



King County

King County Board of Health

Staff Report

Agenda item No: 9

Date: July 20, 2023

R&R No: BOH 23-01

Prepared by: Dave Ward, 206-491-5368

Resolution No: NA

Subject

Proposed amendments to BOH 11.04 - Local Hazardous Waste Program's Management Coordination Committee

Summary

BOH Code Chapter 11.04 is considered the Hazardous Waste Management Program's primary authorizing statute. In combination with provisions in King County Code and Seattle Municipal Code, BOH 11.04 establishes the Program's purpose, executive management, and funding source.

Proposed Board of Health Code Amendments

The proposed amendments to BOH 11.04 consist of one substantive change and several smaller housekeeping changes.

The proposed substantive change would change the definition of "department" in BOH 11.04 from "Seattle/King County Department of Public Health" to "King County Department of Natural Resources and Parks."

The proposed housekeeping changes include:

- Clarify fee language for solid waste drop-off at transfer stations.
- Change outdated language, specifically, change "sewage" to "wastewater" and update agencies and titles of MCC members.
- Delete obsolete code sections, specifically, those sections addressing fees for past years.
- Update obsolete code references to state and King County codes.
- Clarify that fees are collected for deposit into the local hazardous waste fund.
- Fix typos (scrivener's errors).

Proposed effective date: October 1, 2023

Analysis

Context: Authorization of the Hazardous Waste Management Program

The Hazardous Waste Management Program (Haz Waste Program) is authorized by three interlocking provisions in code.

King County Code Section 4A.200.400.A establishes the Local Hazardous Waste Fund, designates the manager of the fund, and defines the use of the fund - to provide resources for the implementation of the Haz Waste Program and its management plan.

Board of Health Code Chapter 11.04 is considered the Haz Waste Program's primary authorizing statute. It establishes the Management Coordination Committee (MCC), the Program's *de facto* board. It establishes the MCC's membership. It defines the MCC's powers and responsibilities. It also establishes fees toward the Local Hazardous Waste Fund for the implementation of the Program's management plan.

The third provision is in Seattle Municipal Code Chapter 10.76, which paraphrases BOH 11.04, establishing the MCC, its powers and responsibilities, and fees.

Proposed Substantive Change to BOH 11.04.020.E

The proposed substantive change would change the definition of "department" in BOH 11.04.020.E from "Seattle/King County Department of Public Health" to "King County Department of Natural Resources and Parks."

Historically, the director of Public Health, Seattle & King County (Public Health) was the designated fund manager. In fall of 2022, the King County Council changed the manager of the fund in code (KCC 4A.200.400) to be the director of the Department of Natural Resources and Parks (DNRP). This change was made as part of a reorganization of the Haz Waste Program. To streamline administrative operations in the Program, certain operations are being consolidated within DNRP, including management of the fund.

The King County Council changed the manager of the fund in King County Code, however, BOH 11.04.060, Part-4.F states, "All fees shall be billed and remitted to the department on a quarterly basis." Since "department" is defined in BOH 11.04 as "Seattle/King County Department of Public Health," that means Public Health is currently responsible for collection of fees to be remitted to a fund now managed by DNRP.

By changing the definition of "department" to mean "King County Department of Natural Resources and Parks," the department assigned to manage the Local Hazardous Waste Fund, i.e., DNRP, will be empowered to collect fees intended for the fund. Likewise, Public Health would not be burdened with fee collection for a fund it no longer manages.

The proposed change of definition is limited to BOH 11.04 and has no other effects beyond those described above.

Proposed Housekeeping Changes to BOH 11.04

The proposed housekeeping changes are:

- **Clarify fee language for solid waste drop-off at transfer stations (BOH 11.04.060).**

The current language of BOH 11.04.060 does not align with how solid waste fees are charged at County and SPU facilities. Current BOH code distinguishes between “each passenger licensed vehicle load of solid waste” and “each self hauler ton of solid waste” to set fees. However, fees are collected at transfer stations as a surcharge on solid waste fees. County and SPU transfer stations collect solid waste fees based on a minimum fee for small loads and a per-ton rate for large loads. Although they differ on what defines a small load, both collect fees based on waste volume. The proposal better aligns hazardous waste fees to the minimum and per-ton rate structure, matching code to current procedure.

By better aligning the fee structure defined in BOH code with actual practices at transfer stations, the proposed change will remove ambiguity and increase transparency of fees to ratepayers. This proposed code revision will not affect rates. Persons who self-haul solid waste will continue to pay the same hazardous waste fee at the same rate they currently pay.

- **Change outdated language, specifically, change “sewage” to “wastewater” (BOH 11.04.020, BOG 11.04.050, BOH 11.04.060), and update agencies and titles of MCC members (BOH 11.04.040).**

Currently, eight wastewater treatment facility operators pay hazardous waste fees. All operate wastewater treatment facilities, not sewage treatment facilities. All currently pay fees based on wastewater volume, not on sewage volume. Wastewater and sewage are not the same, which has raised occasional questions and has caused confusion with some ratepayers, but in this case the result will be the same.

The proposed change will better align code language to current procedure. By better aligning the fee structure defined in BOH code with actual practices, the proposed change will remove ambiguity and increase transparency of fees to ratepayers. This proposed code revision will not affect rates since all ratepayers currently pay based on wastewater volume.

The proposed change also updates the agency names and titles of MCC members in BOH 11.04.040 to current usage. This does not change the composition of the MCC in any way.

- **Delete obsolete code sections, specifically, those sections addressing fees for past years (BOH 11.04.060 Parts 1 through 3).**

These code sections define fees for calendar years 2019, 2020, and 2021. They are no longer applicable and are proposed for deletion. BOH 11.04.060 Part 4 defines fees for calendar year 2022 and thereafter. This section remains applicable and is not proposed for deletion.

- **Update obsolete code references to state and King County codes (BOH 11.04.020.G, 11.04.020.N, BOH 11.04.030).**

This proposed change keeps references in BOH code to the state RCW and to King County Code current.

- **Clarify that fees are collected for deposit into the local hazardous waste fund (BOH 11.04.060 Part 4.F).**

This proposed change clarifies that fees remitted to the department are for deposit into the Local Hazardous Waste Fund. Since Part 4 already states, “The following fees are established to provide funds for contracts authorized by BOH 11.04.050,” the deposit of fees into the fund is implied. The proposed change clarifies and make it explicit. This proposed change is consistent with current practice. It does not change fees or how fees are used.

- **Fix typos, i.e., scrivener's errors (BOH 11.04.040)**

Equity Impacts

No racial equity impacts are predicted as a result of the proposed changes.

The substantive change affects internal operations and will not be visible to most King County residents. The department and address where waste haulers and wastewater treatment facility operators send their fee payments will change. Otherwise, ratepayers are not affected. Homeowners and renters are not affected; they should see no change. Likewise, cities and tribes are not affected. Fees will remain the same.

The proposed substantive change is part of an administrative reorganization of the Haz Waste Program. The intent of the reorganization is to reduce administrative redundancies, consolidate and streamline operations, and improve efficient use of ratepayer fees. Thus, all residents should benefit in the long term.

Of the proposed housekeeping changes, clarifying fee language for solid waste drop-off at transfer stations and changing the word “sewage” to “wastewater” will better align code to actual practice and are expected to provide greater transparency to the public in how fees are charged.

Environmental Impacts

No environmental impacts are predicted as a result of the proposed changes.

The proposed changes are administrative in nature and do not include any ground disturbing activity. Haz Waste Program activities related to public and environmental health, as defined in the Program’s management plan, will continue without impact from these changes.

Public Health Impacts

No public health impacts are predicted as a result of the proposed changes.

The proposed changes are administrative in nature and do not include any activity detrimental to public health. Haz Waste Program activities related to public and environmental health, as defined in the Program's management plan, will continue without impact from these changes.