory materials. The water quality protection policies are intended to guide King County in identifying and resolving regional water quality issues, protecting public and environmental health and protecting the public's investment in wastewater facilities and water resource management. Research and analysis are required and will be used to evaluate water quality in county streams and other bodies of water within the service district.

B. Policies.

WQPP-1: King County shall participate in identifying and resolving water quality issues pertaining to public health and ecosystem protection in the region to ensure that the public's investment in wastewater

facilities and water resource management programs is protected.

WQPP-2: King County shall evaluate the impacts and benefits of actions that affect the quality of the region's waters and identify measures to meet and maintain water quality standards.

WQPP-3: King County shall forecast future aquatic resource conditions that may affect wastewater treatment decisions and work cooperatively to identify cost-effective alternatives to mitigate water quality problems and enhance regional water quality.

WQPP-4: King County shall participate with its regional partners to identify methods, plans and programs to enhance water quality and water resources in the region.

WQPP-5: The King County executive shall implement a comprehensive water quality monitoring program of streams and water bodies that are or could be impacted by influent, effluent, sanitary system overflows or CSOs. The range of data to be gathered should be based on water pollutants and elements that scientific literature identifies as variables of concern, what is needed to substantiate the benefits of abating combined sewer overflows and what is required by state and federal agencies. The executive shall submit ((~~annually to council for review a written report shall include:~~

~~1. Analysis and presentation of water resource sampling, environmental monitoring, economic and other improvement data. The range of data to be gathered should be based on water pollutants and elements that scientific literature identifies as variables of concern in addition to data required by state and federal agencies.~~

~~2. Analysis regarding the impacts of CSOs and the benefits of abating CSOs. The range of data to be gathered should be based on what is needed to substantiate the benefits of abating overflows in addition to data required by state and federal agencies.~~

~~3. Other wastewater research activities undertaken by the executive.~~

~~4. The quality variability of biosolids over time.)) summary reports and comprehensive reviews of this information to the King County council as outlined in section 6 of this ordinance.~~

WQPP-6: King County shall implement and maintain water quality, monitoring, evaluating and

reporting programs to support the national pollutant discharge elimination system for wastewater and other permit applications, and ensure permit compliance.

WQPP-7: King County shall actively participate in the development of water quality laws, standards and program development to ensure cost-effective maintenance or enhancement of environmental and public health.

WQPP-8: King County shall assess the risk to human health and the environment from wastewater treatment and conveyance activities, and use this information in evaluating water pollution abatement control options.

SECTION 3. Ordinance 13680, Section 13, and K.C.C. 28.86.130 are each hereby amended to read as follows:

**Wastewater planning policies (WWPP).**

A. Explanatory material. The wastewater planning policies are intended to guide the county in its long-term comprehensive planning for design and construction of facilities that meet the wastewater needs of customers within the service area.

Recognizing that the RWSP is a complex and dynamic comprehensive development guide that will regularly need to be updated, the county will conduct annual reviews (~~(1-)~~) of plan implementation and its consistency with policies, and (~~(2-)~~) of scientific, economic and technical information(~~(.Every three years conduct a comprehensive review)~~) as well as periodic comprehensive reviews of the assumptions on which the RWSP is based.

These policies also express the intent of the council to request that the RWQC continue review of the conditions and assumptions that guide the implementation of the RWSP.

B. Policies.

WWPP-1: King County shall plan comprehensively to provide for the design and construction of facilities that meet the wastewater system needs of the service area and shall coordinate with other local



jurisdictions to ensure that construction-related disruption to neighborhoods is minimized.

WWPP-2: In planning future wastewater systems, King County shall make a long-term assessment of wastewater system needs.

WWPP-3: In planning for facilities, King County shall work collaboratively with other jurisdictions and look for opportunities to achieve cost savings.

WWPP-4: Facility sizing shall take into account the need to accommodate build-out population.

WWPP-5: RWSP review processes. King County shall monitor the implementation of the RWSP and conduct ~~((the following))~~ reviews of the RWSP ~~((:))~~ as outlined in section 6 of this ordinance.

~~((1. Implementation. The King County executive shall submit an annual written report and shall report semiannually to the RWQC and the council on siting, permitting, design and construction of any new treatment facilities and associated conveyances, project cost estimates, schedules and issues of concern. The written report shall be submitted no later than December 1 of each year until the facilities to implement the RWSP are operational. The initial report shall identify key decision points during implementation. The executive shall provide timely reports on these key decisions to allow for evaluation for consistency with the adopted policies;~~

~~2. Annual plan review. The county should ensure that the RWSP reflects current conditions. An annual review of the plan should address water pollution abatement, water quality monitoring results, water conservation and water reclamation, ESA compliance, septic system conversions to the regional sewer system, biosolids management, wastewater public health problems, compliance with other agency regulations and agreements; and~~

~~3. Comprehensive three-year plan review. A comprehensive review of RWSP shall be conducted every three years beginning in 2003. The purpose of the review is to evaluate plan components, including but not limited to: the planning assumptions on the rate and location of growth, phasing and size of facilities, and the effectiveness of policy implementation for I/I reduction, water reuse, biosolids, CSO abatement, water quality protection, environmental mitigation and public involvement. The executive shall transmit a report to the~~

~~RWQC and the council on the results of the review and may recommend policy changes based on this report, changing regulations, technologies or other emergent or relevant factors. The council should convene an engineering and science panel to independently evaluate the report and recommendations and prepare findings.~~

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SECTION 4. Ordinance 12353, Section 2, as amended, and K.C.C. 4.90.010 are each hereby amended to read as follows:

**Sewer rate.**

A. Having determined the monetary requirements for the disposal of sewage, the council hereby adopts a 2006 sewer rate of twenty-five dollars and sixty cents per residential customer equivalent per month. Once a sewer rate ordinance becomes effective, the clerk of the council is directed to deliver a copy of that ordinance to each agency having an agreement for sewage disposal with King County.

B. The King County council approves the application of Statement of Financial Accounting Standards No. 71 (FAS 71) to establish a rate stabilization reserve for the purpose of leveling rates between years.

C. As required for FAS 71 application amounts are to be placed in the rate stabilization reserve from 2005 operating revenues and removed from the calculation of debt service coverage for 2005. The reserve balance shall be an amount at least sufficient to maintain a level sewer rate between 2005 and 2006, and shall be used solely for the purposes of: maintaining the level sewer rate in 2006; and if additional reserve balance is available, moderating future rate increases beyond the 2005-2006 period. If the estimated amount of the reserve, as shown in the financial forecast, Attachment A to ~~((this 0))~~ Ordinance 14942, needs to be adjusted to meet debt service coverage requirements for 2005, the county executive shall notify the council of the change by providing an updated financial forecast.

D. ~~((Beginning August 23, 2004, and at the end of every calendar quarter thereafter, the executive shall provide a report to the council on the latest cost information on the Brightwater project, including an analysis of the potential impacts on the sewer rate and/or the capacity charge or both.))~~ The executive shall provide

monthly cost reports to the council on Brightwater as outlined in section 6 of this ordinance.

SECTION 5. Ordinance 11398, Section 1, as amended, and K.C.C. 28.84.055 are each hereby amended to read as follows:

**Metropolitan sewage facility charge.**

A. The amount of the 1994 metropolitan sewage facility capacity charge adopted by K.C.C. 28.84.050.O. shall be seven dollars per month per residential customer or residential customer equivalent for fifteen years.

B. The amount of the 1995 metropolitan sewage facility capacity charge adopted by K.C.C. 28.84.050.O. shall be seven dollars per month per residential customer or residential customer equivalent for fifteen years.

C. The sewage treatment capacity charge shall be seven dollars per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 1996, and December 31, 1996.

D. The amount of the sewage treatment capacity charge adopted by K.C.C. 28.84.050.O. shall be seven dollars per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 1997, and December 31, 1997.

E. The amount of the sewage treatment capacity charge adopted by K.C.C. 28.84.050.O. shall be ten dollars fifty cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 1998, and December 31, 1998.

F. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be ten dollars fifty cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 1999, and December 31, 1999.

G. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be ten dollars fifty cents per month per residential customer or equivalent for fifteen years for sewer connections

occurring between and including January 1, 2000, and December 31, 2000.

H. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be ten dollars fifty cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2001, and December 31, 2001.

I. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be seventeen dollars and twenty cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2002, and December 31, 2002.

J. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be seventeen dollars and sixty cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2003, and December 31, 2003.

K. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be eighteen dollars per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2004, and December 31, 2004.

L. The amount of the sewage treatment capacity charge adopted by K.C.C.28.84.050.O. shall be thirty-four dollars and five cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2005, and December 31, 2005. For connections occurring between and including January 1, 2006, and December 31, 2006, said amount shall be thirty-four dollars and five cents per month per residential customer or equivalent for fifteen years, to be reviewed, approved or changed during 2005. For connections occurring between January 1, 2007, and December 31, 2007, said amount shall be thirty four dollars and five cents per month per residential customer or equivalent for fifteen years, to be reviewed, approved or changed during 2006.

M. The amount of the sewage treatment capacity charge adopted by K.C.C. 28.84.050.O shall be thirty-four dollars and five cents per month per residential customer or equivalent for fifteen years for sewer connections occurring between and including January 1, 2006, and December 31, 2006.

In accordance with adopted policy FP-12.3.d. in the Regional Wastewater Services Plan, K.C.C. 28.86.160.C., it is the council's intent to base the capacity charge upon the costs, customer growth and related financial assumptions used in the Regional Wastewater Services Plan (~~(as updated through every three-year review of the Regional Wastewater Services Plan in accordance with adopted Regional Wastewater Services Plan policy WWPP-5)~~).

In accordance with adopted policy FP-12.3.c., King County shall pursue changes in state legislation to enable the county to require payment of the capacity charge in a single payment, while preserving the option for new ratepayers to finance the capacity charge.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 28.86 a new section to read as follows:

**Reporting policies.**

The executive shall review the implementation of the RWSP on a regular basis and submit the following reports to council and the RWQC:

A. Regional wastewater services plan annual report. The executive shall submit a written report to the council and RWQC in September each year until the facilities identified in the RWSP are operational. This report, covering the previous year's implementation, will provide the following:

1. A summary of activities for each major component of the RWSP, including treatment, conveyance, infiltration and inflow, combined sewer overflows, water reuse, biosolids and highlights of research and development projects underway and proposed for the coming year;
2. Details on each active RWSP project in the capital budget, including a project summary, project highlights, project issues, upcoming activities, schedules, an expenditures summary including staff labor and miscellaneous services, a description of adjustments to costs and schedule and a status of the projects contracts;
3. A status of the odor prevention program, including a listing and summary of odor complaints received and progress on implementing odor prevention policies and projects;

4. A summary of the previous year's results for the comprehensive water quality monitoring program;
5. A review of the plan elements, including water pollution abatement, water quality, water reclamation, Endangered Species Act compliance, biosolids management and variability of quality over time, wastewater public health problems, compliance with other agency regulations and agreements, to ensure it reflects current conditions; and
6. An update of anticipated RWSP program costs through the year 2030;

B.1. Comprehensive regional wastewater services plan review. The executive shall submit a written report to council and RWQC that provides a comprehensive review of the RWSP. The report will review the following:

- a. assumptions on the rate and location of growth, the rate of septic conversions and the effectiveness of water conservation efforts;
- b. phasing and size of facilities; and
- c. effectiveness of RWSP policies implementation, for infiltration and inflow reduction, water reuse, biosolids, CSO abatement, water quality protection, environmental mitigation and public involvement;

2. The next comprehensive regional wastewater services plan review is due in September 2007. Subsequent reports will be prepared every three to five years as established by the council and RWQC following their review of the current report. The specific due date will be based upon the availability of necessary information, the completion of key milestones, and the time needed to collect and analyze data. The executive may recommend policy changes based on the findings of the report and other information from changing regulations, new technologies or emerging or relevant factors;

3. The comprehensive regional wastewater services plan review will include all elements of the RWSP annual report, replacing it for that year;

C. Brightwater monthly report. The executive shall prepare a monthly report to council for the Brightwater project based on a reporting format approved by motion by the King County council. The

reporting format shall include a project summary, project highlights, project issues, upcoming activities, schedules, an expenditures summary including staff labor and miscellaneous services, a description of adjustments to costs and schedule and a status of the project's contracts. This report will be distributed electronically and will continue until Brightwater becomes operational; and

D. Operational master plan. The RWSP Operational Master Plan that was

adopted by council in December 1999 shall be updated on a regular basis in conjunction with policy revisions to the RWSP.