

ORDINANCE NO. 7708

AN ORDINANCE relating to the disposal of solid waste generated and collected within King County, prohibiting the disposal of such solid waste except at a site consistent with the Solid Waste Comprehensive Plan and approved by the King County Council establishing penalty provisions, repealing Resolution 24834, KCC 10.08.010 through 10.08.250, 10.04.050, 10.04.080, and 10.04.110, and amending KCC 23.08.110.

PREAMBLE:

King County finds it is necessary to establish a more comprehensive system for ensuring adequate, environmentally-sound and cost-effective solid waste disposal in order to protect the health, safety and public welfare of the citizens of King County.

NEW SECTION . SECTION 1. Resolution 24838 and KCC 10.08.010

through 10.08.250 are hereby repealed and the following is substituted:

A. Definitions. For the purposes of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

1. "Agricultural wastes" means wastes on farms resulting from the production of agricultural products including but not limited to manures, and carcasses of dead animals weighing each or collectively in excess of fifteen pounds.

2. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.

3. "Commercial hauler" means any person, firm or corporation collecting solid waste for hire or other consideration.

4. "Controlled solid waste" means all solid waste generated and/or collected within the unincorporated areas of

1 King County or within any other jurisdiction with which an
2 interlocal agreement exists pursuant to Section 2 of this
3 ordinance.

4 5. "Dangerous wastes" means any solid waste designated as
5 dangerous waste by the department under chapter 173-303 WAC.

6 6. "Disposal" means the discharge, deposit, injection,
7 dumping, leaking, or placing of any solid waste into or on any
8 land or water.

9 7. "Disposal site" means a site or sites approved by the
10 council of King County where any final treatment, utilization,
11 processing or disposition of solid waste occurs. This includes,
12 but is not limited to, transfer stations included as part of the
13 county disposal system, sanitary landfills, incinerators,
14 composting plants, and facilities for the recovery of energy
15 resources from solid wastes or the conversion of the energy from
16 such wastes to more useful forms or combinations thereof.

17 8. "Division" means the solid waste division of the
18 department of public works of King County.

19 9. "Hazardous wastes" means and includes, but is not limited
20 to explosives, medical wastes, radioactive wastes, pesticides and
21 chemicals which are potentially harmful to the public health or
22 the environment. Unless otherwise defined by the King County
23 board of health, such waste shall have the meaning as defined by
24 the Washington State Department of Ecology and the Washington
25 Administrative Code.

26 10. "Health department" means the Seattle-King County health
27 department.

28 11. "Manager" means the Manager of the solid waste division
29 of the department of public works of King County.

30 12. "Person" means any individual, association, firm,
31 corporation, partnership, political subdivision, municipality, or
32 any other entity.
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1 13. "Plan" means the comprehensive solid waste management
2 plan adopted pursuant to and consistent with Chapter 70.95 RCW by
3 a municipality or by King County.

4 14. "Problem wastes" means: (a) soils removed during the
5 cleanup of a remedial action site, or a dangerous waste site
6 closure or other cleanup efforts and actions and which contain
7 harmful substances but are not designated dangerous wastes, or
8 (b) dredge spoils resulting from the dredging of surface waters
9 of the state where contaminants are present in the dredge spoils
10 at concentrations not suitable for open water disposal and the
11 dredge spoils are not dangerous wastes and are not regulated by
12 the Federal Clean Water Act.

13 15. "Recycling" means the disposal process in which there is
14 hand and/or mechanical segregation of solid waste for sale and
15 reuse, including source separation. Materials which can be
16 removed through recycling include but are not limited to
17 newsprint, cardboard, aluminum, glass, plastics and ferrous
18 metal. Recycling does not include combustion of solid waste or
19 preparation of a fuel from solid waste.

20 16. "Reclamation Site" means a location used for the
21 processing or the storage of recycled waste.

22 17. "Solid Waste" means all putrescible and nonputrescible
23 solid and semisolid wastes, except wastes identified in WAC
24 173-304-015, including but not limited to garbage, rubbish,
25 ashes, industrial wastes, swill, demolition and construction
26 wastes, abandoned vehicles or parts thereof, and discarded
27 commodities. This includes all liquid, solid and semisolid
28 materials which are not the primary products of public, private,
29 industrial, commercial, mining and agricultural operations.
30 Solid waste includes but is not limited to sludge from wastewater
31 treatment plants and septage, from septic tanks, woodwaste,
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1 dangerous waste, and problem wastes. Unrecovered residues from
2 recycling operations shall be considered solid waste.

3 18. "Transfer Station" means a staffed, fixed, supplemental
4 collection and transportation facility, used by persons and route
5 collection vehicles to deposit collected solid waste from
6 off-site into a larger transfer vehicle for transport to a
7 permanent disposal site.

8 19. "Woodwaste" means a by-product resulting from the
9 handling and processing of wood, including, but not limited to,
10 hog fuel, sawdust, shavings, chips, bark, small pieces of wood,
11 stumps, limbs and any other material composed largely of wood
12 which has no significant commercial value at the time in
13 question, but shall not include slash developed from logging
14 operations unless disposed of on a different site, and does not
15 include wood pieces or particles containing chemical
16 preservatives such as creosote, pentachlorophenol, or
17 copper-chrome-arsenate.

18 B. System of Disposal. 1. Under the authority provided by
19 the King County Home Rule Charter and RCW 36.58.040, a system is
20 hereby established for disposal of all solid waste generated
21 and/or disposed in unincorporated King County. Additionally this
22 system shall include all solid waste generated and/or collected
23 in any other jurisdictions with which an interlocal agreement
24 exists pursuant to Section 2.

25 2. Disposal in King County. It is unlawful for any person
26 to dispose of controlled solid waste except at disposal sites and
27 in a manner authorized by King County; except that nothing herein
28 shall prohibit a person from dumping or depositing solid waste
29 resulting from his own activities onto or under the surface of
30 ground owned or leased by him when such action does not violate
31 any statute, ordinance or regulation, or create a nuisance.
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1 3. Disposal outside King County. Unless specifically
2 permitted by state law or specifically authorized by King County
3 ordinance, it is unlawful for any commercial hauler or other
4 person or entity to deliver or deposit any controlled solid waste
5 outside the borders of King County unless it is authorized by the
6 adopted King County Comprehensive Solid Waste Management Plan.

7 C. Acquisition of Solid Waste Disposal Sites. The county
8 may acquire by purchase, lease, contract with private parties or
9 other necessary means, disposal sites which are needed for
10 disposal of solid waste generated and collected in King County
11 and other jurisdictions with which an interlocal agreement
12 exists, pursuant to Section 2. Selection of such disposal sites
13 shall be consistent with the King County Comprehensive Plan and
14 all federal, state, and local requirements, including, but not
15 limited to, comprehensive land use planning, fire protection,
16 water quality, air quality, and the consideration of esthetics.
17 The county may acquire disposal sites on a continuing basis, as
18 is required by the volume of solid waste generated and collected
19 within the county.

20 D. Operation of Solid Waste Disposal Sites by County. The
21 division shall be the operating authority for all solid waste
22 disposal sites owned or operated by King County. Nothing herein
23 shall prohibit the county by ordinance from contracting with
24 another entity, public or private, to own, construct and/or
25 operate a disposal site or facility. The council of King County
26 shall establish by ordinance the hours of operation of disposal
27 sites, disposal fees charged, and types of waste for which each
28 site is intended. The manager shall prepare operating
29 regulations for solid waste disposal sites, which shall govern
30 all other matters necessary to assure compliance with federal,
31 state and local regulations applicable to such sites. The county
32 reserves the right to provide in said operating rules that
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1 certain solid wastes, such as bulky wastes, problem wastes, and
2 wood waste, based on source, type or volume, shall not be
3 accepted, or only conditionally accepted, at sites owned or
4 operated by the county. The operating rules for such sites shall
5 be consistent with this chapter and with regulations promulgated
6 by the Board of Health.

7 E. Use of County Disposal Sites. 1. Interlocal
8 Operations. a. Solid waste disposal sites owned or operated by
9 the county shall be available to accept solid wastes generated
10 and collected in municipal corporations situated within the
11 county which have been using county disposal sites as of April 1,
12 1986, provided an interlocal agreement with any such jurisdiction
13 is executed pursuant to Section 2.

14 b. Any jurisdiction or any commercial hauler not using a
15 county disposal site as of April 1, 1986, shall be required to
16 enter into an agreement with King County subject to King County
17 council approval prior to commencing use of any county disposal
18 site.

19 2. Individuals. Any individual may use King County
20 disposal facilities designated for individual use, in compliance
21 with any applicable rules and regulations.

22 3. Dangerous and Hazardous Waste. Under no circumstances
23 shall any person deliver to Cedar Hills for disposal any waste
24 that is defined as "hazardous waste" per the Federal Resource
25 Conservation and Recovery Act or rules or regulation thereunder,
26 or defined as "extremely hazardous wastes" or "dangerous wastes"
27 per Chapter 70.105 RCW or rules or regulations thereunder.

28 F. Establishment and Operation of Solid Waste Disposal
29 Sites. Pursuant to RCW Chapter 70.95, no disposal site in King
30 County, whether acquired publicly or privately, shall be
31 established, altered, expanded, improved, operated or maintained
32 without prior compliance with the following:
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1 1. The disposal site, facilities and proposed method of
2 operation shall be consistent with the King County Solid Waste
3 Management Plan and shall be approved by the health department;
4 and

5 2. The disposal site shall be constructed, operated and
6 maintained in accord with terms of permit from the health
7 department and such other permits as are required by law.

8 3. All other federal, state and local laws, ordinances and
9 regulations shall be met.

10 G. Exempt Operations. 1. Any solid waste operation herein
11 exempt from obtaining a permit under this chapter must be
12 established, maintained, managed and/or operated in compliance
13 with all other requirements of local, state or federal health
14 rules. Any exception allowed in this ordinance shall have no
15 effect on requirements of other laws, ordinance, or regulations.

16 2. The following solid waste disposal operations or
17 facilities are hereby exempted from obtaining a permit under this
18 chapter to be established, maintained, managed or operated:

19 a. Dumping or depositing solid waste generated by a
20 single family or household produced incidental to routine
21 household activities onto or under the surface of the ground
22 owned or leased by that family or household.

23 b. Wrecking automobiles and parts thereof including
24 storage and handling facilities.

25 c. Depositing less than 2,000 cubic yards of soil, rock,
26 gravel, broken concrete, and similar inert wastes onto the
27 surface of the ground whereby such depositing is to be temporary
28 in nature, graded, and otherwise worked to fill an existing
29 depression or low area of ground.

30 4. Depositing agricultural solid waste onto or under the
31 surface of the ground when said waste is being utilized primarily
32 for fertilizer or a soil conditioner, or is being deposited on
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1 ground owned or leased by the person responsible for the
2 production of said waste; as long as depositing such waste does
3 not create a nuisance.

4 5. Depositing sewage and/or sewage sludge onto or under
5 the surface of the ground at a disposal site which has otherwise
6 been issued a permit by a local, state or federal agency to be
7 operated, maintained or managed for that purpose.

8 6. Depositing hazardous waste onto or under the surface of
9 the ground at a disposal site which has otherwise been issued a
10 permit by a local, state or federal agency to be operated,
11 maintained, or managed for this purpose.

12 H. Recycling. A goal for King County's solid waste
13 management shall be to achieve maximum feasible reduction of
14 solid waste going to landfills and to other processing
15 facilities, conservation of energy and natural resources, and
16 environmental protection. The division shall develop plans and
17 incentives for waste reduction through source separation,
18 recycling, packaging changes, and other methods deemed effective
19 by the division. Reclamation sites for recycling operations
20 shall be designated as part of the county's disposal system and
21 shall be subject to permit requirements of the health department.

22 I. Solid Waste Disposal Site Permit - Regulations: The
23 Board of Health shall adopt regulations governing the
24 establishment, alteration, expansion, improvement, operation and
25 maintenance of all solid waste disposal sites. Such regulations
26 shall set procedures, standards and conditions for the issuance
27 of solid waste disposal site permits designed to assure that
28 disposal sites and facilities are located, maintained and
29 operated in a manner so as to properly protect the public health,
30 prevent air and water pollution, and avoid the creation of
31 nuisances. Such regulations shall be consistent with, but may be
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1 more stringent than, the minimum functional standards adopted by
2 the Washington State Department of Ecology (WAC 173-304).

3 J. Enforcement. The health department shall be responsible
4 for enforcement, or for seeking enforcement through the
5 prosecutor's office, of Sections D and F through I of this
6 ordinance and the regulations promulgated thereunder. The
7 division shall be responsible for enforcement, or for seeking
8 enforcement through the prosecutor's office, of Sections B and E
9 of this ordinance and the regulations promulgated thereunder.

10 K. Penalties. Any person, firm or corporation which
11 violates or refuses to or fails to comply with any of the
12 provisions of this chapter or regulations promulgated hereunder
13 and orders issued pursuant hereto or who files or supplies any
14 false incomplete or inaccurate information in conjunction with
15 any permit application or permit renewal or in supplying any
16 other information requested by this chapter shall be deemed
17 guilty of a misdemeanor and shall be punished by imprisonment in
18 the county jail for a maximum term fixed by the court of not more
19 than 90 days or by fine in the amount fixed by the court of not
20 more than \$1,000 or both such imprisonment and fine. In
21 addition, enforcement and penalty provisions of KCC Title 23
22 shall be applicable to any violation of this chapter or
23 regulations promulgated hereunder. Nothing contained herein
24 shall be construed to exempt an offender from any other suit,
25 prosecution or penalty provided in the King County Code or by
26 other laws.

27 L. Severability. If any section, subsection, sentence,
28 clause or phrase of this chapter is, for any reason, found to be
29 unconstitutional or otherwise invalid by a court of competent
30 jurisdiction, such decision shall not affect the validity of the
31 remaining portions.

1 NEW SECTION. SECTION 2. Interlocal Agreements. A. By
 2 October 1, 1986, the division shall request each city in the
 3 county to provide to the division by December 31, 1986, written
 4 notification of its intent to use county disposal facilities.
 5 Any city which does intend to use county disposal facilities
 6 shall enter into an interlocal agreement with the county by
 7 December 31, 1987. Any city failing to notify the division by
 8 December 31, 1986 of its intent to use county disposal sites or
 9 failing to enter into an interlocal agreement with the county by
 10 December 31, 1987 shall be prohibited from disposing its solid
 11 waste at any county disposal site until or unless specifically so
 12 authorized by King County ordinance.

13 B. These interlocal agreements shall provide for cities to
 14 designate by ordinance the county disposal system for disposal of
 15 all solid waste generated within their corporate limits and shall
 16 grant to the county the authority to designate specific sites for
 17 the disposal of solid waste generated within their corporate
 18 limits. Nothing in these contracts shall prevent any city from
 19 implementing programs to achieve maximum recycling of waste. All
 20 rates shall be as established by King County ordinance.

21 SECTION 3. KCC 23.08.110 and Ordinance 4569 are hereby
 22 amended as follows:

23 23.08.110 Civil penalties - Schedules. A. Civil penalties
 24 for violations of persons engaged in commercial ventures shall be
 25 assessed pursuant to the following schedule:

26	Violation of KCC Chapter 8.12	- \$1000 per violation
27	Violation of KCC Chapter 8.60	- \$ 500 per violation
28	Violation of KCC Title 10 ((\$250))	- \$1000 per violation
29	Violation of KCC Chapter 12.92	- \$ 500 per violation
30	Violation of KCC Title 13	- \$ 250 per violation
31	Violation of KCC Chapter 16.82	- \$ 500 per violation
32	Violation of KCC Title 19	- \$ 250 per violation

1 Violation of any stop work order - \$ 500 per violation

2 All other violations - \$ 150 per violation

3 B. Civil penalties for violations by persons engaged in
4 noncommercial ventures shall be assessed pursuant to the following
5 schedule:

6 Violation of KCC Chapter 8.12 - \$ 500 per violation

7 Violation of KCC Chapter 8.60 - \$ 250 per violation

8 Violation of KCC Chapter 16.82 - \$ 100 per violation

9 Violation of KCC Title 19 - \$ 100 per violation

10 Violation of KCC Title 10 - \$ 500 per violation

11 Violation of any stop work order - \$ 100 per violation

12 All other violations - \$ 25 per violation

13 C. Penalties for the second separate violation by the same
14 person shall be double the rates identified in subsections A. and
15 B. of this section. Penalties for any separate violation beyond a
16 second violation by the same person shall be triple the rates
17 identified in subsections A. and B. of this section.

18 SECTION 4. Resolution 8778, sections 6, 7, and 12, and K.C.C.
19 10.04.050, 10.04.080 and 10.04.110 hare hereby repealed.

20 INTRODUCED AND READ for the first time this 21st day
21 of April, 1986.

22 PASSED this 28th day of July, 1986.

23 KING COUNTY COUNCIL
24 KING COUNTY, WASHINGTON

25 Andrew Gruyer
26 Chair

27 ATTEST:

28
29 Dorothy M. Owens
30 Clerk of the Council

31 APPROVED this 6th day of August, 1986.

32 Jim Hill
33 King County Executive