

November 30, 1988
1834C:CS:clt:ssj

Introduced by: Paul Barden

Proposed No.: 88-761

ORDINANCE NO.

8771

AN ORDINANCE setting forth policy direction for solid waste system alternatives to be included in the development of the King County comprehensive solid waste management plan, and amending Ordinance 7737, Sections 1 and 2 and K.C.C. 10.24.010 - .020.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings. The King County council finds:

A. The Programmatic Final Environmental Impact Statement (EIS) on Solid Waste Management Alternatives issued on September 30, 1988 is adequate for purposes of making policy decisions about which alternative strategies shall be included in the preparation of the 1989 King County solid waste management plan (CSWMP).

B. The Programmatic EIS is the first step in a phased review of the 1989 King County CSWMP update. This phased review assists in focusing on the issues that are ready for decision and excluding from consideration issues already decided or not yet ready.

C. The key issues that are ready for decision based on the Programmatic Final EIS are:

1. The types of waste reduction and recycling programs that should be implemented to provide maximum reduction in King County's solid waste stream;

2. Whether some form of incineration is a necessary component of the county's solid waste management program; and

3. Whether other disposal options should be implemented to reduce the amount of waste going to the Cedar Hills Landfill.

1 D. Further environmental review to the extent required by
2 SEPA will be performed for facility siting, facility expansion,
3 and the other issues included in the CSWMP but not addressed in
4 this ordinance or in the Programmatic EIS.

5 E. This ordinance will provide broad programmatic policy
6 direction under which the King County solid waste management
7 system shall be developed. Implementation of these policies will
8 be described in the CSWMP and the annual budget process, and will
9 include review by the Interlocal Forum and the King County solid
10 waste advisory committee.

11 F. The King County solid waste advisory committee, the
12 council ad hoc committees and the designated Interlocal Forum on
13 Solid Waste have reviewed and commented on the solid waste issues
14 facing King County and the policies contained in this ordinance.

15 G. Waste reduction and recycling are now basic elements of
16 responsible solid waste management systems. Each citizen of the
17 county must accept a commitment to waste reduction and recycling
18 as a basic part of his/her social responsibility.

19 H. Accomplishment of the waste reduction and recycling goals
20 will require cooperation between the cities, private recycling,
21 waste disposal businesses, and the county.

22 I. A goal of the system is to minimize the amount of solid
23 waste requiring disposal and to provide for disposal of the
24 remainder in a manner that minimizes environmental risks and
25 impacts.

26 J. Programmatic choices, which affect individual behaviors,
27 are preferable to facility choices, which accommodate existing
28 behaviors. This hierarchy should apply within recycling
29 alternatives, as well as between solid waste management
30 alternatives, such as recycling, incineration, and landfilling.

31
32
33

1 K. The public has expressed an interest in more convenient
2 recycling opportunities.

3 L. Passage of state legislation establishing policies and
4 clarifying various authorities related to waste reduction and
5 recycling is critical to the success of the waste reduction and
6 recycling program.

7 M. Notice has been received from the City of Seattle that it
8 will no longer be a participant in the county waste disposal
9 system on or before January 1, 1993.

10 SECTION 2. Definitions.

11 A. "Designated interlocal forum" means a group of
12 representatives of unincorporated King County and of incorporated
13 cities and towns within King County designated by the council of
14 King County and by interlocal agreement with the cities in King
15 County to discuss solid waste issues and facilitate regional
16 interlocal cooperation in solid waste management.

17 B. "Disposal" means the discharge, deposit, injection,
18 dumping, leaking, or placing of any solid waste into or on any
19 land or water.

20 C. "Intermediate processing" means sorting of mixed
21 recyclables from source separation programs to divide them into
22 individual component recyclable materials or to process them for
23 marketing.

24 D. "Mixed waste processing" means sorting of solid waste
25 after collection from the point of generation in order to remove
26 recyclables from the solid waste to be disposed.

27 E. "Receivers" means persons who will reuse recyclables if
28 they are more readily available or cheaper and to whom source
29 separated recyclables for which a market does not presently exist
30 can be delivered at little or no cost in order to avoid
31 landfilling the materials pending development of economic markets.

32

33

1 F. "Recyclables" means any material that can be kept out of
2 or recovered from solid waste and the resources therein be
3 transformed and/or reused including, but not limited to, mixed
4 paper, newsprint, cardboard, aluminum, glass, plastics,
5 chemicals, oil, wood, compostable organics (food and yard
6 debris), ferrous metal, and inorganics (rubble and inert
7 material).

8 G. "Recycling" means either source separation or the
9 processing of solid waste mechanically or by hand to segregate
10 materials for sale or reuse. Materials which can be removed
11 through recycling include but are not limited to mixed paper,
12 newsprint, cardboard, aluminum, glass, plastics, chemicals, oil,
13 wood, compostable organics (food and yard debris), ferrous metal,
14 and inorganics (rubble and inert material). Recycling does not
15 include combustion of solid waste or preparation of a fuel from
16 solid waste.

17 H. "Reuse" means the return of a commodity into the economic
18 stream for use.

19 I. "Source separation" means the process of separating
20 recyclable materials from material which will become solid waste
21 at its source.

22 J. "Waste reduction" means the reduction through techniques
23 such as source reduction, reuse, recycling, reclamation, or
24 resource recovery other than incineration, of the amount of waste
25 that would otherwise be landfilled.

26 SECTION 3. Solid Waste System Alternatives.

27 The 1989 comprehensive solid waste management plan which is
28 being prepared by the King County solid waste division for review
29 by the designated Interlocal Forum and approval by the
30 appropriate parties as set forth by state law shall include the
31 following policies:
32
33

1 A. A waste reduction and recycling goal of sixty-five
2 percent, to be achieved within twelve years. Interim goals of
3 thirty-five percent within three years (1992) and fifty percent
4 within six years (1995) are shorter range goals to measure
5 progress. At each of these checkpoints the recycling levels will
6 be assessed pursuant to section 4.E. of this ordinance and, if
7 necessary, the waste reduction and recycling program will be
8 adjusted and prohibition of certain recyclables from disposal at
9 Cedar Hills landfill shall be considered in order to assure
10 achievement of the sixty-five percent goal. An annual report on
11 progress towards the waste reduction and recycling goals will be
12 prepared by the King County solid waste division pursuant to
13 Ordinance 7786, Section 7.

14 B. Programs to reduce yard waste, including an extensive
15 backyard composting program, support for curbside collection of
16 yard waste, a neighborhood yard waste drop box program, and
17 support for yard waste processing facilities.

18 C. Programs to reduce residential waste, based on waste
19 reduction and source separation of recyclables from solid waste
20 and including curbside collection of recyclables from all
21 residents living in the urbanized portions of King County. The
22 county will work with affected jurisdictions and service
23 providers to facilitate provision of curbside collection of
24 recyclables in areas where housing density makes this practice
25 feasible. Containers or other systems to collect recyclables
26 from apartments and condominiums should also be provided, and
27 convenient and comprehensive drop box sites for collection of
28 source separated recyclables should be located in rural King
29 County.

1 D. Programs to reduce non-residential waste, based on waste
2 reduction and source separation of recyclable material from solid
3 waste and including a comprehensive technical assistance program
4 for the commercial sector that provides waste audits and
5 assistance in establishing waste reduction and recycling
6 mechanisms, as well as facilitating collection of source
7 separated recyclable material.

8 E. Development of private sector recycling facilities which
9 complement the waste reduction and recycling program emphasis on
10 source separation of recyclables, including yard waste processing
11 and intermediate processing facilities,

12 F. Authorization for one privately owned and operated mixed
13 waste processing facility to which a portion of the county's
14 waste stream will be designated to supplement source separation
15 and to evaluate the long-term benefits, costs and risks of mixed
16 waste processing in combination with extensive source separation
17 programs.

18 G. Authorization of out of county landfilling as part of the
19 county's solid waste system.

20 H. If an out of county landfill option is implemented, King
21 County shall continue a level of operation at Cedar Hills
22 Landfill at least adequate to allow use of Cedar Hills as a
23 backup system for King County waste, excluding waste from the
24 City of Seattle, if necessary due to an emergency or failure of
25 the out-of-county landfill alternative.

26 I. An energy/resource recovery facility shall not be
27 included as a waste disposal alternative in the 1989 CSWMP and
28 shall not be constructed.

29 J. The City of Seattle will plan separately for disposal of
30 its own waste, including commercial waste, special waste,
31 demolition and construction debris, as well as residential waste.
32
33

1 SECTION 4. The executive shall implement the following
2 strategies directed at the waste reduction and recycling goals
3 established Section 3 of this ordinance.

4 A. Rates.

5 1. The executive shall prepare a solid waste financing
6 study and rate proposal which provides for funding the waste
7 reduction and recycling programs needed to achieve the goals
8 established in Section 3.A. of this ordinance as well as funding
9 to support ongoing operations requirements of the King County
10 Solid Waste Division. The rate which is proposed shall be a
11 single rate for disposal of waste at Cedar Hills Landfill or
12 another final disposal site and a single rate for use of county
13 transfer stations and rural landfills. The financial and policy
14 implications of an increase in disposal rates, and the effect it
15 will have on recycling programs and other system operations and
16 programs, shall be fully analyzed. In addition, the possibility
17 of establishing a surcharge for handling special wastes, such as
18 asbestos, at Cedar Hills Landfill should be analyzed.

19 2. The executive shall work with cities and the WUTC to
20 support collection rates which involve higher rates for higher
21 volumes of mixed waste.

22 B. Promotion, Education and Public Involvement. An
23 extensive 2-tiered promotion, education, and public involvement
24 effort shall be implemented to carry out the waste reduction and
25 recycling program. The goal of public education in King County's
26 waste reduction and recycling program is to provide various
27 audiences with information and technical assistance which will
28 change their attitudes and behavior about waste disposal. The
29 two distinct tiers should include: 1) awareness building; and 2)
30 technical assistance. The following WR/R education programs
31 should be provided: resource center and educational materials;
32
33

1 technical assistance and training; school programs; and publicity
2 and demonstrations. The following audiences should be targeted:
3 city governments; commercial and institutional sectors;
4 schoolchildren; households; and media.

5 C. Market Support. The executive shall submit to the
6 council an expanded procurement policy directed toward
7 stimulating demand for and use of recyclable materials recovered
8 from solid waste. Other municipalities and the private sector
9 should be encouraged to adopt procurement policies that favor
10 recycled and recyclable materials. In addition, the division
11 shall assist the private sector in identifying receivers for
12 recyclables for which markets do not exist but which are under
13 development.

14 D. Marketing Council. King County will support state
15 legislation to develop a marketing council comprised of
16 government officials, business representatives, recyclers, and
17 others, to promote research and development of new uses for
18 recycled materials, match recyclers with persons interested in
19 purchasing their end-product, and keep apprised of the latest
20 developments in recycling markets. The executive shall develop a
21 local marketing council if the state does not create such an
22 entity.

23 E. Monitoring. The executive shall establish an annual
24 monitoring program to measure waste reduction and recycling
25 levels, and to provide information on where improvements can be
26 made. The program should evaluate four sets of information: the
27 quantity and composition of the waste stream as generated; the
28 sources of waste, by waste stream component; the quantities and
29 types of materials being recycled; the quantities and types of
30 waste being disposed; and the amount of recycling that is
31 occurring in different sectors of the economy.
32
33

1 SECTION 5. State Legislation. It is county policy to seek
2 legislation, in addition to that referenced in Section 4.D. of
3 this ordinance, which will accomplish the following:

4 A. Authorize the county to establish the minimum level of
5 recycling and mixed waste collection services to be provided in
6 unincorporated areas of the county and in any incorporated areas
7 for which the county has solid waste planning authority or in
8 which the city or town is not providing or contracting for solid
9 waste collection services.

10 B. Discourage waste generation and encourage the use of
11 recycled materials, including establishment of disincentives for
12 unnecessary packaging, incentives to encourage the production and
13 use of recycled materials, and packaging standards and labeling
14 requirements to guide the development of packaging and to inform
15 consumers about the impacts of their product choices.

16 C. Strengthen the state's involvement in implementing its
17 waste reduction and recycling priorities by the establishment of
18 reporting or licensing requirements for entities that collect or
19 process recyclables and also by monitoring per capita waste
20 generation rates.

21 D. Development of minimum requirements for new construction
22 to provide waste reduction and recycling opportunities.

23 SECTION 6. The Executive shall use the following procedures
24 to select the vendors referenced in Sections 3.F. and 3.G. of
25 this ordinance.

26 A. Mixed waste processing.

27 The vendor to provide mixed waste processing shall be
28 selected through an RFQ/RFP and the plant shall be coordinated
29 with the county transfer system. The project RFQ shall include
30 criteria to establish demonstrated vendor performance, guaranteed
31 level of waste reduction, costs comparable to other disposal
32
33

1 alternatives authorized in the CSWMP, and marketable by-products
2 from the process.

3 B. Out of county landfilling. The out of county landfilling
4 alternative which is designated must be selected through an
5 RFQ/RFP process using the following criteria:

6 1. Landfill operations and transportation systems must
7 meet all applicable environmental standards.

8 2. There are assurances of host community receptivity.

9 3. There is assurance of long-term waste stream diversion
10 from Cedar Hills Landfill (i.e., a minimum volume guaranteed for
11 10-20 years), including guaranteed backup.

12 4. There are adequate assurances of vendor financial and
13 legal capability to indemnify the county from risks of liability
14 for out of county operations.

15 5. There are penalties for non-performance by the vendor.

16 6. The life cycle cost of the proposal is financially
17 competitive in comparison to other disposal options. Cost
18 considerations include.

19 a. Direct and indirect costs of both the proposal and
20 any additional King County operating and/or capital costs; and

21 b. Effect of proposal on the following system costs:

22 (1) Annual landfill reserve fund contributions.

23 (2) Cedar Hill new area development costs.

24 (3) Effect on E/RR reserve fund.

25 7. The proposal is feasible in terms of its impact on the
26 county transfer system and other county operations.

27 SECTION 7. Ordinance 7737, section 1 as amended and K.C.C.
28 10.24.010 are hereby amended as follows:

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

1 A. "Division" means the solid waste division of the King
2 County public works department.

3 B. "Designated interlocal forum" means a group of
4 representatives of unincorporated King County and of incorporated
5 cities and towns within King County designated by the council of
6 King County and by interlocal agreement with the cities in King
7 County to discuss solid waste issues and facilitate regional
8 interlocal cooperation in solid waste management. ((The-Puget
9 Sound-Council-of-Governments-shall-be-the-designated-interlocal
10 forum-))

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

19 D. "Hazardous waste management plan" means a plan for
20 managing moderate risk wastes, pursuant to RCW 70.105.220.

21 E. "King County Solid Waste Advisory Committee" means the
22 committee formed pursuant to King County Ordinance 6862 and RCW
23 Chapter 70.95 to advise the county on solid waste management
24 planning, assist in the development of programs and policies
25 concerning solid waste management, and review and comment on the
26 plan and other proposed solid waste management rules, policies or
27 ordinances prior to adoption.

28 F. "Moderate risk waste" means (a) any waste that exhibits
29 any of the properties of hazardous waste but is exempt from
30 regulation under RCW Chapter 70.105 solely because the waste is
31 generated in quantities below the threshold for regulation, and
32
33

1 (b) any household wastes which are generated from the disposal of
 2 substances identified by the Department of Ecology as hazardous
 3 household substances.

4 G. "Plan" means the coordinated comprehensive solid waste
 5 management plan for the county as required by RCW Chapter 70.95

6 SECTION 8. Ordinance 7737, Section 2 as amended and K.C.C.
 7 10.24.020 are hereby amended as follows:

8 Responsibility. A. The division shall prepare the plan and
 9 submit it to the council of King County (~~no later than December~~
 10 1988) on or before March 1, 1989, for adoption.

11 B. The division shall maintain the plan in a current
 12 condition and shall propose necessary plan revisions to the
 13 council at least once every three years.

14 (~~G. The division shall request each city in the county to~~
 15 ~~provide to the division by December 31, 1986, written~~
 16 ~~notification of its intent to plan independently, plan jointly~~
 17 ~~with the county or to authorize the county to prepare a plan for~~
 18 ~~that city as part of the county plan. Pursuant to RCW 70.95.130,~~
 19 ~~any city preparing an independent plan or failing to notify the~~
 20 ~~county by December 31, 1986 of its intent to plan jointly with~~
 21 ~~the county or to authorize the county to plan for that city,~~
 22 ~~shall be prohibited from disposing its solid waste at any county~~
 23 ~~disposal site until or unless specifically authorized by the King~~
 24 ~~County council to do so. Any city which plans jointly with King~~
 25 ~~County plans shall enter into an interlocal agreement with the~~
 26 ~~county by June 30, 1988 and shall submit its portion of the plan~~
 27 ~~pursuant to that agreement. The division shall notify a city~~
 28 ~~which submits a plan or portion of a plan to the county of any~~
 29 ~~areas of incompatibility between the city and county plans.~~

30 D. The executive shall notify the State of Washington
 31 Department of Ecology and the Puget Sound Council of Governments

1 by-September-1,-1986,-of-the-county's-intent-to-prepare-the-
2 plan:))

3 ((E-))C. The King County solid waste advisory committee shall
4 review and comment upon the proposed plan prior to its submittal
5 to the council for adoption.

6 ((F-))D. The designated interlocal forum shall have the
7 following responsibilities:

8 1. Advise the King County council and executive and other
9 jurisdictions as appropriate on all policy aspects of solid waste
10 management and planning. Consult with and advise the King County
11 solid waste division on technical issues.

12 2. Review and comment on alternatives and recommendations
13 for the county comprehensive solid waste management plan and
14 facilitate approval of plan by each jurisdiction.

15 3. Review proposed interlocal agreement between King
16 County and cities for planning, recycling, and waste stream
17 control.

18 4. Review disposal rate proposals.

19 5. Review status reports on waste stream reduction,
20 recycling, energy/resource recovery, and solid waste operations
21 with inter-jurisdictional impact.

22 6. Promote information exchange and interaction between
23 waste generators, local governments with collection authority,
24 recyclers, and county planned and operated disposal system.

25 7. Provide coordination opportunities between King County
26 solid waste division, local governments, private operators and
27 recyclers.

28 8. Aid cities in recognizing municipal solid waste
29 responsibilities, including collection and recycling, and
30 effectively carrying out those responsibilities.

31 ((G-))E. The council shall hold a public hearing on the
32
33

1 draft plan and another public hearing on the final plan prior to
2 adoption of the plan. Any city using county disposal sites shall
3 be notified of these public hearings and shall be requested to
4 comment on the plan.

5 ~~((H-))~~F. Until adoption of the plan by ordinance of King
6 county the 1982 Comprehensive Solid Waste Management Plan
7 prepared by the Puget Sound Council of Governments shall be used
8 as the solid waste management plan for King County.

9 ~~((I-))~~G. Beginning in 1989, the division shall submit to the
10 council by September 1 of each year an annual report of its
11 progress toward objectives identified in the plan. By-September
12 ~~1, 1987, and September 1, 1988, the division shall submit annual~~
13 ~~reports of its progress toward development of interlocal~~
14 ~~agreements with cities using county disposal sites, waste~~
15 ~~reduction program activities, energy/resource recovery~~
16 ~~implementation, and other division objectives.~~

8771

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

((J-))H. Interlocal agreements between the county and cities wishing to plan jointly with the county or to authorize the county to plan for it shall identify which party is responsible for city solid waste operational plans, tonnage forecasts and recycling goals.

INTRODUCED AND READ for the first time this 17th day of October, 1988.

PASSED this 5th day of December, 1988.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Gary Grant
Chair

ATTEST:

Dorothy M. Owens
Clerk of the Council

APPROVED this 15th day of December, 1988.

Jim Hill
King County Executive