

Preliminary Brief Report on Alteration of Existing External Critical Water Supply Service Area Boundaries To Create Single CWSSA for Cascade Water Alliance Members

Purpose

King County, with the support of the Cascade Water Alliance, (Cascade) is proposing to modify the boundaries of existing critical water supply service areas (CWSSAs) in order to establish a single CWSSA encompassing the service areas of all of Cascade's members and then, in cooperation with Cascade and other required parties, to develop a Coordinated Water System Plan (CWSP) under the Coordination Act (chapter 70.116 RCW). The development of a separate Cascade CWSSA will require the amendment of the geographic boundaries of three existing CWSSAs: East King County, South King County, and Skyway — each of which presently includes a portion of the service area covered by Cascade and one or more of its eight member utilities. The boundaries of the Skyway CWSSA will be altered to include the service areas of all Cascade members, and the boundaries of the East King County and South King County CWSSAs will be altered to exclude service areas of Cascade members. Amendment or modification of external boundaries of a CWSSA is authorized when necessary to achieve the purposes of the Coordination Act (RCW 70.116.040(3)).

King County, as the initiator of the boundary amendments, is required under State Department of Health (DOH) rules (WAC 246-293-200) to prepare a brief report documenting the need for such alteration, and to present the report to the affected Water Utility Coordinating Committee(s) (WWUC), together with instructions for Committee action.

Background

Cascade Water Alliance

Cascade is a nonprofit intergovernmental organization created by an interlocal contract (the ILA) effective April 1, 1999 to exercise certain essential governmental functions with respect to water supply on behalf of its members. The membership of Cascade currently includes the City of Bellevue, the Covington Water District, the City of Issaquah, the City of Kirkland, the City of Redmond, the Sammamish Plateau Water & Sewer District, the Skyway Water & Sewer District, and the City of Tukwila.

Cascade is a regional water supplier to each of its members that, when combined, serve a population in excess of 300,000 with service areas that include some of the fastest growing residential areas in King County. Under the ILA, Cascade is obligated to meet all current and future wholesale water supply needs of its members, after accounting for the supplies of each individual member, while complying with local, state, and federal regulations and existing contracts with other entities. Cascade currently has contracts with Seattle Public Utilities (SPU) and Tacoma Public Utilities (TPU) to provide both term-limited and permanent sources of supply to Cascade and its members. Cascade is also pursuing a long-term

permanent source of supply for its members, and forecasts Lake Tapps as a potential source of such water supply.

Cascade has adopted a Transmission and Supply Plan (TSP) as its initial comprehensive water system plan in compliance with state law. The TSP is the planning document for the development of a Cascade Supply System that will provide wholesale water supply to meet the future demands of Cascade members. The TSP was approved by King County and the Washington State Department of Health (DOH) in 2006. The TSP covers a six-year planning period, 2004-2009, and a 20-year planning period, 2004-2023, as required by the regulations of DOH.

Existing CWSPs

There are four existing CWSSAs with adopted CWSPs in King County: East King County, South King County, Skyway, and Vashon. The first three plans were originally adopted in 1990. Per DOH rules, each CWSP contains provisions for review/update every five years. The South King CWSP has never been updated. The East King CWSP was last amended in 1998 and the Skyway CWSP was last amended 2000.

While a CWSP may be modified every five years, or more frequently if needed, there is no explicit provision in state law or DOH rules to terminate the underlying CWSSA. A CWSP provides an ongoing planning responsibility with regard to the water systems and water supply issues within the geographic area covered by the Plan.

Purpose of CWSPs

Under the Coordination Act and DOH regulations, CWSPs are created for the purpose of assuring an adequate supply of potable water for domestic, commercial, and industrial use through coordinated water supply planning and development. In furtherance of that objective, CWSPs provide for minimum planning and design standards to ensure water systems are consistent with regional needs. The CWSPs are also intended to assist state agencies in the orderly provision of financial assistance, and in helping water systems meet reasonable standards of quality, quantity, and pressure.

CWSP Requirements

State law requires that CWSPs contain, at a minimum, certain enumerated items including the following:

- Future service area designations
- Assessment of feasibility of shared source, transmission, and storage facilities
- Emergency interties
- Design standards
- Fire protection standards
- Satellite system management requirements
- Policies and procedures generally addressing failing systems for which a county may become a receiver

- “Other concerns” related to construction and operation of water system facilities

State law also allows existing comprehensive water system plans to be compiled as a CWSP and the adoption of supplemental additional elements to the extent necessary. CWSPs cannot be inconsistent with land use plans, shoreline master programs, and/or development policies of the general purpose local government or governments whose jurisdiction the CWSP affects. Such plans must also recognize all water resource plans, water quality plans, and water pollution control plans adopted by local, regional, and state governments.

Updates and Revisions

After adoption of the original CWSP, DOH, the local legislative authority, or the WUCC may determine that the plan should be updated or revised. An update may be initiated by the local legislative authority at any time. The update may encompass all or a portion of a plan, with the scope to be determined by DOH and the local legislative authority. The procedures for updating a plan are the same as those for developing the initial plan.

CWSSA Boundaries

Amendment or modification of the external boundaries of a CWSSA(s) is authorized when necessary to achieve the purposes of the Coordination Act (RCW 70.116.040(3)).

Under state regulations, either DOH or the county legislative authority may initiate alteration of the external CWSSA boundaries. Whichever entity initiates the alteration prepares a brief report documenting the need for boundary alteration. The boundaries of a CWSSA must reflect the existing land use, projected land use, and permitted densities in adopted county plans, ordinances, and/or growth policies, as well as other factors, and shall not include any fractional part of a purveyor’s existing contiguous service area. The county legislative authority, after public hearing, establishes the final boundaries for the CWSSA and the resulting CWSP update.

Meeting Coordination Act Purposes through a Cascade-only Plan

The Coordination Act is intended by the Legislature to provide a procedure to coordinate the planning of public water systems in order to assure an adequate supply of potable water for domestic, commercial, and industrial use. Currently Cascade members find themselves partially or wholly in one of three existing CWSSAs. Cascade did not exist at the time any of the existing plans were developed or updated. Because there is no single CWSSA or CWSP that covers all Cascade members, planning under the Coordination Act by Cascade can be neither coordinated nor uniform, thus failing to achieve the fundamental purpose of the Act for the service areas covered by Cascade and its members. A single CWSSA for Cascade and its members would further the purposes of the Act by providing orderly and efficient water system planning through a single CWSP.

The creation of a CWSSA that contains only Cascade members also meets the purposes of the Act because it addresses the unique characteristics of Cascade as a wholesale

water provider. Only Cascade and its members have a direct interest in the provision of water supplies to Cascade service areas and have jointly invested millions of dollars in Cascade's regional system to meet those needs.

Cascade is responsible for assuring that its members have adequate wholesale supplies of water. Cascade has provided for such supplies to date by entering into the water supply agreements with SPU and TPU. Cascade is developing its own regional transmission and distribution grid, solely for its own members, and has already begun acquiring and developing components of that grid including the development, financing, and construction of the Tacoma intertie, for the purpose of providing water to Cascade service areas.

However, the existing contracts with SPU and TPU provide in whole or in part for declining block supplies. Cascade must therefore plan for the eventuality when these water supply sources will not be available to Cascade. As a result, Cascade and its members are planning and developing Lake Tapps as a long-term regional water supply intended to meet the water supply needs of Cascade members for the future. Additionally, Cascade will consider other future water supply sources including conservation, water use efficiency, and reclaimed water as alternatives ways of reducing potable water supply demand in the future. These future water supply alternatives for Cascade are currently not included in existing CWSPs. To comprehensively address this need, a single CWSP for Cascade members should be developed. In short, there are water supply and water planning issues that are common to Cascade members — and are unique to Cascade members in King County.

King County approved Cascade's TSP, which includes Cascade's current sources of water supply and the new TPU source. The existing King County Comprehensive Plan supports the efforts of Cascade to develop a new regional water supply, as reiterated in the November 2006 ordinance adopted by the King County Council approving Cascade's TSP.

Effect on Existing CWSSAs

The creation of a Cascade-only CWSSA and its CWSP requires the alteration of the exterior boundaries of the Skyway, South King County, and East King County CWSSAs. The effect of those boundary changes must be considered before a Cascade-only CWSSA can be approved.

The procedure being followed to consider alteration of CWSSA boundaries provides for a preliminary examination of those issues by a separate planning committee; consideration by the reconvened WUCCs of each of the affected CWSSAs; and finally, consideration by the King County Council following public hearings on the matter.

Geographical Effect on Existing CWSSA Boundaries

The geographical effects on existing CWSSA boundaries of a Cascade-only CWSSA would be as follows:

Skyway CWSSA:

The Skyway CWSSA boundary currently encompasses all or parts of the water service areas of the City of Tukwila, City of Seattle, City of Renton, Skyway Water & Sewer District, and King County Water District No. 125. Under the proposal, Tukwila and Skyway, which are members of Cascade, would be joined in the Skyway CWSSA by the remaining Cascade members. For a Cascade-only CWSSA to exist, the partial service areas of the cities of Seattle and Renton and of Water District No. 125 would be excluded from the final Skyway CWSSA. The Coordination Act and DOH regulations preclude the inclusion of fractional portions of service areas within a CWSSA (RCW 70.116.040(2)). Despite that prohibition, the Skyway CWSSA was created and still contains partial service areas.

Before any action is taken to alter the boundaries of the Skyway CWSSA to include or exclude specific water service areas, the impacts of such alteration must be considered as well as the interests of the affected water purveyors. The process being following will provide ample opportunity for that consideration.

East King County and South King County CWSSAs:

Cascade members City of Bellevue, City of Redmond, City of Issaquah, City of Kirkland, and Sammamish Plateau Water & Sewer District are presently included within the East King County CWSSA. Covington Water & Sewer District is presently included within the South King County CWSSA. If the Skyway CWSSA boundary is altered to provide for a Cascade-only CWSSA, the boundaries of the East King County and South King County CWSSAs will need to be altered to exclude current Cascade members in order to avoid duplicate planning requirements.

Geographically, the exclusion of Cascade members will have the most significant effect on the East King County CWSSA. Whether that geographical effect has significant impacts on the viability of future planning efforts in the East King County CWSSA will have to be reviewed and considered in this process.

Non-geographical Effect:

The geographical effects of a Cascade-only Skyway CWSSA are presently known and are as shown on maps of the three CWSSAs that will be posted on King County's website <http://dnr.metrokc.gov/topics/water-supply/#planning>. Some non-geographical consequences can currently be projected, but it is the purpose of this process to ensure that opportunity exists to identify possible effects and consequences and to consider those effects and consequences. Some potential effects may include but are not limited to:

- Service area boundary change(s) requiring a CWSP update might be more complicated if it involves Cascade and East King County or South King County

- utilities (two plans needing to be amended instead of one). Conversely, service area agreements already exist between utilities in different CWSSAs.
- In the event that a WUCC is reconvened in either South or East King County, the local resources available (from water utilities) would be reduced with fewer utilities in the area covered. Conversely, fewer utilities would need to reach agreement on any actions proposed by the WUCC.
 - If there is a proposed utility intertie that needs to be identified, it might require updating multiple plans. Conversely, an intertie among Cascade members could require updating multiple plans under the current CWSSAs.
 - Removing fractional areas of utilities currently in the Skyway CWSSA means they will no longer have to plan and operate under multiple CWSPs.

Conclusion

The existing CWSPs were developed before Cascade Water Alliance was created. The result today is an out-of-date planning patchwork where Cascade members are included partially or wholly under different CWSPs. The existence of Cascade creates a new and unique circumstance for Coordination Act purposes that requires a comprehensive and coordinated approach to future water supply planning for Cascade and its members under the Act. The development of a Cascade-only CWSSA and the revision of existing CWSSA boundaries to accommodate a Cascade-only CWSSA further the purposes of the Coordination Act and should therefore be implemented, provided that potential impacts to existing CWSSAs are not detrimental to comprehensive water supply planning or can otherwise be mitigated.