



## Legislation Details (With Text)

**File #:** 2021-0449      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 12/7/2021      **In control:** Budget and Fiscal Management Committee

**On agenda:**      **Final action:** 3/22/2022

**Enactment date:** 3/31/2022      **Enactment #:** 19413

**Title:** AN ORDINANCE relating to solid waste fees charged at recycling and transfer facilities and at the Cedar Hills regional landfill; and amending Ordinance 8891, Section 3, as amended, and K.C.C.10.04.020 and Ordinance 12564, Section 2, as amended, and K.C.C.10.12.021.

**Sponsors:** Jeanne Kohl-Welles, Joe McDermott

**Indexes:** Cedar Hills, Fees, Landfills, Recycling, Solid Waste

**Code sections:** 10.04.020 -, 10.12.021 -

**Attachments:** 1. Ordinance 19413, 2. A. Proposed Solid Waste Rate Restructure for 2023, November 2021, 3. 2021-0449 transmittal letter, 4. 2021-0449 MSWAC Advisory Note, 5. 2021-0449 SWAC Advisory Note, 6. 2021-0449 fiscal note, 7. 2021-0449 Legislative Review Form, 8. 2021-0449\_SR\_Solid Waste Fee Restructure v2 2-23-22, 9. 2021-0449\_ATT2\_AMD S1 on 2-23-22, 10. 2021-0449\_SR\_Solid Waste Fee Restructure dated 3-1-22, 11. 2021-0449\_ATT2\_Striking Amendment S1 3-9-22, 12. 2021-0449\_RevisedSR\_Solid Waste Fee Restructure, 13. 2021-0449--Invoice & Affidavit.pdf

| Date      | Ver. | Action By                              | Action   | Result |
|-----------|------|--|--|--------|
| 3/22/2022 | 2    | Metropolitan King County Council       | Passed   | Pass   |
| 3/9/2022  | 1    | Budget and Fiscal Management Committee | Passed Out of Committee Without a Recommendation | Pass   |
| 2/23/2022 | 1    | Budget and Fiscal Management Committee | Deferred   |        |
| 1/18/2022 | 1    | Metropolitan King County Council       | Reintroduced                                     |        |
| 12/7/2021 | 1    | Metropolitan King County Council       | Introduced and Referred                          |        |

AN ORDINANCE relating to solid waste fees charged at recycling and transfer facilities and at the Cedar Hills regional landfill; and amending Ordinance 8891, Section 3, as amended, and K.C.C.10.04.020 and Ordinance 12564, Section 2, as amended, and K.C.C.10.12.021.

### STATEMENT OF FACTS:

1. The solid waste division of the department of natural resources and parks provides essential public services that protect human health, the environment, and the quality of life in our region.
2. The solid waste division operates the Cedar Hills regional landfill, eight transfer stations, and

two drop boxes. It also provides innovative programs to help customers prevent and recycle waste.

3. As the department of natural resources and parks continues to divert waste from the landfill through efforts intended to achieve the zero waste of resources goal, now known as the Re+ Program, the primary source of revenue for the solid waste division, the basic per-ton fee for disposal of municipal solid waste from commercial haulers, will continue to decrease.

4. The majority of the solid waste division's costs are fixed in nature and do not decrease in concert with reductions in waste tonnage. Therefore, the department of natural resources and parks is proposing the inclusion of a fixed-revenue component in the rate structure to reduce rate volatility as tonnage drops.

5. The rate for solid waste collection entities, which includes commercial, certificated and contract haulers, is \$154.02 per ton, effective January 1, 2022. This ordinance adds a fixed-annual charge for municipal solid waste hauled by solid waste collection entities and reduces their rate to \$123.82 per ton, effective January 1, 2023. The solid waste collection entities rate is reduced in order to collect the same amount of revenue the solid waste division forecasts collecting in 2022 as this is intended to be revenue neutral.

6. The impact on the average single-family household with garbage collection will depend on the terms negotiated between haulers and cities about how to adjust rates to compensate for this charge, but the overall impact of this restructure is designed to be neutral for each service area, so no city should pay more than they would under the current structure.

7. This restructure enables the solid waste division to maintain essential solid waste disposal and recycling services and generate the revenue needed to carry out programmatic responsibilities required under adopted policies while decreasing the volatility of future rate proposals.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. A. This ordinance changes fees charged for solid waste disposal at county transfer facilities and at the Cedar Hills regional landfill.

B. The fees are established and assessed under RCW 36.58.040, RCW 70A.200.070 and K.C.C. 10.12.021.

C. An explanation of the proposed changes to fees is included in Attachment A to this ordinance, Proposed Solid Waste Rate Restructure for 2023.

SECTION 2. Ordinance 8891, Section 3, as amended, and K.C.C.10.04.020 are hereby amended as follows:

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. "Billing entity" means either a city or a solid waste collection entity that bills its customers directly for the deposit of its customers' municipal solid waste at a county-operated solid waste facility.

E. "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.))~~ F. "C&D" means construction and demolition.

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

~~((G.))~~ H. "C&D recycling facility" means any properly licensed or permitted facility at which recyclable C&D materials are accepted for reuse or remanufacture into a usable product.

~~((H.))~~ I. "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.))~~ J. "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.))~~ K. "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.))~~ L. "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.))~~ M. "Clean wood collection area" means an area used by county residents, businesses and institutions to deposit source-separated clean wood.

~~((M.))~~ N. "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-))~~ O. "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-))~~ P. "Compacted waste" means any solid waste whose volume is less than in the loose condition as a result of compression.

~~((P-))~~ Q. "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-))~~ R. "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-))~~ S. "Comprehensive solid waste management plan" means the King County plan prepared in accordance with chapter 70.95 RCW, as enacted or hereafter amended.

~~((S-))~~ T.1. "Construction and demolition 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-))~~ U. "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.))~~ V. "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.))~~ W. "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.))~~ X. "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.))~~ Y. "County solid waste" means all solid waste generated, collected or disposed within the county jurisdiction.

~~((Y.))~~ Z. "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.))~~ AA. "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.))~~ BB. "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.))~~ CC. "Director" means the director of the department of natural resources and parks or designee.

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

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

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

~~((FF.))~~ GG. "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.))~~ HH. "Division" means the solid waste division of the King County department of natural resources and parks.

~~((HH.))~~ II. "Division director" means the manager of the solid waste division of the department of natural resources and parks of King County, or designee.

~~((H.))~~ JJ. "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.))~~ KK. "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.))~~ LL. "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.

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

~~((MM.))~~ NN. "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.

~~((NN-))~~ OO. "Fixed-annual charge" means the total dollar amount the division shall collect from billing entities each year to recover a portion of the costs of the division's nondisposal activities, including, but not limited to, regulatory compliance, regional planning and zero waste of resources.

PP. "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.

~~((OO-))~~ QQ. "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.

~~((PP-))~~ RR. "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.

~~((QQ-))~~ SS. "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.

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

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

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

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

~~((VV-))~~ XX. "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.

~~((WW.))~~ YY. "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.

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

~~((YY.))~~ AAA. "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.

~~((ZZ.))~~ BBB. "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 facilities and baling and compaction sites.

~~((AAA.))~~ CCC. "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.

~~((BBB.))~~ DDD. "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.

~~((CCC-))~~ EEE. "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.

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

~~((EEE-))~~ GGG. "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.

~~((FFF-))~~ HHH. "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.

~~((GGG-))~~ III. "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.

~~((HHH-))~~ JJJ. "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.

~~((HH-))~~ KKK. "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.

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

~~((KKK))~~ MMM. "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.

~~((LLL))~~ NNN. "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.

~~((MMM))~~ OOO. "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.

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

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

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

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

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

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

~~((TTT.))~~ VVV. "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.

~~((UUU.))~~ WWW. "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.

~~((VVV.))~~ XXX. "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.

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

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

~~((YYY.))~~ AAAA. "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.

~~((ZZZ-))~~ BBBB. "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.

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

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

~~((CCC-))~~ EEEE. "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.

~~((DDD-))~~ FFFF. "Recyclable C&D materials" means C&D materials that can be kept out of or recovered from C&D waste and reused or transformed into a usable product. Recyclable C&D 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 material.

~~((EEE-))~~ GGGG. "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.

~~((FFF-))~~ HHHH. "Recycled paper" means paper meeting recycled content standards in federal

guidance.

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

~~((HHHH.))~~ JJJJ. "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.

~~((HH.))~~ KKKK. "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.

~~((JJJ.))~~ LLLL. "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.

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

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

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

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

~~((OOOO.))~~ QQQQ. "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.

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

~~((QQQQ-))~~ SSSS. "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.

~~((RRRR-))~~ TTTT. "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.

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

~~((TTTT-))~~ VVVV. "Service Area" means each separate, geographical area of a city serviced by the city's own employees, a contract hauler or a certificated hauler. For the unincorporated area, "service area" means each separate, geographical area specified in a certificate issued by the Washington Utilities and Transportation Commission to a certificated hauler. A contract or certificated hauler may provide service to more than one service area. Each such service area remains distinct even if serviced by the same contract or certificated hauler.

WWWW. "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.

~~((UUUU-))~~ XXXX. "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.

~~((VVVV.))~~ YYYY. "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 within the county jurisdiction, 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 city or town's jurisdiction. For the purposes of K.C.C. 10.12.021, "solid waste collection" entity is limited to certificated haulers, contract haulers, and any city using its own employees.

~~((WWWW.))~~ ZZZZ. "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.

~~((XXXX.))~~ AAAAA. "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.

~~((YYYY.))~~ BBBBB. "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.

~~((ZZZZ.))~~ CCCCC. "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.

((AAAAA.)) DDDDD. "Source separation" means the separation of recyclable materials from other solid waste at the place where the waste originates.

((BBBBB.)) EEEE. "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.

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

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

((EEEE.)) HHHH. "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.

((FFFF.)) IIII. "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.

((GGGG.)) JJJJ. "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.

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

~~((HHH.))~~ LLLLL. "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.

~~((JJJJ.))~~ MMMMM. "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.

~~((KKKKK.))~~ NNNNN. "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.

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

~~((MMMMM.))~~ PPPPP. "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.))~~ QQQQQ. "Waste export" means the act of sending waste to a disposal facility out of the region.

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

~~((PPPPP.))~~ SSSSS. "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."

~~((QQQQQ.))~~ TTTTT. "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.

~~((RRRRR.))~~ UUUUU. "White goods collection area" means an area used by county residents to deposit source separated white goods.

~~((SSSSS.))~~ VVVVV. "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.

~~((TTTTT.))~~ WWWWW. "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.

~~((UUUUU.))~~ XXXXX. "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.

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

~~((WWWWW.))~~ ZZZZZ. "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 3. Ordinance 12564, Section 2, as amended, and K.C.C.10.12.021 are hereby amended as

follows:

Except as otherwise provided in K.C.C. 10.04.020 and 10.12.058, all persons using county-operated solid waste transfer stations (~~and~~), drop boxes and Cedar Hills regional landfill shall pay the service fees in the following schedules:

A. Fees for the use of solid waste facilities with scales, excluding Cedar Hills, shall be:

1. Solid waste disposal:

Fixed-rate vehicles ~~((\\$24.64))~~ \\$24.54 per entry

Solid waste collection entity ~~((P))~~per-ton-rate

vehicles ~~((\\$154.02))~~ \\$123.82 per

ton

Self-hauler per-ton-rate vehicles \\$153.37 per ton

Charitable organizations ~~((\\$118.60))~~ \\$118.09 per ton

Minimum ~~((\\$24.64))~~ \\$24.54 per vehicle

Charitable organizations, minimum charge ~~((\\$18.89))~~ \\$18.90 per entry

2. Deposit of source-separated yard waste, clean wood waste, or any combination thereof:

Fixed-rate vehicles \$16.00 per entry

Per-ton-rate vehicles \$100.00 per ton

Minimum charge \$16.00 per vehicle

3. Deposit of major appliances:

Major appliances with refrigerants \$30.00 per unit;

4. Deposit of mattresses:

Mattresses \$30.00 per unit; and

5. Qualified low-income customers shall receive fee discounts of \$14.00 per entry for deposit of solid waste, yard waste, clean wood waste appliances and mattresses. Customers with mixed loads must separate

and deposit materials with sequential visits to the scale house to receive a discount on the individual waste types.

B. Each billing entity in the solid waste system will pay a share of the fixed-annual charge. The share each billing entity pays, for each service area it serves, is directly proportional to the total tons of municipal solid waste deposited by solid waste collection entities at county-operated solid waste facilities in the most recent calendar year for which data is available, as shown in the following formula:

1.  $W = X * (Y / Z)$ , where:

a. W is the billing entity's share in dollars of the fixed-annual charge for a specific service area;

b. X is the total amount of the fixed-annual charge for the calendar year;

c. Y is the number of tons of municipal solid waste from a specific service area of the billing entity that is deposited at county-operated solid waste facilities in the most recent calendar year for which data is available; and

d. Z is the total number of tons of municipal solid waste from all service areas deposited at county-operated solid waste facilities by all solid waste collection entities in the most recent calendar year for which data is available, excluding regional direct tons.

2. Beginning January 1, 2023, the fixed-annual charge is \$19,737,266.

C. Fees for the use of solid waste facilities without scales shall be based upon the cubic yard or fraction thereof as follows:

1. Solid waste disposal:

Fixed-rate vehicles ((~~\$24.64~~) \$24.54 per entry

Per-ton-rate vehicles:

Compacted wastes ((~~\$44.67~~) \$44.48 per cubic yard

Uncompacted wastes ((~~\$26.18~~) \$26.07 per cubic yard

Minimum charge ((~~\$24.64~~) \$24.54 per vehicle;

2. Deposit of source-separated yard waste, clean wood waste or any combination thereof:

|                        |                        |
|------------------------|------------------------|
| Fixed-rate vehicles    | \$16.00 per entry      |
| Per-ton-rate vehicles: |                        |
| Compacted wastes       | \$29.00 per cubic yard |
| Uncompacted wastes     | \$17.00 per cubic yard |
| Minimum charge         | \$16.00 per vehicle;   |

3. Qualified low-income customers shall receive fee discounts of \$14.00 per entry for deposit of solid waste, yard waste, clean wood waste(( )), appliances and mattresses. Customers with mixed loads must separate and deposit materials with sequential visits to the scale house to receive a discount on the individual waste types.

~~((C.))~~ D. Fees at the Cedar Hills regional landfill shall be:

|  |  |
|--|--|
| Cedar Hills Regional Direct                            | \$131.00 per ton                         |
| <u>Solid waste collection entity p((P))er-ton-rate</u> |  |
| vehicles   | <del>(((\$154.02))</del> <u>\$123.82</u> |
|  | per ton                                  |
| Per-ton-mattress                                       | \$1,090.00 per ton                       |

Disposal by other vehicles is at the discretion of the division director.

~~((D.))~~ E. A moderate-risk waste surcharge shall be added to all solid waste disposed by nonsolid waste collection entities using county operated solid waste facilities. The fee schedule is as follows:

1. For facilities with scales:

|                       |                  |
|-----------------------|------------------|
| Per-ton-rate vehicles | \$5.84 per ton   |
| Minimum charge        | \$2.23 per entry |
| Fixed-rate vehicles   | \$2.23 per entry |

2. For facilities without scales:

|                     |                       |
|---------------------|-----------------------|
| Compacted           | \$1.28 per cubic yard |
| Uncompacted         | \$0.73 per cubic yard |
| Minimum charge      | \$2.23 per entry      |
| Fixed-rate vehicles | \$2.23 per entry.     |

~~((F.))~~ G. As determined by the division director, a special waste fee shall be charged for special waste including asbestos-containing waste material and other wastes requiring clearances in accordance with King County Board of Health Code Title 10 or rules adopted by the department. The fee schedule is as follows:

|   |                   |
|---|-------------------|
| Special waste fee                                   | \$185.00 per ton  |
| Special waste fee minimum charge                    | \$29.60 per entry |
| Special waste fee, extra handling                   | \$216.00 per ton  |
| Special waste fee, extra handling<br>minimum charge | \$34.56 per entry |

~~((G.))~~ H. In the absence of exact weights or measurements, the estimate of the division director is binding upon the user.

~~((H.))~~ I. The division director may establish fees for handling and processing of recyclable materials for which no other fee has been established by ordinance. The fees need not recover the full cost of handling and processing.

SECTION 4. This ordinance takes effect January 1, 2023.