

ORDINANCE NO. 8148

AN ORDINANCE modifying the recommendation of the Zoning and Subdivision Examiner, granting, in part, the appeal of Coal Creek Development Corporation, remanding this matter to the Examiner for further recommendation concerning maximum permitted elevation of fill, and granting an unclassified use permit, upon the application of COAL CREEK DEVELOPMENT CORPORATION, designated Building and Land Development File No. 114-85-U.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. This ordinance does hereby adopt and incorporate the findings contained in the report of the zoning and subdivision examiner dated May 4, 1987, filed with the clerk of the council on May 26, 1987, recommending action upon the application of Coal Creek Development Corporation for an unclassified use permit for certain real property described in Building and Land Development File No. 114-85-U.

SECTION 2. From the said findings, the council of King County does hereby conclude:

1. The subject application should be approved, subject to conditions, to enable the continued operation of a demolition waste disposal site on the subject property for a period of approximately 5 years, until June 30, 1992, and to allow for rehabilitation of the site for an additional one year, until June 30, 1993.
2. Notwithstanding the impacts of the Newcastle landfill and along the principal routes to and from this site, the public health, safety, and welfare of King County require a period of continued operation, and the granting of an unclassified use permit for that purpose. If approved subject to the conditions recommended below, this proposed unclassified use permit will comply with the goals and objectives of the King County Comprehensive Plan, the official policies

1 and objectives for the growth of King County, and will not be
2 unreasonably incompatible with or detrimental to affected properties and
3 the general public.

4 3. As a condition of this approval, requirements for further and continuous
5 monitoring of impacts, and provision of additional mitigating measures
6 are established, as contained in the conditions set forth in this
7 ordinance. Although the costs of the required analysis, monitoring, and
8 mitigating measures are substantial, the costs of mitigating the impact
9 of a use of this nature, in an urbanizing area with sensitive features,
10 is reasonable. To the extent that the applicant is not required to pay
11 for these costs, they should be expended from the general funds of the
12 county from appropriations available for those purposes.

13 SECTION 3. This ordinance does hereby approve an unclassified use
14 permit for the operation of the subject property, as described in the
15 application filed in building and land development division file no. 114-85-U
16 subject to the following conditions:

- 17 1. This permit shall be in effect until June 30, 1993, provided, however,
18 that subsequent to June 30, 1992, operations on the site shall be for
19 purposes of site rehabilitation only.
- 20 2. Operation of the landfill shall be conducted in the manner described by
21 the FEIS (incorporating the DEIS and Newcastle Landfill Development and
22 Closure Plan), except as modified by the conditions set forth herein.
- 23 3. At all times during the operation of the subject property as a landfill
24 there shall be in effect a valid grading permit issued by the King
25 County Building and Land Development Division, and a valid solid waste
26 disposal permit issued by the Seattle-King County Department of Public
27 Health. All conditions and regulations set forth in those permits shall
28 be met as conditions of this unclassified use permit.
- 29 4. The required grading permit(s) will clearly delineate that area which
30 approved for waste disposal, which shall be wholly within the
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1 "unclassified use permit" as shown on the zoning map which is Exhibit B
2 to the preliminary report of the Building and Land Development Division
3 to the Zoning and Subdivision Examiner for the March 17, 1987, public
4 hearing. The grading permit shall also show those areas which are to
5 be rehabilitated by final or interim ground cover.

- 6 5. Grading permits shall incorporate a sequential phasing plan which
7 indicates, in increments to be accomplished in one year or less,
8 operating methods which provide for the least possible amount of open,
9 disturbed area and the maximum area which will be subject to
10 rehabilitation, including grass or other suitable landscape cover.
11 Waste disposal shall not be permitted to a height in excess of the
12 present maximum elevation of landfill on the subject property (i.e.,
13 approximately 900/905 MSL) until further action is taken by the King
14 County Council, based upon additional information to be provided by the
15 Zoning and Subdivision Examiner following further hearings concerning
16 this issue. The exact maximum elevation to be adhered to pursuant to
17 this condition shall be determined by the grading section and shall be
18 adequately marked, flagged, or otherwise established on the site to
19 provide an easy point of reference during the full period of operation
20 pursuant to this permit.

21 The construction of berms for noise and visual screening, and the
22 temporary storage of clean soil in other areas of the site, until it is
23 used for final cover or berm construction, shall not be subject to the
24 maximum height limitation of this condition.

- 25 6. Elevations in excess of the foregoing limitation may not be justified
26 based upon expectation of future subsidence or compaction. Reduction in
27 the volume of waste materials by compaction may be undertaken
28 mechanically during the development of each lift (i.e., cell).
- 29 7. As part of its review and issuance of each grading permit, the Building
30 and Land Development Division shall be responsible for monitoring the
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1 horizontal and vertical dimensions of the site. To assist the Building
2 and Land Development Division in assuring compliance with the conditions
3 of this UUP, the site operator shall provide an updated topographical
4 map of the site no later than three months prior to the expiration of
5 each grading permit. The topographical map shall be adequate to allow
6 determination of the vertical elevations and horizontal dimensions of
7 the site.

- 8 8. The site area boundaries and areas authorized to receive solid waste
9 shall be flagged in a conspicuous manner. Such flagging shall be
10 maintained at all times.
- 11 9. Access to the site shall be approved by the King County Traffic and
12 Planning Division of the Department of Public Works. The site operator
13 shall also submit a plan, to be approved by the Department of Public
14 Works and the Building and Land Development Division, to minimize the
15 deposit of debris on public roads, to regularly remove such debris
16 (including mud and dirt) and to respond to complaints concerning road
17 conditions related to the use of the subject property as a disposal
18 site. This obligation shall extend from the intersections of the Coal
19 Creek Parkway with SE 72nd St. and 133rd Ave. NE, along 133rd Ave. NE
20 and the Coal Creek-Newcastle Rd. west of the site, and along the Coal
21 Creek Newcastle Rd. and Lakemont Blvd. SE to SE Newport Way, east and
22 north of the site. Regular street cleaning shall be required only for
23 1/2 mile in each direction from the access road.
- 24 10. The operator shall pave and corrugate, or otherwise improve, the new
25 access road in a manner to be approved by the Building and Land
26 Development Division, to cause the removal of substantial mud and dirt
27 from trucks prior to their leaving the site. This improvement shall be
28 in addition to the maintenance of a wheel wash. If necessary, the
29 Building and Land Development Division may require additional truck
30 washing, with controlled drainage, prior to trucks leaving the site.
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1 The objective of this condition is to minimize the amount of dirt
2 carried off the site, so as to, in turn, minimize the need for
3 substantial street sweeping and washing, with its attendant impacts
4 (i.e., slippery roadway, shoulder erosion, and hazard and inconvenience
5 to other traffic using the Coal Creek-Newcastle Rd.)

- 6 11. The material allowed to be deposited at this site shall be limited to
7 demolition and construction wastes, such as wood, rubble, brick, broken
8 concrete, glass, dirt, gravel, paper, stumps, tree trunks and brush,
9 provided, however, that the Seattle-King County Department of Public
10 Health shall have authority to approve for disposal at the site
11 additional non-putrescible wastes, whether or not specifically defined
12 or designated as demolition and construction wastes. In no event,
13 however, shall materials deposited at this site include dangerous or
14 extremely hazardous waste of any kind, liquid wastes of any kind,
15 putrescible garbage (as defined by KCC 10.04.020), sewerage waste,
16 animal wastes, hospital wastes, animal carcasses, chemical wastes and
17 petroleum wastes, or asbestos. The Department of Public Health may at
18 any time further restrict the types of wastes permitted.

19 The King County Department of Public Health or the Building and Land
20 Development Division may also further restrict the area of the property
21 to be used for disposal of various types of waste, or prohibit any
22 further disposal of any wastes upon the subject site if necessary to
23 protect the public health or safety.

24 Plasterboard or other gypsum products may be accepted consistent with
25 the requirements of state law and regulations, and regulations of the
26 Seattle-King County Department of Public Health, only to the extent that
27 such products are contained within and incidental to other construction
28 and demolition waste. Loads which are entirely or predominantly gypsum
29 products shall not be accepted for disposal.

1 12. The Seattle-King County Department of Public Health shall be the agency
2 primarily responsible for monitoring and enforcement of the public
3 safety and health-related conditions of this permit, including, but not
4 limited to, the proper operation and closure of the site, proper
5 disposal of wastes, water quality monitoring, dust control and fire
6 safety, together with any other elements of adherence to the minimum
7 functional standards for solid waste disposal. The Department of Public
8 Health shall conduct such unscheduled inspections of the subject
9 property as necessary to ensure that all conditions within the purview
10 of the Department are being met.

11 In conducting its monitoring and enforcement activities, the Department
12 of Public Health may utilize the assistance of such other departments
13 and agencies of King County as possess relevant expertise and
14 capabilities. Inspections by the Department of Public Health to assure
15 compliance with health and safety conditions shall be conducted on an
16 average of at least twice monthly during the term of the permit. Copies
17 of all inspection reports shall be provided to the Building and Land
18 Development Division for inclusion in the file relating to this permit.
19 The Building and Land Development Division shall be the agency primarily
20 responsible for monitoring the horizontal and vertical area and
21 elevations for consistency with the requirements of this permit. The
22 Building and Land Development Division shall inspect the site at least
23 twice annually to ensure compliance with those conditions which are
24 within its purview.

25 13. No fires or burning shall be permitted at any time. Prevention of fire
26 shall be the primary responsibility of the site operator. In the event
27 fire occurs, immediate control measures must be undertaken by the
28 operator, and assistance of appropriate agencies shall be promptly
29 requested. Actions to secure compliance with this condition may be
30 undertaken by King County, at the site operator's expense, if the
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1 Department of Public Health deems the applicant's actions to be
2 inadequate or ineffective in securing such compliance. The Health
3 Department shall have the authority to further restrict or curtail the
4 deposition of any material at the site when a fire is in progress or
5 suspected.

- 6 14. To the maximum extent possible, the operation of the site shall comply
7 with the Washington State Department of Ecology minimum functional
8 standards for solid waste handling (WAC 173-304) and the Seattle-King
9 County Department of Public Health minimum functional standards for
10 solid waste handling (Regulation VIII). All reasonable means to assure
11 such compliance shall be undertaken by the site operator.
- 12 15. The site operator shall semi-annually provide to King County and to the
13 oversight committee (see Condition No. 36) an "environmental and
14 functional standards compliance audit", which states in specific terms
15 the fact of compliance or non-compliance with:

16 Each state and county functional standard applicable to
17 demolition debris landfill sites; and

18 Each condition of this permit which relates to protection of the
19 environment or mitigation of adverse environmental impacts.

20 The audit shall also provide the most recent results (including all
21 results obtained subsequent to the previous audit) obtained from the
22 monitoring of surface and ground water and analysis of gases, whether
23 required by conditions of this permit or obtained for other purposes.

- 24 16. To ensure compliance with the conditions of this permit, a \$100,000 cash
25 assignment of funds to King County shall be provided and maintained,
26 with the terms thereof to be approved by the Office of the King County
27 Prosecuting Attorney. In addition, a \$250,000 performance bond,
28 countersigned by a corporate surety as defined in RCW 4.08.28 et seq,
29 shall be posted to assure compliance with the conditions of this permit.
30 The requirements of this condition are in addition to the reserve
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1 account requirements for landfill disposal facilities, as established by
2 RCW 70.95.215. The reserve account shall be established and maintained
3 pursuant to rules adopted by the Department of Ecology. The
4 establishment and maintenance of that account shall be monitored by the
5 Seattle-King County Department of Public Health.

- 6 17. Landfill operations shall be accomplished using the "cell/prism"
7 method. The maximum size of the cells shall be approved by the
8 Department of Public Health. Adequate ground cover shall be provided
9 around and over the cells in accordance with the minimum functional
10 standards for solid waste handling. Before the co-mingling of any
11 materials occurs, the operator shall submit a plan to the Department of
12 Public Health to demonstrate how such co-mingling of organic material
13 with other wastes may safely be accomplished. Organic and non-organic
14 wastes shall not be co-mingled in any manner not approved in advance by
15 the Seattle-King County Department of Public Health.
- 16 18. Through the grading permit review and approval process, the operator
17 shall submit drainage plans acceptable to the King County Department of
18 Public Works, Surface Water Management Division, and the Building and
19 Land Development Division. Within 60 days of the issuance of the
20 grading permit, the approved drainage system shall be installed.
21 Particular attention shall be given to the hydraulic impacts of
22 roadwashing, and to the impacts associated with storm events which
23 exceed the design year storm for which stormwater detention is provided.
- 24 19. All surface drainage channels to the holding pond facilities shall be
25 inspected and cleaned by the operator at least once monthly.
- 26 20. The subject property shall be fenced and gated to the satisfaction of
27 the Building and Land Development Division and the Department of Public
28 Works. Such fencing and gating is intended to promote the public safety
29 and to prohibit unauthorized dumping of materials on the site.
- 30 21. The Seattle-King County Department of Public Health shall specifically
31 include within the monitoring program conducted pursuant to Condition
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1 No. 12, inspections and tests to adequately insure that the quality of
 2 surface and ground water resources of the area are not reduced below
 3 applicable standards, and that no adverse impacts occur to Coal Creek or
 4 any domestic water supply wells. Without limiting the generality of the
 5 foregoing, water quality at the Richmond tunnel and within Coal Creek
 6 (at a point below the Richmond tunnel), and the water supply well for
 7 Water District No. 117, shall be tested at least once every four
 8 months.

9 22. The following testing and monitoring systems shall be implemented by the
 10 landfill operator:

11 1. Groundwater:

12 a. Minimum/background well (upgradient), three downgradient wells,
 13 background well to be in mine workings initial samples to be E.P.A.
 14 priority pollutant scan - future parameters and sampling frequency to be
 15 determined by Health Department based on initial sampling data.

16 b. By July 1, 1987, submit hydrogeological evaluation of site that
 17 designates sub-surface aquifers and their flow and a plan for at least
 18 four groundwater monitoring wells (one to be background upgradient).

19 c. Within 90 days of the formal Health Department approval of
 20 groundwater monitoring plan, install monitoring wells in agreed-upon
 21 locations.

22 d. Within 60 days of well installation submit EPA priority
 23 pollutant scan data for all wells to Health Department.

24 2. Surface Water:

25 a. One upstream or background sampling point and one downstream
 26 sampling point on Coal Creek.

27 b. Submit plan for two Coal Creek monitoring points by July 1, 1987

28 c. Within 60 days of Health Department site approval, submit EPA
 29 priority pollutant scan data from both monitoring points to Health
 30 Department. Future parameters and sampling frequency to be determined
 31 by Health Department based on initial sampling data.

1 d. Sample surface water point SW-1, SW-2, and SW-3 per location,
2 frequency, and parameters (to include specific conductivity) per Draft
3 Groundwater and Surface Water Monitoring Plan for Newcastle Landfill -
4 January 12, 1987, by Parametrix, Inc. for Coal Creek Development
5 Corporation.

6 3. Methane Monitoring:

7 a. Submit methane monitoring plan for site to insure that methane
8 gas is not migrating off-site at levels exceeding the L.E.L. by August
9 31, 1987. This plan should include location and number of test wells,
10 well depth, frequency of monitoring, and well construction.

11 b. Within 90 days of formal Health Department methane monitoring
12 plan approval, install gas wells in agreed-upon locations.

13 c. Within 60 days of well installation, submit monitoring data for
14 all wells to Health Department.

15 Copies of the testing reports must be sent to the King County Department
16 of Public Health and the Washington State Department of Ecology for
17 evaluation. The Washington State Department of Ecology and the King
18 County Department of Public Health shall specify the kinds of tests to
19 be conducted and may, at their discretion, increase the frequency of
20 testing as necessary. The Building and Land Development Division shall
21 be provided with copies of the evaluations.

22 23. Material for disposal shall not be accepted at the site except between
23 the hours of 8 a.m. and 6 p.m. on weekdays and between 9 a.m. and 2 p.m.
24 on Saturdays. Operations on the site shall be limited to the hours of
25 7 a.m. to 7 p.m. on weekdays, and 9 a.m. to 5 p.m. on Saturdays. No
26 material for disposal shall be accepted, and no operations shall be
27 permitted on-site, on Sundays or designated State holidays. The
28 Seattle-King County Department of Public Health may authorize temporary
29 exceptions for emergency situations. Documentation of any such
30 exception shall be promptly provided to the Building and Land
31 Development Division and the oversight committee.

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24. Any existing or future cracks, fissures, or other openings in the surface layer of the fill or ground cover shall be immediately covered with no less than 12 inches of soil.
25. Any entrance, or any potential or suspected entrance, to abandoned underground workings, shall be plugged to the satisfaction of the King County Department of Public Health. The Health Department shall consult with the Office of Surface Mining with respect to the most appropriate method and materials for providing such a plug.
26. If determined to be necessary by the Seattle-King County Department of Public Health, acceptable provisions shall be made for the venting or redirection of gases generated within the fill material. The best available control techniques shall be utilized to assure that dust and any other wind-blown debris is contained on the site.
27. Appropriate procedures, with necessary personnel, shall be maintained at all times while the site is in operation to assure a complete and accurate log of materials entering and placed upon the site, providing a brief description of the material deposited. This log shall be made available for inspection by the Department of Public Health upon request.
28. In the event of fire on the site, a 24-hour-per-day watch shall be established for a period of not less than 5 days following extinguishment of the fire. The duration of the period of watch may be extended by the Department of Public Health.
29. Prior to issuance of each grading permit, or within 60 days thereafter, the Applicant shall demonstrate compliance with the sound level limits prescribed in Chapter 173-60 WAC, as well as King County Code Chapter 12.86 et seq. The Seattle-King County Department of Public Health may require noise mitigation measures in the event necessary to control noise to the limits established by Chapter 173-60 WAC or KCC 12.86. In addition, the Building and Land Development Division or the Health Department may require the use of clean soil stored on the site for

1 temporary or permanent berms, to achieve noise attenuation or visual
2 enhancement objectives.

3 30. The landfill operator, with the approval of the State of Washington
4 Department of Fisheries, shall remove from Coal Creek any sediments
5 associated with landfill or street washing runoff, and shall establish
6 sedimentation control facilities which preclude future sedimentation of
7 Coal Creek as a result of landfill operations, road or vehicle washing,
8 or operation of the wheel wash. The sedimentation control measures
9 shall operate at all times, including periods of peak runoff from
10 100-year storm events.

11 31. A seepage collection system shall be established at any point bordering
12 the site where contaminated seepage from the site is identified. This
13 system shall be designed and implemented with the approval of the
14 Surface Water Management Division and the Department of Public Health.

15 32. Any side slopes created by disposal activities or rehabilitation
16 operations, especially those slopes which face in a northerly or
17 easterly direction, shall promptly be revegetated with native grasses
18 and planted with a mixture of deciduous and evergreen trees. Tree cover
19 shall be such as to blend into the surrounding areas as readily as
20 possible. A plan shall be provided with the grading permit applications
21 to address this condition.

22 33. Filling activities which face the northern and eastern perimeters of the
23 property shall be buffered by berms of earth material which are
24 maintained at a height of 15 feet or more above areas being filled. The
25 purpose of this requirement is to provide noise attenuation and to
26 mitigate visual impact of the landfill operation on residents to the
27 north, and on users of the Cougar Mountain Regional Park to the east.
28 This condition can be administratively modified by the Building and Land
29 Development Division and the Department of Public Health, so that the
30 costs of constructing and maintaining the berm are not excessive in
31 relation to the benefits therefrom. The outside slope of the berm shall
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be hydroseeded or otherwise vegetated to provide as pleasing an appearance as possible, together with slope stability. Terracing may be required as well, to limit erosion.

34. The applicant will cooperate with the Resource Planning section of the King County Planning Division in meeting the conditions recommended in the March 3, 1987 memorandum which is attachment E to the Building and Land Development Division preliminary report to the zoning and subdivision examiner for the March 17, 1987 public hearing. At the time of submission of each grading permit application for operation pursuant to this unclassified use permit, the operator shall demonstrate that the mitigating measures outlined in that memorandum have been addressed and/or implemented. These requirements relate to surface water management and the protection of wetlands and Coal Creek in the southern and eastern drainage areas from the subject property, the protection of ground water, air pollution control, and a final cover plan. It is recognized that certain of these requirements are not yet appropriate for implementation, and that modifications of the requirements are likely to occur as the results of monitoring activities become known.

35. Failure to comply with any of the conditions set forth herein may be cause for a "stop work" order and/or immediate initiation of proceedings for revocation of this permit as provided by King County Code chapter 21.66. All agencies responsible for the enforcement of activities relating hereto shall report in writing to the Building and Land Development Division, for inclusion in the file on this permit, all occasions for enforcement activity.

36. Subject to the continuing agreement of the site operator, the oversight committee established pursuant to unclassified use permit no. 127-85-U shall continue to have the authority to accept and investigate allegations of violations of the terms and conditions of this permit.

Said committee shall act solely in an advisory role to the site operator, Building and Land Development Division, Department of Public Health, Surface Water Management Division and other agencies with jurisdiction and expertise. The principle purposes of the committee are to provide a convenient means for citizens in the area to express and communicate their concerns with respect to operation of the landfill, and to provide an informal and expeditious means of having those concerns addressed by the landfill operator. The committee shall also provide a means by which the regulatory agencies can determine the extent to which impacts of the landfill operation are of significant concern to the nearby residents. It is not expected that the site review committee would undertake any enforcement or monitoring activity, as it is intended to act as a possible facilitator of communication and mediator of issues.

37. The granting of this unclassified use permit does not relieve the site operator from obtaining any other required permits, licenses, or authorizations, or from abiding by any of the terms or conditions set forth therein.

INTRODUCED AND READ for the first time this 2nd day of February, 1987.
 PASSED this 29th day of June, 1987.
 KING COUNTY COUNCIL
 KING COUNTY, WASHINGTON

Dary Grant
 Chair

ATTEST:

Dorothy M. Owens
 Clerk of the Council

APPROVED this 8th day of July, 1987.

Rue Fath
 King County Executive