



Legislation Text

File #: 2012-0459, **Version:** 1

Clerk 11/16/2012

AN ORDINANCE relating to King County's long-term combined sewer overflow control plan and authorizing the King County executive to sign and fulfill the obligations in a consent decree with the United States Environmental Protection Agency and the Washington state Department of Ecology.

STATEMENT OF FACTS:

1. King County protects water quality and prevents water pollution by providing wastewater treatment to thirty-four local sewer utilities. The wastewater treatment division of the department of natural resources and parks serves about one million five hundred thousand people, covering four hundred twenty square miles, including most urban areas of King County and parts of south Snohomish county and northeast Pierce county.
2. Around twenty percent of the county's service area has combined sewers, all located in the city of Seattle. The county has four combined sewer overflow ("CSO") treatment facilities and thirty-eight CSO outfalls, which are permitted under the National Pollutant Discharge Elimination System ("NPDES") Permit WA-002918-1.
3. The United States Environmental Protection Agency ("EPA") and the Washington state Department of Ecology ("Ecology") have alleged that the County violated Sections 301 and 402 of the Clean Water Act, 33 U.S.C. Sections 1311 and 1342, and the conditions and limitations of its National Pollutant Discharge Elimination System permit issued by Ecology.
4. In response, King County, EPA and Ecology have negotiated the consent decree in

Attachment A to this ordinance in good faith in order to avoid litigation between the parties, King County, without admitting liability, agrees with EPA and Ecology that the consent decree is fair, reasonable and in the public interest.

5. The consent decree requires the county to implement the amendment to the long-term CSO control plan that was approved by the King County council through Ordinance 17413 on September 17, 2012, and take the actions and complete the CSO control projects in accordance with the schedule attached to the consent decree.
6. In the early 1980s, King County used volume reduction to prioritize CSO projects.
7. Beginning in 1996, Ecology concurred with an approach to prioritize CSO projects based on public health, endangered species and environmental protection.
8. The wastewater treatment division built upon that approach in the current council-approved CSO plan, by expanding the factors to include new definitions of public health around fish consumption and evaluation of Superfund liability risks and opportunities. This comprehensive approach, which is supported by the EPA and Ecology, optimizes the environmental benefits of CSO control projects.
9. The county's CSO implementation schedule, approved by the King County council, is designed to protect the most sensitive water bodies and juvenile salmon migration; mitigate rate impacts by spreading project costs over time; and reflects thorough consideration of public input and scientific information.
10. The consent decree formalizes the commitment to complete CSO projects by 2030. At the same time, it includes a provision allowing some future flexibility to consider new information and technology through EPA's "Integrated Framework."
11. The consent decree also includes a civil penalty and requirements for monitoring and reporting.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. The King County council hereby approves the consent decree as presented in Attachment A to this ordinance and authorizes the King County executive to sign and fulfill the county's obligations contained in the consent decree.