

April 16, 1996

Introduced By: Chris Vance

CLERK: 04/16/96

Proposed No.: 96-282

ORDINANCE NO. **12217**

AN ORDINANCE allowing unrecovered residue from recycling operations to be disposed of directly at the Cedar Hills Landfill; amending Ordinance 8891, Section 3 and K.C.C. 10.04.020.

PREAMBLE:

This ordinance is intended to address an existing inequity in the cost of disposing of residual solid waste from recycling facilities by various companies in the recycling and solid waste collection business, between those which own private transfer stations and those which do not. This inequity was identified in two previously proposed disposal rate fee adjustment ordinances advanced by the Solid Waste Division. The council recognizes that adjustments to the disposal rates for self-haulers and to the regional direct disposal rate are also needed to address other issues identified by the Division with regard to several of its categories of disposal fees. These other issues relate to the allocation of costs for the disposal of solid waste between various companies in the recycling and solid waste business. These other issues are recognized by the Council as needing to be addressed this year and any fee adjustments to address them need to be effective by January 1, 1997.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 8891, Section 3 and K.C.C. 10.04.020 are each hereby amended as follows:

Definitions. The following definitions shall apply in the interpretation and enforcement of this title:

A. "Agricultural wastes" means non-dangerous 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.

1 B. "Asbestos-containing waste material" means any waste
2 that contains asbestos. This term includes, but is not
3 limited to, asbestos waste from control devices, contaminated
4 clothing, asbestos waste material, materials used to enclose
5 the work area during an asbestos project, and bags or
6 containers that previously contained asbestos.

7 C. "Ashes" means the residue including any air pollution
8 control equipment flue dusts from combustion or incineration
9 of material including solid wastes.

10 D. "Bulky waste" means large items of refuse, such as
11 appliances, furniture, and other oversize wastes which would
12 typically not fit into reusable solid waste containers.

13 E. "CDL" means construction, demolition and land clearing
14 waste as defined in this chapter.

15 F. "CDL receiving facility" means any properly licensed
16 or permitted facility that is designated by the county as the
17 facility to which non-recyclable CDL waste, including residual
18 CDL waste, is required to be delivered pursuant to King County
19 Code.

20 G. "CDL recycling facility" means any properly licensed
21 or permitted facility at which materials are removed from
22 mixed CDL waste for the purpose of reuse or remanufacture.

23 H. "CDL waste" means construction, demolition and land
24 clearing waste as defined in this chapter.

25 I. "Certified hauler or certificated hauler" means any
26 person engaged in the business of solid waste handling having
27 a certificate granted by the Washington Utilities and
28 Transportation Commission for that purpose.

29 J. "Charitable organization" means any organization which
30 meets the following criteria: must be defined by the Internal

1 Revenue Service as a 501(c)3 charitable organization; must be
2 engaged as a primary form of business in the processing of
3 abandoned goods for resale or reuse; and must have an account
4 with the solid waste division.

5 K. "Clean mud and dirt" means mud and dirt that meet the
6 soil cleanup standards of the Washington Administrative Code
7 (WAC) 173-340-740 and WAC 173-340-745 as currently enacted and
8 as hereafter amended.

9 L. "Clean soils and clean dredge spoils" means soils and
10 dredge spoils which are not dangerous wastes or problem wastes
11 as defined in this chapter.

12 M. "Clean wood" means stumps and branches over four
13 inches in diameter and construction lumber free of paint,
14 preservatives, metals, concrete, and other non-wood additives
15 or attachments.

16 N. "Clean wood collection area" means an area used by
17 county residents, businesses and institutions to deposit
18 source separated clean wood.

19 O. "Commercial hauler" means any person, firm or
20 corporation including but not limited to "certified hauler,"
21 as defined herein, collecting or transporting solid waste for
22 hire or consideration.

23 P. "Compacted waste" means any solid waste whose volume
24 is less than in the loose condition as a result of
25 compression.

26 Q. "Construction, demolition, and land clearing (CDL)
27 waste" means any recyclable or non-recyclable waste that
28 results from construction, remodeling, repair or demolition of
29 buildings, roads or other structures, or from land clearing
30 for development, and requires removal from the site of

1 construction, demolition or land clearing. Except where
2 otherwise expressly provided, "CDL waste" or "county CDL
3 waste" means CDL waste generated in the county jurisdiction.
4 CDL waste includes, but is not limited to, the following
5 listed materials:

6 1. "Construction waste" includes wood, concrete,
7 drywall, masonry, roofing, siding, structural metal, wire,
8 insulation, and other building material; and plastics,
9 styrofoam, twine, baling and strapping materials, cans,
10 buckets, and other packaging materials and containers. It
11 also includes sand, rocks and dirt that are used in
12 construction and that do not meet the definitions of clean mud
13 and dirt or unacceptable waste.

14 2. "Demolition waste" includes concrete, asphalt, wood,
15 masonry, roofing, siding, structural metal, wire, insulation,
16 and other materials found in demolished buildings, roads, and
17 other structures. It also includes sand, rocks and dirt that
18 result from demolition and that do not meet the definitions of
19 clean mud and dirt or unacceptable waste.

20 3. "Land clearing waste" includes natural vegetation
21 and minerals such as stumps, brush, blackberry vines, tree
22 branches, associated dirt and sand, tree bark, sod and rocks.

23 CDL waste does not include clean mud and dirt,
24 contaminated soil, asbestos-containing waste material
25 containing more than one percent of asbestos by weight,
26 unacceptable waste, or any other solid waste which does not
27 meet the definition of CDL waste.

28 R. "Contaminated soil" is any soil that does not meet the
29 soil cleanup standards of the Washington Administrative Code
30 as currently enacted and as hereafter amended.

1 S. "Controlled solid waste" means all solid waste
2 generated, collected or disposed within the unincorporated
3 areas of King County and all solid waste generated, collected
4 or disposed within any other jurisdiction with which a solid
5 waste interlocal agreement, as defined herein, exists.

6 T. "County jurisdiction" means the geographic area for
7 which King County government has comprehensive planning
8 authority for solid waste management by law and/or by
9 interlocal agreement.

10 U. "Dangerous wastes" means any solid waste designated as
11 dangerous waste by the Washington State Department of Ecology
12 under WAC 173-303.

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

20 W. "Disposal" means the discharge, deposit, injection,
21 dumping, leaking, or placing of any solid waste into or on any
22 land or water.

23 X. "Disposal facility" is a disposal site or interim
24 solid waste handling facility. This includes, but is not
25 limited to, transfer stations included as part of the county
26 disposal system, landfills, incinerators, composting plants,
27 and facilities for the recycling or recovery of resources from
28 solid wastes or the conversion of the energy from such wastes
29 to more useful forms or combinations thereof.

1 Y. "Disposal site" means a site or sites approved by the
2 council of King County where any final treatment, utilization,
3 processing or disposition of solid waste occurs.

4 Z. "Disposal system" means the system of disposal
5 facilities, rules and procedures established pursuant to this
6 title.

7 AA. "Drop box facility" means a facility used for the
8 placement of a detachable solid waste container, i.e., drop
9 boxes, including the area adjacent for necessary entrance and
10 exit roads, unloading, and turnaround areas. Drop box
11 facilities normally serve the general public with loose loads
12 and receive waste from off-site. Drop box facilities may also
13 include containers for separated recyclables.

14 BB. "Division" means the solid waste division of the King
15 County public works department.

16 CC. "Energy resource recovery" means the recovery of
17 energy in a usable form from mass burning or refuse derived
18 fuel incineration, pyrolysis or any other means of using the
19 heat of combustion of solid waste that involves high
20 temperature (above 1200 degrees Fahrenheit) processing.

21 DD. "Garbage" means unwanted animal and vegetable wastes
22 and animal and vegetable wastes resulting from the handling,
23 preparation, cooking and consumption of food, swill, and
24 carcasses of dead animals and of such a character and
25 proportion as to be capable of attracting or providing food
26 for vectors, except sewage and sewage sludge.

27 EE. "Hazardous wastes" means and includes, but is not
28 limited to explosives, medical wastes, radioactive wastes,
29 pesticides and chemicals which are potentially harmful to the
30 public health or the environment. Unless otherwise defined by

1 the King County board of health, such waste shall have the
2 meaning as defined by the Washington State Department of
3 Ecology and the Washington Administrative Code.

4 FF. "Hazardous waste management plan" means a plan for
5 managing moderate risk wastes, pursuant to RCW 70.105.220.

6 GG. "Health department" means the Seattle-King County
7 health department.

8 HH. "Health officer" means the King County director of
9 public health, or his authorized agent.

10 II. "Industrial solid wastes" means waste by-products from
11 manufacturing and fabricating operations such as scraps,
12 trimmings, packing, and other discarded materials not
13 otherwise designated as dangerous waste under Chapter 173-303
14 WAC.

15 JJ. "Interim solid waste handling facility" means any
16 interim treatment, utilization or processing site engaged in
17 solid waste handling which is not the final disposal site.
18 Transfer stations, drop boxes, baling and compaction sites,
19 source separation centers, intermediate processing facilities,
20 mixed waste processing facilities and treatment facilities are
21 considered interim solid waste handling sites.

22 KK. "Intermediate processing facility" means any facility
23 that sorts mixed recyclables from source separation programs
24 to divide them into individual component recyclable materials
25 or to process them for marketing.

26 LL. "King County Solid Waste Advisory Committee" means the
27 committee formed pursuant to King County Ordinance 6862 and
28 RCW Chapter 70.95 to advise the county on solid waste
29 management planning, assist in the development of programs and

1 policies concerning solid waste management, and review and
2 comment on the plan and other proposed solid waste management
3 rules, policies or ordinance prior to adoption.

4 MM. "Landfill" means a disposal site or part of a site at
5 which waste is placed in or on land and which is not a
6 landspreading disposal facility.

7 NN. "Landspreading disposal facility" means a facility
8 that applies sludge or other solid wastes onto or incorporates
9 solid waste into the soil surface at greater than vegetative
10 utilization and soil conditioners/immobilization rates.

11 OO. "Liquid" means a substance that flows readily and
12 assumes the form of its container but retains its independent
13 volume.

14 PP. "Littering" means to accumulate, or place, throw,
15 deposit, put into or in any land or water or otherwise dispose
16 of refuse including rubbish, ashes, garbage, dead animals,
17 industrial refuse, commercial waste and all other waste
18 material of every kind and description in any manner except as
19 authorized by this chapter.

20 QQ. "Manager" means the manager of the solid waste
21 division of the department of public works of King County.

22 RR. "Medical waste" means all waste so defined by the King
23 County board of health rules and regulations.

24 SS. "Mixed CDL waste" means CDL waste containing both
25 recyclable and non-recyclable CDL waste material that has not
26 been separated.

27 TT. "Mixed municipal solid waste" means waste consisting
28 of solid waste generated by residences, stores, offices, and
29 other generators of wastes that are not industrial,
30 agricultural, or CDL wastes.

1 UU. "Mixed waste processing" means sorting of solid waste
2 after collection from the point of generation in order to
3 remove recyclables from the solid waste to be disposed.

4 VV. "Mobile yard waste facility" means a yard waste
5 facility requiring no above-grade construction and established
6 on a temporary basis. For the purposes of Section 10.12.020,
7 a mobile yard waste facility shall be considered to be a
8 disposal site without scales.

9 WW. "Moderate risk waste" means:

10 1. any waste that exhibits any of the properties of
11 hazardous waste but is exempt from regulation under RCW
12 Chapter 70.105 solely because the waste is generated in
13 quantities below the threshold for regulation, and

14 2. any household wastes which are generated from the
15 disposal of substances identified by the Department of Ecology
16 as hazardous household substances.

17 XX. "Multi-family structure" means any residential
18 structure designed exclusively for occupancy by two or more
19 families living independently of each other receiving solid
20 waste collection service as an entire structure or complex and
21 the structure or complex is billed for solid waste collection
22 service as a whole and not by individual dwelling units.

23 YY. "Noncommercial user" means any person not engaged in
24 the business of solid waste handling.

25 ZZ. "Non-recyclable CDL waste" means any CDL waste that is
26 not recyclable CDL Waste.

27 AAA. "Operating hours" means those times during which
28 disposal facilities are normally open and available for the
29 delivery of solid wastes.

1 BBB. "Person" means any individual, association, firm,
2 corporation, partnership, political subdivision, municipality,
3 government agency, industry, public or private corporation, or
4 any other entity.

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

8 DDD. "Problem wastes" means:

9 1. soils removed during the cleanup of a remedial
10 action site, or a dangerous waste site closure or other
11 cleanup efforts and actions and which contain harmful
12 substances but are not designated dangerous wastes, or

13 2. dredge spoils resulting from the dredging of surface
14 waters of the state where contaminants are present in the
15 dredge spoils at concentrations not suitable for open water
16 disposal and the dredge spoils are not dangerous wastes and
17 are not regulated by the Federal Clean Water Act.

18 EEE. "Procurement policy" means the development and
19 implementation of a policy which achieves the purchase of
20 products made from recycled and/or recyclable goods.

21 FFF. "Receivers" means persons who will reuse recyclables
22 and to whom source separated recyclables for which a market
23 does not presently exist can be delivered at little or no cost
24 in order to avoid landfilling the materials pending
25 development of economic markets.

26 GGG. "Reclamation site" means a location used for the
27 processing or the storage of recycled waste.

28 HHH. "Recyclable CDL waste" means CDL waste material that
29 can be kept out of or recovered from CDL waste and reused or
30 transformed into a reusable product. Recyclable CDL waste may

1 consist of a single type of recyclable material or a mixture
2 of two or more types of recyclable material. Material used to
3 produce hog fuel is recyclable CDL waste.

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

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

20 KKK. "Refuse" means garbage, rubbish, ashes, swill and
21 all other putrescible and nonputrescible wastes, except
22 sewage, from all public and private establishments and
23 residences.

24 LLL. "Regional approach" means the development and
25 implementation of a solid waste management program in
26 cooperation with municipalities in King County and with other
27 counties within the Puget Sound area.

1 MMM. "Regional direct" means any solid waste generated
2 and collected in King County and transported to Cedar Hills
3 disposal site by conventional long haul transfer vehicles ((~~transporting~~))
4 from solid waste transfer stations ((~~solid waste generated and collected in King County~~)) or
5 intermediate processing facilities permitted by Seattle-King
6 County Health Department as provided for in K.C.C. 10.08.090
7 and the Board of Health's regulations.

9 NNN. "Regulated refrigerant" means a class I or class II
10 substance as listed in Title VI of the Federal Clean Air Act
11 Amendments of 1990.

12 OOO. "Residual CDL waste" means the non-recyclable waste
13 remaining after recycling processes have removed recyclable
14 waste.

15 PPP. "Reuse" means the return of a commodity into the
16 economic stream for use.

17 QQQ. "Rubbish" means all nonputrescible wastes from all
18 public and private establishments and from all residences.

19 RRR. "Secured load" means a load of solid waste which has
20 been secured or covered in the vehicle in a manner that will
21 prevent any part of the solid waste from leaving the vehicle
22 while the vehicle is moving.

23 SSS. "Self-hauler" means all vehicles that are neither
24 passenger licensed vehicles nor vehicles used by solid waste
25 collection entities in their solid waste collection operations
26 that are engaged in transporting wastes to disposal
27 facilities.

28 TTT. "Single family dwelling" means any residential unit
29 receiving solid waste collection service as an individual unit

1 and the dwelling is billed for solid waste collection service
2 as an individual dwelling.

3 UUU. "Solid waste" means all putrescible and
4 nonputrescible solid and semisolid wastes, except wastes
5 identified in WAC 173-304-015, including but not limited to
6 garbage, rubbish, ashes, industrial wastes, swill, demolition
7 and construction wastes, abandoned vehicles or parts thereof,
8 discarded commodities, sludge from wastewater treatment plants
9 and septage from septic tanks, woodwaste, dangerous waste, and
10 problem wastes. This includes all liquid, solid and semisolid
11 materials which are not the primary products of public,
12 private, industrial, commercial, mining and agricultural
13 operations. Unrecovered residue from recycling operations
14 shall be considered solid waste.

15 VVV. "Solid waste collection entity" means every person
16 or his lessees, receivers, or trustees, owning, controlling,
17 operating or managing vehicles used in the business of
18 transporting solid waste for collection and/or disposal for
19 compensation including all certified haulers, or any city
20 using its own employees, or any company operating pursuant to
21 a contract with or franchise from a city performing solid
22 waste collection services within the city.

23 WWW. "Solid waste interlocal agreement" means an
24 agreement between a city and the county for use of the King
25 County disposal system for solid waste generated or collected
26 within the city.

27 XXX. "Solid waste management" means the systematic
28 administration of activities which provide for the reduction
29 in generated volume, source separation, collection, storage,
30 transportation, transfer, recycling, processing, treatment and

1 disposal of solid waste. This includes public education and
2 marketing activities.

3 YYY. "Source separation" means the process of separating
4 recyclable materials from material which will become solid
5 waste at its source.

6 ZZZ. "Suspect waste" means any waste the manager suspects
7 may be unauthorized waste.

8 AAAA. "Swill" means every refuse accumulation of animal,
9 fruit or vegetable matter, liquid or otherwise, that attends
10 the preparation, use, cooking, dealing in or storing of meat,
11 fish, fowl, fruit and vegetables, except coffee grounds.

12 BBBB. "Trailer waste area" means a dedicated area where
13 disposal vehicles shall utilize for hosing their containers,
14 truck beds, and trailers following tipping of wastes.

15 CCCC. "Transfer station" means a staffed, fixed,
16 supplemental collection and transportation facility used by
17 persons and route collection vehicles to deposit collected
18 solid waste from off-site into a larger transfer vehicle for
19 transport to a permanent disposal site. It may also include
20 recycling facilities.

21 DDDD. "Unacceptable waste" means any material for which
22 the transportation or disposal would constitute a violation of
23 any governmental requirement pertaining to health, safety, or
24 the environment. Such material may include, but is not
25 limited to, hazardous, extremely hazardous or dangerous waste
26 as designated under Washington State or federal law, including
27 but not limited to regulations contained in the Washington
28 Administrative Code, now in effect or hereafter amended, or in
29 the code of Federal regulations, now in effect or hereafter
30 amended.

1 EEEE. "Unauthorized waste" means waste which is waste not
2 acceptable for disposal at any or a specific disposal facility
3 according to applicable rules and regulations or a
4 determination of the manager.

5 FFFF. "Uncompacted waste" means any solid waste in an
6 uncompressed or loose condition.

7 GGGG. "Unincorporated service area" means a geographical
8 area of unincorporated King County designated to receive solid
9 waste, recyclables, and yard waste collection services.

10 HHHH "Unsecured load" means a load on a vehicle that is
11 not securely fastened and protected by safety chains or other
12 fastening devices, covered, tied down or otherwise secured so
13 as to prevent the material from spilling, escaping, or being
14 deposited outside the vehicle while vehicle is in motion.

15 IIII. "Waste reduction" means reducing the amount or type
16 of waste generated.

17 JJJJ. "White goods" means major appliances, including
18 refrigerators, freezers, heat pumps, air conditioners, stoves,
19 ranges, dishwashers, washers, dryers, trash compactors,
20 dehumidifiers, and other appliances specified by the manager.

21 KKKK. "White goods collection area" means an area used by
22 county residents to deposit source separated white goods.

23 LLLL. "Woodwaste" means solid waste consisting of wood
24 pieces or particles generated as a by-product resulting from
25 the handling and processing of wood, including, but not
26 limited to, hog fuel, sawdust, shavings, chips, bark, small
27 pieces of wood, stumps, limbs and any other material composed
28 largely of wood which has no significant commercial value at
29 the time in question, (but shall not include slash developed
30 from logging operations unless disposed of on a different

1 site), and does not include wood pieces or particles
2 containing chemical preservatives such as creosote,
3 pentachlorophenol, or copper-chrome-arsenate.

4 MMMM. "Yard waste" means a compostable organic material
5 generated in yards or gardens, including but not limited to,
6 leaves, grass, branches, prunings, and clippings of woody and
7 fleshy plants and unflocked Christmas trees, but shall not
8 include rocks, dirt or sod, concrete, asphalt, bricks, land
9 clearing wastes, demolition wastes, woodwaste or food waste.

10 NNNN. "Yard waste collection area" means an area used by
11 county residents, businesses, and institutions to deposit
12 source separated yard waste.

13 INTRODUCED AND READ for the first time this 11th
14 day of March, 1996.

15 PASSED by a vote of 11 to 1 this 15th day of
16 April, 1996.

17 KING COUNTY COUNCIL
18 KING COUNTY, WASHINGTON

19 James Hague
20 Chair

21 ATTEST:

22 Gerald G. Peterson
23 Clerk of the Council

24 APPROVED this 25th day of April, 1996.

25 Gary Locke
26 King County Executive

27 Attachments: