**Recommended Amendments to Combined Sewer Overflow Control Policies, King County Code Chapter 28.86**

| **Existing Policies** | **Proposed Ordinance 2013-0147** | **Rationale** |
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| **From Combined Sewer Overflow Control Policies, King County Code 28.86.080**  A. Explanatory material. The CSO control policies are intended to guide the county in controlling CSO discharges. Highest priority for controlling CSO discharges is directed at those that pose the greatest risk to human health, particularly at bathing beaches, and environmental health, particularly those that threaten species listed under ESA. The county will continue to work with federal, state and local jurisdictions on regulations, permits and programs related to CSOs and stormwater. The county will also continue its development of CSO programs and projects based on assessments of water quality and contaminated sediments. | **From Combined Sewer Overflow Control Policies, King County Code 28.86.080**  A. Explanatory material. The CSO control policies are intended to guide the county in controlling CSO discharges. Highest priority for controlling CSO discharges is directed at those that pose the greatest risk to human health ((~~, particularly at bathing beaches,~~)) and environmental health ((~~, particularly those that threaten species listed under ESA~~)). The county will continue to work with federal, state and local jurisdictions on regulations, permits and programs related to CSOs and stormwater. The county will also continue its development of CSO programs and projects based on assessments of water quality and contaminated sediments. | This is consistent with the County’s long-term CSO plan that was updated in September 2012.  The Engineering and Planning Subcommittee of the Metropolitan Water Pollution Abatement Advisory Committee (E&P) suggested keeping this portion more general and adding specificity on the priorities in CSOCP-2. |
| B. Policies.  CSOCP-1: King County shall plan to control CSO discharges to and to work with state and federal agencies to develop cost-effective regulations that protect water quality. King County shall meet the requirements of state and federal regulations and agreements. | B. Policies.  CSOCP-1: King County shall plan to control its CSO discharges by the end of 2030 to meet:  1. the state’s CSO control standard of an average of one untreated discharge per CSO outfall per year based on a twenty-year moving average, and  2. conditions of national pollutant discharge elimination system (“NPDES”) permit requirements, and  3. conditions of the Environmental Protection Agency (“EPA”)/Washington state Department of Ecology (“Ecology”) Consent Decree.((~~and to work with state and federal agencies to develop cost-effective regulations that protect water quality. King County shall meet the requirements of state and federal regulations and agreements.~~)) | Proposed amendments are consistent with the approved amendment to the County’s long-term CSO plan:   * Adds that the completion date to achieve CSO control is 2030 * Reconfirms the County’s commitment to meet the state’s CSO control standard, permit requirements, and EPA/Ecology Consent Decree * Defines the state standard as suggested by E&P. |
|  | CSOCP-2: King County shall continue to work with state and federal agencies to develop cost-effective regulations that protect water quality. King County shall meet the requirements of state and federal regulations and agreements. | There was a suggestion from E&P that this portion of the original CSOCP-1 be a separate policy. |
| CSOCP-2: King County shall give the highest priority for control to CSO discharges that have the highest potential to impact human health, bathing beaches and/or species listed under ESA. | CSOCP-((~~2~~))3: ((~~King County shall give the highest priority for control to CSO discharges that have the highest potential to impact human health, bathing beaches and/or species listed under ESA.~~))  Consistent with the EPA/Ecology Consent Decree and the county’s long-term CSO control plan as approved through Ordinance 17413, King County shall give the highest priority for control to CSO discharges that have the highest potential to impact:  1. human health through contact with CSO flows or fish consumption, or  2. environmental health, such as in areas where sediment remediation is under way or anticipated, or species listed under ESA. | Language was added to be consistent with the approved amendment to the County’s long-term CSO plan. At the suggestion of E&P, language was added to better describe “highest priority”. |
| CSOCP-3: Where King County is responsible for stormwater as a result of a CSO control project, the county shall participate with the city of Seattle in the municipal stormwater national pollutant discharge elimination system permit application process. | ((~~CSOCP4:~~ ~~Where King County is responsible for stormwater as a result of a CSO control project, the county shall participate with the city of Seattle in the municipal stormwater national pollutant discharge elimination system permit application process.~~))  CSOCP-((~~3~~))4: Consistent with its legal authority, if King County constructs new projects that would separate stormwater from its combined system that result in separated stormwater discharges to waterways, the county shall coordinate with the city of Seattle in the city’s municipal stormwater NPDES permit (MS4) process as appropriate. | Based on discussion with E&P, the proposed amendment clarifies that the policy provides guidance for new projects. |
| CSOCP-4: Although King County’s wastewater collection system is impacted by the intrusion of clean stormwater. Traditionally, conveyance and treatment facilities shall not be designed for the interception, collection and treatment of clean stormwater. | CSOCP-((~~4~~))5: ((~~Although~~ ~~King County’s wastewater collection system is impacted by the intrusion of clean stormwater. Traditionally, conveyance and treatment facilities shall not be designed for the interception, collection and treatment of clean stormwater.~~)) King County’s wastewater conveyance and treatment facilities shall not be designed to intercept, collect and treat new sources of stormwater. However, King County may evaluate benefits and impacts to the county system from accepting stormwater from Seattle that is not currently in the combined system and shall consider factors including, but not limited to existing capacity, benefits and costs to ratepayers and the regional system, operational impacts, payment to county for value of the use of available capacity and for the costs of conveyance and treatment of new sources of stormwater and compliance with state and federal regulations and commitments. | Proposed amendments reconfirm that (1) King County’s facilities shall not be designed for new sources of stormwater and (2) requires the county to consider the benefits, costs and impacts of accepting new sources of stormwater from Seattle if such a request were to occur*.* |
| CSOCP-5: King County shall accept stormwater runoff from industrial sources and shall establish a fee to capture the cost of transporting and treating this stormwater. Specific authorization for such discharge is required. | CSOCP-((~~5~~))6: In accordance with King County’s industrial waste rules and regulations, including K.C.C. 28.84.050K.1 and K.C.C. 28.84.060, the county shall accept contaminated stormwater runoff from industrial sources and shall establish a fee to capture the cost of transporting and treating this stormwater. Specific authorization for such discharge is required. | Proposed amendments make the language consistent with King County Code 28.82.380 (definition of Industrial waste), and respond to a suggestion from E&P to acknowledge that the policy is in accordance with industrial waste rules and regulations. |
|  | CSOCP-7: King County shall consider implementing green stormwater infrastructure projects to control CSOs when results of technical, engineering, and benefit/cost analyses and modeling demonstrate it is a viable and cost-effective CSO control method. | Based on discussion with E&P, a specific policy related to green stormwater infrastructure was added to recognize that decisions would be based on results of specific analyses and modeling. |
| CSOCP-6: King County shall implement stormwater management programs in a cooperative manner that results in a coordinated joint effort and avoids duplicative or conflicting programs. | CSOCP-((~~6~~))8: King County((~~, in conjunction with the city of Seattle,~~)) shall consider implementing joint CSO control projects with the city of Seattle when it is cost-effective, is within county legal authorities and can be accomplished within the schedule outlined in the EPA/Ecology Consent Decree and the county’s approved long-term CSO control plan.((~~stormwater management programs in a cooperative manner that results in a coordinated joint effort and avoids duplicative or conflicting programs~~.)) | Language was added to incorporate information on potential joint projects with Seattle, consistent with the Consent Decree and Council-approved amendment to the long-term CSO control plan. |
| CSOCP-7: King County shall implement its long-range sediment management strategy to address its portion of responsibility for contaminated sediment locations associated with county CSOs and other facilities and properties. Where applicable, the county shall implement and cost share sediment remediation activities in partnership with other public and private parties, including the county's current agreement with the Lower Duwamish Waterway Group, the Department of Ecology and the Environmental Protection Agency, under the federal Comprehensive Environmental Response, Compensation and Liability Act. | CSOCP-((~~7~~))9: King County shall implement its long-range sediment management strategy to address its portion of responsibility for contaminated sediment locations associated with county CSOs and other facilities and properties. Where applicable, the county shall implement and cost share sediment remediation activities in partnership with other public and private parties, including the county's current agreement with the Lower Duwamish Waterway Group, ((~~the Department of~~))Ecology and the ((~~Environmental Protection Agency~~)) EPA, under the federal Comprehensive Environmental Response, Compensation and Liability Act. | No substantive changes were made as this policy remains consistent with the County’s Sediment Management Plan. |
| CSOCP-8: King County shall assess CSO control projects, priorities and opportunities using the most current studies available, for each CSO Control Plan Update as required by the Department of Ecology in the NPDES permit renewal process, which is approximately every five to seven years. Before completion of an NPDES required CSO Control Plan Update, the executive shall submit a CSO program review to the council and RWQC. Based on its consideration of the CSO program review, the RWQC may make recommendations for modifying or amending the CSO program to the council. | CSOCP-((~~8~~))10: Consistent with the EPA/Ecology Consent Decree King County shall assess CSO control projects, priorities and opportunities using the most current studies and information available, for each CSO Control Plan ((~~Update~~)) Amendment as required by the Department of Ecology in the NPDES permit renewal process~~, which is approximately every five to seven years~~. ((~~Before completion of an NPDES required CSO Control Plan Update, the executive shall submit a CSO program review to the council and RWQC. Based on its consideration of the CSO program review, the RWQC may make recommendations for modifying or amending the CSO program to the council.~~)) | Language was added to be consistent with the CSO Control Plan Amendment and the Consent Decree. Based on discussion with E&P, this policy was split into two policies – see CSOCP-11 below. The term “Amendment” is consistent with Ecology’s use of term and the Washington Administrative Code. |
|  | CSOCP-11: Before completion of an NPDES required CSO Control Plan Amendment, the executive shall submit a CSO program review report to the council and RWQC. Based on its consideration of the CSO program review, the RWQC may make recommendations for modifying or amending the CSO program to the council. Any future updates or amendments to the county's long-term CSO control plan are subject to EPA and Ecology approvals. | This language was moved from CSOCP-8 with the exception of the last sentence which recognizes that EPA and Ecology must approve any future CSO Control Plan Amendment. |
| CSOCP-9: Unless specifically approved by the council, no new projects shall be undertaken by the county until the CSO program review has been presented to the council for its consideration. CSO project approval prior to completion of CSO program review (beyond those authorized in this subsection) may be granted based on, but not limited to, the following: availability of grant funding; opportunities for increased cost-effectiveness through joint projects with other agencies; ensuring compliance with new regulatory requirements; or responding to emergency public health situations. The council shall request advice from the RWQC when considering new CSO projects. King County shall continue implementation of CSO control projects underway as of December 13, 1999, which are the Denny way, Henderson/Martin Luther King, Jr. way/Norfolk, Harbor and Alki CSO treatment plants. | ((~~CSOCP-9: Unless specifically approved by the council, no new projects shall be undertaken by the county until the CSO program review has been presented to the council for its consideration. CSO project approval prior to completion of CSO program review (beyond those authorized in this subsection) may be granted based on, but not limited to, the following: availability of grant funding; opportunities for increased cost-effectiveness through joint projects with other agencies; ensuring compliance with new regulatory requirements; or responding to emergency public health situations. The council shall request advice from the RWQC when considering new CSO projects. King County shall continue implementation of CSO control projects underway as of December 13, 1999, which are the Denny way, Henderson/Martin Luther King, Jr. way/Norfolk, Harbor and Alki CSO treatment plants.~~)) | This policy has been fully implemented. The CSO control program review referred to in the policy was submitted to the King County Council in April 2006. No new projects were initiated prior to the submittal of that CSO program review.  The projects that were under way as of December 13, 1999 have been completed. The Alki transfer of base flow was completed in 1998 and conversion of the plant to CSO treatment was finished in 2000. The Mercer Elliott/West and the Henderson/Norfolk systems were completed in 2005.  Information related to program reviews is current and included in existing CSOCP-8 (now CSOCP-11). |
|  | CSCOP-12: King County shall implement its CSO control projects in accordance with the EPA/Ecology Consent Decree and the schedule outlined in the county’s approved long-term CSO control plan. | This proposed policy was developed to be consistent with the County’s approved long-term CSO control plan and Consent Decree. |
|  | CSOCP-13: King County shall prepare a water quality assessment and monitoring study, consistent with the guidance provided in Ordinance 17413 and other applicable legal requirements, to inform the next combined sewer overflow control program review in 2018. | This proposed policy was developed to be consistent with Ordinance 17413 regarding the water quality assessment and monitoring study. |
| Mention of CSOs under RWSP Implementation:  **28.86.180 Implementation**  ***Under Treatment Capacity:***  d. The west treatment plant will be maintained at its capacity of one hundred thirty-three mgd, primarily to serve the city of Seattle and handle flows from the combined sewers in the area. Additional facilities may be planned in the year 2018 to accommodate the extended peak CSO flows that will occur after storms once CSO control projects are constructed.  4. CSOs.  a. CSOs shall be prioritized based on first controlling discharges that impact human health, bathing beaches and/or species listed under ESA. The second priority is other CSO locations that have the potential to affect public health and safety. Third priority are all other CSO locations. The estimated cost, schedule and list of CSO control projects, will be reported in the CSO program review (preceding the west treatment plant NPDES permit renewal), and shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.  b. CSO projects may include:  (1) constructing large underground tanks and tunnels to store combined flows during storms. These flows would then be pumped to the west treatment plant once the rain subsides; and  (2) treating the combined sewage at existing CSO outfall locations using technology to remove solids and disinfect the combined sewage before discharge.  c. Refinements to the CSO program may be required in response to changing conditions and new information. The listing of species under the ESA may affect project priorities, schedules, and associated mitigation options. | Mention of CSOs under RWSP Implementation:  **28.86.180 Implementation**  ***Under Treatment Capacity:***  d. The west point treatment plant will be maintained at its capacity of one hundred thirty-three mgd, primarily to serve the city of Seattle and handle flows from the combined sewers in the area. ~~Additional facilities may be planned in the year 2018 to accommodate the extended peak CSO flows that will occur after storms once CSO control projects are constructed~~.  4. CSOs.  a. ((~~CSOs shall be prioritized based on first controlling discharges that impact human health, bathing beaches and/or species listed under ESA. The second priority is other CSO locations that have the potential to affect public health and safety. Third priority are all other CSO locations. The estimated cost, schedule and list of CSO control projects, will be reported in the CSO program review (preceding the west treatment plant NPDES permit renewal), and shall be included in future RWSP operational master plans, summarized in RWSP annual reports and comprehensive reviews as outlined in K.C.C. 28.86.165.~~))The county shall implement CSO control projects consistent with the schedule outlined in the county’s long-term CSO control plan as approved in attachment A of Ordinance 14713 and the Ecology/EPA Consent Decree..  b. ((~~CSO projects may include:~~  ~~(1) constructing large underground tanks and tunnels to store combined flows during storms. These flows would then be pumped to the west treatment plant once the rain subsides; and~~  ~~(2) treating the combined sewage at existing CSO outfall locations using technology to remove solids and disinfect the combined sewage before discharge.~~))  ((~~c.~~)) Consistent with the EPA/Ecology Consent Decree the county may request ((~~R~~)) refinements to the CSO program ((~~may be required~~)) in response to changing conditions, (~~and~~) new information, and new regulations. ((~~The listing of species under the ESA may affect project priorities, schedules, and associated mitigation options.~~)) | This updates the implementation portion of the RWSP to be consistent with the County’s approved amendment to the long-term CSO control plan and Consent Decree. There are no longer plans to add facilities at West Point Treatment Plant in 2018. King County Code 28.86.165 (RWSP reporting policies) includes the information related to reporting requirements for the CSO control program. |