

December 18, 1989
1813H/BD:ssj

Introduced by: Paul Barden

Proposed No.: 89-706

9271

ORDINANCE NO. 9271

AN ORDINANCE relating to solid waste disposal rates and funds, and amending Ordinance 8613, Sec. 1 and 4, Ordinance 6177, Sec. 4 as amended, Ordinance No. 6434, Sec. 1-7, Ordinance 7895, Ordinance 800, Sec. 2 as amended, and K.C.C. 4.08.120, K.C.C. 10.12.020, K.C.C. 10.12.025, and K.C.C. 10.12.030, and repealing Ordinance 7748, Sec. 6, Ordinance 7764, Sec. 2, K.C.C. 10.12.045, and K.C.C. 10.14.030, and adding new sections to K.C.C. 4.08.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 7895, Section 1 and K.C.C. 4.08.120 are hereby amended to read as follows:

Energy/Resource Recovery Fund. A. Creation. There is hereby approved and adopted the establishment of an Energy/Resource Recovery Fund. The fund balance may be used for all costs related to administration, planning, design siting, permitting, environmental review, mitigation, construction and operation of energy/resource recovery facilities; or other solid waste purposes determined by the King County Council. These funds shall not be used for the preparation of final engineering plans, specifications and contract documents independent of contracting for construction.

B. Administration. The King County executive and/or his/her designated representative shall be responsible for the administration of the Energy/Resource Recovery Fund including the preparation and issuance of operating procedures deemed necessary to insure the proper administrative implementation of the policies governing the purpose and use of the fund.

1 C. Classification. The Energy/Resource Recovery Fund shall
 2 be classified as a Capital Fund. All amounts designated by the
 3 council within the rate structure of the solid waste system as
 4 earmarked for the Energy/Resource Recovery Fund shall be
 5 collected as prescribed by the rate structure. These earmarked
 6 funds shall be transferred and credited to the Energy/Resource
 7 Recovery Fund within thirty-five (35) days of the end of the
 8 month in which the solid waste disposal action occurred.

9 D. Earnings. All earnings derived from specific investment
 10 of funds accumulated in the Energy/Resource Recovery Fund shall
 11 be deposited and credited to the Energy/Resource Recovery Fund.

12 E. The King County executive is hereby authorized to
 13 establish and activate a new Capital Fund entitled
 14 "Energy/Resource Recovery" for the purpose described in
 15 subsection A. and in accordance with the specific policies
 16 contained in subsections B., C., and D. of this section.

17 SECTION 2. If by February 1, 1990, the solid waste contract
 18 between King County and the City of Seattle has been amended to
 19 allow King County to apply solid waste disposal fee increases
 20 against the City of Seattle's contractual share of the Energy/
 21 Resource Recovery Fund, Ordinance 8613, Sections 1 and 4 and
 22 K.C.C. 10.12.020 are hereby amended to read as follows:

23 Fees for use of disposal sites. All persons using
 24 county-operated solid waste disposal facilities shall pay the
 25 service fees set forth in the following schedule to become
 26 effective on, December 1, 1986.

27 A. Service fees for the use of disposal sites with scales,
 28 excluding Cedar Hills, shall be:

- 29 Passenger licensed vehicles...\$ 6.50 per entry
- 30 Other vehicles.....\$47.00 per ton
- 31 Minimum Charge.....\$ 6.50 per vehicle

1 B. Service fees for the use of disposal sites without scales
2 shall be based upon the cubic yard or fraction thereof as follows:

3 Passenger licensed vehicles...\$ 6.50 per entry

4 Other vehicles

5 Compacted wastes.....\$14.00 per cubic yard

6 Uncompacted wastes.....\$ 8.00 per cubic yard

7 Minimum charge.....\$ 6.50 per vehicle

8 C. Service fees at the Cedar Hills Landfill shall be:

9 Cedar Hills regional direct...\$31.50 per ton

10 Other vehicles.....\$47.00 per ton

11 Disposal by other vehicles is at the discretion of the solid
12 waste manager. Any certificated hauler who has been disposing
13 solid waste at a rural landfill may be authorized by the solid
14 waste manager to dispose solid waste at the Cedar Hills Regional
15 Landfill on a temporary, emergency basis at the regional direct
16 fee.

17 D. A special waste fee shall be charged for special wastes
18 including infectious waste treated and handled pursuant to King
19 County Board of Health Code 10.28.070, asbestos-containing waste
20 material, bulky waste, problem wastes, and other additional
21 wastes requiring clearances pursuant to the King County Board of
22 Health Code Title 10 or pursuant to rules promulgated by the
23 Department.

24 Special Waste Fee.....\$75.00 per ton

25 ((D-)) E. In the absence of exact weights or measurements,
26 the estimate of the manager shall be binding upon the user.

27 ((E-)) F. Special Service Fee. Solid waste generated and/or
28 collected within the boundaries of a jurisdiction which has not
29 entered into an agreement with King County for use of King County
30 solid waste disposal facilities as provided by this chapter may
31 only be disposed of in a King County facility upon payment of a
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1 special service fee of three times the applicable per ton rate
 2 set forth above for facilities with scales and three times the
 3 applicable cubic yard rate set forth in subsection B for
 4 compacted or uncompacted waste for facilities without scales.
 5 Payment of the special service fee in this subsection shall be in
 6 lieu of payment of the fees in subsections A - ~~((G-))~~ D. Nothing
 7 in this subsection authorizes the use of King County facilities
 8 by any municipal corporation or agent thereof or any commercial
 9 hauler for disposal of solid waste generated and/or collected
 10 outside King County.

11 ~~((F---Effective-Date---Ordinance-No--8613-shall-become
 12 effective-on-September-15,-1988-))~~

13 G. Effective February 1, 1990 a monthly transfer shall be
 14 made from the Energy/Resource Recovery Fund to Solid Waste
 15 Operating Fund. The amount of the transfer shall be determined
 16 by adding the following:

17 1. The number of tons of solid waste disposed at the Basic
 18 Fee multiplied by \$7.00.

19 2. The number of tons of solid waste disposed at the Cedar
 20 Hills Regional Direct Fee multiplied by \$4.50.

21 NEW SECTION. SECTION 3. If by February 1, 1990, the solid
 22 waste contract between King County and the City of Seattle has
 23 been amended to allow King County to apply solid waste disposal
 24 fee increases against the City of Seattle's contractual share of
 25 the Energy/Resource Recovery Fund, then Ordinance 7748, Section
 26 6, Ordinance 7764, Section 2, K.C.C. 10.14.030, and K.C.C.
 27 10.12.045 are hereby repealed effective February 1, 1990.

28 SECTION 4. If by February 1, 1990, the solid waste contract
 29 between King County and the City of Seattle has not been amended
 30 to allow King County to apply solid waste disposal fee increases
 31 against the City of Seattle's contractual share of the
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1 Energy/Resource Recovery Fund; Ordinance 8613, Sections 1 and 4
2 and K.C.C. 10.12.020 are hereby amended to read as follows:

3 Fees for use of disposal sites. All persons using
4 county-operated solid waste disposal facilities shall pay the
5 service fees set forth in the following schedule to become
6 effective on (~~December 1, 1986~~) May 1, 1990.

7 A. Service fees for the use of disposal sites with scales,
8 excluding Cedar Hills, shall be:

- 9 Passenger licensed vehicles. (~~(\$-6.50)~~) \$ 8.00 per entry
- 10 Other vehicles.....(~~(\$47.00)~~) \$54.00 per ton
- 11 Minimum Charge.....(~~(\$-6.50)~~) \$ 8.00 per vehicle

12 B. Service fees for the use of disposal sites without scales
13 shall be based upon the cubic yard or fraction thereof as follows:

- 14 Passenger licensed vehicles. (~~(\$-6.50)~~) \$ 8.00 per entry
- 15 Other vehicles
- 16 Compacted wastes.....(~~(\$14.00)~~) \$16.50 per cubic yard
- 17 Uncompacted wastes.....(~~(\$-8.00)~~) \$ 9.50 per cubic yard
- 18 Minimum charge.....(~~(\$-6.50)~~) \$ 8.00 per vehicle

19 C. Service fees at the Cedar Hills Landfill shall be:

- 20 Cedar Hills regional direct. (~~(\$37.50)~~) \$36.00 per ton
- 21 Other vehicles.....(~~(\$47.00)~~) \$54.00 per ton

22 Disposal by other vehicles is at the discretion of the solid
23 waste manager. Any certificated hauler who has been disposing
24 solid waste at a rural landfill may be authorized by the solid
25 waste manager to dispose solid waste at the Cedar Hills Regional
26 Landfill on a temporary, emergency basis at the regional direct
27 fee.

28 D. A special waste fee shall be charged for special wastes
29 including infectious waste treated and handled pursuant to King
30 County Board of Health Code 10.28.070, asbestos-containing waste
31 material, bulky waste, problem wastes, and other additional

1 wastes requiring clearances pursuant to the King County Board of
2 Health Code Title 10 or pursuant to rules promulgated by the
3 Department.

4 Special Waste Fee.....\$75.00 per ton

5 ((D-)) E. In the absence of exact weights or measurements,
6 the estimate of the manager shall be binding upon the user.

7 ((E-)) F. Special Service Fee. Solid waste generated and/or
8 collected within the boundaries of a jurisdiction which has not
9 entered into an agreement with King County for use of King County
10 solid waste disposal facilities as provided by this chapter may
11 only be disposed of in a King County facility upon payment of a
12 special service fee of three times the applicable per ton rate
13 set forth above for facilities with scales and three times the
14 applicable cubic yard rate set forth in subsection B for
15 compacted or uncompacted waste for facilities without scales.
16 Payment of the special service fee in this subsection shall be in
17 lieu of payment of the fees in subsections A - ((G-)) D. Nothing
18 in this subsection authorizes the use of King County facilities
19 by any municipal corporation or agent thereof or any commercial
20 hauler for disposal of solid waste generated and/or collected
21 outside King County.

22 ((F---Effective-Date---Ordinance-No--8613-shall-become
23 effective-on-September-15,-1988-))

24 SECTION 5. If by February 1, 1990, the solid waste contract
25 between King County and the City of Seattle has not been amended
26 to allow King County to apply solid waste disposal fee increases
27 against the City of Seattle's contractual share of the
28 Engergy/Resource Recovery Fund, then Ordinance 7748, Section 6,
29 Ordinance 7764, Section 2, K.C.C. 10.14.030, and K.C.C. 10.12.045
30 are hereby repealed effective May 1, 1990.

1 SECTION 6. If by February 1, 1990, the solid waste contract
2 between King County and the City of Seattle has been amended to
3 allow King County to apply solid waste disposal fee increases
4 against the City of Seattle's contractual share of the
5 Energy/Resource Recovery Fund, then Ordinance 6177, Section 4 as
6 amended and K.C.C. 10.12.025 are hereby amended to read as
7 follows, effective February 1, 1990:

8 (~~(Replacement-and/or-Reclamation-of-Landfills)~~) Landfill
9 Management. Included in the rate structure listed in K.C.C.
10 10.12.020 of this chapter is a (~~(\$3.00)~~) \$ 15.80 per ton charge
11 that shall be collected for each ton of solid waste collected in
12 the King County solid waste system which shall be reserved to
13 provide for the management, replacement and/or reclamation of
14 King County operated landfills in accordance with Sections 8
15 through 12 of this ordinance.

16 SECTION 7. If by February 1, 1990, the solid waste contract
17 between King County and the City of Seattle has not been amended
18 to allow King County to apply solid waste disposal fee increases
19 against the City of Seattle's contractual share of the
20 Energy/Resource Recovery Fund, then Ordinance 6177, Section 4 as
21 amended and K.C.C. 10.12.025 is hereby amended to read as
22 follows, effective May 1, 1990:

23 (~~(Replacement-and/or-Reclamation-of-Landfills)~~) Landfill
24 Management. Included in the rate structure listed in K.C.C.
25 10.12.020 of this chapter is a (~~(\$3.00)~~) \$ 15.80 per ton charge
26 that shall be collected for each ton of solid waste collected in
27 the King County solid waste system which shall be reserved to
28 provide for the management, replacement and/or reclamation of
29 King County operated landfills in accordance with Sections 8
30 through 12 of this ordinance.

1 SECTION 8. Ordinance 6434, Section 1, is hereby amended to
2 read as follows:

3 Public necessity requires that the existing system of the
4 county for the disposal of solid waste, together with such
5 extensions, additions or betterments thereto as may from time to
6 time be authorized, be maintained, conducted, operated and
7 accounted for as a utility of King County. As a financially
8 self-supporting utility, the solid waste system shall set aside
9 reserve monies for closure, post-closure maintenance, new area
10 development, facility relocation and the replacement of
11 landfills. Replacement of landfills may include other means of
12 disposal and handling including but not limited to providing
13 facilities or programs that substitute for landfill capacity.

14 SECTION 9. Ordinance 6434, Section 2, is hereby amended to
15 read as follows:

16 There is hereby approved and adopted the establishment of a
17 Landfill Reserve Fund for the sole purpose of accumulating and
18 disbursing financial resources for the management and replacement
19 of King County landfills as described in Section 11 of this
20 Ordinance.

21 SECTION 10. Ordinance 6434, Section 4, is hereby amended to
22 read as follows:

23 Classification. The Landfill Reserve Fund shall be
24 classified as a Capital Fund. All amounts designated by the
25 Council within the rate structure of the solid waste system as
26 earmarked for the Landfill Reserve Fund shall be collected as
27 prescribed by the rate structure. These earmarked funds shall be
28 transferred and credited to the Landfill Reserve Fund within
29 thirty-five (35) days of the end of the month in which the solid
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1 waste disposal action occurred.

2 ((Notwithstanding these provisions, all funds collected in
3 the year 1983 prior to the passage of this Ordinance, and
4 designated by Ordinance No. 6177 for the Landfill Reserve Fund,
5 shall be transferred and credited to the Landfill Reserve Fund
6 with the transfer for the month in which this Ordinance becomes
7 effective.))

8 SECTION 11. Ordinance 6434, Section 5, is hereby amended to
9 read as follows:

10 All funds deposited into the Landfill Reserve Fund pursuant
11 to this Ordinance shall be appropriated and used only for the
12 management and replacement of King County landfills ((-)) as
13 follows:

14 A. Landfill closure and site restoration, including design
15 work.

16 B. Post closure maintenance including but not limited to
17 environmental monitoring, leachate pretreatment, gas extraction,
18 and site maintenance.

19 C. Facility relocation of existing support facilities as
20 existing landfill disposal areas are closed and new areas
21 developed, including design work.

22 D. New area development to provide new disposal areas within
23 a landfill, including design work.

24 E. Landfill replacement which includes the acquisition,
25 design and development of additional landfill sites, other
26 facilities or programs to replace or extend the life of King
27 County landfills.

1 F. Remedial actions.

2 ((The term "replacement" may include, for purposes of this
3 Ordinance, capital expenditures for:--landfill closure and site
4 restoration, including design work; acquisition, design and
5 development of additional landfill sites to replace or extend the
6 life of King County landfills; landfill improvements or additions
7 to mitigate environmental impacts or extend the life of King
8 County landfills; and energy/resource recovery facilities.--The
9 term "replacement" shall not include costs associated with
10 routine ongoing operation and maintenance of King County's solid
11 waste disposal system.))

12 SECTION 12. Ordinance 6434, Section 7, is hereby amended to
13 read as follows:

14 The King County Executive is hereby authorized to establish
15 and activate a ((new)) Capital Fund entitled, "Landfill Reserve,"
16 for the purpose described in Section ((1)) 8 of this ordinance
17 and in accordance with the specific policies contained in
18 Sections ((2, 3, 4, 5 and 6)) 9, 11 and 12 of this ordinance and
19 Sections 3 and 6 of Ordinance 6434.

20 SECTION 13. Ordinance 800, Section 3 and K.C.C. Section
21 10.12.030 as amended, is hereby amended to read as follows:

22 Collection of fees. A. All service fees collected pursuant
23 to this chapter shall be collected in cash by site cashiers at
24 the time of use; provided, that the manager of the King County
25 solid waste division, department of public works may authorize a
26 commercial or noncommercial user to be billed monthly for all
27 solid waste delivered to the transfer stations and/or final
28 disposal sites.

29 B. Authorization of a commercial or noncommercial user's
30 monthly billing shall result from a request in advance for such
31 service by the commercial or noncommercial user.

1 1. No authorization shall be granted without the posting
2 of an irrevocable payment bond secured by the commercial or
3 noncommercial user in the name of the solid waste division and in
4 an amount which is equal to the larger amount of the actual prior
5 three months of user fee charges or ((~~\$1,500~~)) \$2,500.

6 2. In the absence of the actual prior three months of user
7 fee charges, the irrevocable payment bond will be determined by
8 the larger amount of either an estimate by the commercial or
9 noncommercial user of three months of user charges or ((~~\$1,500~~))
10 \$2,500.

11 3. The amount of such bond may be changed by giving of
12 thirty days' notice by the manager to reflect actual usage.

13 4. The manager, shall upon request, relieve a commercial
14 user certified pursuant to Chapter 81.77 RCW of the requirement
15 for an irrevocable payment bond if it has not been delinquent in
16 the preceding 12 months.

17 5. When the monthly bill is delinquent by five days the
18 user shall post within thirty days of the delinquency an
19 irrevocable bond equal to the larger amount of three month's
20 actual user charges or ((~~\$1,500~~)) \$2,500.

21 6. The manager shall waive the irrevocable payment bond
22 for the following governmental noncommercial users: A municipal
23 corporation, governmental department, agency or commission or
24 political subdivision when he approves its month billing request.

25 C. All invoiced fees shall be due and payable to King
26 County, solid waste division, in monthly installments on or
27 before the fifteenth day following the billing date as listed on
28 the invoice or the date of posting, whichever is later. A late
29 payment penalty equal to one and one-half percent of the
30 delinquent unpaid balance of those nongovernmental commercial and
31 noncommercial accounts in arrears. The manager, having given
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1 seven days' notice, may suspend use privileges for a commercial
2 or noncommercial user who fails to tender payment by the end of
3 the billing month.

4 D. A noncommercial user may be authorized by the manager to
5 be billed monthly for all solid waste delivered to the transfer
6 stations and for final disposal sites; provided, that such
7 noncommercial user is either 1. A municipal corporation,
8 governmental department, agency or commission or political
9 subdivision; or 2. A person whose monthly service charge exceed
10 one hundred dollars.

11 E. Persons authorized for monthly billings shall receive one
12 or more identification badges for the purpose of crediting
13 charges. A fee of twenty-five (~~five~~) dollars shall be charged
14 the person to replace a lost or damaged card. No fee will be
15 charged for replacement due to normal wear.

16 NEW SECTION. SECTION 14. In the event that the City of
17 Seattle withdraws from the King County solid waste system prior
18 to December 31, 1992, the King County solid waste division shall
19 prepare disposal fee recommendations for consideration by the
20 King County council. Such disposal fee recommendations shall be
21 for a three year period commencing with the date of the City of
22 Seattle's withdrawal.

23 NEW SECTION. SECTION 15. The King County council hereby
24 finds that current conditions related to disposal of demolition
25 debris, such as limited remaining capacity at the only major
26 landclearing and demolition debris landfill in King County,
27 expansion of the Puget Sound Air Pollution Control Authority burn
28 ban to a larger geographic area, may cause inappropriate disposal
29 of demolition and landclearing debris at King County transfer
30 stations and landfills. The council further finds that severe
31 operational and fiscal consequences may result to Cedar Hills
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1 landfill if large quantities of landclearing and demolition
2 debris wastes are diverted to that facility.

3 SECTION 16. Ordinance 8891, Section 3, and K.C.C. 10.04.020
4 are hereby amended to add the following definition:

5 (CC) "Landclearing wastes" means solid wastes resulting from
6 the clearing of land for new construction and includes, but is
7 not limited to, stumps and other vegetation, rocks, mud and other
8 plant or mineral wastes.

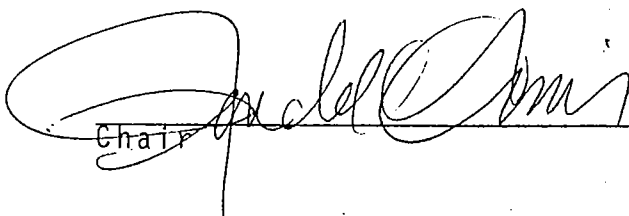
9 SECTION 17. Landclearing waste and demolition debris
10 delivered in any commercial vehicle or any private vehicle with a
11 load capacity greater than 1500 pounds are prohibited and shall
12 not be accepted at any King County solid waste handling
13 facilities.

14 SECTION 18. The effective date of this ordinance shall be
15 January 1, 1990.

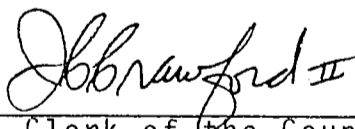
16 INTRODUCED AND READ for the first time this 8th day
17 of September, 1989.

18 PASSED this 18th day of December, 1989.

19 KING COUNTY COUNCIL
20 KING COUNTY, WASHINGTON

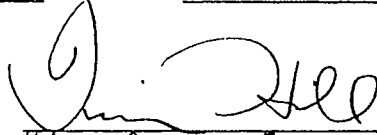
21 
22 Chair

23 ATTEST:

24 
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26 Clerk of the Council

27 APPROVED this 29th day of December, 1989.

28 
29 King County Executive