



## Legislation Text

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Clerk 07/21/2004

AN ORDINANCE relating to the timing for planning for waste export and annually reporting the solid waste division's progress toward objectives identified in the comprehensive solid waste management plan; amending Ordinance 7737, Section 2, as amended, and K.C.C.10.24.020 and adding a new section to K.C.C. chapter 10.25.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings.**

A. In Ordinance 14236 and the 2001 Final Comprehensive Solid Waste Management Plan, the council made the policy determination to export the county's solid waste to one or more landfills after the county's Cedar Hills regional landfill reaches capacity and must close. The council rejected alternatives to waste export, including development of a new landfill in King County or incinerating the county's waste.

B. In Ordinance 14236, the council directed the county executive to begin to implement the policy to export the county's waste by developing a waste export coordination and implementation plan ("the waste export system plan").

C. The 2001 Final Comprehensive Solid Waste Management Plan also included policies on transfer stations and the future transfer station system. The majority of the current transfer stations were planned for and developed in the 1960s. The most-recent review of the transfer station system was conducted for the 2001 Comprehensive Solid Waste Management Plan update. The future transfer station system must be planned and developed as an integral part of the waste export system plan.

D. Waste export may require the county to secure intermodal capacity to transfer sealed containers of solid waste from trucks to rail cars.

E. The 2001 Final Solid Waste Comprehensive Management Plan Policy DSW-8 directs the county executive to undertake a siting study process for any necessary intermodal facilities that involves all affected jurisdictions and interested parties in the siting study and in the development of site evaluation criteria regarding environmental, technical, financial and community needs.

F. An environmental review process for the siting analysis portion of the waste export coordination and implementation plan is required by chapter 197-11 WAC.

G. The solid waste division became aware of the Fisher Flour Mill property as a potential site for an intermodal facility, and upon King County council approval, purchased the property in 2003. Ordinance 14710, authorizing the purchase of the Fisher Flour Mill property, requires an independent third-party review of competitive alternatives to the Fisher Flour Mill property as a potential site for an intermodal facility.

H. To develop the waste export system plan, the county shall:

1. conduct a comprehensive evaluation of:

- a. transfer system capacity;
- b. public and private alternatives for transfer capacity;
- c. public and private alternatives for waste export;
- d. site evaluation criteria; and
- e. siting as needed;

2. Perform environmental review for any siting analysis; and

3. Obtain independent third-party review of competitive alternatives to the Fisher Flour Mill property as a potential site for an intermodal facility.

I. The waste export system plan must be developed with processes that provide for input from all stakeholders and interested parties.

J. King County intends to establish an advisory committee for city input into the development of the waste export system plan, to improve the communication of information between King County and cities and to facilitate the resolution of solid waste management issues with city partners and customers. The advisory committee will consist of representatives from each city with a signed solid waste interlocal agreement participating in the county solid waste management system.

NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 10.25 a new section to read as follows:

**Metropolitan solid waste management advisory committee.**

A. A metropolitan solid waste management advisory committee is established. Each component city with a signed interlocal agreement participating in the county solid waste management system shall identify representatives and alternates to the solid waste division for appointment to the advisory committee. The committee shall conduct its first meeting on or after January 2, 2005. The solid waste division shall notify each component city with a signed interlocal agreement participating in the county solid waste management system of committee meeting times and locations. At the first meeting, the committee shall elect a chair. The members of the committee shall serve at the pleasure of the appointing bodies and shall receive no compensation from King County other than reimbursement for reasonable expenses actually incurred in the performance of their duties.

B. The metropolitan solid waste management advisory committee shall advise the executive, the solid waste interlocal forum established in the solid waste service contracts between the county and cities, and the King County council in all matters relating to solid waste management and participate in the development of the solid waste management system and waste export system plan.

C. The metropolitan solid waste management advisory committee shall review and make recommendations on the waste export system plan before transmittal of the plan from the King County executive to the King County council.

D.1. Until the metropolitan solid waste management advisory committee first convenes, an interjurisdictional technical staff group presently assembled shall serve in lieu of the metropolitan solid waste management advisory committee. The interjurisdictional technical staff group shall advise the metropolitan solid waste management advisory committee through December 31, 2005, to assist the committee during its first year of work. Each city with a solid waste interlocal agreement with King County may participate in the interjurisdictional technical staff group. The group shall provide a report of its findings and recommendations by December 31, 2004, to all cities participating in the county solid waste management system, the King County executive, King County council, the solid waste advisory committee and the solid waste interlocal forum, or its successor, on the structure, function and responsibilities of the metropolitan solid waste management advisory committee. The staff group shall provide a report of its findings and recommendations by December 31, 2005, to all cities participating in the county solid waste management system, the metropolitan solid waste management advisory committee, the King County executive, King County council, the solid waste advisory committee and the solid waste interlocal forum, or its successor.

2. The interjurisdictional technical staff group report shall address at least the following issues:

- a. potential modification or replacement of the solid waste interlocal forum, to identify membership, decision-making responsibilities and scope of duties;
- b. identification of dispute resolution options;
- c. development of a framework for financial policies and host city mitigation, including compensation agreements;
- d. evaluation of the impact of the proposed waste export system plan on each of the provisions of the solid waste interlocal agreement between King County and cities; and
- e. identification of potential amendments to the solid waste interlocal agreement.

3. The solid waste interlocal forum, or its successor, shall make a recommendation to the King County executive and King County council on or before December 31, 2005, on the efficacy of the continuing role of

the interjurisdictional technical staff group.

E. The solid waste division shall provide staff support to the metropolitan solid waste management advisory committee and the interjurisdictional technical staff group. The King County council shall provide staff support in the development of solid waste planning legislation.

SECTION 3. King County and any city exercising its right under Section 5.1 of its solid waste interlocal agreement with the county may engage in informal discussions regarding potential changes to any of the provisions of the interlocal agreement. A city's decision to engage or not to engage in such informal discussions shall not constitute a waiver of the city's exercise of its rights under Section 5.1 to either review or renegotiate, or both, the solid waste interlocal agreement. This authorization to engage in informal discussions does not constitute consent to negotiate any provision under Section 5.2 of the agreement nor constitute a waiver of the requirement of mutual consent for the negotiation of any provision under Section 5.2 of the agreement. Any informal discussions shall not be binding on any party in any future negotiations and shall not be relied upon by any party, unless the discussions or agreements have been formalized in a properly executed agreement.

SECTION 4. Ordinance 7737, Section 2, as amended, and K.C.C.10.24.020 are each hereby amended to read as follows:

**Responsibilities.**

A. The division shall maintain the plan in a current condition and shall propose necessary plan revisions to the council at least once every three years.

B. The King County solid waste advisory committee shall review and comment upon the proposed plan prior to its submittal to the council for adoption.

C. The designated interlocal forum, or its successor, shall have the following responsibilities:

1. Advise the King County council and executive and other jurisdictions as appropriate on all policy aspects of solid waste management and planning and consult with and advise the King County solid waste

division on technical issues;

2. Review and comment on alternatives and recommendations for the county comprehensive solid waste management plan and facilitate approval of the plan by each jurisdiction;
3. Review proposed interlocal agreements between King County and cities for planning, recycling and waste stream control;
4. Review disposal rate proposals;
5. Review status reports on waste stream reduction, recycling, energy and resource recovery; and solid waste operations with interjurisdictional impact;
6. Promote information exchange and interaction between waste generators, local governments with collection authority, recyclers and county-planned and operated disposal system;
7. Provide coordination opportunities between the King County solid waste division, local governments, private operators and recyclers; and
8. Aid cities in recognizing municipal solid waste responsibilities, including collection and recycling, and effectively carrying out those responsibilities.

~~((E-))~~ D. The council shall hold a public hearing on the draft plan and another public hearing on the final plan before adoption of the plan. Any city using county disposal sites shall be notified of these public hearings and shall be requested to comment on the plan.

~~((F-))~~ E. The division shall submit to the council by ~~((September))~~ April 1 of each year an annual report of its progress toward objectives identified in the plan.

~~((G-))~~ F. Interlocal agreements between the county and cities wishing to plan jointly with the county or to authorize the county to plan for it shall identify which party is responsible for city solid waste operational plans, tonnage forecasts~~((,))~~ and recycling goals.

G. The division shall provide staff support to the metropolitan solid waste management advisory committee and the interjurisdictional technical staff group.

**SECTION 5. Solid waste system planning.** The development of the waste export system plan, including comprehensive analysis of public and private transfer station and system capacity, transfer system efficiency and waste export for the next comprehensive solid waste management plan update, shall include, but not be limited to, the following:

A. The process for developing the waste export system plan shall be guided by the adopted 2001 Comprehensive Solid Waste Management Plan that directs the county to involve all affected jurisdictions and interested parties in siting process decisions, and by Ordinance 14710. The interjurisdictional technical staff group and the metropolitan solid waste management advisory committee shall work with the solid waste division to develop the waste export system plan, including development of the business plan, future transfer station system alternatives and waste export system alternatives;

B. Preparing a business plan, which should at a minimum address:

1. Emergency capacity;
2. System reliability;
3. Efforts to coordinate planning and operations with other jurisdictions;
4. Possible impacts of future system choices on employees;
5. Strategies to encourage competition;
6. Preserving service levels and value for customers;
7. Integration of waste export activities with the transfer network;
8. Environmental protection; and
9. The potential benefits of a federated system; and

C. Scope of work and analysis of technical issues for development of a waste export system plan shall consider the solid waste handling system as a whole. Major technical elements shall include, but not be limited to:

1. Development of transfer system level of service standards and criteria, such as evaluation of traffic

flow impacts and queuing, that provide objective measures for when a transfer station needs to be upgraded in place, relocated to a more appropriate location, or additional transfer stations need to be built to adequately serve the region's growing population;

2. Identification of needed transfer system improvements, replacements or additions, or any combination thereof, and their respective estimated costs based on level of service standards;
3. Analysis of both public and private transfer station ownership and operational options;
4. Development of level of service standards and criteria that provide objective measures for a solid waste intermodal capacity needs analysis;
5. Analysis of both public and private intermodal facility ownership and operational options;
6. Analysis of waste transport cost and feasibility;
7. Analysis of landfill capacity; and
8. Independent evaluation of waste export system plan. Consistent with Ordinance 14710, the county shall provide for an independent evaluation of the transfer and waste export system alternatives and recommendations to inform the county's decision-making on the waste export system plan, by convening an expert independent review panel. The council, after consultation with the solid waste interlocal forum, or its successor, shall define the scope of the evaluation to be conducted and guide the selection of independent review panel experts.

#### **SECTION 6. Reporting.**

A. The solid waste division shall submit a waste export system plan to the council and solid waste interlocal forum or its successor by December 15, 2005. The division shall also regularly report back to the council and solid waste interlocal forum, or its successor, throughout the system plan development process.

B. Major milestones for reports to be submitted by the solid waste division to the council and solid waste interlocal forum, or its successor, for review and council approval by motion shall include, but are not limited to:



1. Transfer system level of service standards and criteria;
2. Analysis of system needs and capacity;
3. Analysis of options for public and private ownership and operation;
4. Preliminary transfer and waste export facility recommendations, and estimated system costs, rate

impacts and financial policy assumptions.

C. The council shall, if approving submitted solid waste division reports for major milestones, make the approval by motion. Each motion shall also include a timeline for submittal of future milestone reports still pending. The first milestone report pertaining to level of service standards and criteria for future system needs shall be submitted to the council and solid waste interlocal forum on or before October 15, 2004.

D. In accordance with K.C.C. 10.24.020.A, the solid waste division shall begin updating the adopted 2001 Comprehensive Solid Waste Management Plan by December 1, 2005, with completion of the update process anticipated by December 2007. The waste export system plan shall be used as the basis for formulating recommendations for

solid waste transfer and disposal for the update of the 2001 Comprehensive Solid Waste Management Plan.