

Summary Matrix Comparing Existing C&D System, PO 2020-0243, and Striking Amendment S1

Category	Matrix Row #	Current King County Code and Designated Facility Agreement (DFA) (authorized by Ord. 18166 and including unilateral amendment) <i>Location of provision in parentheses</i>	PO 2020-0243 and Transmitted Designated Facility Agreement (DFA), dated May 22, 2020 <i>Location of provision in parentheses</i>	Striker S1 and Updated Designated Facility Agreement (DFA), dated June 14, 2021 <i>Location of provision in parentheses</i>
Requirements for generators, handlers and collectors of C&D waste	1	All generators, handlers and collectors of mixed and nonrecyclable C&D waste generated within the county's jurisdiction shall deliver, or ensure delivery to, a designated C&D receiving facility (K.C.C. 10.30.020.A).	<p>Would add language to the C&D code (K.C.C. 10.30) clarifying that a generator, handler or collector may only deliver, or cause delivery of, a load of mixed C&D waste to a transfer facility if:</p> <ul style="list-style-type: none"> the generator, handler or collector ensures that the load contains, based on visual inspection at the transfer station, no more than twenty percent of the readily recyclable C&D materials banned on the Director's List (referred to in this summary table as the "20% rule"); or the generator, handler or collector confirms before or upon delivery that the transfer facility shall transfer the load to a material recovery facility or shall otherwise manage the load to remove materials banned from disposal and the transfer facility provides documentation (Lines 497-510). 	<p>Would clarify that a generator, handler or collector shall not deliver any type of C&D waste load to a transfer facility unless the conditions in the proposed ordinance are met (Lines 529-530)</p> <p>Would clarify that the visual inspection is a responsibility of the transfer facility (Lines 534-535)</p> <p>Would remove reference to "readily" for "readily recyclable C&D materials" to alleviate confusion whether "readily" refers to easily extracted or for which a market exists (Line 533)</p>

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Requirements for generators, handlers and collectors of C&D waste (cont.)	2	N/A	<p>Would add the requirement that a generator, handler or collector of mixed and nonrecyclable C&D waste may not deliver to, or ensure delivery to, an intermodal facility or landfill except as follows:</p> <ul style="list-style-type: none"> • a generator, handler or collector of nonrecyclable C&D waste from an eligible C&D demolition project¹ may deliver directly to or ensure delivery directly to, an intermodal facility or landfill only in accordance with a waste diversion plan² approved by the Division; and • for each eligible C&D demolition project with an approved waste diversion plan, the generator must also submit a waste diversion report within sixty days following completion of demolition activities that verifies compliance with the waste diversion plan through receipts from the facilities where the materials were shipped (Lines 511-523) 	<p>Would clarify that a generator, handler or collector of mixed C&D waste shall not deliver, or cause delivery to, a C&D receiving facility that is an intermodal facility or landfill (Lines 526-528)</p> <p>Would clarify that the waste diversion report is also to include receipts from C&D receiving facilities that received mixed C&D waste and, when included as a component of an approved waste diversion plan, from C&D recycling facilities that received recyclable C&D materials (Lines 556-558)</p>

¹ Would define an "eligible C&D demolition project" as "a project where buildings and other structures are demolished within a contiguous property or within a plat of consolidation and the square footage of building and structure space that will be demolished therein exceeds six thousand square feet" (Proposed Ordinance Lines 157-160).

² Would define a "waste diversion plan" as "a plan prepared in a format approved by the division and submitted to the division by the generator (including but not limited to the property owner or demolition contractor) for an eligible C&D demolition project as required by K.C.C. 10.30.020.A." (Proposed Ordinance Lines 448-451).

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Requirements for generators, handlers and collectors of C&D waste (cont.)	3	N/A	Would require the Division Director to develop and publish a format for the waste diversion plan and that a waste diversion plan submitted by a generator must adhere to the approved format, show that C&D handling is planned in a manner that maximizes recovery of the readily recyclable C&D materials banned from landfill disposal, list the proposed intermodal facilities or landfills that will receive nonrecyclable C&D waste and reflect the generator's consideration of the ability of designated material recovery facilities to process mixed C&D generated during the eligible C&D demolition project. The Director shall approve or deny the waste diversion plan within fifteen days and a denial shall include justification. The generator shall have the opportunity to revise and resubmit the waste diversion plan (Lines 551-564).	Would remove the phrase "reflect the generator's consideration of the ability of" designated material recovery facilities to process mixed C&D waste and recyclable materials due to its ambiguity and instead require the waste diversion plan to list the proposed facilities to process the mixed C&D waste and recyclable materials (Lines 597-599)
	4	Recyclable C&D materials may be transported to any C&D recycling facility or to a recycling market in or outside of King County (K.C.C. 10.30.020.C).	No changes	No changes from transmittal
	5	"Generator, handler and collector" used but undefined/undescribed (K.C.C. 10.30.020)	No changes	Would add a description for each previously undefined term: generators, handlers, and collectors (Lines 516-525)

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Banned recyclable materials ("Director's List")	6	<u>Director's List</u> : The Division Director shall develop a list of readily recyclable C&D materials that are banned from disposal by a C&D receiving facility from disposing at a landfill and update based on current market conditions and regional processing capacity for recyclable C&D materials (K.C.C. 10.30.020.G; DFA).	No changes	Would remove "readily" from "readily recyclable C&D materials" to alleviate confusion from whether readily referred to easily extracted or for which a market exists (Line 588) Would include the phrase "except as otherwise provided in this chapter" to accommodate the "20% rule" which allows generators, handlers, and collectors to deliver loads to transfer facilities if they contain no more than 20% banned recyclable materials (Lines 588-589)
Types of facilities that can become C&D receiving facilities	7	Material recovery facility (MRF), transfer facility, or combination MRF and transfer facility (K.C.C. 10.04.020).	Would allow intermodal facilities and landfills to also become C&D receiving facilities (Line 65)	No changes from transmittal
Requirements for designated facilities to receive C&D waste - General	8	Facilities with which King County has agreements for C&D handling are designated as the receiving facilities for all mixed and nonrecyclable C&D waste generated within the county jurisdiction (K.C.C. 10.30.020.A).	No changes	No changes from transmittal
	9	C&D receiving facilities are obligated to accept C&D waste unless: the capacity constraints at the facility will be exceeded; the customer has previously failed to exclude unacceptable waste; the customer has previously failed to pay invoices; for MRFs, the C&D waste is too contaminated; for MRFs, the C&D waste contains excessive levels of materials not accepted by the facility for processing. The facility shall provide written documentation justifying the reason for the denial and maintain a copy at the facility for inspection (DFA).	Would also allow intermodal facilities and landfills to not accept waste loads if the demolition project sending the C&D waste fails to meet conditions for eligible C&D demolition projects (DFA)	No changes from transmittal

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Requirements for designated facilities to receive C&D waste - General (cont.)	10	C&D receiving facilities are responsible for ensuring that recyclable C&D is sent to facilities that reuse or recycle these materials to the maximum extent feasible, and minimize disposal of any secondary processing or handling residuals (DFA).	No changes	No changes from transmittal
		Facilities shall submit monthly reports to the Division that include information on: inbound tons by city or unincorporated area of origin; tonnage of mixed and nonrecyclable C&D waste received from in/out of the county jurisdiction; outbound tons and their destinations (MRF; recycling end-markets such as manufacturing or reuse companies; beneficial use end markets such as pulp and paper mills or industrial boilers; tonnage of nonrecyclable C&D waste disposed at or otherwise delivered to a landfill); monthly estimate of tonnage remaining in stockpiles	Would also require intermodal facilities and landfill permittees to submit a monthly report that provides the date, project location, and weight of shipment for each direct shipment received from demolition projects within the county's jurisdiction. Intermodal facilities and landfill permittees shall also be required to provide documentation to the Division upon request to support the Division's enforcement efforts against a generator, handler or collector responsible for delivery of C&D waste without an approved waste diversion plan or who fail to adhere to an approved waste diversion plan (DFA).	No changes from transmittal
Requirements for Material Recovery Facilities (MRFs)	11	Facility may not dispose at landfills any load of C&D waste that contains more than 10 percent by total combined weight of those materials listed in the Director's List (DFA).	No changes	No changes from transmittal

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Requirements for transfer facilities	12	<p>Monitor all C&D waste loads with the exceptions of those listed to identify if recyclable C&D waste materials exceed the "Action Level Threshold." The "Action Level Threshold" means a shipment destined for landfill disposal that contains more than 20% of recyclable C&D waste materials by volume listed on the Director's List. While K.C.C. 10.30.020(G), prohibits the shipment of any amount of recyclable C&D waste materials on the Director's List for landfill disposal, the Division will only require the facility to take the actions required by the DFA and in accordance with the facility's Waste Ban Compliance Plan for loads that exceed the Action Level Threshold (DFA amendment).</p> <p>Exceptions to this protocol include: vehicles with load capacity less than three cubic yards (e.g., pickup truck); loads of mixed C&D waste that are determined to be suitable for processing by a C&D MRF as they enter the transfer station, provided that the contents are processed by a MRF; loads containing recyclable C&D waste exceeding the Action Level Threshold rejected by a MRF with documentation (DFA amendment)</p>	No changes	<p>Would clarify that the Action Level Threshold is inclusive of 20% (and not just exceeding) to make language throughout DFA and with the proposed ordinance consistent (DFA)</p> <p>Would delete reference to K.C.C. 10.30.020(G) (DFA)</p>

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Requirements for transfer facilities (cont.)	13	When a load meets or exceeds the Action Level Threshold, the facility must: notify the driver identifying the type and amount of banned materials in the load; within 30 days, send a letter to the handler/collector identifying the generator (if known) and detailing the type of banned materials and encourage them to work with its customers to separate banned materials and recycle them appropriately or dispose of recyclable and mixed C&D waste at a MRF; if known, send a letter of the generator within 30 days (DFA amendment).	No changes	No changes from transmittal
	14	The facility shall submit to the Division a Waste Ban Compliance Plan describing the actions to be taken to comply with the ban of landfill disposal for recyclable C&D waste materials posted in the Director's List. The Plan must identify how all loads that exceed the Action Level Threshold will be managed, including addressing the hierarchy: (1) transfer the load to a designated MRF; (2) accept the load, and then separate and divert banned materials from landfill disposal; (3) as a last resort, dispose of the load only when the waste cannot be transferred or recycled because reloading the waste would endanger workers or substantially disrupt facility operations (DFA amendment).	No changes	No changes from transmittal

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Requirements for transfer facilities (cont.)	15	Keep records of: loads exceeding the Action Level Threshold but that were rejected by a MRF; loads containing recyclable C&D wastes that exceed the Action Level Threshold, noting, among other things, the disposition of the load and documentation of communication follow-up with the generator, handler or collector (DFA amendment).	No changes	No changes from transmittal
Requirements for intermodal facilities and landfills	16	N/A	<p>Would allow intermodal facilities and landfills to accept C&D waste from demolition projects under the following conditions:</p> <ul style="list-style-type: none"> • the square footage of building space that will be demolished within the project exceeds 6,000 sq. ft. • A waste diversion plan is submitted to the Division for the demolition project. Within two weeks of receipt, the Division must either approve, require modification, or reject the plan via email. • Within 60 days following the completion of demolition activities, the demolition contractor must submit to the division a waste diversion report that verifies compliance with the diversion plan (DFA) 	<p>Would clarify that intermodal facilities and landfills are approved to accept C&D waste only from those eligible C&D demolition projects that the Division has approved a Waste Diversion Plan and the facility has confirmation of that approval either from the Division or upon receipt of a copy of the waste diversion plan from the generator, handler or collector prior to accepting the waste (DFA)</p> <p>Would delete the requirements for eligible C&D demolition projects listed in the DFA since they are requirements of the eligible C&D demolition project and not the facility (DFA)</p>

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Requirements for intermodal facilities and landfills (cont.)	17	N/A	Landfills and intermodal facilities will be notified by the Division of a generator's, handler's or collector's suspension. On a monthly basis, intermodal facilities and landfills shall compare customer lists to the notifications of suspended generators, handlers or collectors provided by the Division and alert the Division if a suspended generator, handler or collector is using the facility (DFA)	No changes from transmittal
C&D waste at King County facilities	18	The county may accept small quantities of C&D waste at its solid waste facilities when such small quantities of C&D waste are: transported by vehicles or trailers without mechanized dump beds OR contained in loads of municipal solid waste. The county may accept C&D waste in larger quantities at transfer stations that comply with the recycling requirements in code or that collect and transfer C&D waste to designated facilities (K.C.C. 10.30.020.E).	No changes	Would make clarifying edits that do not change what is currently accepted at King County facilities (Lines 578-580)
Enforcement authority	19	Violations are subject to enforcement authority under K.C.C. 10.30.030 and the enforcement actions under K.C.C. 10.30.040 (K.C.C. 10.30.020).	No changes	No changes from transmittal
	20	The Division Director is authorized and directed to enforce this chapter in accordance with applicable federal law (K.C.C. 10.30.030.A).	No changes	No changes from transmittal
	21	The Division Director is authorized to make lawful inspections of the premises or vehicles of any person suspected of violating K.C.C. 10.30.020 and to inspect the books and records related to the subject of this chapter (K.C.C. 10.30.030.B; DFA).	No changes	No changes from transmittal

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Enforcement for C&D receiving facilities - General	22	The division director shall enforce the agreements with owners of designated facilities for C&D recycling and waste handling services (K.C.C. 10.30.020.B).	No changes	Would clarify that the Division Director can also enforce the agreements with operators in addition to agreements with owners since agreements can be made with either owners or operators under code (Line 562) Would use defined terms instead of undefined "C&D recycling and waste handling services" (Lines 563-564)
Enforcement for C&D receiving facilities - MRF	23	Division has the right to access, inspect and sample from Residual streams at end of processing, as well as materials diverted for landfill disposal prior to processing. Sampling will occur approximately four times per year under outlined methodology (DFA).	No changes	No changes from transmittal
	24	Any material violation or finding of two or more violations of the recovery requirements documented by sampling (DFA).	No changes	Would delete reference to "material violation" as it is ambiguous what is meant (DFA)

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Enforcement for C&D receiving facilities - Transfer Facility	25	Any material violation or finding of two or more violations of the approved Waste Ban Compliance Plan during a calendar year shall constitute grounds for designating the facility as non-compliant with the disposal ban requirements. The Division Director shall determine whether grounds exist to support a violation or material violation of the approved Waste Ban Compliance Plan. A violation related to the facility's observation, recording and management of loads containing recyclable C&D waste at or above the Action Level Threshold shall be determined based on a minimum of three observations documented by the Division enforcement staff over a 90-day period in which a load above the Action Level Threshold was not entered into records and/or not managed in a manner consistent with the approved Waste Ban Compliance Plan (DFA amendment).	No changes	Would delete reference to "material violation" as it is ambiguous what is meant (DFA)
Enforcement - Generators, handlers or collectors of C&D waste	26	N/A	Any person who violates the requirements for delivery to an intermodal facility or landfill may be prohibited from delivering or ensuring delivery of nonrecyclable C&D waste directly to those facilities for a period not to exceed six months. The person would have to receive notice and may submit a request for reconsideration (Lines 572-579).	No changes from transmittal
Civil penalties	27	Any person who violates this chapter, aids or abets such a violation such a violation shall be subject to civil penalties as provided in K.C.C. Title 23 (K.C.C. 10.30.040.A).	Would add that violators would also be subject to enforcement, in addition to civil penalties (Line 569)	No changes from transmittal

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DFA duration, suspension, termination	28	If the division director determines the owner is not in compliance with the agreement, the division director may suspend the owner's right to accept mixed C&D and nonrecyclable C&D waste during the period of noncompliance (K.C.C. 10.30.020.B). The DFA outlines the requirements for the Division to notify a facility of noncompliance, as well as the available reinstatement and appeal processes (DFA; DFA amendment).	No changes	No changes from transmittal
	29	The DFA shall remain in full force and effect for two (2) years following the Effective Date and shall be automatically renewed thereafter for another two-year term unless terminated according to the provisions of the DFA.	No changes	No changes from transmittal
	30	The DFA outlines the circumstances under which the Director may suspend DFA immediately and without cause (DFA).	No changes	No changes from transmittal
	31	The Division may terminate the DFA without cause with 365 days' notice of intent to terminate (DFA).	No changes	No changes from transmittal
	32	The facility may terminate the DFA without cause with 90 days' notice of intent to terminate (DFA).	No changes	No changes from transmittal
	33	The DFA outlines the process by which the Division may terminate the agreement for default in the event the facility fails to comply with any material provision of the agreement (DFA).	No changes.	No changes from transmittal

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Tip fee surcharge	34	<p>A tip fee of \$4.25 per ton is imposed on C&D wastes generated in the county's jurisdiction and disposed by C&D receiving facilities at landfills for the purpose of funding Division costs to manage the C&D recycling and disposal program (K.C.C. 10.30.050).</p> <p>For MRFs and transfer facilities, payments shall be based on the percentage of the tons of C&D waste from the county jurisdiction compared to the overall total tons of C&D waste, regardless of origin (meaning C&D waste from both within and also outside the county jurisdiction), that the facility disposes at landfills each month. The percentage shall be calculated each month by dividing the tons of mixed and nonrecyclable C&D waste accepted during the month from within the county jurisdiction by the total tons of mixed and nonrecyclable C&D waste accepted by the facility from within and outside the county jurisdiction during the month. The resulting percentage shall be multiplied by the total tons of C&D waste, regardless of origin, shipped to a landfill to calculate the fee (DFA).</p>	No changes	No changes from transmittal

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Miscellaneous	35	N/A	N/A	<p>Striker S1 would:</p> <ul style="list-style-type: none"> • Make clarifying and/or technical edits to the following terms and/or their respective definitions in K.C.C.: C&D; C&D receiving facility; C&D recycling facility; Construction and demolition waste; Eligible C&D demolition project; Intermediate solid waste handling facility; Mixed C&D waste; Municipal solid waste; Nonrecyclable C&D waste; Recyclable C&D waste; Regional direct; Residual C&D waste; Rubbish; Transfer facility; Waste diversion plan. Term references would be corrected throughout K.C.C. 10.30; • Use version of K.C.C. 10.04.020 (Title 10 definitions) as passed out by Ord. 19329 (fee ordinance) as base text; • Correct references, make typo corrections, and correct code reviser's notes related to errors in previous legislation; • Reorganize K.C.C. 10.30.020 for better readability; • Require the Executive to file a report with the Council that describes the C&D enforcement activities undertaken by the Solid Waste Division in the first year after the ordinance is effective, due by April 28, 2023 (Lines 635-663)

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Miscellaneous (cont.)	36			DFA, dated June 14, 2021 would: <ul style="list-style-type: none"> • Add reference to K.C.C. Title 10 for capitalized terms not defined in the DFA; • Make definitions and terms found in both K.C.C. Title 10 and the DFA consistent; • Reorganize provisions and make technical corrections for better readability and consistency across sections; • Delete outdated information.
Effective Date	37	N/A	Would be normal course upon adoption of ordinance	Would be January 1, 2022 (Line 664). Ord. 19329 (solid waste fee ordinance) made changes to the definitions section of K.C.C. Title 10 effective Jan. 1, 2022. PO 2020-0243 also would make changes to the definitions section of K.C.C. Title 10. Instead of including in the striker two versions of the definitions section -- one that would only be in effect for the remainder of the year following adoption and a second that would go into effect Jan. 1, 2022 -- the striker would make the entire ordinance effective Jan. 1, 2022.