

ORDINANCE NO. 147-08

AN ORDINANCE relating to minimum levels of service for residential recycling collection, amending the Mason County Code, Chapter 6, Section 72, adding subsection .045.

WHEREAS, to better provide services for residents by offering convenient collection of mixed materials, and

WHEREAS, the most successful model for said service is now available

WHEREAS this ordinance enacts a level of service which cover all residents in Mason County

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR MASON COUNTY as follows;

The Mason County Code is hereby amended to read as follows:

Minimum Level of Service for Residential Recycling Collection.

The minimum levels and types of services for the collection of residential recyclable materials in the urban and rural areas of Mason County, excluding the City of Shelton, through a residential collection program is set forth in Exhibit "A", attached and incorporated into the latest ordinance codified in this section and on file in the office of the clerk of the board of county commissioners.

ADOPTED: 12/23/2008

ATTEST:

BOARD OF COUNTY COMMISSIONERS
Mason County, Washington

Rebecca Rogers
Clerk of the Board

Tim Sheldon
Chair

APPROVED AS TO FORM:

Spide Ringler
Commissioner

PROSECUTING ATTORNEY

Don Gallagher
Commissioner

By:

[Signature]
Deputy Prosecuting Attorney

EXHIBIT A ORDINANCE _____

MINIMUM LEVELS OF SERVICE FOR RESIDENTIAL RECYCLING COLLECTION

Section 1. Purpose and Intent

- A. The purpose of this chapter is to define minimum levels of service for curbside recycling collection, which shall be provided to households serviced by the solid waste collection companies operating in the urban and rural areas of Mason County.
- B. It is the intent of the Commission to:
 - 1. Establish residential recycling programs as an integral component of the collection of solid waste, incorporating the State's goals to make "source separation of waste a fundamental strategy" and to "make recycling at least as affordable and convenient to the ratepayer as mixed waste disposal."
 - 2. Increase diversion of recyclables from single-family and multi-family residences, mobile home parks, and condominiums in Mason County.
 - 3. Make recycling easier and more convenient for residents through use of efficient collection systems;
 - 4. Retain low-cost strategies to encourage participation;
 - 5. Encourage the private sector to develop and operate the recycling facilities that are needed to process and market recyclables collected in Mason County and its cities and towns

Section 2. Definitions

For the purposes of this Chapter, certain terms, phrases, and words, and their derivatives, shall have specific meanings as defined in this Section. Terms, phrases, and words used in the singular shall also apply to the plural. Terms, phrases, and words used in the plural shall also apply to the singular.

- A. "Automated recycling container or cart," means a wheeled, plastic receptacle designated for the collection of recyclables and designed to be picked up and emptied by mechanical means into the company's collection vehicle.
- B. "Automated Collection" means a route serviced by a vehicle with mechanical means to pick up and garbage and recycling at the customer's residence.
- C. "Cities" means the cities and towns within Mason County that have signed interlocal agreements with the Board of County Commissioners to adopt and implement the *Mason County Solid Waste Management Plan*.
- D. "Commodity credit" means the amount of recycling revenue returned to residential customers from the sale of recyclable materials collected through curbside residential programs, as required by the Washington Utilities and Transportation Commission.

- E. "Mobile Home Park" means a tract of land designed and maintained under a single ownership of unified control where two or more spaces or pads are provided solely for the placement of mobile or manufactured homes for residential purposes with or without charge. The mobile home park is billed for solid waste collection service as a whole and not by individual dwelling units.
- F. "Multi-family residence" means any residential structure containing two or more dwelling units with the units joined to one another and where the structure is billed for solid waste collection service as a whole and not by individual dwelling units. This may include, but is not limited to, apartments and condominiums.
- G. "Recyclable materials" or "recyclables" means those solid wastes that are separated for recycling or reuse and thus diverted from landfill disposal.
- H. "Recycling rate" means the percentage rate achieved by dividing the total tonnage of recyclables by the sum of the total tonnage of waste disposed added to the total tonnage of recyclables.
- I. "Set-out counts" means the number of single-family residential customers that set-out their recyclables containers every collection day; or a monthly average of the set-outs as compared to total number of single-family customers.
- J. "Single-family residence" means any residential dwelling receiving solid waste and recycling collection service where the owner or tenant is billed for solid waste collection service to the dwelling as an individual unit. This may include, but is not limited to, duplexes, mobile homes within mobile home subdivisions, or attached single-family structures such as townhouses, row houses, or triplexes.
- K. "Single-stream collection" means the collection of designated recyclables commingled in one covered, wheeled container, collected with automated or semi-automated trucks.
- L. "Solid waste collection company" means a privately owned solid waste and recycling hauling company or "hauler", which provides collection services in rural and urban designated areas of Mason County and is regulated by the Washington Utilities and Transportation Commission (WUTC) under the provisions of Chapter 81.77 RCW. The companies may be collectively referred to as "certificated haulers" and means every person or his lessees, receivers, or trustees, owning, controlling, operating or managing vehicles used in the business of transporting solid waste for collection and/or disposal for compensation over any public highway whether as a "common carrier" or as a "contract carrier."
- M. "Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

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- O. "Washington Utilities and Transportation Commission" or "WUTC" means the State agency, which regulates privately owned solid waste collection companies who provide collection service to the unincorporated areas under a G certificate.

Section 3. Minimum Levels of Curbside Recyclables Service for Single-Family Residences

The minimum levels of service for single-family residential curbside collection in Mason County shall include the following:

- A. Single-stream collection service.
 - 1. Collection companies shall offer every-other-week (EOW), single-stream curbside collection of recyclables to all single-family residences that subscribe to automated curbside solid waste service
 - 2. The collection companies shall provide the curbside recycling collection with all combinations of automated solid waste cart service approved by the Washington Utilities and Transportation Commission (WUTC) for their respective certificated areas. Residents in automated service areas may request curbside recycling service without having solid waste service at a rate set by the Washington Utilities and Transportation Commission.
 - 3. The collection services to the customers shall be on the same day as garbage collection, unless the collection company can demonstrate to the County that an alternative collection schedule is necessary because of geographic or development limitations, such as road width or density, that require an alternative truck system or collection schedule.
 - a. The hauler shall identify the location of the area affected; the alternative collection schedule; and the reasons supporting the alternative.
 - b. The County shall consider whether the number of customers affected is minimized; that program participation is not adversely affected; whether there is substantial cost savings due to the alternative schedule; whether an alternative collection schedule can result in higher levels of participation and recycling; and other information presented by the hauler.
- B. Recycling collection containers.
 - 1. Collection companies shall provide one (1) wheeled container of approximately 96-gallons to each of their single-family customers signed up for curbside collection. The containers shall be made of durable plastic materials and manufactured using a maximum percentage of recycled materials that meet specifications.
 - 2. Collection companies shall provide a process for customers to request and receive an alternative 65-gallon wheeled container for those customers who feel they do not

3. All containers shall contain, or have attached, information about the proper preparation of materials and the name of the certified hauler. The information may be stamped into the container, on a waterproof sticker, a combination of both, or some other alternative, which provides the customer with sufficient permanent information to be able to contact the hauler. If stickers are chosen, hauler shall provide replacements to all customers in Mason County when normal aging and weather exposure has made them unreadable.
 4. Replacement of the containers necessitated by normal use or by container damage due to the hauler's negligence shall be the responsibility of the hauler. Replacement necessitated by container damage or loss due to the customer's negligence shall be at the customer's expense.
- C. Exceptions: Collection Alternatives for Restricted Access or Storage Situations, or for Residents with Limited Mobility.
1. Criteria: Collection companies shall have a process in place to work cooperatively with residents to tailor the single-stream recycling collection service to meet the needs of residents in situations where:
 - a. Private driveways are inaccessible or incapable of withstanding the weight of collection trucks and collection of recyclables or garbage cannot be provided under the approved drive-in rate tariff for such situations;
 - b. Because of long, steep and/or winding driveways, a resident would have difficulty in moving a large recycling container, manually or by vehicle, from their house to the public access road for collection;
 - c. A resident could not provide a storage place to keep recycling or garbage containers at the end of the driveway close to the public access road;
 - d. Truck access or container size is in any way otherwise restricted due to density and road width or where outside container storage is limited by home owner association covenants, or
 - e. Residents with special needs, such as physical infirmity or physical limitations, with no able-bodied person living in the residence to set out the container, and need reasonable accommodation.
 2. Alternatives: Collection companies shall offer alternatives that suit their collection system or the particular customer's limitation. The alternatives may include:
 - a. A drive-in tariff rate and/or a walk-in tariff rate for those situations where a recycling truck can negotiate the long-driveway and where the driveway can support the weight of the truck.
 - b. Providing the customer with a 35-gallon container capable of being lifted and dumped by the company's recycling collection truck in the same manner as the 96 and 64-gallon containers with no additional cost above the basic tariffed recycling rate; or
 - d. Any other solution mutually agreed to by the customer and the solid waste collection company per WAC 480.70.366.
 3. Monitoring: Collection Company shall:

3. Monitoring: Collection Company shall:
 - a. Have a written process explaining in detail how customers may request an alternative and the steps the company will take to work with the customer to develop a solution. This process will also be available online with a working email contact method.
 - b. Maintain an updated list of customers who have requested an alternative collection system, a description of the problem and of the chosen solution, or how the problem was otherwise resolved, and will provide an annual list to Mason County.
 4. Nothing in this section would prevent or require collection companies from developing a centralized drop-off site in neighborhoods, to be maintained by the hauler, where such access problems are clustered or where covenants prevent outside storage of containers.
- D. Materials collected. The following recyclable materials, at a minimum, shall be collected from single-family residences when properly prepared and meeting the material description as specified.
1. Cardboard – corrugated cardboard and Kraft paper, including unbleached, unwaxed paper with a ruffled (“corrugated”) inner liner.
 2. Metal cans – tin-coated steel cans and aluminum cans, excluding aerosol spray cans.
 3. Mixed-waste paper – clean and dry paper, including: glossy papers; magazines; catalogs; phone books; cards; laser-printed white ledger paper; windowed envelopes; paper with adhesive labels; paper bags; non-metallic wrapping paper; packing paper; glossy advertising paper; chipboard, such as cereal and shoeboxes; juice boxes; and milk-style cartons of the refrigerated variety (non-refrigerated products contain aluminum linings).
 4. Newspaper – printed groundwood newsprint, including glossy advertisements and supplemental magazines that are delivered with the newspaper.
 5. Plastics: Round dairy containers, such as yogurt and margarine tubs. Bottles and jars #1-7: primarily polyethylene terephthalate (PET - #1), such as soft drink, water, and salad dressing bottles; and high-density polyethylene (HDPE - #2) such as milk, shampoo, or laundry detergent bottles; but including any bottle with a neck narrower than its base.
- E. Optional materials. Nothing in this chapter shall prohibit a hauler from exceeding the minimum requirements by collecting additional materials including, but not limited to, food waste, yard waste, scrap metal, glass, or other types of plastic, or other materials in the future.
- F. Amending the list of required materials. Prior to proposing any amendments to the list of materials to be collected, the County will discuss any proposed changes with the haulers.
- G. Recycling collection rates. Collection companies shall request the Washington Utilities and Transportation Commission (WUTC) to approve a rate structure, which includes the

collection companies shall include the following elements in the tariffs submitted to the WUTC:

1. A rate structure designed to provide customers with adequate options and incentives to reduce their level of solid waste collection service as a result of their participation in waste reduction and recycling programs.
2. A weekly garbage rate combined with every-other-week recycling collection, or a comparable alternative, such as a rate for every-other-week or monthly garbage collection with recycling. The rate for these services shall include the cost of recycling collection but shall be less than the cost of a weekly 35-gallon can garbage service, or, if applicable, a weekly 64-gallon can garbage service.
3. Collection costs shall be distributed throughout the service area to all single-family ratepayers and should include the collection company's administration costs.
4. The rates shall include the costs of the containers, stickers, collection equipment and staffing.
5. Collection rates shall include a separate delivery service fee equal to or less than the replacement cost of the bins. This service replacement cost shall not apply to the first-time delivery of the standard-sized container, or for the first-time delivery of a smaller sized container when the smaller size is requested by the customer.
6. The rates shall include the haulers' costs for the mutually agreed upon coordinated public outreach program, monitoring set-out participation, and any other costs for the data reporting system required by the County.
7. The haulers shall capitalize and amortize the equipment costs as determined by the WUTC.

Section 5 Customer Service Responsibility and Coordinated Public Outreach Programs

Collection companies shall work with the County to develop and implement a coordinated public outreach program.

- A. Haulers' customer service responsibilities shall include, but not be limited to:
 1. Notifications of new service availability, program sign-up, container delivery, bin stickers, explanation of rate structure, schedule of collection days and container replacement information.
 2. Delivery of containers within ten days of a request for service with collection service beginning within thirty-five days of a request.
 3. A telephone hotline for their certificated area, which shall be:
 - a. Accessible to residents for the purpose of providing program information and accepting service complaints, including after hours.
 - b. Capable of responding to a large volume of phone calls.
 - c. Clearly shown on the collection equipment, included in all mailings, and on other publicity materials.

- c. Clearly shown on the collection equipment, included in all mailings, and on other publicity materials.
 4. A process to resolve participation problems if access to the program is restricted due to impassable road conditions, other than those occasionally caused by severe weather situations. If the hauler deems the road conditions are regularly impassable by collection vehicles, the hauler will work with customers to determine a mutually agreed upon location for the collection of recyclables, preferably from the nearest roadway which is accessible by the hauler's collection vehicle.
 5. Notification to both new and ongoing solid waste customers of: different trash collection service options including bin sizes, frequency, and costs; recycling container provided to all solid waste customers; and bulky item collection availability. Hauler shall notify solid waste customers of the above during phone calls, in billing inserts and special mailings, on their website and during new service sign up procedures. Hauler will ensure that website is updated and links to Mason County specific information are working. The website shall also provide a link to Mason County Solid Waste to provide residents with additional waste disposal and reduction information.
- B. At the initiation of a new collection program to allow for coordination of promotional and educational efforts, haulers shall provide the County with container delivery schedules and collection schedules showing where implementation will begin by geographic areas. Implementation may be staged.
- C. County responsibilities shall include the development of a countywide public outreach program. The program should include:
1. Newsletters mailed to all households and handouts for self-haulers.
 2. News releases and an advertising campaign.
 3. Coordination of design of brochures and other materials with information on the new program to be mailed to customers via hauler billings or to be distributed with new bins by the hauler. Ongoing design of brochures and other materials, to be included with hauler billings, that educates residents on the curbside recycling program as well as various waste reduction methods above and beyond curbside recycling.
 4. An Internet website describing the haulers' services, how to sign-up for the new program, how to resolve a service complaint, and information about drop-off alternatives and other County programs.
 5. An email address to allow residents with opportunity to request brochures or other materials and to ask for additional information or help.
 6. Traveling exhibits.
 7. Incorporation of information about programs into youth and adult environmental education programs.
 8. Presentations to civic groups.
 9. Staffing sufficient to provide information to customers with inquiries.
 10. Automated telephone information line.

Collection companies shall provide the County with regular and accurate reports of data on all residential recycling collection services as determined necessary by Mason County for evaluating the effectiveness of recycling programs.

A. Single-family curbside recyclables collection program.

1. At a minimum, quarterly reports will be provided at the end of the month following the quarter and shall contain the following data, broken down by each month and by each certificated area:
 - The number of single-family solid waste collection customers subscribing to each level of garbage collection service.
 - Aggregate tonnage of each recyclable material collected from single-family customers.
 - Average of recyclables collected per single-family customer expressed as pounds recyclables per customer.
 - Aggregate tonnage of solid waste disposed from single-family customers.
 - Residential recycling rate.
 - Log of unresolved customer complaints with summary of measures taken to resolve any problems.
 - Any percentage residue amounts or contamination problems reported by processing facilities.
 - Summaries of tons and value of single stream materials sold.
2. Annual reports shall include an analysis of the effects of changes in services and areas served or problems that were encountered and any suggested changes to increase efficiency and participation in the curbside program.

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Section 7. Processing preferences and disposal limitations

- A. Solid waste collection companies shall use processing facilities that have obtained all applicable local, state, and federal permits. Whenever possible, local businesses shall be given priority and should be used to receive recyclables for purposes of processing, handling, or remanufacturing the materials into new products.
- B. The haulers shall not under any circumstances dispose of marketable recyclables by landfilling or incineration. Contaminated single stream materials may be disposed with permission from County staff.
- C. Recyclable materials shall be marketed for highest possible use, as noted in the Washington State Beyond Waste Plan, current solid waste system issues, Chapter 2.

Section 8. County Notification of WUTC Tariff Filings

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Section 8. County Notification of WUTC Tariff Filings

Whenever a collection company files a proposed tariff revision for solid waste and recyclables collection rates with the WUTC, the collection company shall simultaneously provide the County with copies of the proposed tariff submitted to the WUTC and all supporting materials. Any propriety information provided to the County shall be handled as confidential to the extent allowed by law.

- A. The County shall review the rates for compliance in relation to the *Mason County Solid Waste Management Plan*, and minimum service level ordinances.
- B. After tariffs are approved by the WUTC, the collection company shall notify the County of the approved rates and the effective dates.

Section 9. Full Program Implementation

If it is determined that the programs specified in this chapter are not fully implemented, the Mason County Board of County Commissioners, or the Utilities and Waste Management director shall notify the WUTC that the County will exercise its authority under RCW 36.58.040 to contract for the collection of recyclables from residences in Mason County.

- A. Full implementation. The programs shall be considered fully implemented when the following conditions are met:
 - 1. The certificated hauler has received approval by the WUTC for its tariff filings for recyclables; and,
 - 2. The services are available to all who want the service.
 - 3. The hauler will have three calendar years from the date of signing to fully implement this program countywide, with at least 50% of the County to have the service available in year one, and 90% available in year two. . In the event that in year three the hauler cannot provide the full 100% countywide implementation, the County and hauler will develop a plan to address the recycling needs of those areas.
 - 4. In areas not serviced by automated routes or nearby County sites, drop off areas for recyclables will be supported by the County, the collection company, and a portion of the commodity credit as identified in Section 10.
- B. Contract for collection. In the event that the County is dissatisfied with the implementation of the specified programs and, after having notified the certificated hauler, finds the hauler has failed to cure the perceived omission, the County will exercise its authority to contract for the collection of residential recyclables. The County will:
 - 1. Notify the hauler of the County's intent to exercise its authority.

Section 10. Commodity Credit

Single-family residents that subscribe to single-family curbside service shall be eligible for the commodity revenue credit. A portion of these credits can be used to offset the cost of other recycling programs until curbside recycling is available countywide.

Section 11. Severability

If any section, subsection, sentence, clause or phrase of this chapter is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Chapter.