

8/27/2021

Striker - Collab w/SWD

[T. Rose]

Sponsor: McDermott

Proposed No.: 2020-0243

1 **AMENDMENT TO PROPOSED ORDINANCE 2020-0243, VERSION 1**

2 On page 1, beginning on line 9, strike everything through page 27, line 586, and insert:

3 "STATEMENT OF FACTS:

4 1. Ordinance 18166, enacted in 2015, authorized the solid waste division
5 of the department of natural resources and parks to enter into agreements
6 with privately-owned construction and demolition ("C&D") receiving
7 facilities that establish minimum recycling requirements for C&D
8 material.

9 2. Ordinance 18166 provided groundwork for expanding the number of
10 facilities that recycle C&D waste generated in King County from one to
11 eight locations thereby increasing the C&D recycling rate.

12 3. While the recycling efforts are trending in a positive manner,
13 significant amounts of recyclable C&D materials are still being disposed
14 of at landfills. The privately owned C&D transfer facilities are working
15 with the solid waste division to reduce the amount of recyclable C&D
16 materials that are disposed of, and have identified the need for generators,
17 handlers and collectors of C&D waste to share responsibility in managing
18 C&D waste to maximize recovery of recyclable C&D materials. This

19 ordinance thereby adds a requirement for generators, handlers and
20 collectors of C&D to manage in a manner to maximize recovery of
21 recyclable C&D materials.

22 4. Additionally, this ordinance authorizes direct disposal of C&D waste at
23 an intermodal facility or landfill and approves a new form of the
24 agreement, which is Attachment A to this ordinance, for use with
25 receiving facilities, including intermodal facilities and landfills. The new
26 agreement and this ordinance specify the projects that qualify for direct
27 disposal and required procedures to ensure recyclable C&D materials are
28 adequately recovered from C&D waste. Allowing for direct disposal
29 while ensuring that recycling requirements are met reduces cost, traffic
30 and greenhouse gas emissions.

31 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

32 SECTION 1. Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020 are
33 hereby amended to read as follows:

34 The definitions in this section apply throughout this title unless the context clearly
35 requires otherwise:

36 A. "Adjunct transfer station" means a privately owned and operated transfer
37 facility authorized by the county to receive, consolidate and deposit municipal solid
38 waste into larger transfer vehicles for transport to and disposal at county-authorized solid
39 waste facilities.

40 B. "Asbestos-containing waste material" means any waste that contains or is
41 contaminated with asbestos-containing material. "Asbestos-containing waste material"

42 includes asbestos waste from control equipment, materials used to enclose the work area
43 during an asbestos project, asbestos-containing material collected for disposal, asbestos-
44 contaminated waste, waste, containers, bags, protective clothing or HEPA filters.

45 Asbestos-containing waste material does not include samples of asbestos-containing
46 material taken for testing or enforcement purposes.

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

49 D. "Biomedical waste" means and is limited to the following types of waste
50 defined as "biomedical waste" in RCW 70.95K.010, as now or as hereafter amended:
51 animal waste, biosafety level 4 disease waste, cultures and stocks, human blood and
52 blood products, pathological waste, sharps waste and any other waste determined to be
53 infectious by the generator's infection control staff or committee.

54 E. "C&D" means construction and demolition (~~waste~~).

55 F. "C&D receiving facility" means any properly licensed or permitted facility
56 that is designated by the county through an executed agreement as ~~(the)~~ a facility to
57 which C&D ~~((, including residual C&D))~~ waste~~((;))~~ is required to be delivered under this
58 ~~((Code))~~ title. A C&D receiving facility may be either a material recovery facility ~~((or))~~,
59 a transfer facility, ~~((or both))~~ a combination of a material recovery facility and a transfer
60 facility, intermodal facility or landfill.

61 G. "C&D recycling facility" means any properly licensed or permitted facility at
62 which recyclable C&D ~~((waste is removed from mixed C&D waste))~~ materials are
63 accepted for reuse or remanufacture into a usable product.

64 H. "Certificated hauler" means any person engaged in the business of solid waste
65 handling having a certificate of convenience and necessity granted by the Washington
66 Utilities and Transportation Commission for that purpose.

67 I. "Charitable organization" means any organization that meets the following
68 criteria: must be defined by the Internal Revenue Service as a 501(c)3 charitable
69 organization; must be engaged as a primary form of business in the processing of
70 abandoned goods for resale or reuse; and must have an account with the solid waste
71 division.

72 J. "Clean mud and dirt" means mud and dirt that meet the definition of "natural
73 background" in this title, as currently enacted and as hereafter amended.

74 K. "Clean wood" means stumps and branches over four inches in diameter and
75 construction lumber free of paint, preservatives, metals, concrete and other nonwood
76 additives or attachments.

77 L. "Clean wood collection area" means an area used by county residents,
78 businesses and institutions to deposit source-separated clean wood.

79 M. "Closure" means those actions taken by the owner or operator of a solid waste
80 facility to cease disposal operations or other solid waste handling activities, and to ensure
81 that all such facilities are closed in conformance with applicable rules at the time of the
82 closure and to prepare the site for the post-closure period.

83 N. "Commercial hauler" means any person, including, but not limited to,
84 certificated haulers, contract haulers and others collecting or transporting solid waste for
85 hire or consideration.

86 O. "Compacted waste" means any solid waste whose volume is less than in the
87 loose condition as a result of compression.

88 P. "Composted material" means organic solid waste that has undergone
89 biological degradation and transformation under controlled conditions designed to
90 promote aerobic decomposition at a solid waste facility in compliance with the
91 requirements of this title; Natural decay of organic solid waste under uncontrolled
92 conditions does not result in composted material.

93 Q. "Composting" means the biological degradation and transformation of organic
94 solid waste under controlled conditions designed to promote aerobic decomposition.
95 Natural decay of organic solid waste under uncontrolled conditions is not composting.

96 R. "Comprehensive solid waste management plan" means the King County plan
97 prepared in accordance with chapter 70.95 RCW, as enacted or hereafter amended.

98 S.1. "Construction and demolition (~~((C&D)))~~ waste" or "C&D waste" means any
99 nonputrescible recyclable materials or nonrecyclable waste that results from construction,
100 remodeling, repair or demolition of buildings, roads or other structures and requires
101 removal from the site of construction or demolition. Except where otherwise expressly
102 provided, "C&D waste" means C&D waste generated in the county jurisdiction.

103 2. "C&D waste" does not include land clearing materials such as soil, rock,
104 vegetation or contaminated soil, friable asbestos-containing waste material as defined
105 under Regulation III, Article 4 of the Puget Sound Clean Air Agency, unacceptable
106 waste, garbage, sewerage, animal carcasses or any other solid waste that does not meet
107 the definition of C&D waste.

108 T. "Container" means a portable device used for the collection, storage or
109 transportation, or any combination thereof, of solid waste including, but not limited to,
110 reusable containers, disposable containers and detachable containers.

111 U. "Contaminated soil" means any soil that does not meet the definition of
112 "natural background" in the soil cleanup standards of the chapter 173-340 WAC, as
113 currently enacted and as hereafter amended.

114 V. "Contract hauler" means any person engaged in the business of solid waste
115 handling having a contract with a city or town for that purpose.

116 W. "County jurisdiction" means the geographic area for which King County
117 government has comprehensive planning authority for solid waste management either by
118 law, such as unincorporated areas, or by interlocal agreement, or both.

119 X. "County solid waste" means all solid waste generated, collected or disposed
120 within the county jurisdiction.

121 Y. "Curbside collection" means the pick-up of recyclable materials and solid
122 waste from a household. This pick-up may be at a curb, end of driveway or alleyway
123 from either a single family or multifamily dwelling.

124 Z. "Dangerous wastes" means any solid waste designated as dangerous waste by
125 the Washington state Department of Ecology under chapter 173-303 WAC, Dangerous
126 waste regulations.

127 AA. "Department" means any executive department and administrative office as
128 defined by King County ordinance or other applicable law and includes, but is not
129 limited to, all county agencies not associated with a department, such as the prosecuting
130 attorney, the assessor, the sheriff and the council.

131 BB. "Director" means the director of the department of natural resources and
132 parks or designee.

133 CC. "Disposal" means the discharge, deposit, injection, dumping, leaking or
134 placing of any solid waste into or on any land or water.

135 DD. "Disposal facility" means a facility or facilities where any final treatment,
136 utilization, processing or disposal of solid waste occurs.

137 EE. "Disposal system" means the system of solid waste facilities, rules and
138 procedures established in accordance with this title.

139 FF. "Diversion rate" means a measure of the amount of waste materials being
140 diverted for recycling compared with the total amount that would otherwise be thrown
141 away.

142 GG. "Division" means the solid waste division of the King County department of
143 natural resources and parks.

144 HH. "Division director" means the manager of the solid waste division of the
145 department of natural resources and parks of King County, or designee.

146 II. "Drop box facility" means a facility used for the placement of a detachable
147 solid waste container, such as a drop box, including the area adjacent for necessary
148 entrance and exit roads, unloading and turnaround areas. A drop box facility normally
149 serves self-haulers with loose loads and receives waste from off-site. A drop box facility
150 may also include containers for separated recyclable materials.

151 JJ. "Eligible C&D demolition project" means a project on one or more
152 contiguous lots under common ownership or documented legal control and the

153 aggregated square footage space of the buildings and structures to be demolished exceeds
154 six thousand square feet.

155 KK. "Environmentally preferable products" means products that have fewer or
156 reduced negative impacts on human health or the environment compared to competing
157 products that serve the same purpose. This comparison may consider raw materials
158 acquisition, production, manufacturing, packaging, distribution, operation, maintenance,
159 reuse and disposal of the product.

160 ~~((KK.))~~ LL. "Facility" means all contiguous land and structures, other
161 appurtenances and improvements on the land used for the management of solid waste.

162 ~~((LL.))~~ MM. "Federal guidance" means guidelines provided by the United States
163 Environmental Protection Agency, the Offices of the Federal Environmental Executive,
164 federal executive orders or other guidelines offered by federal agencies.

165 ~~((MM.))~~ NN. "Fixed-rate vehicle" means an enclosed automobile having two or
166 four doors such as a hatchback or sedan (all without trailers). The definition of Fixed-
167 rate vehicles does not include minivans, vans, station wagons, sport utility vehicles,
168 trucks or pick-up trucks.

169 ~~((NN.))~~ OO. "Franchise area" means a certificated hauler's territorial collection
170 area, which is delineated in the certificate of convenience and necessity issued by the
171 Washington Utilities and Transportation Commission.

172 ~~((OO.))~~ PP. "Garbage" means all putrescible wastes, except the following:

- 173 1. Organics that have been source separated for the purpose of recycling,
- 174 2. Sewage; and
- 175 3. Sewage sludge.

176 (~~PP~~) QQ. "Hazardous waste" includes, but is not limited to, explosives,
177 medical wastes, radioactive wastes, pesticides and chemicals that are potentially harmful
178 to the public health or the environment. Unless otherwise defined by the health
179 department, "hazardous waste" has the same meaning as defined by the Washington state
180 Department of Ecology in the Washington Administrative Code.

181 (~~QQ~~) RR. "Hazardous waste management plan" means a plan for managing
182 moderate risk wastes, under RCW 70.105.220.

183 (~~RR~~) SS. "Health department" means the Seattle-King County department of
184 public health.

185 (~~SS~~) TT. "Health officer" means the health department director or designee.

186 (~~TT~~) UU. "Host city" means a city that has a county transfer facility within its
187 incorporated boundaries.

188 (~~UU~~) VV. "Household hazardous waste" means any waste that exhibits any of
189 the properties of dangerous wastes that is exempt from regulation under chapter 70.105
190 RCW, Hazardous waste management, solely because the waste is generated by
191 households. Household hazardous waste can also include other solid waste identified in
192 the local hazardous waste management plan.

193 (~~VV~~) WW. "Illegal dumping" means disposing of solid waste in any manner
194 other than in a receptacle specifically provided for that purpose, in any public place,
195 public road, public park or private property or in the waters of King County, except as
196 authorized by King County or at the official solid waste disposal facility provided by the
197 county.

198 (~~WW.~~) XX. "Industrial solid wastes" means solid waste generated from
199 manufacturing operations, food processing or other industrial processes.

200 (~~XX.~~) YY. "Interlocal forum" means representatives of the metropolitan King
201 County council and representatives of incorporated cities and towns within King County
202 designated by the Suburban Cities Associated and by interlocal agreement to discuss
203 solid waste issues and facilitate regional cooperation in solid waste management. The
204 regional policy committee of the council is designated by interlocal agreements between
205 suburban cities and the county as the solid waste interlocal forum.

206 (~~YY.~~) ZZ. "Intermediate solid waste handling facility" means any intermediate
207 use or processing site engaged in solid waste handling that is not the final site of disposal.
208 This includes material recovery facilities, transfer stations, drop box(~~es,~~) facilities and
209 baling and compaction sites.

210 (~~ZZ.~~) AAA. "Intermodal facility" means any facility operated for the purpose of
211 transporting closed containers of waste from one mode of transportation to another and
212 the containers are not opened for further treatment, processing or consolidation of the
213 waste.

214 (~~AAA.~~) BBB. "King County solid waste advisory committee" means the
215 committee formed in accordance with K.C.C. chapter 10.28 and chapter 70.95 RCW to
216 advise the county on solid waste management planning, assist in the development of
217 programs and policies concerning solid waste management and review and comment on
218 the comprehensive solid waste management plan and other proposed solid waste
219 management rules, policies or ordinances before adoption.

220 (~~BBB~~) CCC. "Landfill" means a disposal facility or part of a facility at which
221 solid waste is permanently placed in or on land including facilities that use solid waste as
222 a component of fill.

223 (~~CCC~~) DDD. "Landfill gas" means gas produced by the microbial
224 decomposition of municipal solid waste in a landfill.

225 (~~DDD~~) EEE. "Level of service" means the level and degree of service provided
226 at facilities, including hours of operation, classes of customers served and recyclable
227 materials collection available.

228 (~~EEE~~) FFF. "Liquid waste" means any solid waste that is deemed to contain
229 free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test
230 Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication
231 SW-846.31.

232 (~~FFF~~) GGG. "Littering" means to accumulate, or to place, throw, deposit, put
233 into or in any land or water or otherwise dispose of, solid waste including rubbish, ashes,
234 garbage, dead animals, industrial solid waste and all other waste material of every kind
235 and description in any manner except as authorized by this chapter.

236 (~~GGG~~) HHH. "Material recovery facility" or "MRF" means any facility that
237 processes for transport mixed C&D waste or source separated solid waste for the purpose
238 of recycling.

239 (~~HHH~~) III. "Mattress" means any material or combination of materials that is
240 enclosed by ticking, used along or in combination with other products, and that is
241 intended for or promoted for sleeping upon, including futons and crib or child mattresses.
242 "Mattress" also refers to the foundation, which means a ticking-covered structure used to

243 support a mattress or sleep surface. The structure may include constructed wood or other
244 frames, steel springs or other materials, used alone or in combination. "Mattress" does
245 not include any unattached mattress pad or unattached mattress topper or products
246 containing liquid-and gaseous-filled ticking, including a waterbed or air mattress that
247 does not contain upholstery material between the ticking and the mattress core. For per-
248 unit fee purposes, a foundation will be charged as a separate unit.

249 ~~((HH-))~~ JJJ. "Mixed C&D waste" means ~~((C&D))~~ waste containing both
250 recyclable C&D materials and nonrecyclable C&D waste ~~((material))~~ that has not been
251 separated.

252 ~~((JJ-))~~ KKK. "Mixed waste processing" means sorting of solid waste after
253 collection from the point of generation to remove recyclable materials from the solid
254 waste to be disposed.

255 ~~((KKK-))~~ LLL. "Moderate risk waste" means solid waste that is limited to
256 conditionally exempt small quantity generator (CESQG) waste and household hazardous
257 waste (HHW) as defined in chapter 173-350 WAC.

258 ~~((LLL-))~~ MMM. "Municipal solid waste" or "MSW" means a subset of solid
259 waste that includes unsegregated garbage, rubbish and similar solid waste material
260 discarded from residential, commercial, institutional and industrial sources and
261 community activities, including residue after recyclable materials have been separated.
262 Solid waste that has been segregated by source and characteristic may qualify for
263 management as a non-MSW solid waste, at a facility designed and operated to address
264 the waste's characteristics and potential environmental impacts. ~~((=))~~MSW~~((=))~~ does not
265 include:

266 1. Dangerous wastes other than wastes excluded from the requirements of
267 chapter 173-303 WAC in WAC 173-303-071, such as household hazardous wastes;

268 2. Any solid waste, including contaminated soil and debris, resulting from
269 response action taken under section 104 or 106 of the Comprehensive Environmental
270 Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D
271 RCW, chapter 173-340 WAC or a remedial action taken under those rules; ~~((øø))~~

272 3. Mixed or segregated recyclable material that has been source-separated from
273 garbage, rubbish and similar solid waste. The residual from source separated recyclable
274 materials is MSW; or

275 4. C&D waste.

276 ~~((MMM-))~~ NNN. "Natural background" means the concentration of a hazardous
277 substance consistently present in the environment that has not been influenced by
278 localized human activities.

279 ~~((NNN-))~~ OOO. "Noncommercial user" means any person who uses King County
280 solid waste facilities but is not engaged in the business of solid waste handling.

281 ~~((OOO-))~~ PPP. "Nonrecyclable C&D waste" means any C&D waste that is not
282 recyclable C&D ~~((waste))~~ materials. C&D waste used as alternative daily cover for
283 landfills or as a waste stabilizer is considered nonrecyclable C&D waste.

284 ~~((PPP-))~~ QQQ. "Oil" means engine lubricating, gear, hydraulic, fuel and other
285 types of oil.

286 ~~((QQQ-))~~ RRR. "Operating hours" means those times during which solid waste
287 facilities are normally open and available for the delivery of solid waste.

288 (~~RRR~~) SSS. "Organics" means yard waste, food waste and soiled paper
289 products determined by the division director to be acceptable for composting.

290 (~~SSS~~) TTT. "Person" means any individual, association, business, firm,
291 corporation, limited liability corporation, copartnership, marital community, political
292 subdivision, municipality, government agency, industry, public or private corporation or
293 any other entity whatever.

294 (~~TTT~~) UUU. "Per-ton-rate vehicle" means any vehicle that is not a fixed-rate
295 vehicle. "Per-ton-rate vehicles" include, but are not limited to, minivans, vans, station
296 wagons, sport utility vehicles, vehicles with trailers, trucks, pick-up trucks, motorhomes,
297 buses and commercial vehicles.

298 (~~UUU~~) VVV. "Post-closure" means the requirements placed upon disposal
299 facilities after closure to ensure their environmental safety for at least a thirty-year period
300 or until the site becomes stabilized, which means there is little or no settlement, gas
301 production or leachate generation.

302 (~~VVV~~) WWW. "Postconsumer material" means material has been previously
303 used by consumers that is diverted from the solid waste stream.

304 (~~WWW~~) XXX. "Practicable" means satisfactory in performance and available
305 at a fair and reasonable price.

306 (~~XXX~~) YYY. "Primary recyclable materials" means recyclable materials that
307 are commonly collected and are included under the minimum service levels for recycling
308 collection programs. These include paper, cardboard, glass, tin and aluminum beverage
309 containers, high density polyethylene (HDPE) and polyethylene terephthalate (PET)
310 bottles and yard waste less than four inches in diameter, four feet long, or both.

311 (~~YYY.~~) ZZZ. "Product stewardship" means taking measures to minimize the
312 impacts of a product on the environment during its life cycle. The principle of product
313 stewardship applies to designers, suppliers, manufacturers, distributors, retailers,
314 consumers, recyclers and disposers.

315 (~~ZZZ.~~) AAAA. "Putrescible waste" means solid waste that contains material
316 capable of being readily decomposed by microorganisms and which is likely to produce
317 offensive odors.

318 (~~AAAA.~~) BBBB. "Reclamation site" means a location used for the processing
319 or the storage of recycled waste.

320 (~~BBBB.~~) CCCC. "Recovered material" means waste material that has been
321 recovered from the solid waste stream, but does not include material generated from and
322 commonly reused on site in an original manufacturing process.

323 (~~CCCC.~~) DDDD. "Recyclable C&D (~~waste~~) materials" means C&D (~~waste~~)
324 materials that can be kept out of or recovered from C&D waste and reused or transformed
325 into a usable product. Recyclable C&D (~~waste~~) materials may consist of a single type
326 of recyclable material or a mixture of two or more types of recyclable materials. Material
327 used to produce hog fuel is recyclable C&D (~~waste~~) material.

328 (~~DDDD.~~) EEEE. "Recyclable materials" means those solid wastes that are
329 separated for reuse, recycling or composting, including, but not limited to, papers,
330 cardboard, metals, glass, plastic bottles and containers, plastic bags, mattresses, yard
331 waste, food waste, wood waste, chemicals, oil, textiles, white goods and other materials
332 that are identified as recyclable material under the King County comprehensive solid
333 waste management plan.

334 (~~EEEE~~) FFFF. "Recycled paper" means paper meeting recycled content
335 standards in federal guidance.

336 (~~FFFF~~) GGGG. "Recycled product" means a product manufactured with the
337 maximum practicable amount of recovered material, especially postconsumer material.

338 (~~GGGG~~) HHHH. "Recycling" means transforming or remanufacturing waste
339 materials into usable or marketable materials for use other than landfill disposal or
340 incineration. "Recycling" does not include collection, compacting, repackaging or
341 sorting, or any combination thereof, for the purpose of transport. "Recycling" does not
342 include combustion of solid waste or preparation of a fuel from solid waste.

343 (~~HHHH~~) IIII. "Region" means the area encompassing those cities with solid
344 waste signed interlocal agreements and unincorporated areas of King County that are
345 included in the comprehensive solid waste management plan. "Region" includes all of
346 King County except the cities of Seattle and Milton.

347 (~~HHH~~) JJJJ. "Regional direct" means any solid waste, except C&D waste,
348 generated and collected in King County and transported to Cedar Hills regional landfill
349 by conventional long haul transfer vehicles from privately owned solid waste transfer
350 stations or intermediate handling facilities permitted by the health department as provided
351 for in King County board of health regulations.

352 (~~JJJ~~) KKKK. "Regulated refrigerant" means a class I or class II substance as
353 listed in Title VI of the Federal Clean Air Act Amendments of 1990.

354 (~~KKKK~~) LLLL. "Residual C&D waste" means the nonrecyclable waste
355 remaining after recycling processes have removed recyclable (~~waste~~) C&D materials.

356 (~~(LLLL)~~) MMMM. "Reuse" means the return of a commodity into the economic
357 stream for use.

358 (~~(MMMM)~~) NNNN. "Rubbish" means all nonputrescible wastes, except C&D
359 waste or materials that have been source separated for the purpose of recycling.

360 (~~(NNNN)~~) OOOO. "Rural transfer facilities" means the Vashon and Enumclaw
361 transfer stations, the Cedar Falls and Skykomish drop box facilities and other facilities
362 the division director designates as rural transfer facilities.

363 (~~(OOOO)~~) PPPP. "Salvaging" or "scavenging" means the removal of materials
364 from a solid waste facility without the authorization of the division director and the health
365 officer.

366 (~~(PPPP)~~) QQQQ. "Secondary recyclable materials" means those recyclable
367 materials that have not been designated as being included in the county's minimum
368 service levels for recyclable materials collection. "Secondary recyclable" are those with
369 generally limited markets, a lack of collection systems or a limited number of generators
370 of the material.

371 (~~(QQQQ)~~) RRRR. "Secured load" means a load of solid waste that has been
372 securely fastened, covered, or both in a manner that will prevent the covering or any part
373 of the load from becoming loose, detached or leaving the vehicle while the vehicle is
374 moving except sand may be dropped for the purpose of securing traction.

375 (~~(RRRR)~~) SSSS. "Self-hauler" means county residents, business and institutions
376 who choose to bring their municipal solid waste and recyclable materials to the transfer
377 facilities themselves.

378 (~~SSSS~~) TTTT. "Shall" and "will" in a policy mean that it is mandatory to carry
379 out the policy. "Should" in a policy provides noncompulsory guidance and establishes
380 some discretion in making decisions. "May" in a policy means that it is in the interest of
381 the county or other named entity to carry out the policy but there is a total discretion in
382 making decisions.

383 (~~TTTT~~) UUUU. "Solid waste" or "wastes" means all putrescible and
384 nonputrescible solid and semisolid wastes, except wastes identified in WAC 173-350-
385 020, including, but not limited to, garbage, rubbish, ashes, industrial wastes, commercial
386 waste, sewage sludge, demolition and construction wastes, abandoned vehicles or parts
387 thereof, contaminated soils and contaminated dredged material, discarded commodities
388 and recyclable materials.

389 (~~UUUU~~) VVVV. "Solid waste collection entity" means every person owning,
390 controlling, operating or managing vehicles used in the business of transporting solid
391 waste for collection or disposal, or both, for compensation including all certificated
392 haulers, any city using its own employees or any person operating under a contract with
393 or franchise from a city or town performing solid waste collection services within the
394 jurisdiction.

395 (~~VVVV~~) WWWW. "Solid waste facility" means a disposal facility or
396 intermediate solid waste handling facility. "Solid waste facility" includes, but is not
397 limited to, transfer stations, intermodal facilities, landfills, incinerators, composting
398 plants and facilities for the recycling or recovery of resources from solid waste or the
399 conversion of the energy from solid waste to more useful forms or combinations thereof.
400 "Solid waste facility" includes all contiguous land, including buffers and setbacks, and

401 structures, other appurtenances and improvements on the land used for solid waste
402 handling.

403 ~~((WWW))~~ XXXX. "Solid waste interlocal agreement" means an agreement
404 between a city and the county for use of the King County solid waste system for disposal
405 of solid waste generated or collected within the city.

406 ~~((XXXX))~~ YYYY. "Solid waste management" means the systematic
407 administration of activities that provide for the reduction in generated volume, source
408 separation, collection, storage, transportation, transfer, recycling, processing, treatment
409 and disposal of solid waste. "Solid waste management" includes public education and
410 marketing activities.

411 ~~((YYYY))~~ ZZZZ. "Solid waste system" means King County's system of solid
412 waste facilities as authorized under RCW 36.58.040 as here enacted or otherwise
413 amended and as established in accordance with the approved King County
414 comprehensive solid waste management plan.

415 ~~((ZZZZ))~~ AAAA. "Source separation" means the separation of recyclable
416 materials from other solid waste at the place where the waste originates.

417 ~~((AAAA))~~ BBBB. "Special waste" means all nonhazardous wastes that have
418 special handling needs or have specific waste properties that require waste clearance by
419 either the division or the health department, or both. These wastes are specified in the
420 waste acceptance rule (P.U.T. 7-1-5 (PR) or future amendments of that rule), and include
421 contaminated soil, asbestos-containing materials, wastewater treatment plant grit,
422 industrial wastes and other wastes.

423 (~~BBBBB~~) CCCCC. "Suspect waste" means any waste the division director
424 suspects may be unauthorized waste.

425 (~~CCCCC~~) DDDDD. "Sustainable building principles" means the use of energy-
426 and resource-efficient site and building design, construction, operations and management.

427 (~~DDDDD~~) EEEE. "Transfer facility" or "transfer station" means a permanent
428 fixed, supplemental collection and transportation facility used by either persons or route
429 collection vehicles, or both, to deposit collected solid waste from off-site into a larger
430 transfer vehicle for transport to a solid waste handling facility. "Transfer facility" or
431 "transfer station" may also include recycling operations.

432 (~~EEEE~~) FFFF. "Unacceptable waste" means any material for which the
433 transportation or disposal would constitute a violation of any governmental requirement
434 pertaining to health, safety or the environment. The material may include, but is not
435 limited to, hazardous, extremely hazardous or dangerous waste as designated under
436 Washington state or federal law, including, but not limited to, regulations contained in the
437 Washington Administrative Code, now in effect or as may be hereafter amended, or in
438 the Code of Federal regulations, now in effect or as may be hereafter amended.

439 (~~FFFF~~) GGGG. "Unauthorized waste" means waste that is not acceptable
440 for disposal at any or a specific solid waste facility according to applicable rules or a
441 determination of the division director.

442 (~~GGGG~~) HHHH. "Uncompacted waste" means any solid waste in an
443 uncompressed or loose condition.

444 (~~HHHH~~) IIII. "Unincorporated service area" means the geographical area of
445 unincorporated King County designated to receive the solid waste, recyclable material

446 and organics collection services defined in this chapter. The unincorporated service area
447 does not include:

- 448 1. Vashon Island (served under Certificate No. G-87, Tariff No. 7);
- 449 2. Snoqualmie pass (served under Certificate No. G-237, Tariff No. 10); and
- 450 3. Areas where residential garbage collection service is not provided by a
451 certificated hauler.

452 ~~((HHH.))~~ JJJJ. "Unsecured load" means a load of solid waste that has not been
453 securely fastened, covered, or both to prevent the covering or any part of the load from
454 becoming loose, detached or leaving the vehicle while the vehicle is moving.

455 ~~((JJJJ.))~~ KKKKK. "Urban transfer facilities" means the county's Algona, Bow
456 Lake, Factoria, Houghton, Shoreline, and Renton transfer facilities and other transfer
457 facilities the division director designates as urban transfer facilities.

458 ~~((KKKKK.))~~ LLLLL. "Washington Utilities and Transportation Commission"
459 means the state commission created under chapter 80.01 RCW, as now enacted or
460 hereafter amended.

461 ~~((LLLLL.))~~ MMMMM. "Waste diversion plan" means a plan prepared in a
462 format approved by the division and submitted to the division by the generator, including
463 but not limited to the property owner or demolition contractor, for an eligible C&D
464 demolition project as required by K.C.C. 10.30.020.A.

465 NNNNN. "Waste export" means the act of sending waste to a disposal facility
466 out of the region.

467 ~~((MMMMM.))~~ OOOOO. "Waste reduction" means reducing the amount or type
468 of waste generated.

469 (~~(NNNNN-)~~) PPPPP. "Waste stream" means the total flow of solid waste from
470 homes, businesses, institutions and manufacturing plants that must be recycled or
471 disposed in landfills, or any segment thereof, such as the "residential waste stream" or the
472 "recyclable waste stream."

473 (~~(OOOOO-)~~) QQQQQ. "White goods" means major appliances, including
474 refrigerators, freezers, heat pumps, air conditioners, stoves, ranges, dishwashers, washers,
475 dryers, trash compactors, dehumidifiers and other appliances specified by the division
476 director.

477 (~~(PPPPP-)~~) RRRRR. "White goods collection area" means an area used by county
478 residents to deposit source separated white goods.

479 (~~(QQQQQ-)~~) SSSSS. "Wood waste" means solid waste consisting of wood pieces
480 or particles generated as a byproduct resulting from the handling and processing of wood,
481 including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of
482 wood, stumps, limbs and any other material composed largely of wood that has no
483 significant commercial value, but does not include slash developed from logging
484 operations unless disposed of on a different site, and does not include wood pieces or
485 particles containing chemical preservatives such as creosote, pentachlorophenol or
486 copper-chrome-arsenate.

487 (~~(RRRRR-)~~) TTTTT. "Woody debris" means natural vegetation greater than four
488 inches in diameter, four feet in length, or both, such as stumps, fallen tree branches or
489 limbs, resulting from land clearing activity, storms or natural disasters.

490 (~~(SSSSS-)~~) UUUUU. "Yard waste" means a compostable organic material
491 generated in yards or gardens, including but not limited to, leaves, grass, branches,

492 prunings and clippings of woody and fleshy plants and unflocked holiday trees, but does
493 not include rocks, dirt or sod, concrete, asphalt, bricks, land-clearing wastes, demolition
494 wastes, wood waste or food waste.

495 ~~((TTTTT.))~~ VVVVV. "Yard waste collection area" means an area used by county
496 residents, businesses and institutions to deposit source-separated yard waste.

497 ~~((UUUUU.))~~ WWWWW. "Zero waste of resources" is a planning principle and
498 framework designated to eliminate the disposal of materials with economic value through
499 reuse, recycling, or both.

500 SECTION 2. Ordinance 10916, Section 1, as amended, and K.C.C. 10.30.010 are
501 hereby amended to read as follows:

502 The purpose of this chapter is to assure that there will be C&D disposal facilities
503 to serve King County, that in accordance with the comprehensive solid waste
504 management plan, C&D is recycled to the maximum extent feasible, that the Cedar Hills
505 regional landfill may continue to be dedicated to receiving municipal solid waste (MSW),
506 and that C&D disposal is subject to King County's strict environmental controls.

507 SECTION 3. Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020 are
508 hereby amended to read as follows:

509 A.1. ~~((Facilities either owned, operated, or both, by a person or persons with which
510 King County has agreements for C&D handling, are designated as the receiving facilities
511 for all mixed and nonrecyclable C&D waste generated within the county jurisdiction.))~~ All
512 generators, handlers and collectors of mixed ~~((and))~~ C&D waste or nonrecyclable C&D
513 waste generated within the county's jurisdiction shall deliver, or ensure delivery to, a
514 designated C&D receiving facility ~~((specified by the division director))~~ in accordance with

515 the conditions in subsection A.2., 3. and 4. of this section, except as permitted by
516 subsections C. and E. of this section. For the purposes of this section, "generators, handlers
517 and collectors" means a person or persons who either produce C&D waste or transport it to
518 a C&D receiving facility or C&D recycling facility. A "generator" may include, but is not
519 limited to, a property owner, a demolition contractor or general contractor engaging in
520 construction, remodeling, repair or demolition of buildings, roads or other structures that
521 produces C&D waste. A "handler" may include, but is not limited to, a contractor or a
522 subcontractor engaging in construction, remodeling, repair or demolition of buildings,
523 roads or other structures that produces C&D waste. A "collector" may include, but is not
524 limited to, a person or persons that transport C&D waste from a job site to a C&D
525 receiving facility.

526 2. A generator, handler or collector of mixed C&D waste generated within the
527 county's jurisdiction shall not deliver to, or ensure delivery to, a C&D receiving facility that
528 is an intermodal facility or landfill.

529 3. A generator, handler or collector of C&D waste generated within the county's
530 jurisdiction shall not deliver, or cause delivery of, a load of C&D waste to a C&D receiving
531 facility that is a transfer facility unless:

532 a. the generator, handler or collector ensures before delivery that the load
533 contains no more than twenty percent of the recyclable C&D materials banned from
534 landfill disposal under subsection G. of this section and that will be assessed through
535 visual inspection by the transfer facility; or

536 b. the generator, handler or collector confirms before or upon delivery that the
537 transfer facility shall transfer the load to a C&D receiving facility that is a material

538 recovery facility or shall otherwise manage the load to remove materials banned from
539 landfill disposal under subsection G. of this section, and the transfer facility provides
540 documentation to the generator, handler or collector delivering the load that the transfer
541 facility will manage or has managed the load in a manner that complies with these
542 requirements.

543 4. A generator, handler or collector of nonrecyclable C&D waste generated
544 within the county's jurisdiction shall not deliver to, or ensure delivery to, a C&D
545 receiving facility that is an intermodal facility or landfill, except as follows:

546 a. A generator, handler or collector of nonrecyclable C&D waste from an
547 eligible C&D demolition project may deliver directly to or ensure delivery directly to, a
548 C&D receiving facility that is an intermodal facility or landfill only in accordance with a
549 waste diversion plan that adheres to the requirements in subsection H. of this section and
550 has been approved in writing by the division; and

551 b. For each eligible C&D demolition project with an approved waste diversion
552 plan, the generator must also submit a waste diversion report to the division within sixty
553 days following completion of demolition activities. The waste diversion report shall
554 verify compliance with the waste diversion plan and be accompanied by receipts from the
555 intermodal facilities or landfills that received nonrecyclable C&D waste and, when
556 included as a component of the approved plan, from the C&D recycling facilities that
557 received the recyclable C&D materials or the C&D receiving facilities that received the
558 mixed C&D waste.

559 B. Facilities either owned, operated, or both, by a person or persons with which
560 King County has agreements for the disposition of C&D waste, are designated as the

561 receiving facilities for all mixed and nonrecyclable C&D waste generated within the county
562 jurisdiction. The division director shall enforce the agreements with owners or operators of
563 designated ~~((facilities for))~~ C&D ~~((recycling and waste handling services))~~ receiving
564 facilities. If the division director determines the ~~((owner))~~ facility is not in compliance with
565 the agreement, the division director may suspend ~~((that owner's))~~ the facility's right to
566 accept mixed C&D waste and nonrecyclable C&D waste during the period of
567 noncompliance.

568 C. Recyclable C&D materials may be transported to any C&D recycling facility or
569 to a recycling market in or outside of King County.

570 D. Violations of this ~~((sub))~~section are subject to enforcement authority under
571 K.C.C. 10.30.030 and the enforcement actions under K.C.C. 10.30.040.

572 E.1. Notwithstanding subsections A., B., C. and D. of this section, the county may
573 accept small quantities of C&D waste at its solid waste facilities when such small quantities
574 of C&D waste are:

- 575 a. transported by vehicles or trailers that do not have mechanized dump beds,
576 either hydraulic or otherwise; or
- 577 b. contained in loads of municipal solid waste.

578 2. ~~((Notwithstanding subsection E.1. of this section, t))~~The county may accept
579 C&D waste in excess of the ~~((limitations of this section))~~ small quantities provided for in
580 subsection E.1. of this section at county-owned transfer stations that comply with the
581 recycling requirements in this chapter or that collect and transfer C&D waste to facilities
582 designated in accordance with subsection ~~((A-))~~ B. of this section.

583 F. The county guarantees no minimum volume of mixed and nonrecyclable C&D
584 waste to be delivered to the designated C&D receiving facilities. The county intends and
585 expressly reserves the right to encourage reductions in the waste stream through increased
586 recycling.

587 G. The division director shall develop and publish on the division's website a list
588 of ~~((readily))~~ recyclable C&D materials that, except as otherwise provided in this chapter,
589 are banned from disposal at a landfill by a C&D receiving facility ~~((from disposing at a~~
590 ~~landfill))~~ and update this list based on current market conditions and regional processing
591 capacity for recyclable C&D materials.

592 H. The division director shall develop and publish on the division's website a
593 format for the waste diversion plan. A waste diversion plan submitted under this section
594 must adhere to the format approved by the division director, show that the disposition of
595 C&D waste is planned in a manner that maximizes recovery of the recyclable C&D
596 materials banned from landfill disposal under subsection G. of this section, list the
597 proposed intermodal facilities or landfills that will receive nonrecyclable C&D waste and
598 list the proposed facilities to process mixed C&D waste and recyclable materials generated
599 during the eligible C&D demolition project. Within fifteen calendar days of receiving a
600 waste diversion plan submission, the division director or designee shall approve or deny the
601 waste diversion plan by letter or email. A denial shall include the reason or reasons why
602 the plan does not meet the performance standards in this subsection, and the generator
603 submitting the waste diversion plan shall have the opportunity to revise and resubmit the
604 waste diversion plan to the division for reconsideration.

605 SECTION 4. Ordinance 10916, Section 6, as amended, and K.C.C. 10.30.040 are
606 hereby amended to read as follows:

607 A. Any person who violates this chapter or any rules adopted under this chapter, or
608 who, by any act or omission, aids or abets such a violation shall be subject to enforcement
609 and civil penalties as provided in K.C.C. Title 23. Authority is provided through K.C.C.
610 23.02.040 for assessment of civil penalties under K.C.C. chapter 23.32 (~~K.C.C.~~).

611 B. Notwithstanding the existence or use of any other remedy, any person who
612 violates K.C.C. 10.30.020.A.4., in the director's sole discretion, may be prohibited from
613 delivering or ensuring delivery of nonrecyclable C&D waste directly to a C&D receiving
614 facility that is an intermodal facility or landfill for a period not to exceed six months. A
615 person receiving a notice of noncompliance under this subsection may submit a written
616 request for reconsideration to the division director within fifteen calendar days of the date
617 of the notice. The division director shall promptly issue a final decision, which shall be
618 appealable as provided in K.C.C. 20.22.080.

619 C. Notwithstanding the existence or use of any other remedy, the division director
620 may seek legal or equitable relief to enjoin any acts or practices that constitute a violation
621 of any provision of this chapter.

622 SECTION 5. Ordinance 10916, Section 7, as amended, and K.C.C. 10.30.050 are
623 hereby amended to read as follows:

624 A fee as specified in K.C.C. 4A.670.300, is imposed on C&D wastes generated in
625 the county's jurisdiction and disposed by C&D receiving facilities at landfills for the
626 purpose of funding division costs to manage the C&D recycling and disposal program,
627 Owners of facilities with which the county has an agreement for their facilities to receive

628 C&D waste shall provide to the county upon request any information necessary to verify
629 the collection and remittance of the fee. The owner shall remit all fee amounts to the solid
630 waste division monthly.

631 SECTION 6. The King County executive is hereby authorized to enter into
632 agreements with C&D receiving facilities, substantially in the form of Attachment A to this
633 ordinance, that establish the roles and responsibilities of the facilities in resource recovery
634 and disposing of C&D waste.

635 SECTION 7. A. By April 28, 2023, the executive shall file a report with the
636 council that describes the C&D enforcement activities undertaken by the Solid Waste
637 Division in the first year after this ordinance is effective. The report shall include, but not
638 be limited to:

639 1. The number of eligible C&D demolition projects with waste diversion plans
640 approved by the Solid Waste Division, and the associated cumulative tonnage delivered
641 to intermodal facilities and landfills that are C&D receiving facilities;

642 2. A list of intermodal facilities and landfills that have executed a Designated
643 Facility Agreement with the county;

644 3. A summary of enforcement actions completed related to generators, handlers
645 or collectors that use intermodal facilities and landfills that are C&D receiving facilities,
646 including the number of suspensions issued and tonnage disposed in violation of the
647 requirements in K.C.C. 10.30;

648 4. A summary of enforcement actions completed related to the intermodal
649 facilities and landfills that are C&D receiving facilities, including the number of and

650 dates of any visits to these intermodal facilities and landfills and any findings,
651 suspensions, or terminations;

652 5. The amount of fee revenue remitted to the Solid Waste Division in
653 accordance with K.C.C. 10.30.050; and

654 6. An assessment of whether direct delivery of C&D waste to intermodal
655 facilities and landfills that are C&D receiving facilities impacts progress toward
656 achieving the construction and demolition recycling targets established in the 2020
657 Strategic Climate Action Plan adopted by Motion 15866.

658 B. The executive shall electronically file the report with the clerk of the council,
659 who shall retain the original and provide an electronic copy to all councilmembers, the
660 council chief of staff, chief policy officer and the lead staff for the committee of the
661 whole, or its successor.

662 C. This section expires when the report required by this section is filed with the
663 clerk of the council.

664 SECTION 8. This ordinance takes effect January 1, 2022."

665 Strike Attachment A, Designated Facility Agreement, dated May 22, 2020, and insert
666 Attachment A, Designated Facility Agreement, dated June 14, 2021.

667

668 **EFFECT prepared by T. Rose:**

669

670 **Striking Amendment S1** would make clarifying edits to the existing C&D code (K.C.C.
671 10.30) and the proposed ordinance that were developed in collaboration with Executive
672 staff. S1 would:

673

- 674 • Clarify that a generator, handler or collector shall not deliver any type of C&D waste
675 load to a transfer facility unless the generator, handler or collector ensures before
676 delivery that the load contains no more than 20% recyclable C&D materials banned

- 677 on the Director's list or that the facility with transfer the load to a material recovery
678 facility or otherwise appropriately handle the materials banned from disposal;
- 679 • Clarify that the visual inspection is a responsibility of the transfer facility;
 - 680 • Remove "readily" from "readily recyclable C&D materials";
 - 681 • Clarify that a generator, handler or collector of mixed C&D waste shall not deliver, or
682 cause delivery to, a C&D receiving facility that is an intermodal facility or landfill;
 - 683 • Clarify that the waste diversion report is also to include receipts from C&D receiving
684 facilities that received mixed C&D waste and, when included as a component of an
685 approved waste diversion plan, from C&D recycling facilities that received recyclable
686 C&D materials;
 - 687 • Remove the phrase "reflect the generator's consideration of the ability of" designated
688 material recovery facilities to process mixed C&D waste in reference to the waste
689 diversion plans and instead require the waste diversion plan to list the proposed
690 facilities to process the mixed C&D waste and recyclable materials;
 - 691 • Add a description for each previously undefined term: generators, handlers, and
692 collectors;
 - 693 • Include the phrase "except as otherwise provided in this chapter" in reference to the
694 recyclable C&D materials banned from disposal to accommodate the other provision
695 that allows generators, handlers or collectors to deliver loads to transfer stations if
696 they contain no more than 20% banned recyclable materials;
 - 697 • Make clarifying edits that do not change what is currently accepted at King County
698 facilities;
 - 699 • Clarify that the Division Director can also enforce the Designated Facility
700 Agreements with operators in addition to agreements with owners;
 - 701 • Make clarifying and/or technical edits to the following terms and/or their respective
702 definitions in K.C.C. to conform with current system and intent of proposed
703 ordinance: C&D; C&D receiving facility; C&D recycling facility; Construction and
704 demolition waste; Eligible C&D demolition project; Intermediate solid waste
705 handling facility; Mixed C&D waste; Municipal solid waste; Nonrecyclable C&D
706 waste; Recyclable C&D waste; Regional direct; Residual C&D waste; Rubbish;
707 Transfer facility; Waste diversion plan. Term references would be corrected
708 throughout K.C.C. 10.30;
 - 709 • Require the Executive to file a report with the Council that describes the C&D
710 enforcement activities undertaken by the Solid Waste Division in the first year after
711 this ordinance is effective, due by April 28, 2023;
 - 712 • Correct references, make typo corrections, and correct code reviser's notes related to
713 errors in past legislation, as well as reorganize K.C.C. 10.30.020;
 - 714 • Replace the transmitted Designated Facility Agreement, dated May 22, 2020, with an
715 updated Designated Facility Agreement, dated June 14, 2021;
 - 716 • Change the effective date of the ordinance to Jan. 1, 2022.

717
718 **The updated Designated Facility Agreement (DFA), dated June 14, 2021**
719 **(Attachment A to Striker S1) would:**

- 720
- 721 • Clarify that the Action Level Threshold is inclusive of 20% (and not just exceeding)
722 to make language throughout DFA and with the proposed ordinance consistent;

- 723 • Delete a reference to K.C.C. 10.30.020(G);
- 724 • Clarify that intermodal facilities and landfills are approved to accept C&D waste only
- 725 from those eligible C&D demolition projects that the Division has approved a Waste
- 726 Diversion Plan and the facility has confirmation of that approval either from the
- 727 Division or upon receipt of a copy of the waste diversion plan from the generator,
- 728 handler or collector prior to accepting the waste;
- 729 • Delete language related to the responsibilities of the eligible C&D demolition
- 730 projects, as they are not party to the DFA;
- 731 • Delete reference to "material violation" related to transfer stations and material
- 732 recovery facilities;
- 733 • Make definitions and terms found in both K.C.C. Title 10 and the DFA consistent, as
- 734 well as add a reference to K.C.C. Title 10 for capitalized terms not defined in the
- 735 DFA;
- 736 • Reorganize provisions and make technical and grammatical corrections for
- 737 consistency across sections; and
- 738 • Delete outdated references.

739

740 For a comparison of Striking Amendment S1 and the DFA, dated June 14, 2021 to both
741 current code and DFA authorized by Ord. 18166, as well as the transmitted legislation
742 and DFA, please reference the summary matrix included as an attachment to the staff
743 report for PO 2020-0243.

744

745