



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**September 26, 2001**

**Ordinance 14214**

**Proposed No. 2001-0292.4**

**Sponsors Phillips, Nickels and Miller**

1 AN ORDINANCE relating to groundwater protection and  
2 adding a new chapter to K.C.C. Title 9.

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**STATEMENT OF FACTS:**

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1. Nearly thirty percent of the people in King County rely on groundwater as its  
7 source for drinking water. Almost all of the one thousand eight hundred water  
8 systems and twelve thousand private wells in King County use groundwater as all  
9 or part of their water supply. Under state and federal regulations, many  
10 groundwater supplied utilities have conducted groundwater protection  
11 investigations and developed and implemented approved wellhead protection  
12 programs to protect groundwater resources.

13

2. Under the state Growth Management Act, in RCW 36.70A.070(1), protection  
14 of the quality and quantity of groundwater used for public water supplies must be  
15 addressed as a mandatory element within the county Comprehensive Plan. In  
16 accordance with RCW 36.70A.060, King County must also protect critical areas  
17 and surface and groundwater resources.

17

18           3. The adopted Countywide Planning Policies for King County require all  
19           jurisdictions to adopt policies to protect the quality and quantity of groundwater  
20           where appropriate (Policy CA-5). The adopted policies require development of  
21           best management practices, mapping of groundwater resources, establishment of  
22           wellhead protection programs and protection of critical groundwater areas. Local  
23           governments have also approved other countywide planning policies to protect  
24           regional groundwater, specifically CA-6 (land use regulations), LU-8  
25           (conservation of natural resource lands), LU-15 (retention of undisturbed soils),  
26           LU-16 (rural development standards) and LU-17 (recharge and storage of  
27           groundwater to preserve base flows in rivers).

28           4. King County Code provisions support the protection of groundwater in  
29           numerous key program areas, including protection of critical aquifer recharge  
30           areas (K.C.C. chapter 20.70), surface water management (K.C.C. 9.12.025A.1),  
31           zoning (K.C.C. chapter 21A.08 for land use, K.C.C. chapter 21A.16 for water use,  
32           K.C.C. chapter 21A.24 for environmentally sensitive areas and K.C.C. chapter  
33           21A.38 for special district overlays), public health (K.C.C. Title 13) and  
34           wastewater management (K.C.C. Title 28).

35           5. The existing framework of regulation and policy directed towards protection  
36           and management of surface water and wildlife habitat serves to protect  
37           groundwater as well. The existing framework of protection, if implemented,  
38           forms a strong basis from which to consider additional protection that might be  
39           needed on a case-by-case basis for a particular aquifer. The intent of this

40 legislation is to emphasize the integration of groundwater protection with  
41 protection of all water resources.

42 6. The Washington state Department of Ecology appointed members to five  
43 groundwater advisory committees in King County to develop a groundwater  
44 management plan for each committee's groundwater management area. Four of  
45 these groundwater advisory committees finalized a groundwater management plan  
46 for their groundwater management area. The Metropolitan King County Council  
47 concurred with recommendations, subject to specified conditions, of these four  
48 groundwater management plans. The Washington state Department of Ecology  
49 certified the following four groundwater management plans on May 12, 2000:  
50 Vashon-Maury Island groundwater management plan, east King County  
51 groundwater management plan, Redmond Bear creek valley groundwater  
52 management plan and Issaquah creek valley groundwater management plan. The  
53 south King County groundwater advisory committee is currently developing a  
54 groundwater management plan for the south King County groundwater  
55 management area. It is the intent of this legislation to complement and not replace  
56 the efforts and work of the south King County groundwater advisory committee in  
57 developing a groundwater management plan and recommendations for  
58 implementation of the plan for the south King County groundwater management  
59 area.

60 7. Each certified groundwater management plan envisioned a committee of  
61 knowledgeable local representatives to guide the implementation of the plan. The  
62 plans recommended specific local interests to be represented on each committee.

63 These geographically distinct committees would provide management, oversight,  
64 coordination and technical advice on implementation of recommendations  
65 contained in each plan.

66 8. The Vashon-Maury Island Groundwater Management plan recommends the  
67 creation of a Vashon-Maury Island groundwater protection committee.

68 Groundwater protection stakeholders on Vashon-Maury Island have strongly  
69 urged that this committee be convened and requested legislation creating this  
70 committee. The executive has transmitted Proposed Motion 2001-0289  
71 confirming the executive's appointments to the Vashon-Maury Island  
72 groundwater protection committee.

73 9. Groundwater protection needs to be addressed regionally. This legislation is  
74 proposed for King County to discharge its obligations for groundwater protection.  
75 The legislative intent is for King County to cooperate with other jurisdictions and  
76 entities for regional groundwater protection and the implementation of certified  
77 groundwater management plans.

78 10. It is not intended by this legislation for King County to infringe upon or  
79 displace the authority of any jurisdiction or entity for groundwater protection or to  
80 create any new regulatory authority beyond that which King County currently  
81 possesses.

82 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

83 SECTION 1. Sections 2 through 14 of this act should constitute a new chapter  
84 9.14 in K.C.C. Title 9.

85 NEW SECTION. SECTION 2. Local autonomy for groundwater protection.

86 Nothing in this legislation is intended to infringe upon the authority of any jurisdiction or  
87 entity for groundwater protection. Funding, policy and staffing decisions for  
88 implementation of activities identified in groundwater management plans, certified by the  
89 Washington state department of ecology, for King County, municipalities, special  
90 purpose districts, sewer and water utilities and associations, and water purveyors are  
91 subject to approval and oversight by each entity responsible for implementation of the  
92 activities identified in the plans.

93 NEW SECTION. SECTION 3. Role of King County in groundwater  
94 **protection.**

95 King County recognizes that the legal authority to regulate withdrawals of groundwater  
96 resides with the State of Washington. It is not intended by this legislation for King  
97 County to infringe upon or displace the authority of any jurisdiction or entity, including  
98 municipalities, special purpose districts, sewer and water utilities and associations and  
99 water purveyors, for groundwater protection or extraction or to create any new regulatory  
100 authority beyond that which King County currently possesses.

101 NEW SECTION. SECTION 4. King County groundwater protection  
102 **program.** Based on available funding, county services are intended to provide  
103 groundwater protection, including but not limited to the following activities:

104 A. Data management, which shall include, but not be limited to, obtaining  
105 available data from other local jurisdictions in King County, federal and state agencies  
106 and tribal nations; reviewing and mapping data; maintaining a clearinghouse of data on  
107 groundwater in King County; and responding to data requests;

108           B. Groundwater protection planning, which shall include, but not be limited to,  
109 assisting with updating groundwater management plans; coordinating groundwater  
110 protection activities with water purveyors, water users, tribal nations, adjoining counties  
111 where appropriate, the Washington state departments of Health, Ecology, Fish and  
112 Wildlife, and other appropriate state and federal agencies; and participating in county  
113 activities and forums where groundwater protection may be a significant issue, in areas  
114 such as water resource inventory area work and Endangered Species Act work;

115           C. Coordination of technical expertise in groundwater, including but not limited  
116 to geology, hydrology; geophysics and geophysical methods; and mapping;

117           D. Monitoring countywide tracking of environmental benchmarks in accordance  
118 with King County's countywide planning policies;

119           E. Monitoring and data collection in the Vashon-Maury Island and east King  
120 County groundwater management areas from existing sampling sites, and monitoring and  
121 data collection pilot projects in incorporated and unincorporated areas of King County;

122           F. Stewardship of groundwater in the unincorporated areas of King County where  
123 stewardship services are not provided by special purpose districts, sewer and water  
124 utilities and associations and water purveyors;

125           G. Regional education and public involvement in groundwater protection issues;

126           H. Development of strategies to prevent the contamination of sensitive aquifer  
127 areas from spills of hazardous materials;

128           I. Identification and mapping of critical groundwater recharge areas and  
129 participation in the protection and development of protection or remediation strategies for  
130 these areas;

131 J. Serving as a clearinghouse for groundwater models that address cross-  
132 jurisdictional groundwater problems within a groundwater management area or among  
133 groundwater management areas;

134 K. Review and recommendation of health regulations related to groundwater  
135 protection;

136 L. Recommendation of amendments to the countywide planning policies and  
137 environmental benchmarks related to groundwater protection;

138 M. Recommendations of any combination of activities, policies and procedures  
139 to public and private entities that have impacts on groundwater or that may be necessary  
140 to implement elements of the groundwater protection program; and

141 N. Development of comprehensive policies that integrate groundwater protection,  
142 surface water, stormwater, wastewater and reclaimed water and protect critical water  
143 recharge areas.

144 **NEW SECTION. SECTION 5. King County support for implementation of**  
145 **certified groundwater management plans.** Subject to available funding, the King  
146 County groundwater protection program shall support implementation of activities  
147 identified in the groundwater management plans in King County that have been certified  
148 by the Washington state Department of Ecology.

149 **NEW SECTION. SECTION 6. Lead agency and agency responsibilities.** A.  
150 The department of natural resources shall be the lead agency for King County's  
151 groundwater protection program and shall be responsible for the following activities:

152 1. Oversee implementation of King County's groundwater protection program;

153           2. Provide staff support to any groundwater protection committee appointed by  
154 King County and respond to the committees in a timely manner regarding the adoption of  
155 committee recommendations;

156           3. Identify sources and methods of funding regional groundwater protection  
157 services and seek funding for these services;

158           4. Develop any combination of interlocal agreements, memorandums of  
159 understanding and operating agreements with cities, special purpose districts, sewer and  
160 water utilities and associations, and water purveyors for implementation of groundwater  
161 management plans and regional groundwater protection services in King County. These  
162 agreements shall include provisions addressing the scope, governance, structure, funding  
163 and transition to implementation of certified groundwater management plans and regional  
164 groundwater protection services in King County;

165           5. Consult with the Washington state Department of Ecology about the  
166 feasibility of integrating the goals and implementation of certified groundwater  
167 management plans, where possible, with adopted watershed plans to avoid creating  
168 redundant work programs;

169           6. Coordinate with the department of development and environmental services  
170 for any review required pursuant to K.C.C. Title 21A regarding land use, water use,  
171 environmentally sensitive areas and special district overlays, or the exercise of other  
172 authorities, that relate to groundwater protection;

173           7. Coordinate with the Seattle-King County department of public health for  
174 work performed pursuant to the King County Board of Health Code Title 10, Solid Waste



197           11. Develop a three-year work plan that identifies long-term needs for  
198 groundwater protection, in consultation with any groundwater protection committee  
199 appointed by King County, cities, special purpose districts, sewer and water utilities and  
200 associations, and water purveyors. The work plan should include an examination by the  
201 Seattle-King County Department of Public Health of the effectiveness of the current  
202 compliance methodology for violations of regulations governing operation, maintenance  
203 and repair of groundwater facilities by public water systems or individuals, and an  
204 examination of alternative compliance methodologies that provide for a hierarchy of  
205 responses to such violations (e.g. education, site visit, notification, fines, civil penalty,  
206 operating restrictions). The work plan shall include an examination of existing county  
207 fees or charges for groundwater testing that could reduce any current testing disincentives  
208 caused by unaffordability of those fees or charges. The department of natural resources  
209 shall distribute the three-year work plan to the King County council, any groundwater  
210 protection committee appointed by King County, cities, special purpose districts, sewer  
211 and water utilities and associations, water purveyors and other entities that have a role in  
212 the three-year work plan;

213           12. Provide an annual written report on the groundwater protection program.  
214 This report shall include, but not be limited to, information from the prior calendar year  
215 on groundwater protection services provided by King County, expenditures for the  
216 groundwater protection program and recommendations from any groundwater protection  
217 committee appointed by King County. By March 31 of each year this report shall be  
218 submitted to the King County council and any groundwater protection committee  
219 appointed by King County.

175 Handling, Title 11, Hazardous Chemicals, Title 12, Water, Title R12, Water and Title 13,  
176 On-site Sewage, or the exercise of other authorities, that relate to groundwater protection;

177 8. Coordinate with the office of regional policy and planning for work  
178 performed pursuant to K.C.C. Title 20, Planning, or the exercise of other authorities, that  
179 relate to groundwater protection;

180 9. Coordinate internally within the department of natural resources for work  
181 performed under K.C.C. Title 9, Surface Water Management, K.C.C. chapter 20.70,  
182 Critical Aquifer Recharge Areas and K.C.C. Title 28, Water Pollution Abatement and  
183 Wastewater Treatment, or the exercise of other authorities, that relate to groundwater  
184 protection;

185 10. In consultation with the department of development and environmental  
186 services, the Seattle-King County department of public health, the office of regional  
187 policy and planning, and divisions within the department of natural resources, develop an  
188 integrated annual work plan that incorporates each of these agencies work programs  
189 relative to groundwater protection and that delineates the groundwater protection services  
190 provided by King County. A draft annual work plan shall be submitted to any  
191 groundwater protection committee appointed by King County for their review and  
192 recommendations. The department of natural resources shall distribute the final annual  
193 work plan to the King County council, any groundwater protection committee appointed  
194 by King County, cities, special purpose districts, sewer and water utilities and  
195 associations, water purveyors and other entities that are implementing activities  
196 recommended in certified groundwater management plans;

243           A. The groundwater protection committee members shall be selected from within  
244 the Vashon-Maury Island groundwater management plan area and shall consist of the  
245 following representatives:

- 246           1. One representative from the groundwater advisory committee;
- 247           2. One representative from water purveyors;
- 248           3. Two representatives from sewer and water utilities and associations;
- 249           4. One representative from residential well users;
- 250           5. One representative from business owners;
- 251           6. One representative from commercial agriculturists;
- 252           7. One representative from the unincorporated area council;
- 253           8. One representative from chambers of commerce;
- 254           9. One representative from local environmental organizations.

255           B. The county shall invite each of the tribal nations with federally recognized  
256 rights within the Vashon-Maury Island groundwater management area to recommend  
257 candidates for the committee. The committee shall include a representative from each  
258 tribal nation with federally recognized rights within the Vashon-Maury Island  
259 groundwater management area, provided that the tribal nation provides to the county a  
260 candidate for appointment to the committee.

261           C. Each county abutting the Vashon-Maury Island groundwater management  
262 plan area boundary shall be requested to provide to the county a candidate for  
263 appointment to the committee on an advisory, nonvoting basis;

220 B. The King County auditor shall review whether or not groundwater protection  
221 services are being provided by King County and provide to the King County council by  
222 July 2003 an inventory of groundwater protection services that are provided and are not  
223 provided by King County.

224 C. The regional water quality committee is requested to make recommendations  
225 to the King County council between April and September 2003 on the efficacy of the  
226 groundwater protection program in King County, including but not limited to the  
227 following areas: public outreach, education and stewardship; data management;  
228 coordination of groundwater protection activities with all interested entities, users and  
229 individuals; regional involvement in the groundwater protection program; development  
230 of agreements and funding for regional groundwater protection services, and the role of  
231 the department of natural resources in providing groundwater protection services.

232 **NEW SECTION. SECTION 7. Transitional groundwater protection program**  
233 **and budget.** Thirty days after the effective date of this ordinance, the department of  
234 natural resources shall submit to the King County council a written program plan and  
235 budget for groundwater protection services for the Vashon-Maury Island groundwater  
236 management area for the year 2001. This program plan and budget shall be developed in  
237 consultation with the Vashon-Maury Island groundwater protection committee.

238 **NEW SECTION. SECTION 8. Vashon-Maury Island groundwater**  
239 **protection committee.** The Vashon-Maury Island groundwater protection committee is  
240 hereby created and shall continue in existence until December 31, 2004. The Vashon-  
241 Maury Island groundwater protection committee shall be referred to as “the groundwater  
242 protection committee” or “the committee” throughout this chapter.

287           B. The county shall invite each of the tribal nations with federally recognized  
288 rights within the east King County groundwater management area to recommend  
289 candidates for the committee. The committee shall include a representative from each  
290 tribal nation with federally recognized rights within the east King County groundwater  
291 management area, provided that the tribal nation provides to the county a candidate for  
292 appointment to the committee.

293           C. Each county abutting the east King County groundwater management plan  
294 area boundary shall be requested to provide to the county a candidate for appointment to  
295 the committee on an advisory, nonvoting basis;

296           D. The Seattle-King County department of public health and the Washington  
297 state departments of Ecology and Health shall be requested to provide to the county a  
298 candidate for appointment to the committee on an advisory, nonvoting basis; and

299           E. Each member of the committee shall coordinate internally with the entity the  
300 member represents.

301           NEW SECTION. SECTION 10.       **Issaquah Creek Valley groundwater**  
302 **protection committee.** The Issaquah creek valley groundwater protection committee is  
303 hereby created and shall continue in existence until December 31, 2004. The Issaquah  
304 creek valley groundwater protection committee shall be referred to as "the groundwater  
305 protection committee" or "the committee" throughout this chapter.

306           A. The groundwater protection committee members shall be selected from within  
307 the Issaquah creek valley groundwater management plan area and shall consist of the  
308 following representatives:

309           1. One representative from the groundwater advisory committee;

264 D. The Seattle-King County department of public health and the Washington  
265 state departments of Ecology and Health shall be requested to provide to the county a  
266 candidate for appointment to the committee on an advisory, nonvoting basis; and

267 E. Each member of the committee shall coordinate internally with the entity the  
268 member represents.

269 **NEW SECTION. SECTION 9. East King County groundwater protection**  
270 **committee.** The east King County groundwater protection committee is hereby created  
271 and shall continue in existence until December 31, 2004. The east King County  
272 groundwater protection committee shall be referred to as "the groundwater protection  
273 committee" or "the committee" throughout this chapter.

274 A. The groundwater protection committee members shall be selected from within  
275 the east King County groundwater management plan area and shall consist of the  
276 following representatives:

- 277 1. One representative from the groundwater advisory committee;
- 278 2. One representative from water purveyors;
- 279 3. Two representatives from sewer and water utilities and associations;
- 280 4. One representative from residential well users;
- 281 5. One representative from business owners;
- 282 6. One representative from commercial agriculturists;
- 283 7. One representative from each city;
- 284 8. One representative from the unincorporated area council;
- 285 9. One representative from chambers of commerce;
- 286 10. One representative from local environmental organizations.

333 County's groundwater protection program and shall advise elected officials from King  
334 County, municipalities, special purpose districts, water and sewer utilities and  
335 associations and water purveyors on implementation of the certified groundwater  
336 management plan for each committee's groundwater management area and shall also  
337 carry out the following tasks:

338           A. Perform tasks as assigned to the committee pursuant to the certified  
339 groundwater management plan;

340           B. Review and make recommendations on King County's annual groundwater  
341 protection work plan and the three-year work plan that identifies long-term needs for  
342 regional groundwater protection services;

343           C. Participate in and monitor implementation of the certified groundwater  
344 management plan;

345           D. Develop and recommend modifications and updates to the certified  
346 groundwater management plan, including addressing any unresolved issues in the  
347 certified groundwater management plan;

348           E. Coordinate community groundwater protection activities in conjunction with  
349 the county, municipalities, special purpose districts, water and sewer utilities and  
350 associations and water purveyors, in particular public education, public involvement and  
351 stewardship activities. The committee may work with other local jurisdictions and  
352 community organizations in coordinating these activities;

353           F. Provide an annual status report on the following activities: implementation of  
354 groundwater protection services in King County; implementation of the certified  
355 groundwater management plan, including groundwater protection activities of cities,

- 310           2. One representative from water purveyors;
- 311           3. Two representatives from sewer and water utilities and associations;
- 312           4. One representative from residential well users;
- 313           5. One representative from business owners;
- 314           6. One representative from commercial agriculturists;
- 315           7. One representative from each city;
- 316           8. One representative from the unincorporated area council;
- 317           9. One representative from chambers of commerce;
- 318           10. One representative from local environmental organizations.
- 319           B. The county shall invite each of the tribal nations with federally recognized
- 320 rights within the Issaquah creek valley groundwater management area to recommend
- 321 candidates for the committee. The committee shall include a representative from each
- 322 tribal nation with federally recognized rights within the Issaquah creek valley
- 323 groundwater management area, provided that the tribal nation provides to the county a
- 324 candidate for appointment to the committee.
- 325           C. The Seattle-King County department of public health and the Washington
- 326 state departments of Ecology and Health shall be requested to provide to the county a
- 327 candidate for appointment to the committee on an advisory, nonvoting basis; and
- 328           D. Each member of the committee shall coordinate internally with the entity the
- 329 member represents.
- 330           NEW SECTION. SECTION 11. Responsibilities of groundwater protection
- 331 **committee.** Any groundwater protection committee appointed by King County shall
- 332 meet at least three times a year to advise the King County executive and council on King



379 governing the operations of the committee, which shall be used as guidelines for the  
380 committee to adopt as bylaws. The committee shall adopt bylaws governing the operations  
381 of the committee. Decisions of the committee shall be by consensus whenever possible.  
382 Procedures for resolving lack of consensus shall be included in the bylaws. If consensus  
383 cannot be reached on a committee's recommendation, opposing views may be included in  
384 the committee's recommendations.

385         B. In coordination with the county, municipalities, special purpose districts,  
386 water and sewer utilities and associations, and water purveyors, the committee should  
387 solicit information and participation from experts and interested parties as necessary.  
388 The committee may make use of subcommittees to accomplish some tasks. Federal and  
389 state agencies may be asked to serve in a technical capacity, as appropriate, on the  
390 subcommittees. Water purveyors relying on a groundwater source may be asked to  
391 contribute to technical subcommittees.

392         NEW SECTION. SECTION 14. Public involvement and outreach. The  
393 committee and department of natural resources shall identify individuals, groups,  
394 agencies and elected officials with an interest in groundwater protection. The committee  
395 and department of natural resources shall keep these interested parties informed of  
396 progress in implementation of certified groundwater management plans and King  
397 County's groundwater protection program. The committee's meetings shall be open to  
398 the public. If the committee or the department of natural resources is aware of a party  
399 that has an interest

356 special purpose districts, sewer and water utilities and associations, and water purveyors  
357 within the groundwater management area; efforts to develop interlocal or other  
358 agreements relative to implementation of regional groundwater protection services; and  
359 trends in groundwater issues;

360 G. Make recommendations on the distribution and use of aquifer protection  
361 funds, as these funds become available;

362 H. Recommend amendments to the countywide planning policies that relate to  
363 groundwater protection;

364 I. Recommend groundwater protection services tailored to the unique needs of  
365 the groundwater management area and policies; and

366 J. Provide advice on state groundwater regulation.

367 **NEW SECTION. SECTION 12. Appointment to groundwater protection**

368 **committee.** A. The executive shall appoint members of the groundwater protection  
369 committee, subject to confirmation by the King County council by motion, with members  
370 serving staggered terms of not more than three years. The executive shall appoint  
371 members from candidates recommended by the council member or members representing  
372 the council district or districts in which the groundwater management planning area is  
373 located.

374 B. Beginning January 1, 2002, the executive shall appoint any member filling a  
375 vacancy on a groundwater protection committee, subject to confirmation by the King  
376 County council by motion, in accordance with K.C.C. chapter 2.28.

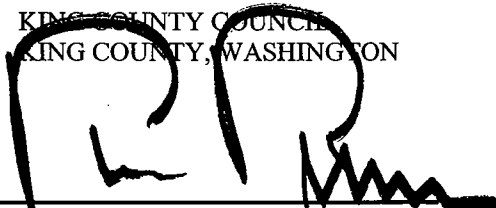
377 **NEW SECTION. SECTION 13. Groundwater protection committee**

378 **operations.** A. The department of natural resources shall develop model bylaws

400 in a topic being considered by the committee, the party should be invited to attend  
401 committee meetings when that item will be considered.  
402

Ordinance 14214 was introduced on 5/21/01 and passed as amended by the Metropolitan King County Council on 9/24/01, by the following vote:

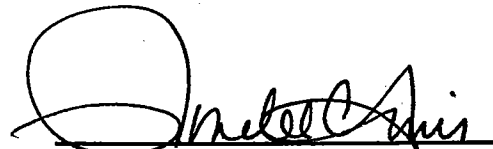
Yes: 11 - Mr. von Reichbauer, Ms. Miller, Ms. Fimia, Mr. Phillips, Mr. Pelz,  
Ms. Sullivan, Mr. Pullen, Mr. Gossett, Ms. Hague, Mr. Thomas and Mr. Irons  
No: 0  
Excused: 2 - Mr. McKenna and Mr. Nickels

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON  
  
Pete von Reichbauer, Chair

ATTEST:

  
Anne Noris, Clerk of the Council

APPROVED this 5 day of October 2001.

  
Ron Sims, County Executive

Attachments None