

ORDINANCE NO. **10916**

AN ORDINANCE relating to the handling and transportation of construction, demolition, and landclearing (CDL) waste; requiring delivery of non-recyclable CDL waste to designated receiving facilities; establishing enforcement and inspection procedures; providing penalties for non-compliance; establishing a surcharge; amending Ordinance 8891 as amended, and K.C.C. 10.04.020; and repealing Ordinance 9271, Sections 15, 17, and K.C.C. 10.12.065; and adding new sections to K.C.C. Title 10.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Purpose and Findings

A. Statement of Purpose. The purpose of this ordinance is to assure that there will be a CDL disposal facility to serve King County, that the Cedar Hills Landfill may continue to be dedicated to receiving mixed municipal solid waste (MMSW), and that CDL disposal is subject to King County's strict environmental controls.

B. Findings. Based on the testimony of King County personnel and members of the public, and on other evidence, information, documents and materials submitted to and reviewed by the King County council, the King County council makes the following Findings of Fact:

1. Construction, demolition and land clearing (CDL) waste is generated by construction and demolition companies that clear land and build, remodel or demolish structures. Historically, CDL waste in King County has been disposed of at demolition waste landfills operated by the private sector, which have since closed. The adopted 1989 King County Comprehensive Solid Waste Management Plan (the "1989 Plan") examined the need to plan and permit one or more new facilities for disposal and recycling of CDL. The 1989 Plan and supporting environmental impact statement examined in detail the viability and environmental impacts of three alternatives.

2. Under the 1989 Plan, the county recommended that non-recyclable CDL waste be managed by qualified, competitively

1 selected private contractors and promoted increased waste
2 reduction and recycling of CDL waste.

3 3. These recommendations were presented in the 1989 Plan
4 because no private sector initiatives for handling non-recyclable
5 CDL wastes had emerged due to problems with siting new
6 facilities, public opposition, and financial uncertainty.
7 Additionally, the uncertainty of provision of long-term disposal
8 facilities by the private sector and the anticipated closure of
9 the two privately owned CDL disposal sites in operation
10 necessitated King County action in initiating a new disposal
11 facility.

12 4. The public-private partnership implemented by the
13 selection of two private contractors to dispose of CDL waste is a
14 responsive solution to the CDL disposal crisis. It is the
15 alternative that most practically meets King County's goals for
16 the CDL waste stream: predictable, environmentally sound
17 disposal of all non-recyclable CDL waste; preservation of the
18 capacity of the Cedar Hills Landfill for MMSW; and reduction of
19 the amount of CDL waste requiring disposal through increased
20 recycling. King County would like to provide more than one
21 disposal option for CDL waste in order to equalize their
22 distribution around the county, so that no single area of the
23 county will be required to absorb an undue share of the impact
24 from these facilities, and to encourage competitive disposal
25 rates.

26 5. Future projections of increasing quantities of CDL
27 waste necessitate a CDL disposal facility designated to serve
28 King County. The solid waste division has estimated future CDL
29 waste quantities for the next 20 years. The mid-range CDL waste
30 volume for the time periods 1991 through 2000 and 2001 through
31 2010 is estimated to be approximately 1.3 million and 1.2 million
32 cubic yards per year, respectively. High-range estimates are 1.6
33 and 1.5 million cubic yards per year.

34 6. Currently, pursuant to K.C.C. 10.12.065, land clearing
35 waste and demolition debris loads over 1500 pounds are prohibited

1 at any King County solid waste handling facility because of
2 handling difficulties.

3 7. King County inventoried disposal facilities in 20
4 Washington counties. Many out-of-county disposal facilities
5 would not accept King County CDL waste because the facilities are
6 owned by municipalities that have waste flow ordinances or firm
7 policies prohibiting acceptance of King County CDL waste.

8 8. Independent, self-haul out-of-county disposal of CDL
9 waste is made impracticable by long distance hauling. Round-trip
10 haul times in excess of 2 hours have an adverse effect on the
11 productivity and economic viability of CDL business.

12 Furthermore, there are numerous indirect effects of long haul
13 times, such as traffic congestion, increased accident potential
14 and pollution, and wear and tear on a greater portion of the
15 state's highway system. The number of demolition trucks on King
16 County roads has doubled due to longer haul times resulting from
17 the closure of privately operated CDL disposal sites in King
18 County.

19 9. King County lacks the jurisdiction to regulate out-of-
20 county landfills that are not associated with King County either
21 jurisdictionally or contractually. These facilities are
22 therefore not subject to King County's control regarding
23 environmentally sound management practices.

24 10. On August 31, 1990, King County responded to the
25 closure of the last privately owned CDL landfill in King County
26 by amending its waste acceptance policy by emergency public rule
27 PUT 7-1, and later PUT 7-3, to provide some CDL waste handlers
28 with a local waste disposal option at Cedar Hills Landfill only
29 until private vendor services are available. Continued disposal
30 of CDL waste would increase the annual quantity of solid waste
31 deposited at Cedar Hills Landfill by approximately 13 to 37
32 percent. For combined MMSW and CDL waste it is estimated the
33 Cedar Hills Landfill would reach capacity by 2015 at the latest,
34 or 7 years sooner than if disposal at the Cedar Hills Landfill
35 was restricted to MMSW only.

1 11. Continued disposal of CDL waste at the Cedar Hills
2 Landfill would result in significant operational impacts. The
3 1987 levels of landfill-bound traffic would more than double,
4 increasing from approximately 500 to 1,000 vehicles per day.
5 The increase in the size of the operating face of the landfill
6 would necessitate longer operating hours, and substantial
7 additional equipment and staff. Noise levels would increase and
8 the need for additional financing for equipment and staff would
9 likely result in rate increases. The bulky nature of CDL waste
10 would create difficulty in achieving full daily cover and
11 increase the likelihood of differential settlement and of damage
12 to the landfill liner and gas extraction system.

13 12. The Cedar Hills Landfill was eliminated from
14 consideration as an alternative CDL disposal site because of the
15 public need for its use as a regional MMSW disposal facility and
16 because of the significant adverse operational impacts that would
17 result.

18 13. Other King County-operated landfills are not
19 acceptable alternatives for CDL disposal. Transfer stations have
20 now replaced all of the smaller rural landfills, with the
21 exception of the sites on Vashon Island and Hobart. Neither of
22 these can accept the anticipated volumes required for CDL
23 disposal.

24 14. Most of King County's six transfer stations were
25 built in the 1960s and were designed to accommodate smaller
26 volumes of waste and smaller trucks than they now handle. The
27 volume of CDL waste taken to transfer stations has increased over
28 time due to the closure of CDL disposal facilities. CDL waste
29 intensifies transfer station operational problems and has damaged
30 transfer station equipment.

31 15. Vehicles carrying CDL wastes may exacerbate traffic
32 conditions at King County's transfer stations. Increased queuing
33 times due to disposal of CDL waste at transfer stations may
34 promote illegal dumping.

35 16. An alternative CDL disposal site other than the Cedar
36 Hills Landfill should be provided to limit illegal dumping. In

1 early 1990, in the few months following the closure of the
2 largest privately owned CDL disposal site in King County, the
3 King County Solid Waste Division received over 600 calls from CDL
4 waste generators regarding CDL debris. In general, the calls
5 received concerned complaints about the lack of disposal
6 facilities, inquiries regarding an alternate resource for CDL
7 disposal and reports of illegal activities associated with
8 unlawful dumping or littering. The lack of nearby CDL disposal
9 facilities and resultant increase in disposal costs promoted
10 illegal dumping.

11 17. King County is committed to CDL waste reduction and
12 recycling and to the environmentally sound disposal of CDL waste
13 that cannot be recycled. King County-controlled procurement of
14 privately operated facilities will make CDL recycling mandatory
15 and will ensure that the disposal of CDL waste will comply with
16 King County's environmental standards. All contractor disposal
17 facilities must be located, designed, constructed and operated to
18 meet the requirements of Washington State Minimum Functional
19 Standards (MFS) for mixed municipal solid waste landfills in non-
20 arid areas and any other environmental or relevant standards. At
21 a minimum, it is expected that vendor processing facilities would
22 be able to recover 25% of the mixed CDL waste stream remaining
23 after source-separated concrete and asphalt and compostable land
24 clearing waste have been removed.

25 18. The exclusive use of designated CDL receiving
26 facilities for non-recyclable CDL waste generated within King
27 County will improve future planning for CDL management. Vendors
28 under contract to King County will be required to keep detailed
29 records of incoming and outgoing materials. Vendor records will
30 allow the county to create a data base on the CDL waste stream
31 that will enable King County to more accurately plan for the
32 future disposal needs of non-recyclable CDL waste.

33 19. Vendors under contract to the county are required to
34 have the capability to process incoming loads of CDL waste to
35 remove recyclable CDL material and are not allowed to dispose of
36 recyclable material for which the county determines a market

1 exists. In addition to contractual requirements for recycling,
2 the solid waste division will implement an educational program
3 and provide technical assistance to encourage CDL waste
4 generators to practice waste reduction and source separation.
5 The record-keeping requirements placed on vendors operating
6 designated CDL facilities will provide specific CDL waste stream
7 data, enabling King County to establish appropriate CDL recycling
8 goals and improve technical assistance rendered to CDL recyclers.

9 SECTION 2. Ordinance 8891, as amended, and K.C.C. 10.04.020
10 are hereby amended as follows:

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

13 A. "Agricultural wastes" means non-dangerous wastes on
14 farms resulting from the production of agricultural products
15 including but not limited to manures and carcasses of dead
16 animals weighing each or collectively in excess of fifteen
17 pounds.

18 B. "Asbestos-containing waste material" means any waste
19 that contains asbestos. This term includes, but is not limited
20 to, asbestos waste from control devices, contaminated clothing,
21 asbestos waste material, materials used to enclose the work area
22 during an asbestos project, and bags or containers that
23 previously contained asbestos.

24 C. "Ashes" means the residue including any air pollution
25 control equipment flue dusts from combustion or incineration of
26 material including solid wastes.

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

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

32 F. "CDL receiving facility" means any properly licensed or
33 permitted facility that is designated by the county as the
34 facility to which non-recyclable CDL waste, including residual
35 CDL waste, is required to be delivered pursuant to King County
36 Code.

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

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

6 ((E)) I. "Certified hauler or certificated hauler" means
7 any person engaged in the business of solid waste handling having
8 a certificate granted by the Washington Utilities and
9 Transportation Commission for that purpose.

10 ((F)) J. "Charitable organization" means any organization
11 which meets the following criteria: must be defined by the
12 Internal Revenue Service as a 501(c)3 charitable organization;
13 must be engaged as a primary form of business in the processing
14 of abandoned goods for resale or reuse; and must have an account
15 with the solid waste division.

16 K. "Clean mud and dirt" means mud and dirt that meet the
17 soil cleanup standards of the Washington Administrative Code
18 (WAC) 173-340-740 and WAC 173-340-745 as currently enacted and as
19 hereafter amended.

20 ((G)) L. "Clean soils and clean dredge spoils" means soils
21 and dredge spoils which are not dangerous wastes or problem
22 wastes as defined in this chapter.

23 ((H)) M. "Commercial hauler" means any person, firm or
24 corporation including but not limited to "certified hauler," as
25 defined herein, collecting or transporting solid waste for hire
26 or consideration.

27 ((I)) N. "Compacted waste" means any solid waste whose
28 volume is less than in the loose condition as a result of
29 compression.

30 O. "Construction, demolition, and land clearing (CDL)
31 waste" means any recyclable or non-recyclable waste that results
32 from construction, remodeling, repair or demolition of buildings,
33 roads or other structures, or from land clearing for development,
34 and requires removal from the site of construction, demolition or
35 land clearing. Except where otherwise expressly provided, "CDL
36 waste" or "county CDL waste" means CDL waste generated in the

1 county jurisdiction. CDL waste includes, but is not limited to,
2 the following listed materials:

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

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

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

19 CDL waste does not include clean mud and dirt, contaminated
20 soil, asbestos-containing waste material containing more than one
21 percent of asbestos by weight, unacceptable waste, or any other
22 solid waste which does not meet the definition of CDL waste.

23 P. "Contaminated soil" is any soil that does not meet the
24 soil cleanup standards of the Washington Administrative Code as
25 currently enacted and as hereafter amended.

26 ((J)) Q. "Controlled solid waste" means all solid waste
27 generated, collected or disposed within the unincorporated areas
28 of King County and all solid waste generated, collected or
29 disposed within any other jurisdiction with which a solid waste
30 interlocal agreement, as defined herein, exists.

31 R. "County jurisdiction" means the geographic area for
32 which King County government has comprehensive planning authority
33 for solid waste management by law and/or by interlocal agreement.

34 ((K)) S. "Dangerous wastes" means any solid waste
35 designated as dangerous waste by the Washington State Department
36 of Ecology under WAC 173-303.

1 ~~((L.) "Demolition wastes" means solid waste, largely inert~~
2 ~~waste resulting from the demolition, razing or construction of~~
3 ~~buildings, roads, and other man-made structures. Demolition~~
4 ~~waste consists of, but is not limited to, concrete, brick,~~
5 ~~bituminous concrete, wood and masonry, composition roofing and~~
6 ~~roofing paper, steel, and minor amounts of other metals like~~
7 ~~copper. Plaster (i.e., sheet rock or plaster board) or any other~~
8 ~~material that is likely to produce gases or a leachate during the~~
9 ~~decomposition process and asbestos wastes are not considered to~~
10 ~~be demolition waste for the purposes of this chapter.))~~

11 ((M)) T. "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 ((N)) U. "Disposal" means the discharge, deposit,
18 injection, dumping, leaking, or placing of any solid waste into
19 or on any land or water.

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

27 ((P)) W. "Disposal site" means a site or sites approved by
28 the council of King County where any final treatment,
29 utilization, processing or disposition of solid waste occurs.

30 ((Q)) X. "Disposal system" means the system of disposal
31 facilities, rules and procedures established pursuant to this
32 title.

33 ((R)) Y. "Drop box facility" means a facility used for the
34 placement of a detachable solid waste container, i.e., drop
35 boxes, including the area adjacent for necessary entrance and
36 exit roads, unloading, and turnaround areas. Drop box facilities

1 normally serve the general public with loose loads and receive
2 waste from off-site. Drop box facilities may also include
3 containers for separated recyclables.

4 ((S)) Z. "Division" means the solid waste division of the
5 King County public works department.

6 ((P)) AA. "Energy resource recovery" means the recovery of
7 energy in a usable form from mass burning or refuse derived fuel
8 incineration, pyrolysis or any other means of using the heat of
9 combustion of solid waste that involves high temperature (above
10 1200 degrees Fahrenheit) processing.

11 ((U)) BB. "Garbage" means unwanted animal and vegetable
12 wastes and animal and vegetable wastes resulting from the
13 handling, preparation, cooking, and consumption of food, swill,
14 and carcasses of dead animals and of such a character and
15 proportion as to be capable of attracting or providing food for
16 vectors, except sewage and sewage sludge.

17 ((V)) CC. "Hazardous wastes" means and includes, but is not
18 limited to explosives, medical wastes, radioactive wastes,
19 pesticides and chemicals which are potentially harmful to the
20 public health or the environment. Unless otherwise defined by
21 the King County board of health, such waste shall have the
22 meaning as defined by the Washington State Department of Ecology
23 and the Washington Administrative Code.

24 ((W)) DD. "Hazardous waste management plan" means a plan
25 for managing moderate risk wastes, pursuant to RCW 70.105.220.

26 ((X)) EE. "Health department" means the Seattle-King County
27 health department.

28 ((Y)) FF. "Health officer" means the King County director
29 of public health, or his authorized agent.

30 ((Z)) GG. "Industrial solid wastes" means waste by-products
31 from manufacturing and fabricating operations such as scraps,
32 trimmings, packing, and other discarded materials not otherwise
33 designated as dangerous waste under Chapter 173-303 WAC.

34 ((AA)) HH. "Interim solid waste handling facility" means
35 any interim treatment, utilization or processing site engaged in
36 solid waste handling which is not the final disposal site.

1 Transfer stations, drop boxes, baling and compaction sites,
2 source separation centers, intermediate processing facilities,
3 mixed waste processing facilities and treatment facilities are
4 considered interim solid waste handling sites.

5 ((BB)) II. "Intermediate processing facility" means any
6 facility that sorts mixed recyclables from source separation
7 programs to divide them into individual component recyclable
8 materials or to process them for marketing.

9 ((CC)) JJ. "King County Solid Waste Advisory Committee"
10 means the committee formed pursuant to King County Ordinance 6862
11 and RCW 70.95 to advise the county on solid waste management
12 planning, assist in the development of programs and policies
13 concerning solid waste management, and review and comment on the
14 plan and other proposed solid waste management rules, policies or
15 ordinance prior to adoption.

16 ((DD. ~~"Landclearing wastes" means solid wastes resulting~~
17 ~~from the clearing of land for new construction and includes, but~~
18 ~~is not limited to, stumps and other vegetation, rocks, mud and~~
19 ~~other plant or mineral wastes.))~~

20 ((EE)) KK. "Landfill" means a disposal site or part of a
21 site at which waste is placed in or on land and which is not a
22 landspreading disposal facility.

23 ((FF)) LL. "Landspreading disposal facility" means a
24 facility that applies sludge or other solid wastes onto or
25 incorporates solid waste into the soil surface at greater than
26 vegetative utilization and soil conditioners/immobilization
27 rates.

28 ((GG)) MM. "Liquid" means a substance that flows readily
29 and assumes the form of its container but retains its independent
30 volume.

31 ((HH)) NN. "Littering" means to accumulate, or place,
32 throw, deposit, put into or in any land or water or otherwise
33 dispose of refuse including rubbish, ashes, garbage, dead
34 animals, industrial refuse, commercial waste and all other waste
35 material of every kind and description in any manner except as
36 authorized by this chapter.

1 ((HH)) OO. "Manager" means the manager of the solid waste
2 division of the department of public works of King County.

3 ((JJ)) PP. "Medical waste" means all waste so defined by
4 the King County board of health rules and regulations.

5 OO. "Mixed CDL waste" means CDL waste containing both
6 recyclable and non-recyclable CDL waste material that has not
7 been separated.

8 ((KK)) RR. "Mixed municipal solid waste" means waste
9 consisting of solid waste generated by residences, stores,
10 offices, and other generators of wastes that are not industrial,
11 agricultural, or CDL ((demolition)) wastes.

12 ((LL)) SS. "Mixed waste processing" means sorting of solid
13 waste after collection from the point of generation in order to
14 remove recyclables from the solid waste to be disposed.

15 ((MM)) TT. "Mobile yard waste facility" means a yard waste
16 facility requiring no above-grade construction and established on
17 a temporary basis. For the purposes of Section 10.12.020, a
18 mobile yard waste facility shall be considered to be a disposal
19 site without scales.

20 ((NN)) UU. "Moderate risk waste" means:

21 1. any waste that exhibits any of the properties of
22 hazardous waste but is exempt from regulation under RCW Chapter
23 70.105 solely because the waste is generated in quantities below
24 the threshold for regulation, and

25 2. any household wastes which are generated from the
26 disposal of substances identified by the department of ecology as
27 hazardous household substances.

28 ((OO)) VV. "Multi-family structure" means any residential
29 structure designed exclusively for occupancy by two or more
30 families living independently of each other receiving solid waste
31 collection service as an entire structure or complex and the
32 structure or complex is billed for solid waste collection service
33 as a whole and not by individual dwelling units.

34 ((PP)) WW. "Noncommercial user" means any person not
35 engaged in the business of solid waste handling.

1 XX. "Non-recyclable CDL waste" means any CDL waste that is
2 not recyclable CDL waste.

3 ((QQ)) YY. "Operating hours" means those times during which
4 disposal facilities are normally open and available for the
5 delivery of solid wastes.

6 ((RR)) ZZ. "Person" means any individual, association,
7 firm, corporation, partnership, political subdivision,
8 municipality, government agency, industry, public or private
9 corporation, or any other entity.

10 ((SS)) AAA. "Plan" means the coordinated comprehensive
11 solid waste management plan for the county as required by RCW
12 Chapter 70.95.

13 ((TT)) BBB. "Problem wastes" means:

14 1. soils removed during the cleanup of a remedial action
15 site, or a dangerous waste site closure or other cleanup efforts
16 and actions and which contain harmful substances but are not
17 designated dangerous wastes, or

18 2. dredge spoils resulting from the dredging of surface
19 waters of the state where contaminants are present in the dredge
20 spoils at concentrations not suitable for open water disposal and
21 the dredge spoils are not dangerous wastes and are not regulated
22 by the Federal Clean Water Act.

23 ((UU)) CCC. "Procurement policy" means the development and
24 implementation of a policy which achieves the purchase of
25 products made from recycled and/or recyclable goods.

26 ((VV)) DDD. "Receivers" means persons who will reuse
27 recyclables and to whom source separated recyclables for which a
28 market does not presently exist can be delivered at little or no
29 cost in order to avoid landfilling the materials pending
30 development of economic markets.

31 ((WW)) EEE. "Reclamation site" means a location used for
32 the processing or the storage of recycled waste.

33 FFF. "Recyclable CDL waste" means CDL waste material that
34 can be kept out of or recovered from CDL waste and reused or
35 transformed into a reusable product. Recyclable CDL waste may
36 consist of a single type of recyclable material or a mixture of

1 two or more types of recyclable material. Material used to
 2 produce hog fuel is recyclable CDL waste.

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

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

19 ((ZZ)) III. "Refuse" means garbage, rubbish, ashes, swill
 20 and all other putrescible and nonputrescible wastes, except
 21 sewage, from all public and private establishments and residences.

22 ((AAA)) JJJ. "Regional approach" means the development and
 23 implementation of a solid waste management program in cooperation
 24 with municipalities in King County and with other counties within
 25 the Puget Sound area.

26 ((BBB)) KKK. "Regional direct" means any solid waste
 27 transported to Cedar Hills disposal site by conventional long
 28 haul transfer vehicles, transporting from solid waste transfer
 29 stations solid waste generated and collected in King County.

30 LLL. "Residual CDL waste" means the non-recyclable waste
 31 remaining after recycling processes have removed recyclable waste.

32 ((EEE)) MMM. "Reuse" means the return of a commodity into
 33 the economic stream for use.

34 ((DDD)) NNN. "Rubbish" means all nonputrescible wastes from
 35 all public and private establishments and from all residences.

1 ((EEE)) OOO. "Secured load" means a load of solid waste
2 which has been secured or covered in the vehicle in a manner that
3 will prevent any part of the solid waste from leaving the vehicle
4 while the vehicle is moving.

5 ((FFF)) PPP. "Self-hauler" means all vehicles that are
6 neither passenger licensed vehicles nor vehicles used by solid
7 waste collection entities in their solid waste collection
8 operations that are in engaged in transporting wastes to disposal
9 facilities.

10 ((GGG)) QQQ. "Single family dwelling" means any residential
11 unit receiving solid waste collection service as an individual
12 unit and the dwelling is billed for solid waste collection
13 service as an individual dwelling.

14 ((HHH)) RRR. "Solid waste" means all putrescible and
15 nonputrescible solid and semisolid wastes, except wastes
16 identified in WAC 173-304-015, including but not limited to
17 garbage, rubbish, ashes, industrial wastes, swill, demolition and
18 construction wastes, abandoned vehicles or parts thereof,
19 discarded commodities, sludge from wastewater treatment plants
20 and septage from septic tanks, woodwaste, dangerous waste, and
21 problem wastes. This includes all liquid, solid and semisolid
22 materials which are not the primary products of public, private,
23 industrial, commercial, mining and agricultural operations.
24 Unrecovered residue from recycling operations shall be considered
25 solid waste.

26 ((HHH)) SSS. "Solid waste collection entity" means every
27 person or his lessees, receivers, or trustees, owning,
28 controlling, operating or managing vehicles used in the business
29 of transporting solid waste for collection and/or disposal for
30 compensation including all certified haulers, or any city using
31 its own employees, or any company operating pursuant to a
32 contract with or franchise from a city performing solid waste
33 collection services within the city.

34 ((JJJ)) TTT. "Solid waste interlocal agreement" means an
35 agreement between a city and the county for use of the King

1 County disposal system for solid waste generated or collected
2 within the city.

3 ((KKK)) UUU. "Solid waste management" means the systematic
4 administration of activities which provide for the reduction in
5 generated volume, source separation, collection, storage,
6 transportation, transfer, recycling, processing, treatment and
7 disposal of solid waste. This includes public education and
8 marketing activities.

9 ((LLL)) VVV. "Source separation" means the process of
10 separating recyclable materials from material which will become
11 solid waste at its source.

12 ((MMM)) WWW. "Suspect waste" means any waste the manager
13 suspects may be unauthorized waste.

14 ((NNN)) XXX. "Swill" means every refuse accumulation of
15 animal, fruit, or vegetable matter, liquid or otherwise, that
16 attends the preparation, use, cooking, dealing in or storing of
17 meat, fish, fowl, fruit and vegetables, except coffee grounds.

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

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

33 ((PPP)) AAAA. "Unauthorized waste" means waste which is
34 waste not acceptable for disposal at any or a specific disposal
35 facility according to applicable rules and regulations or a
36 determination of the manager.

1 ((QQQ)) BBBB. "Uncompacted waste" means any solid waste in
2 an uncompressed or loose condition.

3 ((RRR)) CCCC. "Unincorporated urban service area" means a
4 geographical area of urban unincorporated King County designated
5 to receive solid waste, recyclables, and yard waste collection
6 services.

7 ((SSS)) DDDD. "Waste reduction" means reducing the amount
8 or type of waste generated.

9 ((TTT)) EEEE. "Woodwaste" means solid waste consisting of
10 wood pieces or particles generated as a by-product resulting from
11 the handling and processing of wood, including, but not limited
12 to, hog fuel, sawdust, shavings, chips, bark, small pieces of
13 wood, stumps, limbs and any other material composed largely of
14 wood which has no significant commercial value at the time in
15 question, (but shall not include slash developed from logging
16 operations unless disposed of on a different site), and does not
17 include wood pieces or particles containing chemical
18 preservatives such as creosote, pentachlorophenol, or copper-
19 chrome-arsenate.

20 ((UUU)) FFFF. "Yard waste" means a compostable organic
21 material generated in yards or gardens, including but not limited
22 to, leaves, grass, branches, prunings, and clippings of woody and
23 fleshy plants and unflocked Christmas trees, but shall not
24 include rocks, dirt or sod, concrete, asphalt, bricks,
25 landclearing wastes, demolition wastes, woodwaste or food waste.

26 ((VVV)) GGGG. "Yard waste facility" means a facility used,
27 by county residents to deposit source separated yard waste.

28 SECTION 3. Ordinance 9271, Sections 15 and 17, and
29 K.C.C. 10.12.065 are hereby repealed.

30 NEW SECTION SECTION 4. A new section is hereby added to
31 Chapter 10.08 of the King County Code:

32 **Designation of CDL Receiving Facilities.**

33 A. The following facilities, which are owned and operated
34 by vendors with which King County has contracts for CDL handling,
35 or alternative facilities, pursuant to Section 4.B of this
36 ordinance, are hereby designated as the CDL receiving facilities

1 for all non-recyclable CDL waste generated in unincorporated King
2 County and in any jurisdiction with which King County has an
3 interlocal agreement for solid waste management.

4 1. Regional Disposal Company facilities:

5 a. Rabanco Recycling and Waste Reduction Center, 2733
6 Third Avenue South, Seattle

7 b. Regional Disposal Company Black River Transfer and
8 Recycling Facility, Monster Road, Renton

9 Any additional CDL receiving facilities will be identified
10 by amendment of this chapter.

11 Beginning September 1, 1993, all generators, handlers, and
12 collectors of CDL waste shall deliver or ensure delivery of all
13 non-recyclable CDL waste generated within the county's
14 jurisdiction to a designated CDL receiving facility, or backup
15 facility specified by the county in a manner specified by the
16 manager.

17 B. The manager or his/her designee is authorized to assure
18 that vendors remain in compliance with all terms of King County's
19 contract(s) for CDL waste handling services. If the manager
20 determines the contractor is not in compliance with the contract,
21 the manager will notify the executive and the council, and may
22 designate an alternative CDL receiving facility during the period
23 of noncompliance.

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

28 D. Mixed CDL waste shall be taken only to a designated CDL
29 receiving facility, or backup facility, or a CDL recycling
30 facility located in King County to the extent permitted by
31 applicable law; provided that, if mixed CDL waste is taken to a
32 CDL recycling facility, all residual CDL waste must be taken to a
33 designated CDL receiving facility or backup facility designated
34 by the county.

35 E. Notwithstanding subsections A, B, C, and D, the county
36 may continue to accept small quantities of CDL waste at its solid

1 waste handling facilities as permitted by county ordinance or
2 public rule; but only where such small quantities of CDL waste
3 are transported by private vehicles with gross weights not to
4 exceed 8,000 pounds, or are contained in loads of mixed municipal
5 solid waste and do not exceed ten percent (10%) of the load by
6 weight.

7 F. The county guarantees no minimum volume of non-recycled
8 CDL waste to be delivered to the CDL receiving facilities. The
9 county intends and expressly reserves the right to encourage
10 reductions in the waste stream through increased recycling.

11 NEW SECTION SECTION 5. A new section is hereby added to
12 Chapter 10.08 of the King County Code:

13 **Enforcement Authority -- Inspections.**

14 A. The manager or his/her designee(s) is authorized and
15 directed to enforce the provisions of this ordinance.

16 B. The manager or his/her designee(s) is authorized to make
17 lawful inspections of the premises or vehicles of any person
18 suspected of violating Section 4 of this ordinance and to inspect
19 the books and records related to the subject of this ordinance.
20 All inspections shall be performed in compliance with applicable
21 federal, state, and local laws. No notice shall be required for
22 these inspections unless required by law.

23 NEW SECTION SECTION 6. A new section is hereby added to
24 Chapter 10.08 of the King County Code:

25 **Enforcement.** A. **PENALTIES FOR NON-COMPLIANCE.** Any person
26 who violates this ordinance or any rules and regulations adopted
27 thereunder, or who, by any act or omission, aids or abets such
28 violation shall be subject to civil penalties as provided in this
29 ordinance. Authority is provided through K.C.C. 23.08.09 for
30 assessment of civil penalties under Chapter 23.12 K.C.C.

31 1. In addition to any other sanction or remedial
32 procedure which may be available, including the sanctions listed
33 in K.C.C. 10.08.110, any person violating or failing to comply
34 with any provision of Section 3 of this ordinance shall:

1 a. On the first violation:

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

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

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

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

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

16 2. Amounts paid pursuant to Subsection A above shall be
17 divided as follows:

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

22 b. The county shall retain the amounts collected in
23 Subsections A.1.a(2) and A.1.a(3).

24 B. ADDITIONAL ENFORCEMENT. Notwithstanding the existence
25 or use of any other remedy, the manager or his/her designee(s)
26 may seek legal or equitable relief to enjoin any acts or
27 practices which constitute a violation of any provision of this
28 chapter.

29 NEW SECTION SECTION 7. A new section is hereby added to
30 Chapter 10.08 of the King County Code:

31 **Tip Fee Surcharge.** A surcharge of \$4.25 per ton is imposed
32 on CDL wastes generated in the county's jurisdiction and
33 delivered to CDL receiving facilities for the purpose of funding
34 the division's costs to manage the CDL disposal program and
35 enforce the provisions of the CDL vendor contract and this
36 ordinance. The contractor shall remit all surcharge amounts and

1 receipts to the solid waste division on a monthly basis. The
2 contractor shall provide to the county upon request any
3 information necessary to verify the collection and remittance of
4 the surcharge.

5 SECTION 8. If any section, sentence, clause or phrase of
6 this ordinance should be held invalid or unconstitutional, the
7 validity or constitutionality thereof shall not affect the
8 validity or constitutionality of any other section, sentence,
9 clause, or phrase of this ordinance.

10 INTRODUCED AND READ for the first time this 17th day
11 of May, 1993.

12 PASSED this 28th day of June,
13 1993.

14 KING COUNTY COUNCIL
15 KING COUNTY, WASHINGTON

16 Andrew Gruel
17 Chair

18 ATTEST:

19 Gerald A. Peterson
20 Clerk of the Council

21 APPROVED this 9th day of July,
22 1993.

23 Jim Hill
24 King County Executive
25