ORDINANCE NO. 10568

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

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

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

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

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

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

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

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

L. "Drainage facility" means the system of collection, conveying and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water conveyance and containment facilities including
streams, pipelines, channels, ditches, swamps, lakes, wetlands,
closed depressions, infiltration facilities,
retention/detention facilities, erosion/sedimentation control
facilities and other drainage structures and appurtenances,
both natural and manmade.

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

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

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

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

Q. "Improvement" means streets (with or without curbs
or gutters) sidewalks, crosswalks, parking lots, water mains,
sanitary and storm sewers, drainage facilities, street trees
and other appropriate items.
R. "Laundry cleaning product" means any product, including but not limited to soaps, detergent, laundry bleach and laundry additive, used for the purpose of cleaning laundry.

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

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

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

V. "Phosphorus" means elemental phosphorus.

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

((W)) X. "Professional civil engineer" means a person registered with the State of Washington as a professional engineer in civil engineering.

((X)) Y. "Project" means the proposed action of a permit application or an approval which requires drainage review.

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

((Z)) AA. "Runoff" means water originating from rainfall and other precipitation that is found in drainage
facilities, rivers, streams, springs, seeps, ponds, lakes and
wetlands as well as shallow ground water.

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

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

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

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

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

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

HH. "Trace quantity" means an incidental amount of
phosphorus which is not part of the product formulation and is
present only as a consequence of manufacturing, and which does
not exceed five tenths of one percent of the content of the product by weight, expressed as elemental phosphorus.

((FFr)) II. "Water quality swale" means an open vegetated drainage channel intended to optimize water quality treatment of surface and storm water runoff by following the specific design criteria described in the Surface Water Design Manual.

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

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

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

B. LABELLING REQUIRED. All laundry cleaning products sold or distributed within King County shall have affixed thereto labeling which clearly indicates the percent of phosphorus contained in the product to the nearest one tenth of one percent accuracy. Laundry cleaning products which contain only a trace quantity of phosphorus may be labeled "Contains No Phosphorus" or similar labelling which makes a clear statement that not prohibited quantity of phosphorus is present in the product.
C. ENFORCEMENT AND PENALTIES. This ordinance shall be enforced by the Surface Water Management Division of the Department of Public Works pursuant to the provisions of K.C.C. Title 23. Penalties shall be assessed as provided for in K.C.C. 23.08.080.

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

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

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

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

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

SECTION 5. INTENT TO REPEAL. It is the present intention of the County Council to repeal this ordinance before its effective date unless prior to that date at least six cities within King County have adopted ordinances the Council considers to have the same or substantially similar effect.
SECTION 6. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

INTRODUCED AND READ for the first time this 13th day of April, 1972.

PASSED this 28th day of September, 1972.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Chair

ATTEST:

Clerk of the Council

APPROVED this 9th day of October, 1972.

King County Executive