

Excerpt from King County Biennial Budget Ordinance 19210 – 2021/2022 Biennial Budget:

SECTION 112. WASTEWATER TREATMENT - From the water quality operating fund there is hereby appropriated to:

Wastewater treatment \$345,677,000

The maximum number of FTEs for wastewater treatment shall be: 657.0

ER1 EXPENDITURE RESTRICTION:

Of this appropriation, \$2,592,035, shall be expended or encumbered solely for water quality improvement activities, programs or projects and only in the amounts and for the specific water quality improvement activities, programs or projects located within the King County wastewater treatment service area set forth by ordinance. Of this amount, \$159,165 shall be reserved for administrative costs associated with the program.

The ordinance or ordinances required by this expenditure restriction must be proposed by a King County councilmember.

P1 PROVIDED THAT:

Of this appropriation, \$250,000 shall not be expended or encumbered until the executive transmits a report on the completion of the wastewater treatment division's Matthews Park Pump Station fence replacement project.

The report shall include, but not be limited to, the following:

- A. The fencing type utilized for the project, which should be similar to the fencing type utilized at the wastewater treatment division's Fremont Siphon Odor Control Building, consistent with the preference of the local community; and
- B. Confirmation of the completion of the fencing project, and discussion of its effectiveness in accomplishing the purposes of the fencing.

The executive should electronically file the report no later than September 30, 2021, with the clerk of the council, who shall retain an electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the regional water quality committee, or its successor.

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P2 PROVIDED FURTHER THAT:

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits a report on the application of the wastewater capacity charge provided for in K.C.C. 28.84.050.O.1. to King County residents who themselves, or whose progenitors, or both, were impacted by racial restrictions in the acquisition of residential real estate, in the form of racial deed restrictions, racial covenants and redlining practices and, if recommended by the transmitted report, a proposed ordinance that amends K.C.C.28.84.050 to provide for a wastewater 1745 capacity charge exemption or reduced cost for those impacted populations and a motion that acknowledges receipt of the report and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

- A.1. A historical overview of race-based restrictive real estate practices, together with identification of neighborhoods or geographic areas of application and racial groups targeted or impacted by such restrictive practices that limited or constrained the opportunity to purchase real estate based on the race of the prospective purchaser, or that had the effect of restricting purchase financing in "redlined" neighborhoods due to the presence of targeted demographic groups. For the purposes of this proviso, "race-based restrictive real estate practices" include, but are not limited to, race-based restrictive covenants and deed restrictions and restrictive lending practices commonly referred to as "redlining";
2. A discussion of the tolerance of such race-based restrictive real estate practices by jurisdictions of local government during the period of implementation of such practices;
3. A discussion of the effects of race-based restrictive real estate practices, with particular attention to: (a) how race-based restrictive covenants and deed restrictions contributed to restricting targeted or impacted racial populations to specific neighborhoods; and (b) how redlining practices limited real estate purchase opportunities

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within such neighborhoods; and

4. The estimated value of intergenerational wealth not realized by targeted or impacted racial groups based on factors including the size of the populations impacted and current rates of home ownership by racial group as compared to nontargeted, nonimpacted populations during the same time periods;

B. Trends in home ownership rates over the period of implementation of such race-based restrictive real estate practices for those targeted or impacted racial groups as compared to nontargeted or nonimpacted racial groups and the same comparison in home ownership rates between the groups currently;

C. An estimate of the number of persons, by targeted or impacted racial group, present in King County during the periods when race-based restrictive real estate practices were enforceable;

D. A discussion of the purpose and intent of the wastewater capacity charge, as a fee for connection to the sewer system for those populations residing in structures connecting to the system for the first time after the initiation of the wastewater capacity charge in 1990, and the current and projected rate of the capacity charge through 2025; and

E. An analysis and recommendation on the establishment of a wastewater capacity charge exemption or reduced rate for identified populations, and identification of program considerations such as the estimated numbers of persons who may be eligible to participate in such exemption or reduced rate, including any changes to the King County Code or county policies necessary to implement an exemption or reduced-rate program.

If the recommendation of the executive is to propose an exemption program or a reduced rate, then the executive shall transmit a proposed ordinance to the council to effectuate the recommendation. Included in the qualification criteria for an exemption program or reduced rate shall be the requirements that applicants demonstrate that they, their progenitors, or both: (1) were alive and living in King County during the period that race-based restrictive real estate practices were enforceable; and (2) did not acquire residential real estate before February 1, 1990, the effective date of the initial capacity

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charge.

The executive should electronically file the report, the proposed ordinance, if applicable, and motion required by this proviso no later than June 1, 2022, with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the regional water quality committee and the budget and fiscal management committee, or their successors.

P3 PROVIDED FURTHER THAT:

Of this appropriation, \$200,000 shall not be expended or encumbered until the executive transmits a report on the shift of the sewer rate cost burden to the single-family sector from the commercial/industrial/multifamily sector, and a motion that acknowledges receipt of the report and a motion acknowledging receipt of the report is passed by the council. The motion should reference the subject matter, the proviso's ordinance number, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, the following:

- A. A discussion of the history of, and rationale for, the sewer rate cost structure that has resulted in the shifting of the cost burden from commercial/industrial/multifamily housing sectors to single-family homeowners;
- B. Options for alternative cost structures that would distinguish multifamily ratepayers from commercial and industrial ratepayers; and
- C. A discussion of the appropriate balance of costs between the residential sector and the commercial/industrial sector in sewer rate revenues, and the criteria impacting that balance.

The executive should electronically file the report and motion required by this proviso no later than August 1, 2021, with the clerk of the council, who shall retain the electronic copy and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the regional water quality committee and the budget and fiscal management committee, or their successors.

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P4 PROVIDED FURTHER THAT:

Of this appropriation, \$300,000 shall not be expended or encumbered until the executive transmits a status report and a final report on toxics in King County wastewater effluent, evaluating the presence of toxic elements in the effluent of treatment plants, and a motion that acknowledges receipt of the final report and a motion acknowledging the receipt of the final report is passed by the council. The motion should reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion.

The report shall include, but not be limited to, a summary of the results of an evaluation of toxic elements in the effluent of treatment plants. The evaluation shall comply with the following:

A. The evaluation shall be based on testing of the undiluted effluent of treatment plants, and shall be compared with chemical elements being discharged as industrial wastes into the wastewater 1837 collection system; sampling of effluents shall be timed to include at least one seasonal period of high winter discharge volumes;

B. The evaluation shall address and report on the presence, origin, volume, toxicity, environmental fate and impacts to the marine environment from toxics including metals, volatile organic compounds, chemicals of emerging concern and other toxics in the undiluted effluent of treatment plants;

C. While the evaluation shall be as broad as possible within costs, to the extent necessary to narrow the scope of the evaluation in light of the extensive range of potentially toxic elements, the focus shall be on:

1. Those elements considered most toxic to the marine environment generally;
and

2. Those elements considered potentially toxic to Southern Resident Orcas and the hierarchy of marine species upon which the Southern Resident Orcas depend;

D. The evaluation shall assess whole effluent toxicity of the discharges, to assess the impact of the complex mix of toxic elements on marine species. The assessment shall be designed to indicate whether undiluted wastewater effluent represents a potential

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source of deleterious toxic influence to Puget Sound marine organisms, and to Southern Resident Orcas and the hierarchy of marine species upon which they depend particularly;

E. The evaluation shall include an assessment of the accumulation of those toxic elements in marine organisms, either directly or through bioaccumulation, and shall discuss potential impacts on metabolic processes, behavior and mortality. The assessment may be accomplished either through analysis of the tissue of selected species, or through bioaccumulation modeling;

F. The evaluation shall describe 1860 potential wastewater treatment technologies that have the capacity, in part or in whole, to limit or control the discharge of toxics in wastewater effluents to a significantly greater extent than is currently being accomplished at King County treatment plants; and

G. The evaluation shall be contracted to an entity with the capacity to address the required elements of the evaluation. Preference shall be given to entities with a demonstrated history of evaluating and reporting on the impacts of wastewater effluents on the marine environment, including impacts on Southern Resident Orcas or their prey species, and that have the capacity for modeling the bioaccumulation of toxics.

The executive should file electronically a report on the status of the evaluation project by December 31, 2021, and the final report and motion required by this proviso by June 30, 2022, with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the regional water quality committee and the committee of the whole, or their successors.