



Legislation Text

File #: 2020-0243, **Version:** 2

Clerk 10/07/2021

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's jurisdiction; amending Ordinance 8891, Section 3, as amended, and K.C.C. 10.04.020, 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 6, as amended, and K.C.C. 10.30.040 and Ordinance 10916, Section 7, as amended, and K.C.C. 10.30.050 and prescribing penalties.

STATEMENT OF FACTS:

1. Ordinance 18166, enacted in 2015, authorized the solid waste division of the department of natural resources and parks to enter into agreements with privately-owned construction and demolition ("C&D") receiving facilities that establish minimum recycling requirements for C&D material.
2. Ordinance 18166 provided groundwork for expanding the number of facilities that recycle C&D waste generated in King County from one to eight locations thereby increasing the C&D recycling rate.
3. While the recycling efforts are trending in a positive manner, significant amounts of recyclable C&D materials are still being disposed of at landfills. The privately owned C&D transfer facilities are working with the solid waste division to reduce the amount of recyclable

C&D materials that are disposed of, and have identified the need for generators, handlers and collectors of C&D waste to share responsibility in managing C&D waste to maximize recovery of recyclable C&D materials. This ordinance thereby adds a requirement for generators, handlers and collectors of C&D to manage in a manner to maximize recovery of recyclable C&D materials.

4. Additionally, this ordinance authorizes direct disposal of C&D waste at an intermodal facility or landfill and approves a new form of the agreement, which is Attachment A to this ordinance, for use with receiving facilities, including intermodal facilities and landfills. The new agreement and this ordinance specify the projects that qualify for direct disposal and required procedures to ensure recyclable C&D materials are adequately recovered from C&D waste. Allowing for direct disposal while ensuring that recycling requirements are met reduces cost, traffic and greenhouse gas emissions.

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 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. "C&D" means construction and demolition ~~((waste))~~.

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

G. "C&D recycling facility" means any properly licensed or permitted facility at which recyclable C&D ~~((waste is removed from mixed C&D waste))~~ materials are accepted 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 (~~(((C&D)))~~) waste" or "C&D waste" means any nonputrescible recyclable materials or nonrecyclable waste that results from construction, remodeling, repair or demolition of buildings, roads or other structures and requires removal from the site of construction or demolition. Except

where otherwise expressly provided, "C&D waste" means C&D waste generated in the county jurisdiction.

2. "C&D waste" does not include 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 C&D waste.

T. "Container" means a portable device used for the collection, storage or transportation, or any combination thereof, 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 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 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 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. "Eligible C&D demolition project" means a project on one or more contiguous lots under common ownership or documented legal control and the aggregated square footage space of the buildings and structures to be demolished exceeds six thousand square feet.

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

~~((LL.))~~ MM. "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.))~~ NN. "Fixed-rate vehicle" means an enclosed automobile having two or four doors such as a hatchback or sedan (all without trailers). The definition of Fixed-rate vehicles does not include minivans, vans, station wagons, sport utility vehicles, trucks or pick-up trucks.

~~((NN.))~~ OO. "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.

~~((OO.))~~ PP. "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.

~~((PP.))~~ QQ. "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.

~~((QQ.))~~ RR. "Hazardous waste management plan" means a plan for managing moderate risk wastes, under RCW 70.105.220.

~~((RR.))~~ SS. "Health department" means the Seattle-King County department of public health.

~~((SS.))~~ TT. "Health officer" means the health department director or designee.

~~((TT))~~ UU. "Host city" means a city that has a county transfer facility within its incorporated boundaries.

~~((UU))~~ VV. "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.

~~((VV))~~ WW. "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.

~~((WW))~~ XX. "Industrial solid wastes" means solid waste generated from manufacturing operations, food processing or other industrial processes.

~~((XX))~~ YY. "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.

~~((YY))~~ ZZ. "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 recovery facilities, transfer stations, drop box~~((es,))~~ facilities and baling and compaction sites.

~~((ZZ))~~ AAA. "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.

~~((AAA))~~ BBB. "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.

((~~BBB~~)) CCC. "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.

((~~CCC~~)) DDD. "Landfill gas" means gas produced by the microbial decomposition of municipal solid waste in a landfill.

((~~DDD~~)) EEE. "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.

((~~EEE~~)) FFF. "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.

((~~FFF~~)) GGG. "Littering" means to accumulate, or to 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.

((~~GGG~~)) HHH. "Material recovery facility" or "MRF" means any facility that processes for transport mixed C&D waste or source separated solid waste for the purpose of recycling.

((~~HHH~~)) III. "Mattress" means any material or combination of materials that is enclosed by ticking, used along or in combination with other products, and that is intended for or promoted for sleeping upon, including futons and crib or child mattresses. "Mattress" also refers to the foundation, which means a ticking-covered structure used to support a mattress or sleep surface. The structure may include constructed wood or other frames, steel springs or other materials, used alone or in combination. "Mattress" does not include any

unattached mattress pad or unattached mattress topper or products containing liquid-and gaseous-filled ticking, including a waterbed or air mattress that does not contain upholstery material between the ticking and the mattress core. For per-unit fee purposes, a foundation will be charged as a separate unit.

~~((H.))~~ JJ. "Mixed C&D waste" means ~~((C&D))~~ waste containing both recyclable C&D materials and nonrecyclable C&D waste ~~((material))~~ that has not been separated.

~~((JJ.))~~ KKK. "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.

~~((KKK.))~~ LLL. "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.

~~((LLL.))~~ MMM. "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 chapter 173-303 WAC 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, chapter 173-340 WAC or a remedial action taken under those rules;
- ~~((€))~~
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; or

4. C&D waste.

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

~~((NNN.))~~ OOO. "Noncommercial user" means any person who uses King County solid waste facilities but is not engaged in the business of solid waste handling.

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

~~((PPP.))~~ QQQ. "Oil" means engine lubricating, gear, hydraulic, fuel and other types of oil.

~~((QQQ.))~~ RRR. "Operating hours" means those times during which solid waste facilities are normally open and available for the delivery of solid waste.

~~((RRR.))~~ SSS. "Organics" means yard waste, food waste and soiled paper products determined by the division director to be acceptable for composting.

~~((SSS.))~~ TTT. "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.

~~((TTT.))~~ UUU. "Per-ton-rate vehicle" means any vehicle that is not a fixed-rate vehicle. "Per-ton-rate vehicles" include, but are not limited to, minivans, vans, station wagons, sport utility vehicles, vehicles with trailers, trucks, pick-up trucks, motorhomes, buses and commercial vehicles.

~~((UUU.))~~ VVV. "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.

~~((VVV.))~~ WWW. "Postconsumer material" means material has been previously used by consumers that is diverted from the solid waste stream.

~~((WWW-))~~ XXX. "Practicable" means satisfactory in performance and available at a fair and reasonable price.

~~((XXX-))~~ YYY. "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.

~~((YYY-))~~ ZZZ. "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.

~~((ZZZ-))~~ AAAA. "Putrescible waste" means solid waste that contains material capable of being readily decomposed by microorganisms and which is likely to produce offensive odors.

~~((AAA-))~~ BBBB. "Reclamation site" means a location used for the processing or the storage of recycled waste.

~~((BBB-))~~ CCCC. "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.

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

~~((DDD-))~~ EEEE. "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, mattresses, 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.

~~((EEEE.))~~ FFFF. "Recycled paper" means paper meeting recycled content standards in federal guidance.

~~((FFFF.))~~ GGGG. "Recycled product" means a product manufactured with the maximum practicable amount of recovered material, especially postconsumer material.

~~((GGGG.))~~ HHHH. "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 or sorting, or any combination thereof, for the purpose of transport. "Recycling" does not include combustion of solid waste or preparation of a fuel from solid waste.

~~((HHHH.))~~ IIII. "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.

~~((HH.))~~ JJJJ. "Regional direct" means any solid waste, except C&D 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.

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

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

~~((LLLL.))~~ MMMM. "Reuse" means the return of a commodity into the economic stream for use.

~~((MMMM.))~~ NNNN. "Rubbish" means all nonputrescible wastes, except C&D waste or materials that have been source separated for the purpose of recycling.

~~((NNNN-))~~ OOOO. "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.

~~((OOOO-))~~ PPPP. "Salvaging" or "scavenging" means the removal of materials from a solid waste facility without the authorization of the division director and the health officer.

~~((PPPP-))~~ QQQQ. "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.

~~((QQQQ-))~~ RRRR. "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.

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

~~((SSSS-))~~ TTTT. "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.

~~((TTTT-))~~ UUUU. "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.

~~((UUUU.))~~ VVVV. "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.

~~((VVVV.))~~ WWWW. "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.

~~((WWWW.))~~ XXXX. "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.

~~((XXXX.))~~ YYYY. "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.

~~((YYYY.))~~ ZZZZ. "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.

~~((ZZZZ.))~~ AAAA. "Source separation" means the separation of recyclable materials from other solid waste at the place where the waste originates.

~~((AAAA.))~~ BBBB. "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.

((~~BBBBB~~)) CCCCC. "Suspect waste" means any waste the division director suspects may be unauthorized waste.

((~~CCCCC~~)) DDDDD. "Sustainable building principles" means the use of energy- and resource-efficient site and building design, construction, operations and management.

((~~DDDDD~~)) EEEE. "Transfer facility" or "transfer station" 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" or "transfer station" may also include recycling operations.

((~~EEEE~~)) FFFF. "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, or in the Code of Federal regulations, now in effect or as may be hereafter amended.

((~~FFFF~~)) GGGG. "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.

((~~GGGG~~)) HHHH. "Uncompacted waste" means any solid waste in an uncompressed or loose condition.

((~~HHHH~~)) IIII. "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.

~~((HHH))~~ JJJJ. "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.

~~((JJJJ))~~ KKKKK. "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.

~~((KKKKK))~~ LLLLL. "Washington Utilities and Transportation Commission" means the state commission created under chapter 80.01 RCW, as now enacted or hereafter amended.

~~((LLLLL))~~ MMMMM. "Waste diversion plan" means 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.

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

~~((MMMMM))~~ OOOOO. "Waste reduction" means reducing the amount or type of waste generated.

~~((NNNNN))~~ PPPPP. "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."

~~((OOOOO))~~ QQQQQ. "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.

~~((PPPPP))~~ RRRRR. "White goods collection area" means an area used by county residents to deposit

source separated white goods.

~~((QQQQQ-))~~ SSSSS. "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.

~~((RRRRR-))~~ TTTTT. "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.

~~((SSSSS-))~~ UUUUU. "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.

~~((TTTTT-))~~ VVVVV. "Yard waste collection area" means an area used by county residents, businesses and institutions to deposit source-separated yard waste.

~~((UUUUU-))~~ WWWWW. "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 10916, Section 1, as amended, and K.C.C. 10.30.010 are hereby amended to read as follows:

The purpose of this chapter is to assure that there will be C&D disposal 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 C&D disposal is subject to King County's strict environmental controls.

SECTION 3. Ordinance 10916, Section 4, as amended, and K.C.C. 10.30.020 are hereby amended to read as follows:

A.1. ((Facilities either owned, operated, or both, by a person or persons 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.)) All generators, handlers and collectors of mixed ((and)) C&D waste or nonrecyclable C&D waste generated within the county's jurisdiction shall deliver, or ensure delivery to, a designated C&D receiving facility ((specified by the division director)) in accordance with the conditions in subsection A.2., 3. and 4. of this section, except as permitted by subsections C. and E. of this section. For the purposes of this section, "generators, handlers and collectors" means a person or persons who either produce C&D waste or transport it to a C&D receiving facility or C&D recycling facility. A "generator" may include, but is not limited to, a property owner, a demolition contractor or general contractor engaging in construction, remodeling, repair or demolition of buildings, roads or other structures that produces C&D waste. A "handler" may include, but is not limited to, a contractor or a subcontractor engaging in construction, remodeling, repair or demolition of buildings, roads or other structures that produces C&D waste. A "collector" may include, but is not limited to, a person or persons that transport C&D waste from a job site to a C&D receiving facility.

2. A generator, handler or collector of mixed C&D waste generated within the county's jurisdiction shall not deliver to, or ensure delivery to, a C&D receiving facility that is an intermodal facility or landfill.

3. A generator, handler or collector of C&D waste generated within the county's jurisdiction shall not deliver, or cause delivery of, a load of C&D waste to a C&D receiving facility that is a transfer facility unless:

a. the generator, handler or collector ensures before delivery that the load contains no more than twenty percent of the recyclable C&D materials banned from landfill disposal under subsection G. of this section and that will be assessed through visual inspection by the transfer facility; or

b. the generator, handler or collector confirms before or upon delivery that the transfer facility shall

transfer the load to a C&D receiving facility that is a material recovery facility or shall otherwise manage the load to remove materials banned from landfill disposal under subsection G. of this section, and the transfer facility provides documentation to the generator, handler or collector delivering the load that the transfer facility will manage or has managed the load in a manner that complies with these requirements.

4. A generator, handler or collector of nonrecyclable C&D waste generated within the county's jurisdiction shall not deliver to, or ensure delivery to, a C&D receiving facility that is an intermodal facility or landfill, except as follows:

a. A generator, handler or collector of nonrecyclable C&D waste from an eligible C&D demolition project may deliver directly to or ensure delivery directly to, a C&D receiving facility that is an intermodal facility or landfill only in accordance with a waste diversion plan that adheres to the requirements in subsection H. of this section and has been approved in writing by the division; and

b. For each eligible C&D demolition project with an approved waste diversion plan, the generator must also submit a waste diversion report to the division within sixty days following completion of demolition activities. The waste diversion report shall verify compliance with the waste diversion plan and be accompanied by receipts from the intermodal facilities or landfills that received nonrecyclable C&D waste and, when included as a component of the approved plan, from the C&D recycling facilities that received the recyclable C&D materials or the C&D receiving facilities that received the mixed C&D waste.

B. Facilities either owned, operated, or both, by a person or persons with which King County has agreements for the disposition of C&D waste, are designated as the receiving facilities for all mixed and nonrecyclable C&D waste generated within the county jurisdiction. The division director shall enforce the agreements with owners or operators of designated ((facilities for)) C&D ((recycling and waste handling services)) receiving facilities. If the division director determines the ((owner)) facility is not in compliance with the agreement, the division director may suspend ((that owner's)) the facility's right to accept mixed C&D waste and nonrecyclable C&D waste during the period of noncompliance.

C. Recyclable C&D materials may be transported to any C&D recycling facility or to a recycling market in or outside of King County.

D. Violations of this ~~((sub))~~section 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 C&D waste at its solid waste facilities when such small quantities of 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.

2. ~~((Notwithstanding subsection E.1. of this section, t))~~The county may accept C&D waste in excess of the ~~((limitations of this section))~~ small quantities provided for in subsection E.1. of this section 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-))~~ B. of this section.

F. The county guarantees no minimum volume of mixed and nonrecyclable C&D waste to be delivered to the designated 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, except as otherwise provided in this chapter, are banned from disposal at a landfill 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.

H. The division director shall develop and publish on the division's website a format for the waste diversion plan. A waste diversion plan submitted under this section must adhere to the format approved by the division director, show that the disposition of C&D waste is planned in a manner that maximizes recovery of the recyclable C&D materials banned from landfill disposal under subsection G. of this section, list the

proposed intermodal facilities or landfills that will receive nonrecyclable C&D waste and list the proposed facilities to process mixed C&D waste and recyclable materials generated during the eligible C&D demolition project. Within fifteen calendar days of receiving a waste diversion plan submission, the division director or designee shall approve or deny the waste diversion plan by letter or email. A denial shall include the reason or reasons why the plan does not meet the performance standards in this subsection, and the generator submitting the waste diversion plan shall have the opportunity to revise and resubmit the waste diversion plan to the division for reconsideration.

SECTION 4. Ordinance 10916, Section 6, as amended, and K.C.C. 10.30.040 are hereby amended to read as follows:

A. Any person who violates this chapter or any rules adopted under this chapter, or who, by any act or omission, aids or abets such a violation shall be subject to enforcement and civil penalties as provided in K.C.C. Title 23. Authority is provided through K.C.C. 23.02.040 for assessment of civil penalties under K.C.C. chapter 23.32 ((K.C.C.)).

B. Notwithstanding the existence or use of any other remedy, any person who violates K.C.C. 10.30.020.A.4., in the director's sole discretion, may be prohibited from delivering or ensuring delivery of nonrecyclable C&D waste directly to a C&D receiving facility that is an intermodal facility or landfill for a period not to exceed six months. A person receiving a notice of noncompliance under this subsection may submit a written request for reconsideration to the division director within fifteen calendar days of the date of the notice. The division director shall promptly issue a final decision, which shall be appealable as provided in K.C.C. 20.22.080.

C. Notwithstanding the existence or use of any other remedy, the division director may seek legal or equitable relief to enjoin any acts or practices that constitute a violation of any provision of this chapter.

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

A fee as specified in K.C.C. 4A.670.300, 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, 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 fee. The owner shall remit all fee amounts to the solid waste division monthly.

SECTION 6. 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.

SECTION 7. A. By April 28, 2023, the executive shall file a report with the council that describes the C&D enforcement activities undertaken by the Solid Waste Division in the first year after this ordinance is effective. The report shall include, but not be limited to:

1. The number of eligible C&D demolition projects with waste diversion plans approved by the Solid Waste Division, and the associated cumulative tonnage delivered to intermodal facilities and landfills that are C&D receiving facilities;
2. A list of intermodal facilities and landfills that have executed a Designated Facility Agreement with the county;
3. A summary of enforcement actions completed related to generators, handlers or collectors that use intermodal facilities and landfills that are C&D receiving facilities, including the number of suspensions issued and tonnage disposed in violation of the requirements in K.C.C. 10.30;
4. A summary of enforcement actions completed related to the intermodal facilities and landfills that are C&D receiving facilities, including the number of and dates of any visits to these intermodal facilities and landfills and any findings, suspensions, or terminations;
5. The amount of fee revenue remitted to the Solid Waste Division in accordance with K.C.C.

10.30.050; and

6. An assessment of whether direct delivery of C&D waste to intermodal facilities and landfills that are C&D receiving facilities impacts progress toward achieving the construction and demolition recycling targets established in the 2020 Strategic Climate Action Plan adopted by Motion 15866.

B. The executive shall electronically file the report with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff, chief policy officer and the lead staff for the committee of the whole, or its successor.

C. This section expires when the report required by this section is filed with the clerk of the council.

SECTION 8. This ordinance takes effect January 1, 2022.