



Snohomish County – King County Settlement Agreement For the Brightwater Wastewater Treatment Facilities

Outline of Key Points

A. Resolves all outstanding litigation between the parties.

Four Pending Cases:

- Growth Board claims and appeals re: Essential Public Facilities Ordinance
- Growth Board claims re: Odor and Seismic Ordinances
- Superior Court claims re: Odor and Seismic Ordinances
- Hearing Examiner Appeal of King County’s Seismic SEIS

B. Creates Public Involvement and Regulatory Certainty in the Permitting Process

• **Permitting Commitments:**

- Governed by a development agreement with a term of 35 years;
- Development agreement not final until approved by Council Ordinance;
- Instead of a simple building permit, requires a binding site plan permit;
- Public hearing on the permit will be held;
- PDS will make a recommendation on the BSP permit;
- Independent Hearing Examiner makes final decision;
- Public input is required before final decision; and
- Expedited appeals to superior court.

• **Odor Control System and Long-term Operating Commitments:**

- King County has agreed to “no detectable odor” at or beyond its borders.
- Snohomish County established strict limits on air emissions of:
 - 8ppb of hydrogen sulfide
 - 2800 ppb of ammonia
- King County must design its odor control system to the best available control technology (Preferred Alternative Design 165E).
- Requires a \$3 million odor reserve fund to fix unanticipated problems.
- No limit on how much King County must expend to stay in compliance.
- Must use best available odor monitoring equipment and devices.
- Snohomish County must approve its odor monitoring plan.
- Establishes an Air Quality Board which is appointed jointly by King and Snohomish Counties to oversee long-term odor control issues.

• **Seismic Protection Commitments:** (cont. on next page)



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**Outline of Key Points
(Continued)**

• **Seismic Protection Commitments:**

- King County has agreed to design the plant to meet strict seismic protection standards according to the newest (2003) International Building Code.
- King County will perform more trenching and is prohibited from putting its chemical buildings on seismic fault.
- King County must design the plant to contain emergency spills in the amount of 4 million gallons on the site.
- King County must provide Snohomish County with its emergency response plan.

C. Provides Snohomish County’s Citizens with Community Mitigation for projects totaling \$70 million:

• Recreation and parks	\$30,400,000
• Community Resource Center	\$2,950,000
• Public Safety Improvements	\$25,850,000
• Habitat Mitigation	\$10,800,000
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TOTAL:	\$70,000,000