

Approved: October 17, 2005
Effective: October 17, 2005

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

EMERGENCY ORDINANCE NO. 05-121

RELATING TO THE ADOPTION OF ODOR PREVENTION STANDARDS FOR CERTAIN FACILITIES; ADOPTING A NEW SECTION 30.28.092 SCC; DECLARING AN EMERGENCY; AND SETTING A PUBLIC HEARING DATE

WHEREAS, the regulation of odors from certain facilities is necessary for the immediate preservation and protection of the public health, safety, and welfare within unincorporated areas of the county; and

WHEREAS, on April 18, 2005, the Snohomish County Council adopted Emergency Ordinance No. 05-029 imposing interim development regulations relating to odor prevention standards on wastewater treatment facilities; and

WHEREAS, pursuant to RCW 36.70A.390, the County Council held a public hearing on Emergency Ordinance No. 05-029 on June 8, 2005; and

WHEREAS, at the public hearing there was testimony and written comment received from the Alderwood Water and Wastewater District, and King County documenting that each planned to submit permit applications in the near future for new or upgraded wastewater treatment plants and related facilities; and

WHEREAS, Emergency Ordinance No. 05-029 will expire on October 18, 2005; and

WHEREAS, the county council finds that wastewater treatment plants and other facilities with the potential to generate odor emissions from hydrogen sulfide and ammonia should be designed and constructed to meet the best available control technology for odor prevention and that emergency development regulations are necessary to achieve that objective;

THEREFORE, BE IT ORDAINED:

Section 1. The Snohomish County Council adopts the following findings of fact and conclusions:

- A. The foregoing recitals are incorporated herein by this reference.
- B. Pursuant to section 2.120 of the Snohomish County Charter, the council finds and concludes that this ordinance is necessary for the immediate preservation of public health, safety, and welfare, and that an emergency exists.
- C. Pursuant to WAC 197-11-880 and SCC 30.61.020, the immediate adoption of new regulations for certain facilities and uses to require odor prevention systems is necessary to avoid an imminent harm to the public health, safety, and welfare. This ordinance is therefore categorically exempt from environmental review under the State Environmental Policy Act (SEPA).

Section 2. A new section 30.28.092 is added to Chapter 30.28 of the Snohomish County Code to read:

30.28.092 Odor prevention requirements.

(1) Applicability. This section shall apply to all applications for new wastewater treatment facilities, portals, pump stations, and outfalls, which have the potential to generate odor emissions as defined by this section, and to any application for the modification or expansion of these facilities, portals, pump stations, and outfalls. This section shall also apply to any other use which has the potential to generate emissions of hydrogen sulfide or ammonia, except where such emissions originate from allowed agricultural uses.

(2) General requirement - odor emission standards. In addition to any other requirement of this title, all facilities and uses subject to this section shall provide odor prevention systems using the best available control technology to eliminate odor emissions, so that no detectable odors are present at the property boundary of such facilities and uses. As used in this section, the phrase "no detectable odors" shall mean that no more than 0.8 part per billion (ppb) of hydrogen sulfide and no more than 2800 ppb of ammonia is detected at the property boundary of the facility or use, or beyond, resulting from emissions from the facility or use.

(3) Design and operational standards. All facilities and uses subject to this section shall comply with the following additional requirements and design standards where needed to meet the odor emission standards in SCC 30.28.092(2), unless modified by a development agreement approved under chapter 30.75 SCC:

(a) All facilities and uses subject to this section shall be covered or enclosed to capture and treat process air;

(b) Liquid-phase odor treatment shall be provided in a collection system to reduce the formation of odors, and to further reduce downstream odor loading;

(c) Odor prevention systems shall be sized and designed to handle "worst-case" operating conditions, i.e. when combinations of meteorological conditions (such as inversions and stagnant air) coincide with peak odor releases from treatment processes, and assuming an air dispersion ratio of 1:25;

(d) Redundant odor control scrubbing equipment shall be included in the design of wastewater treatment plants; and

(e) Redundant air scrubbing equipment shall be used during maintenance or repair activities.

(4) Transportation of sludge, biosolids, solid waste, and chemicals. In addition to any other requirements of this title, sludge, biosolids, solid waste, and chemicals transported from facilities or uses subject to this section by vehicles such as trucks or trains shall be covered and secured so that there are no detectable odors emanating from the vehicles.

(5) Odor monitoring and response plan. The applicant shall provide an odor monitoring and response plan acceptable to the director to ensure that the operation and maintenance of the facility or use complies with the odor prevention requirements of this section. The plan shall include the type, location, and frequency of monitoring and a proposed time frame for response to odor complaints.

Section 3. Finding and effective date. The council finds that the adoption of new odor prevention system requirements for certain facilities and uses where odors may accumulate are necessary for the immediate preservation of the public health, safety, and welfare. Based on

the foregoing, the County Council declares that an emergency exists and that this ordinance shall take effect immediately upon the expiration of Emergency Ordinance No. 05-029.

Section 4. Emergency ordinance. Pursuant to SCC 30.73.090, this emergency ordinance adopts development regulations that shall remain in effect for six (6) months from the effective date, unless affirmed or amended prior to that time as a permanent regulation following a public hearing for which notice has been provided under SCC 30.73.090. County staff shall meet with interested stakeholders for the purpose of discussing a proposed permanent set of regulations on this topic.

Section 5. Public hearing. A public hearing is scheduled on December 7, 2005, at the hour of 10:30 a.m. in the Jackson Board Room, 8th Floor, Snohomish County East Administration Building, 3000 Rockefeller Avenue, in Everett, Washington, for County Council to consider public testimony as to whether it should amend, repeal, or affirm this ordinance.

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.

PASSED this 17th day of October, 2005.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

Gary Nelson
Chairperson

ATTEST:

Sheila McCallister
Asst. Clerk of the Council

Approved as to form only:

Millie Judge
Deputy Prosecuting Attorney