



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**August 31, 2004**

**Ordinance 14986**

**Proposed No.** 2004-0382.1

**Sponsors** Edmonds

1 AN ORDINANCE regarding the handling, recycling and  
2 disposal of construction, demolition and land clearing  
3 debris; making technical corrections; and amending  
4 Ordinance 10916, Section 4, as amended, and K.C.C.  
5 10.30.020, Ordinance 10916, Section 6, and K.C.C.  
6 10.30.040 and Ordinance 10916, Section 7, and K.C.C.  
7 10.30.050.

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9

10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 **SECTION 1. Findings:**

12 A. Construction, demolition and land-clearing ("CDL") waste is generated by  
13 companies that clear land and build, remodel or demolish structures.

14 B. The county ensures the availability of CDL handling facilities and the proper  
15 handling and disposal of CDL waste through contracts with the private sector. This  
16 public-private partnership ensures that the county's Cedar Hills regional landfill can

17 continue to be dedicated to receiving mixed municipal solid waste and that the handling,  
18 recycling and disposal of CDL are subject to the county's strict environmental standards.

19 C. Provisions of contract extensions with the county's private sector vendors  
20 provide for additional facilities for handling CDL and increased incentives for recycling  
21 CDL, and the King County Code must be updated to enable the implementation of these  
22 additional public benefits.

23 SECTION 2. Ordinance 10916, Section 4, as amended, and K.C.C.10.30.020 are  
24 each hereby amended to read as follows:

25 **Designation of CDL receiving facilities.**

26 A. The following facilities, which are owned and operated by vendors with which  
27 King County has contracts for CDL handling, or alternative facilities, pursuant to this  
28 section, are hereby designated as the CDL receiving facilities for all non((-))recyclable  
29 CDL waste generated in unincorporated King County and in any jurisdiction with which  
30 King County has an interlocal agreement for solid waste management((-));

31 1. Regional Disposal Company facilities:

32 a. Rabanco Recycling and Waste Reduction Center, 2733 Third Avenue South,  
33 Seattle; and

34 b. Regional Disposal Company Black River Transfer and Recycling Facility,  
35 Monster Road, Renton;

36 2. Waste Management, Inc. facilities:

37 a. Eastmont Transfer Station and Material Recovery Facility, 7201 West  
38 Marginal Way, Southwest, Seattle;

39                   b. Seattle Intermodal Facility (Argo Yard), 5000 Denver Avenue South,  
40                   Seattle;

41                   c. Recycling Northwest (RNW) 6555 H Street, Auburn; and

42                   d. Cascade Recycling Center (CRC) 14020 NE 190th St., Woodinville.

43                   Any additional CDL receiving facilities will be identified by amendment of this  
44                   chapter.

45                   Beginning September 1, 1993, all generator(~~s~~), handlers, and collectors of CDL  
46                   waste shall deliver or ensure delivery of all (~~non-recyclable~~) CDL waste generated within  
47                   the county's jurisdiction to a designated CDL receiving facility, or backup facility specified  
48                   by the county in a manner specified by the manager, except as permitted by subsections C,  
49                   D and E of this section.

50                   B. The manager or (~~his/her~~) the manager's designee is authorized to assure that  
51                   vendors remain in compliance with all terms of King County's contract(~~s~~) or contracts  
52                   for CDL waste handling services. If the manager determines the contractor is not in  
53                   compliance with the contract, the manager will notify the executive and the council, and  
54                   may designate an alternative CDL receiving facility during the period of noncompliance.

55                   C. Recyclable CDL waste may be transported to any CDL recycling facility or to a  
56                   recycling market within or outside of King County provided it contains non-recyclable  
57                   CDL waste in amounts not exceeding ten percent (~~10%~~) of total (~~weight~~) volume per  
58                   load.

59                   D.1. Mixed CDL waste, which means loads of CDL waste containing more than  
60                   ten percent but less than ninety percent recyclable CDL waste by volume, shall be taken  
61                   only to a designated CDL receiving facility, or backup facility(~~s~~).

62           2. Notwithstanding subsection D.1. of this section, mixed CDL waste may be  
63           taken to a CDL recycling facility located in King County to the extent permitted by the  
64           contract and applicable law~~((; provided that, if mixed CDL waste is taken to a CDL~~  
65           reeycling facility;)) if and only if all of the following requirements are met:

66           a. a designated CDL receiving facility cannot recycle the specific types of  
67           materials, and the CDL recycling facility is able to recycle such materials;

68           b. the recyclable materials involved comprise more than fifty percent by  
69           volume of the load being delivered; and

70           c. all residual CDL waste ~~((must be))~~ is taken to a designated CDL receiving  
71           facility or backup facility designated by the county.

72           E.1. Notwithstanding subsections A, B, C~~((;))~~ and D of this section, the county  
73           may continue to accept small quantities of CDL waste at its solid waste handling facilities  
74           as permitted by county ordinance or public rule; but only where such small quantities of  
75           CDL waste are transported:

76           a. by ~~((private))~~ vehicles~~((with gross weights not to exceed 8,000 pounds;))~~  
77           that do not have mechanized dump beds, either hydraulic or otherwise; or

78           b. are contained in loads of mixed municipal solid waste ~~((and do))~~ , but only if  
79           the CDL waste does not exceed ten percent ~~((10%))~~ of the total load by ~~((weight))~~  
80           volume.

81           2. Notwithstanding subsection E.1. of this section, in specific instances, the  
82           county may in its sole discretion accept CDL waste in excess of the limitations of this  
83           section and then take formal or informal enforcement action against the individual or  
84           entity transporting such waste to a county facility.

85 F. The county guarantees no minimum volume of non((-))recycled CDL waste to  
86 be delivered to the CDL receiving facilities. The county intends and expressly reserves  
87 the right to encourage reductions in the waste stream through increased recycling.

88 SECTION 3. Ordinance 10916, Section 6, and K.C.C.10.30.040 are each hereby  
89 amended to read as follows:

90 **Enforcement.**

91 ~~((A. Penalties for non-compliance.))~~ Any person who violates this chapter or any  
92 rules and regulations adopted thereunder, or who, by any act or omission, aids or abets  
93 such violation shall be subject to civil penalties as provided in ~~((this chapter. Authority is  
94 provided through K.C.C. 23.08.090 for assessment of civil penalties under Chapter 23.12  
95 K.C.C.))~~ Title 23 K.C.C.

96 ~~((1. In addition to any other sanction or remedial procedure which may be  
97 available, including the sanctions listed in K.C.C. 10.08.110, any person violating or  
98 failing to comply with any provision of K.C.C. 10.30.020 shall:~~

99 a. ~~On the first violation:~~

100 ~~(1) Pay to the county, a civil penalty which is equal to, according to the  
101 highest scheduled price at any CDL receiving facility, the amount that would have been  
102 owed to the owner/operator of such facility had the CDL waste been delivered to such  
103 CDL receiving facility as required; and in addition~~

104 ~~(2) Pay to the county a civil penalty of \$1,000.00; and in addition~~

105 ~~(3) If the actual cost to the county of investigating and bringing the  
106 enforcement action exceeds \$1,000.00, the county may impose an additional civil penalty  
107 equal to such costs.~~

108           ~~b. On the second violation, pay double the amounts set forth in Subsections~~  
109 ~~A.1.a(1), (2), and (3).~~

110           ~~c. On the third and subsequent violations, pay treble the amounts set forth in~~  
111 ~~Subsections A.1.a(1), (2), and (3).~~

112           ~~2. Amounts paid pursuant to Subsection A above shall be divided as follows:~~

113           ~~a. The contractor shall be reimbursed the amount paid to the county under~~  
114 ~~A.1.a(1). If two contractors are in operation at the time of the violation, this amount shall~~  
115 ~~be divided equally among them; and~~

116           ~~b. The county shall retain the amounts collected in Subsections A.1.a(2) and~~  
117 ~~A.1.a(3).~~

118           ~~B. Additional enforcement.)) Notwithstanding the existence or use of any other~~  
119 ~~remedy, the manager or ((his/her)) the manager's designee((s)) or designees may seek~~  
120 ~~legal or equitable relief to enjoin any acts or practices ((which)) that constitute a violation~~  
121 ~~of any provision of this chapter.~~

122           SECTION 4. Ordinance 10916, Section 7, and K.C.C.10.30.050 are each hereby  
123 amended to read as follows:

124           **Tip fee surcharge.** A surcharge of ~~(((\$4.25))~~ four dollars twenty-five cents per  
125 ton is imposed on CDL wastes generated in the county's jurisdiction and delivered to  
126 CDL receiving facilities for the purpose of funding ~~((the))~~ division((s)) costs to manage  
127 the CDL recycling and disposal program~~((and enforce the provisions of the CDL vendor~~  
128 ~~contract and this chapter)), including, without limitation, recycling incentives and related~~  
129 expenses. The contractor shall remit all surcharge amounts and receipts to the solid  
130 waste division on a monthly basis. The contractor shall provide to the county upon

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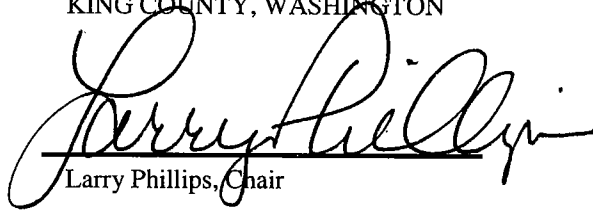
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131 request any information necessary to verify the collection and remittance of the  
132 surcharge.  
133

Ordinance 14986 was introduced on 8/16/2004 and passed by the Metropolitan King County Council on 8/30/2004, by the following vote:


Yes: 12 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Mr. Pelz, Mr. McKenna, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine  
No: 0  
Excused: 1 - Ms. Lambert

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of September, 2004.



Ron Sims, County Executive

Attachments None

RECEIVED  
2004 SEP -3 PM 1:40  
CLERK  
KING COUNTY COUNCIL