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Title: AN ORDINANCE regarding the handling, recycling and disposal of construction, demolition and land clearing debris; making technical corrections; and amending Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020, Ordinance 10916, Section 6, and K.C.C. 10.30.040 and Ordinance 10916, Section 7, and K.C.C. 10.30.050.

Sponsors: Carolyn Edmonds

Indexes: Cedar Hills, Contracts, King County Code, Recycling

Code sections:

Attachments: 1. Ordinance 14986.pdf, 2. 2004-0382 Hearing Notice.doc, 3. 2004-0382 Staff Report for 08-23-04 COW.doc, 4. 2004-0382 Transmittal Letter.doc

Date	Ver.	Action By	Action	Result
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8/30/2004	1	Metropolitan King County Council	Passed	Pass
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8/16/2004	1	Metropolitan King County Council	Introduced and Referred	

Clerk 08/10/2004

AN ORDINANCE regarding the handling, recycling and disposal of construction, demolition and land clearing debris; making technical corrections; and amending Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020, Ordinance 10916, Section 6, and K.C.C. 10.30.040 and Ordinance 10916, Section 7, and K.C.C. 10.30.050.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Findings:

A. Construction, demolition and land-clearing ("CDL") waste is generated by companies that clear land and build, remodel or demolish structures.

B. The county ensures the availability of CDL handling facilities and the proper handling and disposal

of CDL waste through contracts with the private sector. This public-private partnership ensures that the county's Cedar Hills regional landfill can continue to be dedicated to receiving mixed municipal solid waste and that the handling, recycling and disposal of CDL are subject to the county's strict environmental standards.

C. Provisions of contract extensions with the county's private sector vendors provide for additional facilities for handling CDL and increased incentives for recycling CDL, and the King County Code must be updated to enable the implementation of these additional public benefits.

SECTION 2. Ordinance 10916, Section 4, as amended, and K.C.C.10.30.020 are each hereby amended to read as follows:

Designation of CDL receiving facilities.

A. The following facilities, which are owned and operated by vendors with which King County has contracts for CDL handling, or alternative facilities, pursuant to this section, are hereby designated as the CDL receiving facilities for all non((-))recyclable CDL 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:

- 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.

Beginning September 1, 1993, all generator((s)), handlers, and collectors of CDL waste shall deliver or

ensure delivery of all ~~((non-recyclable))~~ CDL waste generated within the county's jurisdiction to a designated CDL receiving facility, or backup facility specified by the county in a manner specified by the manager, except as permitted by subsections C, D and E of this section.

B. The manager or ~~((his/her))~~ the manager's designee is authorized to assure that vendors remain in compliance with all terms of King County's contract~~((s))~~ or contracts for CDL waste handling services. If the manager determines the contractor is not in compliance with the contract, the manager will notify the executive and the council, and may designate an alternative CDL receiving facility during the period of noncompliance.

C. Recyclable CDL waste may be transported to any CDL recycling facility or to a recycling market within or outside of King County provided it contains non-recyclable CDL waste in amounts not exceeding ten percent ~~((10%))~~ of total ~~((weight))~~ volume per load.

D.1. Mixed CDL waste, which means loads of CDL waste containing more than ten percent but less than ninety percent recyclable CDL waste by volume, shall be taken only to a designated CDL receiving facility, or backup facility~~((, or))~~.

2. Notwithstanding subsection D.1. of this section, mixed CDL waste may be taken to a CDL recycling facility located in King County to the extent permitted by the contract and applicable law~~((; provided that, if mixed CDL waste is taken to a CDL recycling facility,))~~ if and only if all of the following requirements are met:

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

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

c. all residual CDL waste ~~((must be))~~ is taken to a designated CDL receiving facility or backup facility designated by the county.

E.1. Notwithstanding subsections A, B, C~~((,))~~ and D of this section, the county may continue to accept

small quantities of CDL waste at its solid waste handling facilities as permitted by county ordinance or public rule; but only where such small quantities of CDL waste are transported;

a. by ~~((private))~~ vehicles~~((with gross weights not to exceed 8,000 pounds,))~~ that do not have mechanized dump beds, either hydraulic or otherwise; or

b. are contained in loads of mixed municipal solid waste ~~((and do))~~ , but only if the CDL waste does not exceed ten percent ~~((10%))~~ of the total load by ~~((weight))~~ volume.

2. Notwithstanding subsection E.1. of this section, in specific instances, the county may in its sole discretion accept CDL waste in excess of the limitations of this section and then take formal or informal enforcement action against the individual or entity transporting such waste to a county facility.

F. The county guarantees no minimum volume of non~~((-))~~recycled CDL waste to be delivered to the CDL receiving facilities. The county intends and expressly reserves the right to encourage reductions in the waste stream through increased recycling.

SECTION 3. Ordinance 10916, Section 6, and K.C.C.10.30.040 are each hereby amended to read as follows:

Enforcement.

~~((A. Penalties for non-compliance.))~~ Any person who violates this chapter or any rules and regulations adopted thereunder, or who, by any act or omission, aids or abets such violation shall be subject to civil penalties as provided in ~~((this chapter. Authority is provided through K.C.C. 23.08.090 for assessment of civil penalties under Chapter 23.12 K.C.C.))~~ Title 23 K.C.C.

~~((1. In addition to any other sanction or remedial procedure which may be available, including the sanctions listed in K.C.C. 10.08.110, any person violating or failing to comply with any provision of K.C.C. 10.30.020 shall:~~

a. ~~On the first violation:~~

(1) ~~Pay to the county, a civil penalty which is equal to, according to the highest scheduled price at~~

any CDL receiving facility, the amount that would have been owed to the owner/operator of such facility had the CDL waste been delivered to such CDL receiving facility as required; and in addition

(2) Pay to the county a civil penalty of \$1,000.00; and in addition

(3) If the actual cost to the county of investigating and bringing the enforcement action exceeds \$1,000.00, the county may impose an additional civil penalty equal to such costs.

b. On the second violation, pay double the amounts set forth in Subsections A.1.a(1), (2), and (3).

c. On the third and subsequent violations, pay treble the amounts set forth in Subsections A.1.a(1), (2), and (3).

2. Amounts paid pursuant to Subsection A above shall be divided as follows:

a. The contractor shall be reimbursed the amount paid to the county under A.1.a(1). If two contractors are in operation at the time of the violation, this amount shall be divided equally among them; and

b. The county shall retain the amounts collected in Subsections A.1.a(2) and A.1.a(3).

~~B. Additional enforcement.~~) Notwithstanding the existence or use of any other remedy, the manager or ~~((his/her))~~ the manager's designee ~~((s))~~ or designees may seek legal or equitable relief to enjoin any acts or practices ~~((which))~~ that constitute a violation of any provision of this chapter.

SECTION 4. Ordinance 10916, Section 7, and K.C.C.10.30.050 are each hereby amended to read as follows:

Tip fee surcharge. A surcharge of ~~(((\$4.25))~~ four dollars twenty-five cents per ton is imposed on CDL wastes generated in the county's jurisdiction and delivered to CDL receiving facilities for the purpose of funding ~~((the))~~ division ~~(('s))~~ costs to manage the CDL recycling and disposal program ~~((and enforce the provisions of the CDL vendor contract and this chapter))~~, 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 shall provide to the county upon

request any information necessary to verify the collection and remittance of the surcharge.

10 days prior - Seattle Times

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