

Fossil Fuel Policies and Standards

Summary of 2020 Amendments

to the King County Comprehensive Plan and Development Regulations

King County is proposing several changes to the Comprehensive Plan and development regulations to address the risks and potential impacts associated with fossil fuel facilities. This FAQ document provides more information on fossil fuel facilities and the proposed changes.

Why are the regulations being updated now?

- ❖ In early January 2019, the Executive proposed a scope of work for the 2020 King County Comprehensive Plan update that called for a review of policies, regulations, and permitting to ensure protection of public health and safety, air and water quality, and habitats from the impacts of fossil fuel extraction, processing, production, transport, storage, and use. This direction was retained by the County Council when the scope was adopted at the end of February 2019.
- ❖ At the end of January 2019, the King County Council adopted a six-month moratorium prohibiting the establishment of new or expansion of existing major fossil fuel facilities and requesting a detailed study to address the issues and circumstances necessitating the moratorium. The Study is to be completed by the end of July 2019.

How are Fossil Fuels defined in the draft regulations?

- ❖ Fossil Fuels are defined to include coal, petroleum products (such as crude oil or gasoline), and gaseous fuels (such as natural gas or propane) which form in the earth from the remains of plants and animals that lived millions of years ago. Fossil fuels are described as being used primarily as a source of energy to heat buildings or to provide power for equipment or vehicles.
- ❖ The proposed regulations exclude the following in the definition of fossil fuels: non-fuel products, denatured fuel additives, renewable fuels such as biodiesel, and fuels generated from waste management processes, such as wastewater treatment, anaerobic digesters, landfill waste management, livestock manure, and composting.

How are Fossil Fuel Facilities defined in the draft regulations?

- ❖ Fossil Fuel Facilities are defined to include new or modified, a commercial facility used primarily to receive, store, transfer, wholesale trade, or transport of fossil fuels, such as but not limited to bulk terminals, bulk storage facilities, bulk refining and bulk handling facilities. Examples may include commercial facilities like oil refineries, barge loading facilities for coal and oil, and large oil or gas storage tanks.
- ❖ The draft regulations exclude the following in the definition of fossil fuel facilities: individual storage facilities of up to 30,000 gallons and total cumulative facilities per site of 60,000 gallons for the purposes of retail or direct to consumer sales, facilities or activities for local consumption, and non-commercial facilities (such as storage for educational, scientific, or governmental use). The definition also excludes uses that pre-empted by federal rule or law, such as marine transportation, railcars or interstate pipelines.

What are the draft 2019 changes?

- ❖ Coal mines: Prohibits the establishment of new coal mines in unincorporated King County.
- ❖ New and revised definitions for fossil fuels and related facilities: Definitions established, as well as size thresholds for different types of facilities as noted below.
- ❖ Development conditions and permitting processes for facilities: Development standards specify where facilities are allowed, establish setbacks from gathering places such as a schools and natural systems such as lakes, streams and Puget Sound, and establish enclosure requirements to minimize impacts to surrounding areas.

What are the proposed thresholds for Fossil Fuel Facilities?

The thresholds for Type I and II include both size and volumes of types of fossil fuels for liquid fossil fuels, such as crude oil, gasoline and some natural gases, as well as for dry fossil fuels:

- ❖ Fossil Fuel Facility Type I: a fossil fuel facility having any combination of liquid fossil fuel with storage capacity of *up to* 378,000 gallons (approximately a 40x40 foot tank) or dry storage of 1,425 cubic yards (approximately a 34x34 foot tank).
- ❖ Fossil Fuel Facility Type II: a fossil fuel facility that includes any combination of fossil fuel liquid storage capacity of *more than* 378,000 gallons or dry storage of 1,425 cubic yards.

What are the proposed development standards for the largest facilities (Fossil Fuel Facility Type II)?

- ❖ Special use permit required: A Type II Fossil Fuel Facility requires a special use permit. Facilities are allowed within the urban growth boundary in unincorporated areas on industrial zoned parcels. In addition to all applicable King County standards, facilities would need to demonstrate compliance with the following:
 - 1000 feet from any schools, medical care facilities, and places of assembly that have occupancies of greater than 1000 persons (such as arenas, gyms, auditoriums, etc.).
 - 250 feet from any regulated wetlands and aquatic areas (such as lakes, streams, Puget Sound).
 - 200 feet minimum property setbacks.
 - Storage of fossil fuels must be contained within enclosed structures, tanks, or similar facilities.

Who could be affected?

These policies and standards would apply to all of King County's unincorporated jurisdiction to proposals for:

- ❖ Coal mines: New or expanded coal mining, such as extraction, processing, production, transport, and storage.
- ❖ Fossil Fuel Facilities: New and proposed expanded facilities.
- ❖ Oil & Gas Extraction: These require a special use permit. Zones where these are permitted are proposed to be limited to exclude most residential or neighborhood business areas. Definitions changed to support the continued transition to renewable energy sources such biogas captured as an accessory product from the waste management process (such as wastewater treatment, landfill waste management, livestock manure, and composting processes), and solar and wind power.

These policies and standards are designed to not affect the following uses:

- ❖ Local businesses, such as gas stations, and the local distribution of natural gas or other fossil fuels, as defined in the County code.
- ❖ Existing or new business that use non-fuel products, denatured ethanol and similar fuel additives, and biodiesel and renewable diesel with less than 5% fossil fuel content.

What are the next steps?

Following completion of the public comment period on the public review draft of the 2020 amendments, the Executive will make final revisions and transmit the Executive proposed version by September 30, 2019.

When would the new provisions go into effect, if adopted?

These regulations would go into effect shortly after the County Council adopts them, or on the effective date established in the adopting ordinance. The Council is scheduled to adopt the amendments by the end of June 2020.