

August 20, 1992

Introduced by: AUDREY GRUGER

Proposed No.: 92-285

**10568**

ORDINANCE NO.

AN ORDINANCE banning the sale of cleaning agents containing phosphates, assigning enforcement responsibilities, amending Ordinance 2281, Section 2, and K.C.C. 9.04.020; adding new sections to Ordinance 2281 and K.C.C. 9.04; and prescribing penalties.

FINDINGS:

1. Phosphorus is a common ingredient in various types of cleaning agents, including laundry detergents.

2. Laundry detergents containing only a trace amount of phosphorus are readily available and can be substituted for detergents containing larger amounts of phosphorus.

3. Phosphorus in household wastewater enters local ground and surface waters, contributing to water quality problems in local lakes and streams.

4. It is the policy of King County to reduce phosphorus pollution at its source to maintain and enhance existing water quality and to facilitate cost-effective wastewater treatment.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. K.C.C. 9.04.020 is hereby amended to read as follows:

Definitions. A. "Basin" means for the purpose of this document a drainage area which drains either to the Cedar, Green, Snoqualmie, Skykomish or White rivers, or the drainage areas which drain directly to Puget Sound.

B. "Basin Plan" means a plan and all implementing regulations and procedures including but not limited to land use management adopted by ordinance for managing surface and storm water management facilities and features within individual subbasins.

C. "Bond" means a surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to or required by the manager to guarantee that work is completed in compliance with the project's engineering plan and in compliance with all King County requirements.

1 D. "Closed depression" means an area of King County  
2 which is low-lying and either has no, or such a limited,  
3 surface water outlet that during storm events the area acts as  
4 a retention basin, holding water that has a surface area of  
5 more than five thousand square feet at overflow.

6 E. "Department" means the department of public works.

7 F. "Design storm" means a rainfall (or other  
8 precipitation) event or pattern of events for use in analyzing  
9 and designing drainage facilities.

10 G. "Development" means for the purposes of this  
11 document any activity that requires a permit or approval,  
12 including but not limited to a building permit, grading permit,  
13 shoreline substantial development permit, conditional use  
14 permit, unclassified use permit, zoning variance or  
15 reclassification, planned unit development, subdivision, short  
16 subdivision, master plan development, building site plan, or  
17 right-of-way use permit.

18 H. "Development engineer" means the building and land  
19 development division employee authorized to oversee the review,  
20 conditioning, inspection and acceptance of right-of-way use  
21 permits, road and drainage projects constructed pursuant to  
22 permits administered by the division. The development engineer  
23 or designee shall be a professional civil engineer registered  
24 and licensed under the laws of the State of Washington.

25 I. "Director" means the director of the department of  
26 public works or the director's designee.

27 J. "Division" means the building and land development  
28 division of the department of parks, planning and resources.

29 K. "Drainage" means the collection, conveyance,  
30 containment, and/or discharge of surface and storm water  
31 runoff.

32 L. "Drainage facility" means the system of collection,  
33 conveying and storing surface and storm water runoff. Drainage  
34 facilities shall include but not be limited to all surface and  
35 storm water conveyance and containment facilities including

1 streams, pipelines, channels, ditches, swamps, lakes, wetlands,  
2 closed depressions, infiltration facilities,  
3 retention/detention facilities, erosion/sedimentation control  
4 facilities and other drainage structures and appurtenances,  
5 both natural and manmade.

6 M. "Drainage review" means an evaluation by building  
7 and land development division staff of a proposed project's  
8 compliance with the drainage requirements in the Surface Water  
9 Design Manual.

10 N. "Erosion/sedimentation control" means any temporary  
11 or permanent measures taken to reduce erosion, control  
12 siltation and sedimentation, and ensure that sediment-laden  
13 water does not leave the site.

14 O. "Infiltration facility" means a drainage facility  
15 designed to use the hydrologic process of surface and storm  
16 water runoff soaking into the ground, commonly referred to as  
17 percolation, to dispose of surface and storm water runoff.

18 P. "Impervious surface" means a hard surface area which  
19 either prevents or retards the entry of water into the soil  
20 mantle as under natural conditions prior to development, and/or  
21 a hard surface area which causes water to run off the surface  
22 in greater quantities or at an increased rate of flow from the  
23 flow present under natural conditions prior to development.  
24 Common impervious surfaces include, but are not limited to,  
25 roof tops, walkways, patios, driveways, parking lots or storage  
26 areas, concrete or asphalt paving, gravel roads, packed earthen  
27 materials, and oiled, macadam or other surfaces which similarly  
28 impede the natural infiltration of surface and storm water.  
29 Open, uncovered retention/detention facilities shall not be  
30 considered as impervious surfaces for the purposes of this  
31 document.

32 Q. "Improvement" means streets (with or without curbs  
33 or gutters) sidewalks, crosswalks, parking lots, water mains,  
34 sanitary and storm sewers, drainage facilities, street trees  
35 and other appropriate items.

1           R. "Laundry cleaning product" means any product,  
2 including but not limited to soaps, detergent, laundry bleach  
3 and laundry additive, used for the purpose of cleaning laundry.

4           ((R-)) S. "Manager" means the manager of the building  
5 and land development division of the department of parks,  
6 planning and resources or his designee.

7           ((S-)) T. "Master Drainage Plan" means a comprehensive  
8 drainage control plan intended to prevent significant adverse  
9 impacts to the natural and man made drainage system, both on  
10 and off-site.

11           ((T-)) U. "Multifamily/commercial retention/detention  
12 facility" means a retention/detention facility which is not a  
13 subdivision retention/detention facility as defined in this  
14 chapter.

15           V. "Phosphorus" means elemental phosphorus.

16           ((U-)) W. "Preapplication" for the purposes of this  
17 chapter refers to the meeting(s) and/or form(s) used by  
18 applicants for some development permits to present initial  
19 project intentions to the division. Preapplication does not  
20 mean application.

21           ((V-)) X. "Professional civil engineer" means a person  
22 registered with the State of Washington as a professional  
23 engineer in civil engineering.

24           ((W-)) Y. "Project" means the proposed action of a  
25 permit application or an approval which requires drainage  
26 review.

27           ((X-)) Z. "Retention/detention facility" means a type  
28 of drainage facility designed either to hold water for a  
29 considerable length of time and then release it by evaporation,  
30 plant transpiration and/or infiltration into the ground; or to  
31 hold runoff for a short period of time and then release it to  
32 the surface and storm water management system.

33           ((Y-)) AA. "Runoff" means water originating from  
34 rainfall and other precipitation that is found in drainage

1 facilities, rivers, streams, springs, seeps, ponds, lakes and  
2 wetlands as well as shallow ground water.

3 (~~(Z-)~~) BB. "Site" means the portion of a piece of  
4 property that is directly subject to development.

5 (~~(AA-)~~) CC. "Subbasin" means a drainage area which  
6 drains to a water course or water body named and noted on  
7 common maps and which is contained within a basin as defined in  
8 K.C.C. 9.04.020.

9 (~~(BB-)~~) DD. "Subdivision retention/detention facility"  
10 means a retention/detention facility which is both located  
11 within or associated with a short or formal plat subdivision  
12 containing only single family or duplex residential structures  
13 located on individual lots and which is required to handle  
14 excess runoff generated by development of an area of which  
15 two-thirds or more is designated for single family or duplex  
16 residential structures located on individual lots.

17 (~~(CC-)~~) EE. "Surface and storm water" means water  
18 originating from rainfall and other precipitation that is found  
19 in drainage facilities, rivers, streams, springs, seeps, ponds,  
20 lakes and wetlands as well as shallow ground water.

21 (~~(DD-)~~) FF. "Surface and storm water management system"  
22 means drainage facilities and any other natural features which  
23 collect, store, control, treat and/or convey surface and storm  
24 water.

25 (~~(EE-)~~) GG. "Surface Water Design Manual" means the  
26 manual (and supporting documents as appropriate) describing  
27 surface and storm water design and analysis requirements,  
28 procedures and guidance which has been formally adopted by rule  
29 under the procedures specified in K.C.C. 2.98. The Surface  
30 Water Design Manual is available from the division permit  
31 center.

32 HH. "Trace quantity" means an incidental amount of  
33 phosphorus which is not part of the product formulation and is  
34 present only as a consequence of manufacturing, and which does

1 not exceed five tenths of one percent of the content of the  
2 product by weight, expressed as elemental phosphorus.

3 ((FF-)) HH. "Water quality swale" means an open  
4 vegetated drainage channel intended to optimize water quality  
5 treatment of surface and storm water runoff by following the  
6 specific design criteria described in the Surface Water Design  
7 Manual.

8 ((GG-) II. "Wetponds" and "wetvaults" mean drainage  
9 facilities for water quality treatment that contain a permanent  
10 pool of water, usually four feet in depth, that are filled  
11 during the initial runoff from a storm event. They are  
12 designed to optimize water quality by providing retention time  
13 (on the order of a week or more) in order to settle out  
14 particles of fine sediment to which pollutants such as heavy  
15 metals absorb, and to allow biologic activity to occur that  
16 metabolizes nutrients and organic pollutants. For wetvaults,  
17 the permanent pool of water is covered by a lid which blocks  
18 sunlight from entering the facility, limiting photo-dependent  
19 biologic activity.

20 NEW SECTION. SECTION 2. A new section is hereby added to  
21 Ordinance 2281 and K.C.C. 9.04, to read as follows:

22 SALES OF CERTAIN LAUNDRY CLEANING PRODUCTS PROHIBITED. A.  
23 PROHIBITION. No person may sell, distribute, offer or expose  
24 for sale, whether at wholesale or retail, and whether for  
25 commercial or domestic use, any laundry cleaning product  
26 containing phosphorus in excess of a trace quantity.

27 B. LABELLING REQUIRED. All laundry cleaning products sold  
28 or distributed within King County shall have affixed thereto  
29 labeling which clearly indicates the percent of phosphorus  
30 contained in the product to the nearest one tenth of one  
31 percent accuracy. Laundry cleaning products which contain only  
32 a trace quantity of phosphorus may be labeled "Contains No  
33 Phosphorus" or similar labelling which makes a clear statement  
34 that not prohibited quantity of phosphorus is present in the  
35 product.

1 C. ENFORCEMENT AND PENALTIES. This ordinance shall be  
2 enforced by the Surface Water Management Division of the  
3 Department of Public Works pursuant to the provisions of K.C.C.  
4 Title 23. Penalties shall be assessed as provided for in  
5 K.C.C. 23.08.080.

6 D. EXCEPTIONS. Subsection A. of this section does not  
7 apply to any laundry cleaning product when it is sold to, or  
8 used in:

9 1. A hospital, veterinary hospital or clinic or health  
10 care facility; or

11 2. A commercial laundry for laundry services provided  
12 to a hospital, veterinary hospital or clinic or health care  
13 facility.

14 SECTION 3. EFFECTIVE DATE. This ordinance shall be  
15 effective September 1, 1993.

16 SECTION 4. DIRECTIVE TO THE EXECUTIVE. In recognition of  
17 the need for coordinated action by local governments in King  
18 County for effective implementation of this ordinance, the  
19 County Council requests the County Executive to urge adoption  
20 of similar bans by other local governments within the county,  
21 and to report back to the Council by June 1, 1993, the status  
22 of actions taken by other local governments.

23 SECTION 5. INTENT TO REPEAL. It is the present intention  
24 of the County Council to repeal this ordinance before its  
25 effective date unless prior to that date at least six cities  
26 within King County have adopted ordinances the Council  
27 considers to have the same or substantially similar effect.

1 SECTION 6. SEVERABILITY. If any provision of this  
2 ordinance or its application to any person or circumstance is  
3 held invalid, the remainder of the ordinance or the application  
4 of the provision to other persons or circumstances is not  
5 affected.

6 INTRODUCED AND READ for the first time this 13<sup>th</sup> day  
7 of April, 1992.

8 PASSED this 28<sup>th</sup> day of September, 1992.

9 KING COUNTY COUNCIL  
10 KING COUNTY, WASHINGTON

11 Audrey Greger  
12 Chair

13 ATTEST:

14 Gerald A. Peters  
15 Clerk of the Council

16 APPROVED this 9<sup>th</sup> day of October, 1992.

17 Jim Hill  
18 King County Executive