

Date: May 24, 2021
To: City Council
CC: Lorraine Phillips, Assistant City Attorney
From: SPU SWWI Team
Re: Street Sink Follow-up

This memo is in response to the request from City Council regarding the Hand Hygiene Council Budget Action (aka “Street Sinks”) presentation during the May 6, 2021 Select Committee on Homelessness Strategies and Investments. The Council’s questions and SPU’s summary answers are below:

Describe the regulatory requirements for street sinks that have been considered by SPU in implementing this program are:

- 1. Beyond the control of the City Council (e.g., ADA requirements)?**
 - The ADA applies to this work and cannot be waived.
- 2. Requirements that the Council could change the regulatory code or issue emergency legislation to address the barrier (e.g., Seattle plumbing code) and are there places where such Council action is preempted.**
 - Seattle’s plumbing codes are based on state law and so City Council cannot waive or modify these requirements.
- 3. Highly desirable but not necessary (e.g., freeze protections).**
 - The street sink presents several technical and regulatory challenges, which have been documented as part of the 2021 budget and through the development of the Council-directed grant program.
 - Situated and composed of materials that make vandalism less likely.

Question 1. What regulatory requirements for street sinks that have been considered by SPU in implementing this program are beyond the control of the City Council (e.g., ADA requirements)?

SPU requested assistance from the City Attorney’s Office to provide a response to this question. Please see Attachment A, an Attorney-Client Privileged SWWI Legal Memo, which details the requirements to comply with ADA while implementing this project.

Given this response, SPU will move forward to require compliance with ADA requirements.

Question 2. What regulatory requirements for street sinks that have been considered by SPU in implementing this program are requirements that the Council could change the regulatory code or issue emergency legislation to address the barrier (e.g., Seattle plumbing code) and are there places where such Council action is preempted.

SPU requested assistance from the City Attorney’s Office to craft a response. Please see Attachment B: Council Request #2. The response details City Council’s requirement to follow state law.

Question 3. What regulatory requirements for street sinks that have been considered by SPU in implementing this program are highly desirable but not necessary (e.g., freeze protections).

SPU’s focus to ensure publicly funded, community sink prototypes are safe, durable and regulatorily compliant reflects SPU’s approach and field experience installing our own 12 geographically dispersed

City street sinks early in the pandemic. The design requirements, considerations, City procurement requirements and technical challenges SPU discussed with proposers at technical assistance sessions and with the committee are the same standard SPU as a regulated and regulating agency must adhere to. They are also intended to ensure that public expenditure is geared towards ensuring quality functioning, healthful, and accessible solutions that meet the needs of the community they are designed to serve and the outdoor conditions into which they are deployed.

Below, find a timeline of key work by SPU to address and consider options for both hygiene and the Street Sink CBA.

April 2020

SPU began to deploy hygiene stations (porta potties and hand wash stations) in response to the growing need for hygiene resources. There are currently 12 sites with hand wash stations with portable toilets. Later, SPU opened two Hygiene Trailers (shower trailers) locations.

September – November 2020: Street Sink Idea Raised by City Council; SPU Details Concerns; Parks Restrooms Mostly Closed

As the street sink concept was raised as an option in the 2021 budget process. In October of 2020, SPU provided the Council a written summary of the implementation challenges and considerations the utility could immediately identify. That response is included in Attachment C. The summary reads as follows:

“In reviewing this proposal, SPU identified additional considerations that should be addressed and would likely delay implementation. Additionally, SPU would need additional time to craft more insightful cost estimates.

Issues:

- *The proposed sinks are not weatherized and could sustain damage in the winter months due to freezing water.*
- *The State of Washington only allows onsite infiltration of graywater from “frost to frost.” These sinks cannot legally operate from approximately October through April.*
- *The water supply for these sinks would be a hose that connects the sink to a hose bib. However, the City may not have access to this many hose bibs. The model for these sinks has been for people to provide this as a community amenity of private property, where the property owner can provide for the water supply. This will affect the number and location of sites available to SPU.*
- *Further, the water supply lines would likely have to run through the right-of-way. This could pose tripping hazards on sidewalks. This is largely inconsistent with the City code on access and could cause legal issues under the Americans with Disabilities Act. SPU would have to find a way to mitigate these impacts, but the cost of that is not reflected in the \$58,000 estimate.*
- *SPU could look into underground water connections. However, there are code issues and exceptions that may be needed for this.*
- *SPU is uncertain that the raised bed behind the sink is sufficient for greywater disposal. The ideal solution would be to tap into the parcel side sewer. However, SPU would also need to investigate if the greywater disposal from the raised garden bed would drain into catch basins. This could cause issues with SPU consent decree.”*

In addition to sharing these concerns with the City Council, SPU in November of last year began working to analyze the full range of issues raised by the street sink concept. Key findings are below:

- *Facilities must discharge to the sanitary or combined sewer system and be carefully designed to avoid contact with greywater or contaminated surfaces / materials.*
- *The Seattle Street Sink is not a legal system. Facilities and access routes must be ADA compliant.*
- *Maintenance is likely by far the highest cost and efficacy consideration of these facilities. It is not clear if O&M is intended as part of the provided funding. It is also not clear if the City Council only wants to consider short term costs or have any monitoring or assurance that facilities are kept safe, clean and operable.*
- *Water sources and piping can pose a significant challenge including availability, cost, maintaining potability and protecting the source and system from freezing.*
- *Siting should be in areas of higher need, have high public visibility, frequent observation and available connection to water and sewer if it is not a portable system.*
- *Durability and vandalism resistance is critical. Extreme vandalism should be expected in most locations. [See photos below].*
- *Community acceptance will be important. Conventional commercial installations such as combination drinking fountain/sink stations will be better received at longer-term sites and very portable installations in short-term locations.*



These photos document the extreme vandalism to SPU Hygiene Station facilities in 2021.

This initial research guided our work to implement the CBA. Other research focused on the unsuitability of fire hydrants as a water source due to the risk of contaminating Seattle's water supply. Additionally, the use of hydrants creates fire suppression risk.

During this time, many Parks restrooms were closed for concerns related to COVID-19 and weatherization. Increased access to running water hygiene and handwashing facilities came into focus with emerging cases of Shigella and Cryptosporidium ('Crypto') among the unsheltered populations. This outbreak among the unsheltered population highlights the potential for disease spread via consumption of non-potable water sources as well as unwashed hands, food, and surfaces. Both diseases primarily spread via unwashed hands, and contaminated water (especially Crypto), food, and surfaces.

December 2020 – February 2021: CBA Passed; SPU Starts Implementation Work

The 2021 budget was signed on December 1. On December 3, Department of Neighborhoods and SPU met for the first time with Real Change and Clean Hands Collective to launch the work.

SPU and DON researched community-initiated street sink efforts and designs nationally. Most are privately funded on private property. Staff contacted other City technical experts, public health staff, and community providers to understand opportunities and challenges for hand hygiene interventions and began to develop a granting program based on the original intent of the CBA.

Based on community outreach, SPU added \$50,000 to the program for waste prevention proposals. This work did not extend the grant program timeline.

City staff also studied procurement and grant best practices within the City. **City procurement**, due to state and municipal legislation, requires goods and services to be attained based predominately on cost and/or qualifications. These attributes are important (even critical) in purchasing goods and services on a day-to-day basis. But are not very conducive to investing in creative and innovative ideas and engaging untested talent.

City grants, as required by the Council Budget Action in this case, are a very different pathway than procurement. They provide the latitude to incorporate ‘other values’, often in addition to cost and qualifications, into the decision-making process. These values include, but are not limited to:

- Innovation and creativity
- Community engagement and involvement
- Support and inclusion of ‘at risk’ communities (e.g., people experiencing homelessness)
- Support and inclusion of individuals and micro-businesses, and
- Support and inclusion of youth

March & April 2021: SPU Releases New Grant Program & Provides Technical Assistance; Parks Restrooms Reopen

Before the grant program was announced and opened for applications, SPU continued to work with Real Change to discuss the Clean Hands Collective sink model and potential modifications to make it compliant.

The Seattle Water & Waste Innovation (SWWI) funding program was opened on March 31. SPU and DON conducted expansive outreach to promote the program, including on social media and department newsletters, and through relational engagement with community organizations.

SPU began providing technical assistance to additional street sink proposers that emerged due to the open nature of the open, community grant process.

During this time, Seattle Parks & Recreation opened most of its public restrooms during park hours. These restrooms include access to sinks and are located throughout the City.

May 2021: SWWI Application Closes & SPU Awards Funds

The SWWI application period closed on May 7. We received two hand hygiene-related proposals and six waste reduction proposals. We began work to address the Council’s questions and to finalize a scoring and evaluation rubric that includes technical reviews related to greywater disposal, water sourcing, ADA accessibility, public health, safety and liability risks and community engagement. The review committee

includes technical experts and staff members from the offices of Councilmembers Lewis, Morales, and Mosqueda.

We completed the review process on May 20 and notified the grantees today, May 21. The contracting process is underway.

Conclusion

We appreciate the opportunity for continued partnership on increasing access to hand hygiene resources and are thrilled to move into the implementation phase of this work. While we are not able to waive or modify state and federal laws related to ADA accessibility or greywater disposal, for example, we are eager to find solutions in partnership with community.

