

**MWPAAC RWSP Policy Review Task Force
Discussion/Proposed Amendments
Environmental Mitigation Policies
WORKING DRAFT**

Existing Environmental Mitigation Policies K.C.C 28.86.140	Proposed Task Force Amendments as of May 12, 2015	Task Force Comments/Discussion	Sub-committees and full MWPAAC comments
A. Explanatory material. The environmental mitigation policies are intended to guide King County in working with communities to develop mitigation measures for environmental impacts from the construction and operation of wastewater facilities. These policies also ensure that the siting and mitigation processes for wastewater facilities are consistent with the Growth Management Act and the state Environmental Policy Act.	A. Explanatory material. The environmental mitigation policies are intended to guide King County in working with communities to develop mitigation measures for environmental impacts from the construction and operation of wastewater facilities. These policies also ensure that the siting and mitigation processes for wastewater facilities are consistent with the Growth Management Act and the state Environmental Policy Act.	<i>The Task Force conducted their final review on April 23, 2015, and had no additional changes based on the discussion at their March 17, 2015 meeting.</i> No changes proposed.	<i>The policies proposed by the Task Force were approved, with some word changes in EMP-5, by full MWPAAC at its May 27, 2015 meeting.</i>
EMP-1: King County shall work with affected communities to develop mitigation measures for environmental impacts created by the construction, operation, maintenance, expansion or replacement of regional wastewater facilities. These mitigation measures shall: 1. Address the adverse environmental impacts caused by the project; 2. Address the adverse environmental impacts identified in the county's environmental documents; and 3. Be reasonable in terms of cost and magnitude as measured against severity and duration of impact.	EMP-1: King County shall work with affected communities to develop mitigation measures for environmental impacts created by the construction, operation, maintenance, expansion or replacement of regional wastewater facilities. <u>Mitigation measures shall address the adverse environmental impacts identified in the county's environmental documents and applicable regulatory permits, and shall be reasonable in terms of cost and magnitude as measured against severity and duration of impact.</u> ((These mitigation measures shall: -1. Address the adverse environmental impacts caused by the project; -2. Address the adverse environmental impacts identified in the county's environmental documents; and -3. Be reasonable in terms of cost and magnitude as measured against severity and duration of impact.))	<i>March 17, 2015 discussion:</i> WTD staff noted that WTD environmental planning staff thought it would be important to keep the language "shall address the adverse environmental impacts identified in the county's environmental documents and applicable regulatory permits" in this policy. The Task Force agreed with this suggestion. <i>February 18, 2015 discussion:</i> There was discussion that perhaps this policy and EMP-2 should be combined, or perhaps they both are not needed. The amended language shown resulted from the discussion. More discussion may be needed.	
EMP-2: Mitigation measures identified through the state Environmental Policy Act process shall be incorporated into design plans and construction contracts to ensure full compliance.	((EMP-2: Mitigation measures identified through the state Environmental Policy Act process shall be incorporated into design plans and construction contracts to ensure full compliance.))	<i>February 18, 2015 discussion:</i> Task Force members noted that mitigation measures identified through SEPA wouldn't necessarily be accomplished through plans and contracts. The majority of members thought this policy really isn't needed and could be deleted.	
EMP-3: The siting process and mitigation for new facilities shall be consistent with the Growth Management Act and the state Environmental Policy Act, as well as the lawful requirements and conditions established by the jurisdictions governing the permitting process.	EMP- ((3)) 2: The siting process and mitigation for new facilities shall be consistent with the Growth Management Act and the state Environmental Policy Act, as well as the lawful requirements and conditions established by the jurisdictions governing the permitting process.	<i>March 17, 2015 discussion:</i> No changes proposed. Policy is re-numbered.	
EMP-4: King County shall mitigate the long-term and short-term impacts for wastewater facilities in the communities in which they are located. The county's goal will be to construct regional wastewater facilities that enhance the quality of life in the region and in the local community, and are not detrimental to the quality of life in their vicinity.	EMP- ((4)) 3: King County shall mitigate the long-term and short-term impacts for wastewater facilities in the communities in which they are located. The county's goal will be to construct regional wastewater facilities that enhance the quality of life in the region and in the local community, and are not detrimental to the quality of life in their vicinity.	<i>March 17, 2015 discussion:</i> No changes proposed; the policy is re-numbered.	

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EMP-5: King County shall enter into a negotiated mitigation agreement with any community that is adversely impacted by the expansion or addition of major regional wastewater conveyance and treatment facilities. Such agreements shall be executed in conjunction with the project permit review. Mitigation shall be designed and implemented in coordination with the local community, and shall be at least ten percent of the costs associated with the new facilities. For the south treatment plant and for the new north treatment plant, a target for mitigation shall be at least ten percent of individual project costs, or a cumulative total of ten million dollars for each plant, whichever is greater, provided that mitigation funded through wastewater revenues is consistent with: chapter 35.58 RCW; Section 230.10.10 of the King County Charter; agreements for sewage disposal entered into between King County and component agencies; and other applicable county ordinance and state law restrictions.	EMP- ((5)) 4: King County shall enter into a negotiated mitigation agreement with any ((community)) <u>local jurisdiction(s)</u> that is adversely impacted by the expansion ((or addition)) of major regional wastewater ((conveyance and)) treatment ((facilities)) <u>plants that currently include south plant, west point, and brightwater.</u> Such agreements shall be executed in conjunction with the project permit review. Mitigation shall be designed and implemented in coordination with the local community, ((, and shall be at least ten percent of the costs associated with the new facilities. For south treatment plant and for the new north treatment plant,)) a target for mitigation shall be at least ten percent of individual project costs((, or a cumulative total of ten million dollars for each plant, whichever is greater)) , provided that <u>negotiated</u> mitigation funded through wastewater revenues is consistent with: chapter 35.58 RCW; Section 230.10.10 of the King County Charter; agreements for sewage disposal entered into between King County and component agencies; and other applicable county ordinance and state law restrictions.	<p><i>May 12, 2015 discussion:</i> The Task Force revisited this policy based on the E&P and Rates and Finance subcommittee discussion on May 7. Based on the subcommittee discussion, the Task Force suggested taking out reference to a “target” for mitigation.</p> <p><i>March 17, 2015 discussion:</i> Clarifying and grammatical changes were made. There was discussion about using “total project costs” or “construction costs”. There was a comment that if “construction costs” were to be selected, then the percentage of those costs should be increased from the existing target of at least ten percent.</p> <p><i>February 18, 2015 discussion:</i> There was discussion on whether or not this policy is still needed, and discussion on how to clarify that its intent was for regional treatment plants. Task Force members discussed that this is an issue to bring to full MWPAAC. The amended language in red is an attempt to capture some of the discussion where there seemed to be general agreement. There were differing opinions on whether or not a percentage should be left in; some felt strongly it should be kept in.</p>	<p><i>Full MWPAAC, May 27, 2015 discussion:</i> Members sked that the word “community” be replaced with “local jurisdiction(s)” to ensure the policy includes permitting government agency and districts.</p> <p>Members asked that the word “negotiated” be added before “mitigation funded”.</p> <p><i>E&P and Rates and Finance Committee May 7, 2015 discussion:</i> There was discussion on whether or not there should be a target amount for mitigation. Most members were not in favor of a target being included in a policy. Members suggested deleting the reference to ten percent and moving the policies forward for discussion at full MWPAAC on May 27.</p>