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**Title:** AN ORDINANCE establishing an advisory committee to make recommendations about how the county's regional solid waste system could make the transition to using waste to energy technology for the disposal of municipal solid waste; and adding a new chapter to K.C.C. Title 10.

**Sponsors:** Reagan Dunn, Kathy Lambert

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**Attachments:** 1. 2021-0267\_SR\_WTE Technical Advisory Committee.docx, 2. 2021-0267\_ATT2\_SR to Motion 15548.docx, 3. Zero Waste Washington Comments King Co Regional policy committee W2E Jan 11 2022.pdf, 4. Suellen Mele Comments to Regional Policy Committee on 2021-0267.pdf

Date	Ver.	Action By	Action	Result
1/12/2022	1	Regional Policy Committee	Deferred	
7/13/2021	1	Metropolitan King County Council	Introduced and Referred	

Clerk 07/07/2021

AN ORDINANCE establishing an advisory committee to make recommendations about how the county's regional solid waste system could make the transition to using waste to energy technology for the disposal of municipal solid waste; and adding a new chapter to K.C.C. Title 10.

STATEMENT OF FACTS:

1. The county approved the 2019 Comprehensive Solid Waste Management Plan ("the 2019 solid waste plan") with the adoption of Ordinance 18893. The 2019 solid waste plan provides the policy guidance for solid waste and materials reduction, collection and handing and management services and programs in the geographic area for which King County has comprehensive planning authority for solid waste management by law or by interlocal agreement or both.

3. The 2019 solid waste plan estimated that with no action the capacity of the Cedar Hills regional landfill was projected to be exhausted in 2028, and evaluated three options for long-term disposal of the region's waste:
  - a. maximize the capacity of the Cedar Hills regional landfill through further development;
  - b. export waste by rail to an out-of-county landfill; and
  - c. construct a waste to energy ("WTE") facility in King County.
4. Of the three options in subsection 3 of this Statement of Facts, the 2019 solid waste plan concluded that the county is to further develop the Cedar Hills regional landfill for additional capacity, but did not specify the next disposal method after ultimate landfill closure.
5. A draft environmental impact statement for the Cedar Hills Regional Landfill 2020 Site Development Plan and Facilities Relocation was issued on September 16, 2020 and presented three development alternatives that are estimated to provide additional landfill capacity ranging from 2037 to 2046.
6. Because the current interlocal agreements with the partner cities obligate the county to dispose of the region's waste through 2040 and it is not known the exact year when the Cedar Hills regional landfill will reach capacity, an alternative waste disposal strategy will need to be identified given the lead time associated with implementing the next disposal method.
6. The 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 102, Proviso P3, required the executive to transmit a feasibility study for a WTE facility to manage the region's solid waste that provides a comparison to waste export by rail ("WEBR").
7. Motion 15548 acknowledged receipt of the King County Waste-to-Energy and Waste Export by Rail Feasibility Study ("the feasibility study"), completed by the consultant Arcadis.
8. On page 6-3 of the feasibility study, Arcadis concluded: "Due to the long-term cost savings, improved recycling rates, and potential for net negative GHG emissions with the inclusion of

carbon capture technology, WTE facility disposal will provide a significant financial and environmental benefit to the County over WEBR" and recommended that the county "consider pursuing additional preliminary evaluation, permitting and siting considerations, and other steps necessary to move forward with WTE."

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 8 of this ordinance should constitute a new chapter in K.C.C. Title 10.

NEW SECTION. SECTION 2. The King County waste to energy advisory committee is established.

The purpose of the committee shall be to act in an advisory capacity to the executive and the King County council by making recommendations about how the regional solid waste system could make the transition to using waste to energy technology for the disposal of municipal solid waste generated in the county jurisdiction.

NEW SECTION. SECTION 3. The duties of the waste to energy advisory committee shall be to:

A. Develop a waste to energy transition plan that describes how the regional solid waste system could transition to using waste to energy technology for the municipal solid waste generated in the county jurisdiction following the closure of the Cedar Hills regional landfill. The transition plan should build upon, but not be limited to, the recommendations from reports and studies about waste to energy completed by or on behalf of the county before 2021; and

1. Before the completion of the transition plan, the committee shall:

a. engage with community members in the vicinity of the Cedar Hills regional landfill, including, but not limited to, Maple Valley and Renton, solid waste division staff, industry leaders and other stakeholders, as needed, to receive input and inform the transition plan;

b. review existing reports and studies about waste to energy completed by or on behalf of the county before 2021 and research the suitability of any newly available technologies;

c. within three months of the first meeting of the committee, provide to the executive a summary of the necessary resources to complete the transition plan, including any consultant resources. In accordance with

section 7 of this ordinance, the executive shall transmit to the council the summary of necessary resources and a proposed ordinance appropriating moneys to support those resources; and

d. prepare written progress reports to the county council summarizing the significant findings and describing the work completed by the committee towards the development of the transition plan. During the first year, the committee shall electronically file two progress reports with the clerk of the council, who shall distribute the reports to all councilmembers, with the first report to be filed six months after the first meeting of the committee and the second report to be filled a year after the committee's first meeting. Thereafter, progress reports shall be filed and distributed annually in the same manner until this chapter expires.

2. The transition plan shall include, but not be limited to:

a. a recommendation of the cleanest, safest and most cost-effective waste to energy technology or technologies that would be suitable for disposal of the municipal solid waste generated in the county jurisdiction. The recommendation shall also include a discussion of the advantages and disadvantages of the identified technology or technologies and a discussion of the experience of other jurisdictions that have implemented the identified technology or technologies;

b. a list of the key questions that the regional solid waste system would need to answer in order to transition to waste to energy;

c. a timeline of the necessary actions that the county and the cities in the regional solid waste system would have to take to make the transition to waste to energy without an interruption in service and in compliance with applicable regulations and labor contracts;

d. a description of how the transition would be coordinated with cities, regulatory entities, labor unions, and other involved stakeholders;

e. the identification of potential barriers to transition, including but not limited to policy or legal barriers, and strategies to mitigate the described barriers;

f. the incorporation of any relevant lessons learned by governments, nationally and internationally,

that have transitioned to waste to energy; and

g. a discussion of the viability of piloting the recommended waste to energy technology or technologies in King County at a smaller scale before implementing a larger scale project; and

B. Review and comment on proposed solid waste management rules, policies or ordinances, before the ordinances' adoption, that could implicate waste to energy implementation and municipal solid waste disposal after the closure of the Cedar Hills regional landfill.

NEW SECTION. SECTION 4.

A. The waste to energy advisory committee shall be composed of not less than five members and not more than nine members representing a balance of interests among the following groups:

1. Waste to energy industry representatives with experience in operations, construction, siting or contracts;
2. Regulatory and environmental experts; and
3. Any other representatives needed to carry out the duties identified in this chapter and as determined by motion.

B. Committee members shall be appointed by the county council by motion. The committee shall be considered constituted and may begin meeting after five members have been appointed.

NEW SECTION. SECTION 5. The waste to energy advisory committee shall elect a chair and vice chair and adopt rules and administrative procedures for its own operation. Meetings shall be open to the public.

NEW SECTION. SECTION 6.

A. The solid waste division shall provide staff support for the waste to energy advisory committee, including, but not being limited to, appointing a staff liaison to the committee, who shall respond to the chair of the committee, assisting in the preparation of agendas, securing information as requested, keeping committee members informed about meetings and tasks and working with the committee to ensure the intent of the chapter is fulfilled.

B. The office of performance, strategy and budget shall assist the committee in preparing the summary of necessary resources needed to complete the transition plan described in this chapter, manage any consultant resources, provide budget information upon request, and attend meetings as appropriate.

NEW SECTION. SECTION 7. After receiving from the waste to energy advisory committee a summary of the necessary resources to complete the transition plan, the executive shall transmit to the council the summary of necessary resources and a proposed ordinance appropriating moneys to support the resources. The executive shall electronically file its summary with the clerk of the council, who shall distribute the summary to all councilmembers.

NEW SECTION. SECTION 8. This chapter expires upon the passage of a motion or the effective date of an ordinance adopting a comprehensive solid waste management plan that selects the long-term disposal method to be used when the capacity of the Cedar Hills regional landfill is reached.