Legislation Details (With Text)

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On agenda:		**Final action:**	11/16/2015
Enactment date:	11/25/2015	**Enactment #:**	18166

Title: AN ORDINANCE relating to construction and demolition waste; authorizing the executive to enter into agreements for the disposition of construction and demolition waste generated within the county jurisdiction; amending Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020, Ordinance 7737, Section 2, as amended and K.C.C. 10.24.020, Ordinance 10916, Section 1, as amended, and K.C.C. 10.30.010, Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020, Ordinance 10916, Section 7, as amended, and K.C.C. 10.30.050 and Ordinance 17527, Section 158, and K.C.C. 4A.200.700 and adding a new section to K.C.C. chapter 4A.670.

Sponsors: Rod Dembowski

Indexes: Natural Resources, Department of

Code sections: 10.04.020 -, 10.30.010 - ., 10.30.020 - ., 10.30.050 - ., 4A.200.700 - ., 4A.670 - .

Attachments: 1. Ordinance 18166.pdf, 2. A. Designated Facility Agreement-dated October 27, 2015, 3. 2015-0447 legislative review form.pdf, 4. A. Designated Facility Agreement-dated October 27, 2015, 5. A. Designated Facility Agreement, 6. 2015-0447 transmittal letter.doc, 7. 2015-0447 fiscal note.xls, 8. 2015-0447_SR_C-D_debris.docx, 9. 2015-0447_ATT2_Amdt1.docx, 10. 2015-0447_ATT2A_Amdt1_Replacement_Page_to_AttachA.docx, 11. 2015-0447-Amdt2-DembowskiReport-mbrev BAR edits 11-02-15.docx, 12. 2015-0447_Revised_SR.docx, 13. 18166 Amendment package 11-16-15.pdf

Date	Ver.	Action By	Action	Result
11/16/2015	2	Metropolitan King County Council	Hearing Held	
11/16/2015	2	Metropolitan King County Council	Passed as Amended	Pass
11/3/2015	1	Transportation, Economy, and Environment Committee	Recommended Do Pass Substitute	Pass
11/2/2015	1	Metropolitan King County Council	Introduced and Referred	

AN ORDINANCE relating to construction and demolition waste; authorizing the executive to enter into agreements for the disposition of construction and demolition waste generated within the county jurisdiction; amending Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020, Ordinance 7737, Section 2, as amended and K.C.C. 10.24.020, Ordinance 10916, Section 1, as amended, and K.C.C. 10.30.010, Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020, Ordinance 10916, Section 7, as amended, and K.C.C. 10.30.050 and

Ordinance 17527, Section 158, and K.C.C. 4A.200.700 and adding a new section to K.C.C. chapter 4A.670.

STATEMENT OF FACTS:

1. Since 1994, the county has contracted with two vendors to provide receiving facilities for construction, demolition and land clearing waste ("CDL"). Because land clearing waste is now usually recycled separately, the term construction and demolition ("C&D") is more commonly used. The existing contracts expire on December 31, 2015. This ordinance continues the practice of contracting with private vendors but includes enhanced recycling provisions and allows participation by any qualified facility. Other jurisdictions use a similar approach to managing C&D waste, including the city of Seattle, Lewis county and Portland Metro.

2. The King County 2001 Comprehensive Solid Waste Management Plan specifies that the following actions occur upon expiration of the existing contracts: "The executive, in consultation with the Solid Waste Advisory Committee and appropriate staff from cities in the region, shall propose to the council alternatives for future handling of CDL that will best suit the region as a whole. A goal of the preferred alternative should be to increase the amount of CDL recycled from work and disposal sites. The council shall approve the CDL handling program by ordinance."

3. In order to meet the goal of increasing the amount of C&D recycled from work and disposal sites, this ordinance authorizes the solid waste division of the department of natural resources and parks to enter agreements with privately-owned C&D waste receiving facilities which establish minimum recycling requirements for C&D material.

4. Establishing recycling requirements for C&D waste and developing administrative criteria which allow for monitoring of C&D facilities to ensure compliance will serve the dual purpose of providing more receiving facilities for C&D waste and increasing recycling.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

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

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

B. "Asbestos-containing waste material" means any waste that contains or is contaminated with asbestos-containing material. "Asbestos-containing waste material" includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, waste, containers, bags, protective clothing or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

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

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

E. ((~~"CDL"~~)) "C&D" means construction((~~,~~)) and demolition ((~~and land-clearing~~)) waste.

F. "((~~CDL~~)) C&D receiving facility" means any properly licensed or permitted facility that is designated by the county as the facility to which ((~~CDL~~)) C&D waste, including residual ((~~CDL~~)) C&D waste, is required to be delivered under this Code. A ((~~CDL~~)) C&D receiving facility may be either a material recovery facility ((~~, an intermodal facility and/~~))or a transfer facility, or both.

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

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

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

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

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

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

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

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

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

P. "Composted material" means organic solid waste that has undergone biological degradation and

transformation under controlled conditions designed to promote aerobic decomposition at a solid waste facility in compliance with the requirements of this title; Natural decay of organic solid waste under uncontrolled conditions does not result in composted material.

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

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

S.1. "Construction((,)) and demolition ((~~and land-clearing (CDL~~)) (C&D) waste" means any nonputrescible recyclable or nonrecyclable waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures((~~, or from land-clearing for development,~~)) and requires removal from the site of construction((,)) or demolition ((~~or land clearing~~)). Except where otherwise expressly provided, "((~~CDL~~)) C&D waste" ((~~or "county CDL waste"~~)) means ((~~CDL~~)) C&D waste generated in the county jurisdiction. ((~~CDL waste includes, but is not limited to, the following listed materials:~~

~~a. "Construction waste," which includes: wood, concrete, drywall, masonry, roofing, siding, structural metal, wire, insulation and other building material; and plastics, styrofoam, twine, baling and strapping materials, cans, buckets and other packaging materials and containers. "Construction waste" also includes sand, rocks and dirt that are used in construction and that do not meet the definitions of clean mud and dirt or unacceptable waste;~~

~~b. "Demolition waste," which includes concrete, asphalt, wood, masonry, roofing, siding, structural metal, wire, insulation and other materials found in demolished buildings, roads and other structures. "Demolition waste" also includes sand, rocks and dirt that result from demolition and that do not meet the definitions of clean mud and dirt or unacceptable waste; and~~

~~c. "Land-clearing waste," which includes natural vegetation and minerals such as stumps, brush,~~

~~blackberry vines, tree branches, associated dirt and sand, tree bark, sod and rocks.~~))

2. "((~~CDL~~)) C&D waste" does not include ((~~clean mud and dirt,~~)) land clearing materials such as soil, rock, vegetation or contaminated soil, friable asbestos-containing waste material as defined under Regulation III, Article 4 of the Puget Sound Clean Air Agency, unacceptable waste, garbage, sewerage, animal carcasses or any other solid waste that does not meet the definition of ((~~CDL~~)) C&D waste.

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

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

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

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

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

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

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

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

BB. "Director" means the director of the department of natural resources and parks or the director's designee.

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

DD. "Disposal facility" means a facility or facilities ((~~approved by the council~~)) where any final treatment, utilization, processing or disposal of solid waste occurs.

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

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

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

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

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

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

KK. "Facility" means all contiguous land and structures, other appurtenances, and improvements on the land used for the management of solid waste.

LL. "Federal guidance" means guidelines provided by the United States Environmental Protection Agency, the Offices of the Federal Environmental Executive, federal executive orders or other guidelines offered by federal agencies.

MM. "Franchise area" means a certificated hauler's territorial collection area, which is delineated in the certificate of convenience and necessity issued by the Washington Utilities and Transportation Commission.

NN. "Garbage" means all putrescible wastes, except the following:

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

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

PP. "Hazardous waste management plan" means a plan for managing moderate risk wastes, under RCW 70.105.220.

QQ. "Health department" means the Seattle-King County department of public health.

RR. "Health officer" means the health department director or his or her designated representative.

SS. "Host city" means a city that has a county transfer facility within its incorporated boundaries.

TT. "Household hazardous waste" means any waste that exhibits any of the properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan.

UU. "Illegal dumping" means disposing of solid waste in any manner other than in a receptacle specifically provided for that purpose, in any public place, public road, public park or private property or in the

waters of King County, except as authorized by King County or at the official solid waste disposal facility provided by the county.

VV. "Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

WW. "Interlocal forum" means representatives of the metropolitan King County council and representatives of incorporated cities and towns within King County designated by the Suburban Cities Associated and by interlocal agreement to discuss solid waste issues and facilitate regional cooperation in solid waste management. The regional policy committee of the council is designated by interlocal agreements between suburban cities and the county as the solid waste interlocal forum.

XX. "Intermediate solid waste handling facility" means any intermediate use or processing site engaged in solid waste handling that is not the final site of disposal. This includes material recover facilities, transfer stations, drop boxes, baling and compaction sites.

YY. "Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste from one mode of transportation to another and the containers are not opened for further treatment, processing or consolidation of the waste.

ZZ. "King County solid waste advisory committee" means the committee formed in accordance with K.C.C. chapter 10.28 and chapter 70.95 RCW to advise the county on solid waste management planning, assist in the development of programs and policies concerning solid waste management and review and comment on the comprehensive solid waste management plan and other proposed solid waste management rules, policies or ordinances before adoption.

AAA. "Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

BBB. "Landfill gas" means gas produced by the microbial decomposition of municipal solid waste in a landfill.

CCC. "Level of service" means the level and degree of service provided at facilities, including hours of operation, classes of customers served and recyclable materials collection available.

DDD. "Liquid waste" means any solid waste that is deemed to contain free liquids as determined by the Paint Filter Liquids Test, Method 9095, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846.31.

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

FFF. "Material recovery facility" or "MRF" means any facility that ((~~collects, compacts, repackages, sorts and/or~~)) processes for transport mixed C&D waste or source separated solid waste for the purpose of recycling.

GGG. "Mixed ((~~CDL~~)) C&D waste" means ((~~CDL~~)) C&D waste containing both recyclable and nonrecyclable ((~~CDL~~)) C&D waste material that has not been separated. ((~~Mixed CDL waste contains more than ten percent but less than ninety percent recyclable CDL waste by volume.~~))

HHH. "Mixed waste processing" means sorting of solid waste after collection from the point of generation to remove recyclable materials from the solid waste to be disposed.

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

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

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

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

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

KKK. "Natural background" means the concentration of a hazardous substance consistently present in the environment that has not been influenced by localized human activities.

LLL. "Noncommercial user" means any person who uses King County solid waste facilities but is not engaged in the business of solid waste handling.

MMM. "Nonrecyclable ((~~CDL~~)) C&D waste" means any ((~~CDL~~)) C&D waste that is not recyclable ((~~CDL~~)) C&D waste. C&D waste used as alternative daily cover for landfills or as a waste stabilizer is considered nonrecyclable C&D waste.

NNN. "Oil" means engine lubricating, gear, hydraulic, fuel and other types of oil.

OOO. "Operating hours" means those times during which solid waste facilities are normally open and available for the delivery of solid waste.

PPP. "Organics" means yard waste, food waste and soiled paper products determined by the division director to be acceptable for composting.

QQQ. "Person" means any individual, association, business, firm, corporation, limited liability corporation, copartnership, marital community, political subdivision, municipality, government agency, industry, public or private corporation or any other entity whatever.

RRR. "Post-closure" means the requirements placed upon disposal facilities after closure to ensure their environmental safety for at least a thirty-year period or until the site becomes stabilized, which means there is

little or no settlement, gas production or leachate generation.

SSS. "Postconsumer material" means material has been previously used by consumers that is diverted from the solid waste stream.

TTT. "Practicable" means satisfactory in performance and available at a fair and reasonable price.

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

VVV. "Product stewardship" means taking measures to minimize the impacts of a product on the environment during its life cycle. The principle of product stewardship applies to designers, suppliers, manufacturers, distributors, retailers, consumers, recyclers and disposers.

WWW. "Putrescible waste" means solid waste that contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

XXX. "Reclamation site" means a location used for the processing or the storage of recycled waste.

YYY. "Recovered material" means waste material that has been recovered from the solid waste stream, but does not include material generated from and commonly reused on site in an original manufacturing process.

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

AAAA. "Recyclable materials" means those solid wastes that are separated for reuse, recycling or composting, including, but not limited to, papers, cardboard, metals, glass, plastic bottles and containers, plastic bags, yard waste, food waste, wood waste, chemicals, oil, textiles, white goods and other materials that are

identified as recyclable material under the King County comprehensive solid waste management plan.

BBBB. "Recycled paper" means paper meeting recycled content standards in federal guidance.

CCCC. "Recycled product" means a product manufactured with the maximum practicable amount of recovered material, especially postconsumer material.

DDDD. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. "Recycling" does not include collection, compacting, repackaging, and/or sorting for the purpose of transport. "Recycling" does not include combustion of solid waste or preparation of a fuel from solid waste.

EEEE. "Region" means the area encompassing those cities with solid waste signed interlocal agreements and unincorporated areas of King County that are included in the comprehensive solid waste management plan. "Region" includes all of King County except the cities of Seattle and Milton.

FFFF. "Regional direct" means any solid waste generated and collected in King County and transported to Cedar Hills regional landfill by conventional long haul transfer vehicles from privately owned solid waste transfer stations or intermediate handling facilities permitted by the health department as provided for in King County board of health regulations.

GGGG. "Regulated refrigerant" means a class I or class II substance as listed in Title VI of the Federal Clean Air Act Amendments of 1990.

HHHH. "Residual ((~~CDL~~)) C&D waste" means the nonrecyclable waste remaining after recycling processes have removed recyclable waste.

IIII. "Reuse" means the return of a commodity into the economic stream for use.

JJJJ. "Rubbish" means all nonputrescible wastes, except materials that have been source separated for the purpose of recycling.

KKKK. "Rural transfer facilities" means the Vashon and Enumclaw transfer stations, the Cedar Falls and Skykomish drop box facilities and other facilities the division director designates as rural transfer facilities.

LLLL. "Salvaging" or "scavenging" means the removal of materials from a solid waste facility without the authorization of the division director and the health officer.

MMMM. "Secondary recyclable materials" means those recyclable materials that have not been designated as being included in the county's minimum service levels for recyclable materials collection. "Secondary recyclable" are those with generally limited markets, a lack of collection systems or a limited number of generators of the material.

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

OOOO. "Self-hauler" means county residents, business and institutions who choose to bring their municipal solid waste and recyclable materials to the transfer facilities themselves.

PPPP. "Shall" and "will" in a policy mean that it is mandatory to carry out the policy. "Should" in a policy provides noncompulsory guidance and establishes some discretion in making decisions. "May" in a policy means that it is in the interest of the county or other named entity to carry out the policy but there is a total discretion in making decisions.

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

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

SSSS. "Solid waste facility" means a disposal facility or intermediate solid waste handling facility. "Solid waste facility" includes, but is not limited to, transfer stations, intermodal facilities, landfills, incinerators, composting plants and facilities for the recycling or recovery of resources from solid waste or the conversion of the energy from solid waste to more useful forms or combinations thereof. "Solid waste facility" includes all contiguous land, including buffers and setbacks, and structures, other appurtenances and improvements on the land used for solid waste handling.

TTTT. "Solid waste interlocal agreement" means an agreement between a city and the county for use of the King County solid waste system for disposal of solid waste generated or collected within the city.

UUUU. "Solid waste management" means the systematic administration of activities that provide for the reduction in generated volume, source separation, collection, storage, transportation, transfer, recycling, processing, treatment and disposal of solid waste. "Solid waste management" includes public education and marketing activities.

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

WWWW. "Source separation" means the separation of recyclable materials from other solid waste at the place where the waste originates.

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

YYYY. "Suspect waste" means any waste the division director suspects may be unauthorized waste.

ZZZZ. "Sustainable building principles" means the use of energy- and resource-efficient site and

building design, construction, operations and management.

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

BBBBB. "Unacceptable waste" means any material for which the transportation or disposal would constitute a violation of any governmental requirement pertaining to health, safety or the environment. The material may include, but is not limited to, hazardous, extremely hazardous or dangerous waste as designated under Washington state or federal law, including, but not limited to, regulations contained in the Washington Administrative Code, now in effect or as may be hereafter amended ((~~after October 22, 2007~~)), or in the Code of Federal regulations, now in effect or ((~~after October 22, 2007~~)) as may be hereafter amended.

CCCCC. "Unauthorized waste" means waste that is not acceptable for disposal at any or a specific solid waste facility according to applicable rules or a determination of the division director.

DDDDD. "Uncompacted waste" means any solid waste in an uncompressed or loose condition.

EEEEE. "Unincorporated service area" means the geographical area of unincorporated King County designated to receive the solid waste, recyclable material and organics collection services defined in this chapter. The unincorporated service area does not include:

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

FFFFF. "Unsecured load" means a load of solid waste that has not been securely fastened, covered, or both to prevent the covering or any part of the load from becoming loose, detached or leaving the vehicle while the vehicle is moving.

GGGGG. "Urban transfer facilities" means the county's Algona, Bow Lake, Factoria, Houghton,

Shoreline, and Renton transfer facilities and other transfer facilities the division director designates as urban transfer facilities.

HHHHH. "Washington Utilities and Transportation Commission" means the state commission created under chapter 80.01 RCW, as now enacted or hereafter amended.

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

JJJJJ. "Waste reduction" means reducing the amount or type of waste generated.

KKKKK. "Waste stream" means the total flow of solid waste from homes, businesses, institutions and manufacturing plants that must be recycled or disposed in landfills, or any segment thereof, such as the "residential waste stream" or the "recyclable waste stream."

LLLLL. "White goods" means major appliances, including refrigerators, freezers, heat pumps, air conditioners, stoves, ranges, dishwashers, washers, dryers, trash compactors, dehumidifiers and other appliances specified by the division director.

MMMMM. "White goods collection area" means an area used by county residents to deposit source separated white goods.

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

OOOOO. "Woody debris" means natural vegetation greater than four inches in diameter, four feet in length, or both, such as stumps, fallen tree branches or limbs, resulting from land clearing activity, storms or natural disasters.

PPPPP. "Yard waste" means a compostable organic material generated in yards or gardens, including

but not limited to, leaves, grass, branches, prunings and clippings of woody and fleshy plants and unflocked holiday trees, but does not include rocks, dirt or sod, concrete, asphalt, bricks, land-clearing wastes, demolition wastes, wood waste or food waste.

QQQQQ. "Yard waste collection area" means an area used by county residents, businesses and institutions to deposit source-separated yard waste.

RRRRR. "Zero waste of resources" is a planning principle and framework designated to eliminate the disposal of materials with economic value through reuse, recycling, or both.

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

A. The division shall maintain an updated comprehensive solid waste management plan and shall review and propose plan revisions, if necessary to the council at least once every five years in accordance with RCW 70.95.110, as now enacted or hereafter amended.

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

C. The interlocal forum shall have the following responsibilities:

1. Advise the county council and county executive and other jurisdictions as appropriate on all policy aspects of solid waste management and planning, and consult with and advise the division on technical issues;

2. Review and comment on alternatives and recommendations for the county comprehensive solid waste management plan and facilitate approval of plan by each jurisdiction;

3. Review proposed solid waste interlocal agreements between the 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 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.

D. The division shall seek public comment on the preliminary draft comprehensive solid waste management plan, in addition to conducting the public review and comment procedures required by the state Environmental Policy Act. Copies of the plan should be provided to county cities, community organizations and the county council, and shall be posted on the county's web site. The public comment period on the preliminary draft shall be at least thirty days and shall be completed before the division transmits the preliminary draft to the Washington state Department of Ecology. The division should provide community organizations, commissions, cities and individuals an opportunity to submit written statements. If necessary, the division should revise the preliminary draft to address comments received.

E. The council's committee of the whole or another committee designated by the council may hold hearings on the preliminary draft plan and the council shall hold a public hearing on the final draft plan before adoption of the plan. Any city using county solid waste facilities shall be notified of these public hearings and shall be requested to comment on the plan.

F. The division shall submit to the council by May 1 of each year an annual report of its progress toward objectives identified in the plan. That report shall also describe progress in implementing the provisions of the construction and demolition ("C&D") waste program as set forth in KC.C. chapter 10.30, including, but not limited to, participation by vendors who have signed designated facility agreements; the numbers of enforcement actions and types of enforcement actions; effectiveness of enforcement strategy; engagement with vendors on enforcement strategies, through mechanisms such as an enforcement advisory group or outreach

efforts; regulatory fee collection; effectiveness of efforts to ensure that waste is delivered exclusively to designated facilities; volumes and nature of residual C&D waste being sent to landfills for disposal; and C&D recycling rate. The division must file the report in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers.

G. Solid waste interlocal agreements between the county and cities wishing to plan jointly with the county or to authorize the county to plan for them shall identify which party is responsible for city solid waste operational plans, tonnage forecasts and recycling goals.

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

SECTION 3. Ordinance 10916, Section 1, as amended, and K.C.C. 10.30.010 are each hereby amended to read as follows:

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

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

A. ((~~The following f~~))Facilities((~~,~~)) either owned,((~~and operated by vendors with whom~~)) operated, or both, by a person or persons with which King County has ((~~contracts~~)) agreements for ((~~CDL~~)) C&D handling, are designated as the ((~~CDL~~)) receiving facilities for all mixed and nonrecyclable ((~~CDL~~)) C&D waste generated ((~~in unincorporated King County and in any jurisdiction with which King County has an interlocal agreement for solid waste management:~~

~~1. Regional Disposal Company facilities:~~

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~~a. Rabanco Recycling and Waste Reduction Center, 2733 Third Avenue South, Seattle; and~~

~~b. Regional Disposal Company Black River Transfer and Recycling Facility, Monster Road, Renton;~~

~~2. Waste Management, Inc., facilities:~~

~~a. Eastmont Transfer Station and Material Recovery Facility, 7201 West Marginal Way, Southwest, Seattle;~~

~~b. Seattle Intermodal Facility (Argo Yard), 5000 Denver Avenue South, Seattle;~~

~~c. Recycling Northwest (RNW), 6555 H Street, Auburn; and~~

~~d. Cascade Recycling Center (CRC) 14020 NE 190th St., Woodinville.~~

~~Any additional CDL receiving facilities will be identified by amendment of this chapter~~)) within the county jurisdiction. All generators, handlers and collectors of ((~~CDL~~)) mixed and nonrecyclable C&D waste ((~~shall deliver or ensure delivery of all nonrecyclable CDL waste~~)) generated within the county's jurisdiction shall deliver, or ensure delivery to, a designated ((~~CDL~~)) C&D receiving facility ((~~, or alternate receiving facility~~)) specified by the division director, except as permitted by subsections C.((~~, D.~~)) and E. of this section.

B. The division director ((~~is authorized to ensure that vendors remain in compliance with all terms of King County's contract or contracts for CDL~~)) shall enforce the agreements with owners of designated facilities for C&D recycling and waste handling services. If the division director determines the ((~~contractor~~ owner is not in compliance with the ((~~contract~~)) agreement, the division director ((~~will notify the executive and the council, and may designate an alternative CDL receiving facility~~)) may suspend that owner's right to accept mixed C&D and nonrecyclable C&D waste during the period of noncompliance.

C. Recyclable ((~~CDL waste~~)) C&D materials may be transported to any ((~~CDL~~)) C&D recycling facility or to a recycling market in or outside of King County((~~provided, nonrecyclable CDL waste does not exceed ten percent of the total volume per load~~)).

D. ((~~Mixed CDL waste, shall be taken only to a designated CDL receiving facility, except that it may be taken to a CDL recycling facility located in King County when permitted by the contract applicable laws only~~

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~~when the following conditions apply:~~

~~1. A designated CDL receiving facility cannot recycle the specific types of recyclable materials, and the CDL recycling facility is able to recycle such materials;~~

~~2. The recyclable materials involved comprise more than fifty percent by volume of the load being delivered; and~~

~~3. All residual CDL waste is taken to a designated CDL receiving facility~~)) Violations of this subsection are subject to enforcement authority under K.C.C. 10.30.030 and the enforcement actions under K.C.C. 10.30.040.

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

a. transported by vehicles or trailers that do not have mechanized dump beds, either hydraulic or otherwise; or

b. contained in loads of municipal solid waste((~~, but only when the percentage of recyclable CDL waste does not exceed ten percent of the total load by volume~~)).

2. Notwithstanding subsection E.1. of this section, the county may ((~~in its sole discretion~~)) accept ((~~CDL~~)) C&D waste in excess of the limitations of this section ((~~and take formal or informal enforcement action against the person transporting such waste to a county facility~~)) at county-owned transfer stations that comply with the recycling requirements in this chapter or that collect and transfer C&D waste to facilities designated in accordance with subsection A. of this section.

F. The county guarantees no minimum volume of ((~~nonrecycled CDL~~)) mixed and nonrecyclable C&D waste to be delivered to the designated ((~~CDL~~)) C&D receiving facilities. The county intends and expressly reserves the right to encourage reductions in the waste stream through increased recycling.

G. The division director shall develop and publish on the division's website 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 this list based on current market conditions and regional processing capacity for recyclable C&D materials.

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

A ((~~surcharge of four dollars twenty-five cents per ton,~~)) fee as specified in section 6 of this ordinance, is imposed on ((~~CDL~~)) C&D wastes generated in the county's jurisdiction and ((~~delivered to CDL receiving facilities~~)) disposed by C&D receiving facilities at landfills for the purpose of funding division costs to manage the ((~~CDL~~)) C&D recycling and disposal program ((~~including without limitation, recycling incentives and related expenses~~)). ((~~The contractor shall remit all surcharge amounts and receipts to the solid waste division on a monthly basis. The contractor~~)) Owners of facilities with which the county has an agreement for their facilities to receive C&D waste shall provide to the county upon request any information necessary to verify the collection and remittance of the ((~~surcharge~~)) fee. The owner shall remit all fee amounts to the solid waste division monthly.

NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 4A.670 a new section to read as follows:

The fee imposed on the disposal of C&D wastes generated in the county's jurisdiction under K.C.C. 10.30.050 is four dollars and twenty-five cents per ton. All fee amounts remitted to the solid waste division shall be deposited in a subfund within the solid waste operating fund established in K.C.C. 4A.200.700, to be used for the purposes stated in K.C.C. 10.30.050.

SECTION 7. Ordinance 17527, Section 158, and K.C.C. 4A.200.700 are each hereby amended to read as follows:

A. There is hereby created a solid waste operating fund.

B. The fund is a first tier fund. The fund is an enterprise fund.

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C. The director of the department of natural resources and parks shall be the manager of the fund.

D. All receipts from the disposal fee and other revenues shall be deposited in the fund.

E. All fee amounts remitted to the solid waste division as specified in section 6 of this ordinance shall be deposited in a subfund of the fund, to be used for the purpose of funding division costs to manage the C & D recycling and disposal program.

SECTION 8. The King County executive is hereby authorized to enter into agreements with C&D receiving facilities, substantially in the form of Attachment A to this ordinance, that establish the roles and responsibilities of the facilities in resource recovery and disposing of C&D waste. However, the effective date of any such agreements shall not be before January 1, 2016.

SECTION 9. A. The executive shall submit a report to the council by April 30, 2016, describing implementation of the C&D program to date, including efforts to coordinate with adjacent counties in which C&D processing facilities, whose management has expressed interest in participating as designated facilities in King County's C&D program, are located. The report shall address:

1. The number and geographic location of vendors who have signed designated facility agreements;

2. The monthly amount of C&D waste being recycled and processed at designated facilities; and

3. Coordination efforts with adjacent counties to address potential streamlining of fees and enforcement, as well as any legislation needed to implement the coordinated efforts.

B. The report shall be filed in the form of a paper and an electronic copy with the clerk of the council, who shall retain the paper copy and forward an electronic copy to all councilmembers.

SECTION 10. Section 5 of this ordinance takes effect January 1, 2016.