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ORDINANCE NO. **12548**

AN ORDINANCE relating to sewage treatment, directing review of West Point treatment plant sludge processing technology options, requesting the executive to negotiate an interim agreement with the contractor, calling for a public comment process, and declaring an emergency.

SECTION 1. Findings of Fact.

A. The expansion of the West Point Sewage Treatment Plant ("West Point") led to major community concerns resulting in administrative appeals and litigation regarding the decision to site a secondary sewage treatment facility at West Point. A Settlement Agreement dated February 19, 1991, was entered into by and among Metro (now King County), Friends of Discovery Park, Puget Sound Water Quality Defense Fund, Legal Advocates for Washington, Washington Environmental Council, and the Magnolia Community Club (the "1991 Settlement Agreement"). Condition 1 of the 1991 Settlement Agreement related to biosolids processing at West Point and specifically identified the PCL/SMI process as the alternative biosolids handling technology to be implemented. The 1991 Settlement Agreement states that if Metro determines that the process is unsuccessful, it may implement an alternative biosolids handling process.

B. Condition 1c of the City of Seattle Project Level Conditions Permit C.F. No. 296799 outlines a specific process for decisions related to plant footprint and future development. This section states in part that the "secondary treatment plant at West Point shall include a biosolids processing facility that, if successful, will result in the eventual removal of the existing digesters" The final determinations regarding the success of the biosolids processing and any decision to remove or retain the digesters are to be by legislative action.

1 C. Consistent with the project conditions established for West Point expansion by
2 the City of Seattle, certain secondary treatment plant biosolids processing options have
3 been undertaken by the county. One processing contractor, Reidel/SMI, was selected on a
4 competitive basis and has provided raw biosolids processing under a contract between
5 Reidel/SMI (now PCL/SMI) and Metro (now King County) dated September 8, 1989 (the
6 "PCL/SMI Contract"). The council and its Regional Water Quality Committee were
7 previously informed by executive staff in September 1994 that the process for reviewing
8 the PCL/SMI Contract would be undertaken in early 1997.

9 D. It is in the interests of the county to achieve the most environmentally effective
10 and economic processing of sewage biosolids. The county's environmental goals for West
11 Point include but are not limited to minimizing biosolids disposal truck traffic from the
12 plant through the Magnolia community; minimizing West Point treatment plant odors;
13 reducing risk of water pollution; minimizing noise; protecting eagle habitat; providing
14 recreational opportunities; ensuring hillside stability; beneficially reusing biosolids;
15 reusing or selling methane gas or co-generating electricity; and, to the extent possible,
16 providing shoreline improvements such as reducing the digesters' footprint.

17 E. The PCL/SMI operation has processed raw biosolids and has proven effective in
18 reducing biosolids disposal truck traffic from West Point and producing a pathogen-free
19 (Class A) biosolids.

20 F. One policy of the county is to investigate the cost-effective production and
21 market for Class A biosolids. At West Point, the county will produce an end-product mix
22 by continuing both the existing digestion and dewatering of biosolids and seeking, through
23 a full and open competitive process, private-vendor processing of a portion of the
24 biosolids.

25 G. In accordance with the Project-Level Conditions established by the City of
26 Seattle, the county will continue to search for a solution that will handle biosolids
27 generated at West Point and result in digester removal. The county will, in accordance with
28 the 1991 Settlement Agreement, continue to pursue an alternative biosolids handling
29 process or processes at West Point, provided such alternative processing system (i) reduces

1 the digesters' footprint on site; (ii) does not require structures higher than those currently
2 planned for the area; and (iii) serves the goal of minimizing biosolids disposal truck traffic.

3 H. Due to the location of PCL/SMI's facilities and history of operation at West
4 Point, special facilities or market conditions exist which support a short-term pilot project
5 to evaluate options for processing dewatered, digested, partially digested, or a mixture of
6 undigested activated biosolids and digested biosolids. The council hereby finds as a fact
7 and declares that an emergency exists requiring immediate action to continue the testing of
8 biosolids processing alternatives at West Point for up to 90 days pending the detailed
9 review and recommendation by March 31, 1997 as specified in Section 2 of this ordinance.
10 The council also finds as a fact that the services provided by PCL/SMI involve special
11 facilities or market conditions providing a basis for a waiver from competitive procurement
12 pursuant to Ordinance 12138, Section 9, K.C.C. ch. 4.16. Nothing in this ordinance shall
13 be construed to rescind or extend the notice of termination for convenience given by the
14 executive on November 13, 1996.

15 SECTION 2. Review of West Point Treatment Biosolids Processing. The executive
16 shall report to the council by March 31, 1997 regarding his recommendation for biosolids
17 processing options, and the criteria to be included in a competitive process, including but
18 not necessarily limited to the following issues:

19 A. Removing some or all digesters and financial policies to support the
20 establishment of a reserve account needed to affect such removal;

21 B. Retaining the PCL/SMI drying facility;

22 C. Providing an economic and operational analysis that compares the costs, risks
23 and benefits of alternative technologies and potential alternative suppliers including the
24 results of the RFI issued under Section 4 of this ordinance;

25 D. Identifying community impacts of alternatives and reasonable mitigation of such
26 impacts;

27 E. Analyzing the effect of alternatives on the 1991 Settlement Agreement and the
28 Project-Level Conditions established by the City of Seattle; and

29 F. Analyzing how alternatives would achieve the policy goals described in Section
30 2(D) of this ordinance.

1 SECTION 3. Executive Report Due March 31, 1997. The executive shall provide
2 opportunities for public review and input from the council, the public and persons
3 interested in the 1991 Settlement Agreement. In the report due March 31, 1997, the
4 executive shall include information from the public process and also provide an economic
5 analysis comparing West Point operating costs under (i) the terminated PCL/SMI contract,
6 (ii) with any negotiated amended contract allowing processing of a mixture of undigested,
7 digested, dewatered or partially digested biosolids, or a mixture of undigested activated
8 biosolids and digested biosolids, (iii) with potential alternative suppliers and (iv) using
9 Best Management Practices without the PCL/SMI operation. The findings shall be
10 expressed as a rate differential.

11 SECTION 4. Consideration of County Labor Policies. Before the county enters into
12 any new contract to test or process digested biosolids, the County will hold discussions
13 with affected labor unions to ensure consistency with adopted county labor policies and
14 existing labor agreements to assure that no current county employee will be demoted or be
15 subject to lay-offs as a result of such new agreement or contract to process digested,
16 dewatered, partially digested, or a mixture of undigested activated biosolids and digested
17 biosolids.

18 SECTION 5. 90-Day Contract. On or before December 31, 1996, the county shall
19 enter into a new, 90-day contract with PCL/SMI under which PCL/SMI shall test and
20 process up to 60 tons per day of digested, dewatered or partially digested biosolids, or a
21 mixture of undigested activated biosolids and digested biosolids; provided, however, that
22 the county shall not enter into such a short-term contract until after the effective date of a
23 satisfactory agreement between the county and PCL/SMI regarding Capacity Credits and
24 all other applicable issues arising from the county's termination for convenience under
25 Section 2.3(a) of the PCL/SMI Contract. The 90-day contract shall, among other
26 provisions, provide for the test results, analysis, and supporting data to be made available
27 to the county and to the public. The executive is requested to review any proposed 90-day
28 contract with the council prior to its execution.

29 SECTION 6. Competitive Process. The executive is requested to immediately form
30 a task force of the executive and the council to develop and commence, a full and open

1 competitive process to secure environmentally sound, cost-effective and reliable
2 management of West Point's biosolids in a manner consistent with the City of Seattle
3 Conditional Use Permit, the 1991 Settlement Agreement, and county environmental goals.
4 Such competitive process shall not preclude opportunities for competition or further
5 involvement by county employees. Such competitive process shall provide fair
6 opportunity for interested vendors to respond to a competitive request for information
7 (RFI) or a competitive request for proposals (RFP).

8 SECTION 7. Additional Funds for Research and Alternative Technology Testing.

9 Up to five million dollars of any savings derived from the November 13, 1996, termination
10 of the PCL/SMI Contract shall go to the Applied Wastewater Technology Program for
11 expenditure on research into and acquisition of alternative technologies.

12 SECTION 8. Public Comment Process. The executive shall provide an opportunity
13 for review and comment by interested citizens and organizations regarding sewage
14 treatment processing alternatives including but not limited to the PCL/SMI process.

15 SECTION 9. Declaring an Emergency. The council finds as a fact and declares that
16 an emergency exists and that this ordinance is necessary for the immediate preservation of
17 public peace, health, or safety or for the support of county government and existing public
18 institutions.

