

**MWPAAC RWSP Policy Review Task Force**  
**Discussion/Proposed Amendments**  
**CSO Control Policies**  
**WORKING DRAFT**

Existing CSO Control Policies K.C.C. 28.86.080	Task Force Proposed Amendments as of September 30, 2014	Comments/Discussion at MWPAAC RWSP Policy Review Task Force Meetings	Comments from Other Sub-committees and full MWPAAC
<p>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.</p>	<p>A. Explanatory material. The CSO control policies are intended to guide the county in controlling CSO discharges <u>and sizing CSO facilities in the county's combined system</u>. 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.</p>	<p>Aug. 21 discussion:  There was general discussion on the conveyance policies and whether or not they apply only to the separated system, or if they should also apply to the combined system. WTD staff noted that the RWSP conveyance policies provide guidance to the separated system and the CSO control policies guide the CSO program and combined system. There were questions on which policies apply if separated flows go into combined pipes, and it was noted that the CSO control policies do not mention conveyance, but predominantly deal with CSO treatment, overflows, and sediment management. There was a comment that it's important that the preamble, or explanatory material of the specific policy subject matter be clear.</p> <p>Some felt it made sense to have the conveyance policies include all conveyance for the separated and combined system; others noted that it is important to keep the conveyance policies for the separated system and for the combined system in separate policies. One advantage was noted of keeping them separate: if someone were to look for policy guidance on CSOs, there would be one set of policies to look at versus two sets.</p> <p>The additional language is an attempt to demonstrate that the CSO control policies guide CSO treatment and conveyance facilities.  *****</p> <p>Sept. 30 meeting:  It was decided to delete treatment and conveyance in relation to CSO facilities. There was a bit of a discussion on "highest priority".</p>	<p><i>Full MWPAAC approved the Task Force proposed amendments at its March 25, 2015 meeting.</i></p>
<p>CSOCP-1: King County shall plan to control its CSO discharges by the end of 2030 to meet:</p> <ol style="list-style-type: none"> <li>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</li> <li>2. Conditions of National Pollutant Discharge Elimination System permit requirements;</li> <li>3. conditions of the Environmental Protection Agency/Washington state Department of Ecology Consent Decree.</li> </ol>	<p>No change to this policy.</p>	<p>Aug. 21 meeting:  During the Aug. 21 discussion on conveyance policies, it was mentioned that the CSO policies do not discuss sizing of CSO conveyance facilities. A sentence was added to reflect that discussion.  *****</p> <p>Sept. 30 meeting  The Task Force deleted the last sentence that was previously added following the 8/21 meeting. The sentence stated: "CSO treatment and conveyance facilities shall be sized to meet the state's CSO control standard."</p>	
<p>CSOCP-2: King County shall continue to work with state and federal agencies to develop cost-effective regulations that</p>	<p>No change to the policy.</p>	<p>Sept. 30 meeting  There was some discussion on integrated planning and if, it</p>	

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protect water quality. King County shall meet the requirements of state and federal regulations and agreements.		should be mentioned or added to the policy. As of now, no changes have been made.	
CSOCP-3: Consistent with the Environmental Protection Agency/Washington state Department of 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 of 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 where there is potential to impact species listed under ESA.	No change to the policy.		
CSOCP-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 National Pollutant Discharge Elimination System permit (MS4) process as appropriate.	No change to the policy.		<i>From E&amp;P Sub-committee meeting on November 6, 2014:</i> There was a question on the intent of this policy. A member heard that Seattle believes any separated stormwater is the County's flow, so does that mean that the County has responsibility for separated stormwater?
CSOCP-5: 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 the city of 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.	No change to the policy.		<i>From E&amp;P Sub-committee meeting on November 6, 2014:</i> A question was raised regarding if the County were to accept additional stormwater from Seattle, what would Seattle pay for additional treatment of stormwater? Some members have heard this has happened or is planning to happen with Henderson and Murray. Others have heard that there are conversations about treating stormwater in non-storm events. Members would like information about this. It was also noted that this policy is related CSOCP-8.
CSOCP-6: In accordance with King County's industrial waste rules and regulations, including K.C.C. 28.84.050.K.1 and 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.	No change to the policy.	Sept. 30 meeting There was a question if industrial waste policy shouldn't be applied system wide.	
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.	CSOCP-7: King County shall consider implementing <del>((green stormwater infrastructure))</del> <u>alternative technologies, such as green stormwater infrastructure</u> , to control CSOs when results of technical, engineering, and benefit/cost analyses, and modeling demonstrate <del>((it is a viable))</del> <u>long-term viability</u> and cost-effective CSO control <del>((method))</del> .	Sept. 30 meeting The Task Force wanted to make this policy more general for a wider range of technologies and not just for GSI. Long-term viability including maintenance of GSI projects was a concern.	
CSOCP-8: King County 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	No change to the policy.		<i>From E&amp;P Subcommittee meeting on November 6, 2014:</i> The following questions were raised: <ul style="list-style-type: none"> <li>How is "cost-effective" determined</li> </ul>

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within the schedule outlined in the Environmental Protection Agency/Washington state Department of Ecology Consent Decree and the county's approved long-term CSO control plan.			<ul style="list-style-type: none"> <li>What are the arrangements between Seattle and King County on any joint projects, such as: <ul style="list-style-type: none"> <li>Responsibility for long-term operations and maintenance of the facilities</li> <li>Is it a co-partnership; are copies of interlocal agreements on the joint projects available?</li> <li>What happens if a joint facility does not meet the state standard of no more than one overflow per year – who is responsible for fixing the problem it doesn't meet current or future standards?</li> <li>Who is the owner of the facility – the County or the City of Seattle?</li> </ul> </li> <li>The policy should provide some direction on how to determine some of the issues raised.</li> </ul>
CSOCP-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, under the federal Comprehensive Environmental Response, Compensation and Liability Act.	No change to the policy.		
CSOCP-10: Consistent with the Environmental Protection Agency/Washington state Department of 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 Amendment as required by the Department of Ecology in the National Pollutant Discharge Elimination System permit renewal process.	No change to the policy.	<p>Sept. 30 meeting</p> <p>A question was asked if County staff could look into whether NPDES can be abbreviated in the code. There was discussion if this policy was even necessary and then secondly, what was the policy saying and trying to accomplish?</p>	
CSOCP-11: Before completion of an National Pollutant Discharge Elimination System required CSO Control Plan Amendment, the executive shall submit a CSO program review report to the council and RWQC. The purpose of the review is to evaluate, at a minimum, changes to regulations, new technologies, existing CSO control performance, and human and environmental health priorities that may affect implementation of the CSO Control Plan. Based on its consideration of the CSO program review, RWQC may make recommendations to the council for modifying or amending the CSO program, including changing the sequencing of CSO projects. Any future updates or amendments to the county's long-term CSO control plan are subject to Environmental	CSOCP-11: Before completion of an National Pollutant Discharge Elimination System required CSO Control Plan Amendment, the executive shall submit a CSO program review report to the council and RWQC. The purpose of the review is to evaluate, at a minimum, changes to regulations, new technologies, existing CSO control performance, and human and environmental health priorities that may affect implementation of the CSO Control Plan. <u>As a part of the review, King County shall evaluate the assumptions that are used to size CSO facilities.</u> Based on its consideration of the CSO program review, RWQC may make recommendations to the council for modifying or amending the CSO program, including changing the sequencing of CSO projects. Any future	<p>Aug. 21 meeting:</p> <p>During discussion on the conveyance policies, it was suggested that this paragraph from CP-3: “King County shall periodically evaluate population and employment growth assumptions and development pattern assumptions used to size conveyance facilities to allow for flexibility to convey future flows that may differ from previous estimates.” be incorporated in the CSO control policies The additional language is an attempt to meet the intent of the Aug. 21 discussion.</p> <p>*****</p> <p>Sept. 30 meeting</p> <p>The deletion of treatment and conveyance in reference to CSO facilities along with moving the sentence “As part of the</p>	

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Protection Agency and Washington state Department of Ecology approvals.	updates or amendments to the county's long-term CSO control plan are subject to Environmental Protection Agency and Washington state Department of Ecology approvals.	review...” to read better in the paragraph. There was a question of the impact of climate change conditions on flows and it was understood that Climate change impacts are covered by the language “ <u>King County shall evaluate the assumptions that are used to size CSO facilities</u> ”.	
CSCOP-12: King County shall implement its CSO control projects in accordance with the Environmental Protection Agency/Washington state Department of Ecology Consent Decree and the schedule outlined in the county's approved long-term CSO control plan.	No change to the policy.		
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.	No change to the policy.		