

1
2 January 3, 1990

INTRODUCED BY: Lois North

3 PROPOSED NO.: 90-103

4 **9284**
5 ORDINANCE NO. 9284

6 AN ORDINANCE making findings about the need
7 for an expedited hearing and appeals procedure
8 for the Newcastle Landfill, in order to
9 determine the existence of an emergency and to
10 set forth rules and procedures to allow
11 consideration of an interim unclassified use
12 permit for operation of Newcastle Landfill, or
13 other alternatives, on an emergency basis, and
14 declaring an emergency.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. Findings. The King County Council finds as
17 follows:

18 A. The Newcastle Landfill is the primary disposal site
19 for landclearing and demolition debris generated within King
20 County.

21 B. The operators of the Newcastle Landfill have
22 announced that the landfill will reach the maximum capacity
23 it is allowed under the restrictions of its current
24 unclassified use permit prior to completion of review of its
25 application for amendments to its existing unclassified use
26 permit, which if approved would allow the Landfill to expand
27 its operations.

28 C. The solid waste division has reviewed data from
29 Newcastle Landfill and has confirmed the limitations of the
30 remaining capacity under the restrictions of its existing
31 permit and that under the restrictions of the existing permit,
32 the landfill is estimated to exhaust its remaining capacity
33 within the next one to four weeks.

D. The building and land division (BALD) has declared
an emergency under SEPA, WAC 197-11-880, exempting the
proposal for an interim permit from SEPA procedural
requirements and has filed a report on the request for an

1 interim permit by the operator. This report and an associated
2 request for an unclassified use permit for Newcastle Landfill
3 to continue its operations on an emergency basis will be
4 considered by the examiner on January 5 and 6, 1990.

5 E. There is a need to accelerate the procedure to
6 provide consideration of the issues raised by this emergency
7 report and request for interim amendments to the unclassified
8 use permit for Newcastle Landfill to allow its operation on
9 an emergency basis, so that the King County Council can
10 expeditiously consider whether an interim permit is necessary
11 and if so, under what conditions, prior to the permanent
12 closure of Newcastle Landfill.

13 SECTION 2. Purpose. This ordinance shall set forth the
14 rules and procedures for the purpose of consideration of:

15 A. Whether an emergency exists for disposal of
16 landclearing and demolition waste;

17 B. If so, whether interim amendments to the
18 unclassified use permit for Newcastle Landfill to expand its
19 operations on an emergency basis should be adopted;

20 C. What restrictions and conditions should be imposed
21 on such interim permit; and

22 D. Any other alternative actions which are recommended
23 to meet the emergency.

24 This ordinance shall not apply to other land use permits or
25 to any subsequent actions related to the Newcastle Landfill.

26 SECTION 3. Definitions. For the purposes of this
27 ordinance, the definitions used in K.C.C. Chapter 20.08 shall
28 apply.

29 SECTION 4. Rules and Procedures. The examiner shall
30 conduct a public hearing on January 5 and January 6, 1990 and
31 shall limit the public hearing to the subject matter of
32 Section 2 of this ordinance. The record shall remain open for
33 written submissions until January 11, 1990.

1 SECTION 5. Notwithstanding any requirements or any other
2 provisions of King County Code, the following procedures shall
3 apply to the consideration of the interim application for
4 Newcastle Landfill:

5 A. By January 16, 1990, the examiner shall render a
6 written recommendation or decision and shall transmit a copy
7 thereof to all persons of record.

8 B. The recommendations of the examiner may be appealed
9 to the council by an aggrieved party by filing a notice of
10 appeal with the clerk of the council by January 22, 1990. A
11 copy of the notice shall also be delivered to the examiner.
12 If no appeal is filed, the clerk of the council shall place
13 a proposed ordinance which implements the examiner's
14 recommended action on the agenda of the next available council
15 meeting for adoption.

16 SECTION 6. If an appeal has been filed pursuant to
17 Section 5.B of this ordinance, the appellant shall file by
18 January 22, 1990 a written appeal statement specifying the
19 basis for the appeal and any arguments in support of the
20 appeal. The clerk of the council shall place a proposed
21 ordinance which implements the examiner's recommended action
22 on the agenda of the January 29, 1990 council meeting. The
23 clerk of the council shall cause notice to be given to other
24 parties of record that a notice of appeal and appeal statement
25 have been filed and that written appeal statements or
26 arguments in response thereto may be submitted to the clerk
27 by noon, January 25, 1990. The examiner shall provide a
28 summary of the arguments to the council no later than twenty-
29 four (24) hours prior to the January 29, 1990 council meeting.

30 SECTION 7. The Council finds that enactment of this
31 measure is necessary for the protection of public health,
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welfare and safety of the residents of King County and deems
it necessary to enact this ordinance as an emergency effective
immediately.

INTRODUCED AND READ for the first time this 3rd day of
January, 1990.

PASSED this 3rd day of January, 1990.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Lois North
Chairman

ATTEST:

Jobbrauford II
Clerk of the Council