

10.16.160 Responsibilities and reporting requirements of departments. All user departments are responsible for:

- A. Purchasing and using recycled products whenever practicable;
- B. Documenting any technical problems that preclude the use of recycled products;
- C. Providing written explanations to the director or the director's designee for not purchasing recycled products;
- D. Conducting comparative tests of the performance of recycled products and non-recycled products, as specified by the solid waste division and the purchasing agency;
- E. Transmitting to contractors, upon their request, recycled product and vendor lists prepared by the purchasing agency and solid waste division;
- F. Collecting information from contractors about their designated product purchases before contract expiration dates, according to procedures established by the solid waste division;
- G. Submitting a report on the purchase of designated products by contractors to the solid waste division by July 31 each year, beginning in 1991;
- H. Informing the purchasing agency of potential uses of recycled products by contractors. (Ord. 9240 § 16, 1989).

10.16.170 Responsibilities of the solid waste division. A. Providing information and technical assistance to local governments, schools, colleges, and other public and private organizations interested in purchasing recycled products;

- B. Assisting departments in resolving problems and complaints concerning recycled product performance or availability;
- C. Preparing press releases and fact sheets publicizing the successes of the program;
- D. Preparing a report evaluating the procurement program to be submitted to the county council each year in September, beginning in 1990; and
- E. Assisting the purchasing agency in fulfilling its responsibilities in connection with this chapter. (Ord. 9240 § 17, 1989).

10.16.180 Responsibilities of the purchasing agency. The purchasing agency is responsible for:

- A. Revising or amending standard bid documents and contract language where necessary to implement this chapter.
- B. Collecting data on purchases by departments of designated products on county purchase orders, to be compiled by the solid waste division;
- C. Preparing bid invitations for recycled products;
- D. Maintaining a directory of recycled products and local vendors;
- E. Disseminating recycled product information to departments;
- F. Assisting the solid waste division in fulfilling its responsibilities in connection with this chapter. (Ord. 9240 § 18, 1989).

10.16.190 Exemptions. Nothing in this chapter shall be construed as requiring a department or contractor to procure products that do not perform adequately for their intended end use or are not available at a reasonable price in a reasonable period of time. (Ord. 9240 § 19, 1989).

10.16.200 Effective date. The provisions of this chapter shall apply to all county procurement processes, including invitations to bid, and requests for proposals initiated after March 31, 1990. (Ord. 9240 § 20, 1989).

10.16.210 Severability. Should any section, subsection, paragraph, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portion of this chapter. (Ord. 9240 § 21, 1989).

**CHAPTER 10.18
COLLECTION OF HOUSEHOLD RECYCLABLES AND
YARD WASTE IN UNINCORPORATED KING COUNTY**

Sections:

- 10.18.010 Minimum levels of residential recyclables collection
- 10.18.020 Solid waste collection and recycling rates
- 10.18.030 County notification of WUTC tariff filings
- 10.18.040 Program promotion and education requirements
- 10.18.050 Certificated haulers customer service responsibilities
- 10.18.060 Reporting requirements
- 10.18.070 County administrative fee
- 10.18.080 County notification of certificated haulers
- 10.18.090 Full program implementation
- 10.18.100 Severability

10.18.010 Minimum levels of residential recyclables collection. The minimum levels of service and WUTC regulation of certificated haulers, pursuant to RCW 81.77, shall continue for five years from the effective date of Ordinance 9928 (May 30, 1991). The minimum level of service for residential recycling programs in unincorporated urban service areas of King County, as defined in Attachment A to Ordinance 9928*, shall include the following:

- A. Single family recyclables collection.
 - 1. Recyclables collection services shall, at a minimum, be available to all single family dwellings in unincorporated urban service areas of the county.
 - 2. Participation in these programs shall be voluntary.
 - 3. Materials. The following recyclable materials, at a minimum, shall be collected from single family dwellings.
 - a. Newspaper - printed groundwood newsprint including glossy advertisements and supplemental magazines that are delivered with the newspaper.
 - b. Clear, amber, and green empty, clean glass containers. Plate glass, ceramics, or mirror glass will not be collected.
 - c. Clean tin-coated steel cans.
 - d. Clean aluminum cans and foil.
 - e. Mixed waste paper, including most types of clean and dry paper which fall into high and low grade categories including glossy papers, magazines, catalogs, phone books, cards, laser-printed white ledger paper, windowed envelopes, paper with adhesive labels, paper bags, wrapping paper, packing paper, chipboard such as cereal boxes and shoe boxes, and glossy advertising paper.
 - f. Cardboard - clean corrugated cardboard and kraft paper, including unbleached, unwaxed paper with a ruffled ("corrugated") inner liner. Cardboard does not include chipboard such as cereal boxes and shoe boxes.

*Available in the office of the Clerk of the Council

g. PET plastics - clean and empty polyethylene terephthalate bottles [Society of Plastics Industry (SPI) code 1], including clear 1- and 2-liter soda bottles, as well as some bottles for liquor, liquid cleaners, and detergents.

h. HDPE plastics - clean and empty high-density polyethylene bottles [Society of Plastics Industry (SPI) code 2] including milk, juice, and water jugs, as well as bottles for laundry detergent, fabric softener, and lotion.

4. Collection schedule. The recyclable materials listed in Subsection A.3 shall be collected at least twice a month on the same day of the week as solid waste collection.

a. The certificated hauler may request an exception to this requirement for all or part of their service area.

b. The request must be submitted in writing to the division and include, at a minimum, the following information: the location of the area affected; the number of customers affected; the alternative collection schedule; and the reasons supporting the request.

c. The division will determine whether to allow the hauler's request based on demonstration that: the number of customers affected is minimized; program participation will not be adversely affected; substantial cost savings will accrue due to the alternative collection schedule; and other information presented in the request.

5. Collection Containers. Containers for recyclables storage shall be provided by certificated haulers to all single family dwellings. The containers may be provided by the certificated hauler by delivering containers to all single family dwelling units in unincorporated urban areas. Alternatively, collection containers may be provided on a sign-up basis according to the notification requirements defined in K.C.C. 10.18.040A. Delivery of containers to all single family dwellings is preferable to a sign-up system.

a. The containers shall be sufficient in number and type to hold all recyclables accumulated between collections.

b. The containers must be made of durable materials that will last a minimum seven years under normal use. Plastic materials used in the construction of recycling containers shall be durable, ultraviolet light stabilized and manufactured using recycled or post-consumer materials. Collection containers shall contain a minimum of at least ten percent postconsumer material unless the certificated hauler can demonstrate evidence to the division that such material is unavailable. Plastic bags, or bags made of other material, shall not be used as containers.

c. All containers shall contain information about the proper preparation of materials and include the telephone number and name of the certificated hauler.

d. A container delivery schedule shall be provided to the county at the initiation of the project to allow for coordination of its promotional and educational efforts. Containers will be delivered to program participants at least seven (7) days prior to the initiation of collection.

B. Multi-family recyclables collection.

1. Recyclables collection services shall, at a minimum, be available to all multi-family structures or complexes in unincorporated urban service areas of the county.

2. Participation in these programs shall be voluntary.

3. Materials. At a minimum, all of the recyclable materials listed in Subsection A.3 shall be collected from multi-family structures.

4. Collection schedule. The recyclable materials listed in Subsection A.3 shall be collected at least twice a month on a regular schedule.

5. Collection containers. Certificated haulers shall provide on-site collection containers for recyclables to multi-family structures or complexes on a sign-up basis according to the notification requirements defined in K.C.C. 10.18.040B.

a. The containers shall be sufficient in number and type to hold all recyclables accumulated between collections.

b. On-site containers must be made of durable materials that will last a minimum of seven years under normal use. Plastic bags, or bags made of other material, shall not be used as on-site containers.

c. All containers shall contain information about the proper preparation of materials and include the telephone number and name of the certificated hauler.

d. Containers will be delivered to multi-family structures signed-up for service at least seven (7) days prior to the initiation of collection.

C. Single family and multi-family yard waste collection.

1. Yard waste collection services shall, at a minimum, be available to all single family dwellings and multi-family structures or complexes in unincorporated urban service areas of the county.

2. Participation in these programs shall be voluntary.

3. Materials. Yard waste collected from single family dwellings and multi-family structures or complexes shall meet the following specifications:

a. With the exception of unflocked Christmas trees, materials larger than two inches in diameter and three feet in length will not be considered yard waste. Unflocked Christmas trees shall be accepted in three foot lengths with no diameter restrictions.

4. Collection schedule. Yard waste shall be collected from single family dwelling units and multi-family structures or complexes at least twice a month during the months of March through November, and at least once a month from December through February. Single family yard waste shall be collected on the same day of the week as solid waste collection.

a. The certificated hauler may request an exception to this requirement for all or part of their service area.

b. The request must be submitted in writing to the division and include, at a minimum, the following information: the location of the area affected; the number of customers affected; the alternative collection schedule; and the reasons supporting the request.

c. The division will determine whether to allow the hauler's request based on demonstration that: the number of customers affected is minimized; program participation will not be adversely affected; substantial cost savings will accrue; and other information presented in the request.

5. Collection containers. Certificated haulers shall offer to provide yard waste containers to single family dwellings and multi-family structures or complexes on a sign-up basis, according to the notification requirements in K.C.C. 10.18.040C.

a. Certificated haulers may require that customers use containers provided by the certificated hauler or allow customers to provide their own containers. An additional fee may be charged to the customers electing to lease a yard waste container from a certificated hauler.

b. Plastic bags shall not be used as containers.

c. Certificated haulers may establish a maximum volume of and/or weight of yard waste that will be accepted for each collection.

D. Additional minimum level of service provisions. The following provisions shall apply to the collection services described in Subsection A., B., and C.:

1. If access to potential program participants is restricted, due to impassable road conditions, alternatives to curbside recyclables collection, such as drop site collection, will be provided by the certificated hauler. This (King County 6-92)

exception shall not apply to impassable road conditions due to severe weather situations. The certificated hauler will report to the county those areas receiving alternative curbside collection services.

2. The certificated haulers shall designate and inform the county and program participants of the holidays that it will observe and the schedule that will be used when a holiday falls on a regular collection day. The certificated hauler shall designate a process for responding to missed collections as a result of inclement or adverse weather conditions.

3. Special recyclables collection services shall be provided for those households where there are handicapped or elderly people who cannot move their recycling or yard waste containers to the curb. Households that qualify for this service will be determined by the certificated hauler.

4. The certificated haulers shall retain ownership of all containers distributed to program participants. Replacement necessitated by normal use or by container damage due to the certificated haulers negligence shall be the responsibility of the certificated hauler. Replacement necessitated by container damage due to program participant negligence shall be at the program participant's expense.

5. The certificated haulers shall use intermediate processing facilities that have obtained all applicable local, state and federal permits. Whenever possible, local markets shall be used to receive recyclables and/or yard waste for purposes of processing, handling or remanufacturing the materials into new products.

6. The certificated haulers shall not under any circumstances dispose of marketable recyclables or yard waste by landfilling or incineration. In addition, in no instance shall unmarketable materials be disposed of at a landfill or other disposal facility outside of King County.

7. The division will discuss any proposed changes with the certificated haulers prior to proposing any amendments to the list of materials to be collected and/or the unincorporated urban service area boundaries. However, nothing in this chapter shall prohibit a certificated hauler from exceeding the minimum requirements by collecting additional materials or providing collection services to a larger portion of their franchise area. (Ord. 10446 § 1, 1992; Ord. 9928 § 2, 1991).

10.18.020 **Solid waste collection and recycling rates.** Certificate holders under chapter RCW 81.77 shall use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70.95.010 and the minimum levels of solid waste collection and recycling services pursuant to the local comprehensive solid waste management plan, as required by RCW 81.77.

A. It is the county's policy that the certificated haulers include the following elements in the tariffs submitted to the WUTC:

1. A mini-can (10-20 gallon container) rate to reward people who reduce their level of solid waste collection service.

2. A recycling-only rate for program participants who decline solid waste collection service, but participate in recycling programs. Certificated haulers may include a fee to administer billing for this service.

3. A yard waste only rate for program participants who decline solid waste collection service, but participate in a yard waste collection program. Haulers may include a fee to administer billing for this service.

4. Billing that includes the cost of solid waste and recycling collection services on the same statement, as provided by chapter 81.77 RCW.

5. 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.

6. A rate structure that distributes the cost of the single family and multi-family recyclables collection programs among all rate payers in the franchise area where recycling and yard waste services are available.

7. A rate structure for single family yard waste collection services that charges only those customers subscribing to the service. To encourage recycling, the cost of yard waste collection shall be less than a comparable unit of solid waste.

8. The cost to produce and distribute program promotion and educational materials to customers, in accordance with K.C.C. 10.18.040.

9. A monthly administrative fee to compensate the division for the costs of program management and promotional and educational programs. The monthly administrative fee is specified in K.C.C. 10.18.070.

10. Reduced solid waste and recyclables collection rates for eligible elderly and low-income program participants, as permitted by the WUTC.

B. Certificated haulers shall file tariffs, with an effective date no later than July 31, 1991, with the Washington Utilities and Transportation Commission (WUTC). It is the county's policy that the rates include all elements specified in Subsection A. of this section and be designed to encourage participation in recyclables and yard waste collection programs, in accordance with the plan.

C. Whenever certificated haulers file tariffs with the Washington Utilities and Transportation Commission (WUTC), it is the county's policy that the certificated haulers include all elements specified in Subsection A. of this section in the tariffs and that an incentive solid waste collection rate structure be used rather than a strict cost of service rate structure. An incentive solid waste collection rate structure is one that rewards customers who recycle and includes substantial cost differentials between solid waste collection service levels. The tariffs filed shall include the following percentages of increases between levels of service: a minimum of sixty percent between mini and one can; a minimum of forty percent between one and two cans or equivalent; and a minimum of twenty five percent between two and three cans or equivalent. These percentages should apply to the combined charge to the customer for both solid waste and recyclable materials collection. The WUTC is strongly encouraged to approve tariffs that are consistent with the policies set forth in this chapter, and that meet the minimum percentages specified in this section. (Ord. 10446 § 2, 1992; Ord. 9928 § 3, 1991).

10.18.030 County notification of WUTC tariff filings. Whenever a certificated hauler files a proposed tariff revision for solid waste, recyclables and/or yard waste collection rates with the WUTC, the certificated hauler shall simultaneously provide the division manager with copies of the proposed tariff and all nonproprietary supporting materials submitted to the WUTC.

A. The certificated hauler shall transmit the proposed tariff to the division manager at least thirty (30) days prior to action by the WUTC.

B. The division will review the proposed tariffs to determine their compliance with the plan and the provisions of this chapter.

C. The certificated haulers shall notify the division within one week after their tariffs are approved by the WUTC. The notification shall specify the rates approved by the WUTC and the effective dates for the rates. (Ord. 9928 § 4, 1991).

10.18.040 Program promotion and education requirements. Certificated haulers shall be responsible for distributing promotional and educational materials for their franchise area and for initial promotion of the programs. Promotional and educational materials are those materials prepared for the purpose of encouraging participation and educating residents about the county's

recycling collection programs. Materials shall include, but not be limited to, any or all of the following: brochures; mailings; advertisements; radio and television commercials or public service announcements; and displays.

A. Single family recyclables collection. The certificated hauler shall provide, at a minimum, the following notifications to all single family dwellings within the portion of their franchise area lying within an unincorporated urban service area.

1. The first notification shall announce availability of service, provide a description of the program, container delivery schedule, recycling hotline phone number(s), and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs. An optional program sign-up card may be included in the first notification.

2. A second notification shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of recyclables to make them acceptable for collection by the certificated hauler, including, but not limited to, cleaning, sorting, and properly locating recyclables for collection. Recycling hotline phone number(s) must also be provided. This notification may be included with delivered containers.

3. Certificated haulers offering collection services on a sign-up basis must continue to notify non-participants of the availability of service at least twice a year until 80 percent or more of all single family dwellings are signed-up for service.

4. The division may also promote the program to residents of single family dwellings.

B. Multi-family recyclables collection. The certificated hauler shall provide, at a minimum, the following notifications to all multi-family building owners and managers for the portion of their franchise area lying within an unincorporated urban service area.

1. The first notification shall announce availability of service, provide a description of the program, and a sign-up card or phone number to call for service, and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste collection service by participating in collection programs.

2. A second notification, included with container delivery, shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of recyclables to make them acceptable for collection by the certificated hauler, including, but not limited to, cleaning, sorting, and properly locating recyclables for collection. Recycling hotline phone number(s) must also be provided.

3. Certificated haulers offering collection services shall notify non-participating building owners and managers of the availability of service at least twice a year until 50 percent or more of all multi-family dwellings are signed-up for service.

4. The division may promote the program to both tenants and building managers.

C. Single family and multi-family yard waste collection. The certificated hauler shall provide, at a minimum, the following notifications to all single family dwellings and multi-family structures or complexes within the portion of their franchise area lying within an unincorporated urban service area.

1. The first notification shall announce availability of service, provide a description of the program, and a sign-up card or phone number to call for service, and an explanation of the solid waste and recyclables collection rate structure and how program participants can reduce their level of solid waste

collection service by participating in collection programs.

2. A second notification, included with container delivery (if the hauler requires the use of their containers), shall include a schedule of collection days and shall explain materials preparation requirements detailing the required care and handling of yard waste to make it acceptable for collection by the certificated hauler. Recycling hotline phone number(s) must also be provided.

3. Certificated haulers shall continue to notify non-participants of the availability of single family yard waste collection services at least twice a year until 60 percent or more of all single family dwellings are signed up for service.

4. The division may also promote the program to residents of single family dwellings and multi-family structures or complexes.

D. All notifications provided by the certificated hauler must be approved by the division. The division shall review notifications for content and accuracy of information, and consistency with materials prepared by the county. Copies of the notifications must be submitted to the division for its review at least three weeks prior to their printing and the division shall return comments within that three week period.

E. King County shall periodically provide the certificated haulers with educational materials to be included with a hauler's mailing or bill. These materials will be designed to encourage participation in the collection programs and to familiarize participants with general waste reduction and recycling concepts. The division and the certificated hauler shall mutually agree upon the number and format of materials to be included in the hauler's mailings. Any material prepared by the division that will be distributed by haulers will be distributed to the haulers for their review three weeks prior to their printing. The hauler shall return any comments on the materials to the division within that three week period. (Ord. 10446 § 3, 1992; Ord. 9928 § 5, 1991).

10.18.050 Certificated haulers customer service responsibilities. Certificated haulers shall be responsible for all aspects of customer service. Customer service responsibilities shall include, but not be limited to:

A. General program information provided by telephone, brochures, and advertisements:

B. Program sign-up, container delivery and replacement information.

C. Written notification shall be distributed at the point of collection when collection is refused. The notification shall include, at a minimum, an explanation of the reasons collection was refused.

D. Response to complaints of missed collection. The certificated hauler shall collect the uncollected recyclables within one business day after the complaint is received and verified.

E. Telephone and written response to service complaints. The certificated haulers shall maintain an adequately staffed telephone hotline for their franchise area served by the programs. This number shall be accessible to residents for the purpose of providing program information, and accepting service comments and complaints.

1. The hotline must be capable of responding to a large volume of phone calls. Callers must be able to talk to hotline staff or obtain information through recorded message or an interactive communications system when the hotline phone is not staffed. The callers must also have the option of speaking to hotline staff in less than three (3) minutes during normal business hours. The hotline shall have the capability of recording all calls received when the hotline is not staffed.

2. The hotline phone number(s) shall be clearly shown on the collection equipment and all recyclables and yard waste containers provided by the certificated hauler, included in all mailings, and other publicity materials.

3. The county may publish the hotline phone number(s) on other county materials as part of its education and promotion of the collection programs with prior notification of the certificated hauler. (Ord. 9928 § 6, 1991).

10.18.060 Reporting requirements. A. The certificated hauler shall submit a report to the division on the fifth day of each month beginning May 1991 through July 1991. The reports will include an implementation schedule for the program and a written summary of progress made to implement the collection programs for the portion of their franchise area lying within an unincorporated urban service area. The implementation schedule and report will address but not be limited to: a description of container type, status of container and equipment order and delivery; container delivery to program participants; status and content of tariff submittals to the WUTC; and progress made in program promotion.

B. Certificated haulers shall, on a monthly basis, provide the county with information to evaluate the effectiveness of the programs. The reports will contain monthly, quarterly, and annual data in a format and medium determined by the division. At a minimum, the monthly service reports shall include the following information for each service area and for each service:

1. Weekly and monthly set-out counts by routes, programs and service area. Set-out count is the number of dwelling units that make the contents of their recyclables and/or yard waste collection containers available for collection.

2. Average pounds of recyclables and yard waste collected per set-out.

3. Summaries of tons of all recyclables and yard waste collected, by material.

4. Location of intermediate processing facility(ies) and materials types delivered to these facilities.

5. Summaries of tons of all recyclables sold, by material.

6. Summary of tons of contaminated recyclables and yard waste disposed of at a county solid waste facility, and which solid waste facility received it.

7. For each franchise area located within the urban unincorporated areas, as defined by this chapter:

a. The total number of single family solid waste collection customers;

b. The total number of multi-family complexes receiving solid waste collection service, and the number of units within those complexes;

c. The total number of single family dwellings receiving recyclables and/or yard waste collection services;

d. The total number of multi-family complexes receiving recyclables collection services and the location of these complexes.

8. Summaries of tons of all solid waste collected from all single family dwellings and multi-family structures and which King County solid waste facilities received it.

9. Any significant changes in patterns of usage of King County solid waste facilities, to be reported to the manager of the division 30 days in advance of the change.

10. Log of service complaints received by certificated haulers.

11. Location of areas receiving alternatives to curbside recyclables collection due to inaccessibility as permitted in K.C.C. 10.18.010D.1.

12. A map at a scale of one (1) inch equals two hundred (200) feet, indicating the areas served and the collection days for each program.

C. Reports shall be submitted to the division by the fifteenth (15th) of each month and will be based on the operation of the programs for the previous month. In addition, annual service reports shall be due within 30 days after the end of the calendar year. In addition to the year end summary of the monthly reporting information, the annual report shall include a summary of program highlights, problems and measures taken to resolve problems and increase

efficiency and participation, an analysis of each program's effectiveness, and an annual tonnage forecast which estimates the total amount of solid waste tonnage for the current year.

D. The certificated haulers shall meet with a representative of the solid waste division at a minimum of once per month, beginning in May 1991. All meetings shall be at the discretion of the division. (Ord. 9928 § 7, 1991).

10.18.070 County administrative fee. The county hereby imposes a fee, as permitted by RCW 36.58.045, upon solid waste collection service on certificated haulers operating within the unincorporated areas of the county to fund the administration and planning expenses to comply with the requirements in RCW 70.95.090. A monthly administrative fee of twenty-two (22) cents per customer, or its equivalent, shall be collected by the certificated haulers to compensate the division for the costs of program management and promotional and educational programs. The revenue collected through the administrative fee shall be remitted to the division on a quarterly basis on the following dates: April 30, for the quarter of January through March; July 31, for the quarter of April through June; October 31, for the quarter of July through September; and January 31, for the quarter of October through December. A late payment penalty equal to one and one-half percent of the delinquent unpaid balance, compounded monthly, shall be assessed on the delinquent unpaid balance of those accounts in arrears. (Ord. 10446 § 4, 1992; Ord. 9928 § 8, 1991).

10.18.080 County notification of certificated haulers. A. The division hereby notifies the certificated haulers operating in unincorporated urban areas of King County's intent to exercise its authority to contract for source separated recyclables and yard waste collection from residences if the services specified in K.C.C. 10.18.010 are not fully implemented for the portion of their franchise area lying within an unincorporated urban service area by July 31, 1991.

B. In the event that the county exercises its authority to contract for the collection of residential recyclables in unincorporated urban areas the county will select a recycling contractor through a request for proposal process for single family recyclables and yard waste collection and multi-family recyclables collection for the portion of their franchise area lying within an unincorporated urban service area.

1. Recycling contractors shall be selected on the basis of a request for proposal that considers, among other factors, experience, qualifications, and costs.

2. The prevailing wage rate shall be paid to all laborers under these contracts and shall be in accordance with the applicable rules and regulations of the Department of Labor and Industries. (Ord. 9928 § 9, 1991).

10.18.090 Full program implementation. A. The King County executive shall notify the WUTC that the county will exercise its authority to contract for the collection of source separated recyclables from residences of unincorporated urban areas of the county if it is determined that the programs specified in this chapter are not fully implemented. 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 yard waste services; and,

2. The services are available to all who want service. Customers must be able to receive containers within twenty-one (21) days of a request and receive their first collection within thirty-five (35) days of a request. (Ord. 9928 § 10, 1991).

10.18.100 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. (Ord. 9928 § 11, 1991).

Chapter 10.20
COMMISSION FOR MARKETING RECYCLABLE MATERIALS

Sections:

- 10.20.010 Established.
- 10.20.020 Composition and membership.
- 10.20.030 Procedures.
- 10.20.040 Responsibilities.
- 10.20.050 Funding.

10.20.010 Established. A. Created. There is established a Commission for Marketing Recyclable Materials, hereinafter called the Commission.

B. Purpose. The purpose of the Commission is to establish, enhance and assure utilization of methods for reusing materials which would otherwise be disposed, and in particular to promote use of products manufactured from recycled materials. The Commission shall also recommend policy to King County and other jurisdictions within the county as needed to enhance the development of markets for use of recycled and recyclable materials. The Commission shall emphasize development of local markets.

C. Executive Director. The executive director of the Commission shall be appointed by the director of the department of public works with the advice of the Commission. The executive director shall be an administrative assistant to the Commission. The performance of the executive director shall be evaluated annually by the director of the department of public works and by the Commission. The executive director shall be responsible for management and administration of the Commission. (Ord. 9024 §§ 1-3 (part), 1989).

10.20.020 Composition and membership. A. The Commission shall be composed of 21 members who shall be nominated by the Council, appointed by the executive and confirmed by the King County council. The members shall include representatives of the solid waste collection companies certificated by the Washington Utilities and Transportation Commission, the recycling industry, manufacturers located in King County, chambers of commerce, trade and economic development councils, the City of Seattle, the Port of Seattle, institutions of higher education located in King County, citizen groups with an interest in recycling, at least one King County councilmember, and at least one representative appointed by the President of the Suburban Cities Association.

B. Terms. Appointments to the Commission shall be for three-year terms beginning on July 1 of the year in which the term starts; except that the terms for the initial appointments to the Commission shall be established by lot, five appointments for one year each, five appointments for two years each, and five appointments for three years. If a vacancy occurs, a successor may be appointed in the same manner as for full terms to serve for the remainder of the unexpired term and that appointment shall be subject to reappointment for a full term upon expiration of the original term. (Ord. 9024 § 1 (part), 1989).

10.20.030 Procedures. A. A simple majority of the total number of members shall constitute a quorum. All official actions of the Commission shall require a simple majority vote of the quorum, unless a greater plurality is specified in rules adopted by the Commission.

B. The Commission may adopt operating rules. Unless otherwise specified in this chapter or in rules adopted by the Commission, Robert's Rules of Order shall apply.

C. The Commission shall meet at least monthly.

D. The Commission shall elect officers, who shall include but not be limited to a chair, vice-chair, and secretary.

E. The Commission shall keep minutes of its regular public meetings and records of all official actions.

F. All records of the Commission shall be available for public inspection pursuant to RCW 42.17 at the office of the Commission.

G. The Commission may establish committees from time to time and shall specify at the time of establishment the function and powers of the committees. (Ord. 9024 § 2, 1989).

10.20.040 Responsibilities. A. Budget. The Commission shall submit an annual budget request to the King County executive and council in accordance with the established county budget procedures. All staff positions beyond the executive director must be approved by the King county council through the county budget adoption process and shall be subject to county career service rules.

B. Leases and contracts. The Commission may from time to time enter into any contract or lease with any agency or individual that the Commission deems appropriate for the purpose of carrying out its responsibilities under this chapter, provided that any lease or contract shall be subject to all applicable provisions and procedures of federal, state and county law.

C. Annual report. The Commission shall prepare annually, for publication in July of each year and transmittal the executive, county and public, a report of its budget, activities for the preceding calendar year and goals, policy recommendations and financial plans for the following five year period; except that the first report of the Commission shall be submitted by November 1, 1989, and shall include a proposed 1990 budget and work plan. (Ord. 9024 §§ 3(part), 5, 1989).

10.20.050 Funding. A. Funding for activities of the Commission shall be established by the council after it receives the first report from the Commission as directed in K.C.C. 10.20.040.

B. Grants and private funding. The Commission is authorized to seek grants and private funding to support programs of the Commission. (Ord. 9024 § 4, 1993).

Chapter 10.22
POLICY DIRECTION FOR DEVELOPMENT OF THE
KING COUNTY COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN

Sections:

- 10.22.010 Findings.
- 10.22.030 Solid waste system alternatives.
- 10.22.040 Strategies for waste reduction and recycling goals.
- 10.22.050 State legislation.
- 10.22.060 Vendors.

10.22.010 Findings. The King County council finds:

A. The Programmatic Final Environmental Impact Statement (EIS) on Solid Waste Management Alternatives issued on September 30, 1988 is adequate for purposes of making policy decisions about which alternative strategies shall be included in the preparation of the 1989 King County solid waste management plan (CSWMP).

B. The Programmatic EIS is the first step in a phased review of the 1989 King County CSWMP update. This phased review assists in focusing on the issues that are ready for decision and excluding from consideration issues already decided or not yet ready.

C. The key issues that are ready for decision based on the Programmatic Final EIS are:

1. The types of waste reduction and recycling programs that should be implemented to provide maximum reduction in King County's solid waste stream;
2. Whether some form of incineration is a necessary component of the county's solid waste management program; and
3. Whether other disposal options should be implemented to reduce the amount of waste going to the Cedar Hills Landfill.

D. Further environmental review to the extent required by SEPA will be performed for facility siting, facility expansion, and the other issues included in the CSWMP but not addressed in this chapter or in the Programmatic EIS.

E. This chapter will provide broad programmatic policy direction under which the King County solid waste management system shall be developed. Implementation of these policies will be described in the CSWMP and the annual budget process, and will include review by the Interlocal Forum and the King County solid waste advisory committee.

F. The King County solid waste advisory committee, the council ad hoc committees and the designated Interlocal Forum on Solid Waste have reviewed and commented on the solid waste issues facing King County and the policies contained in this chapter.

G. Waste reduction and recycling are now basic elements of responsible solid waste management systems. Each citizen of the county must accept a commitment to waste reduction and recycling as a basic part of his/her social responsibility.

H. Accomplishment of the waste reduction and recycling goals will require cooperation between the cities, private recycling, waste disposal businesses, and the county.

I. A goal of the system is to minimize the amount of solid waste requiring disposal and to provide for disposal of the remainder in a manner that minimizes environmental risks and impacts.

J. Programmatic choices, which affect individual behaviors, are preferable to facility choices, which accommodate existing behaviors. This hierarchy should apply within recycling alternatives, as well as between solid waste management alternatives, such as recycling, incineration, and landfilling.

K. The public has expressed an interest in more convenient recycling opportunities.

L. Passage of state legislation establishing policies and clarifying various authorities related to waste reduction and recycling is critical to the success of the waste reduction and recycling program.

M. Notice has been received from the City of Seattle that it will no longer be a participant in the county waste disposal system on or before January 1, 1993. (Ord. 8771 § 1, 1988).

10.22.030 Solid waste system alternatives. The 1989 comprehensive solid waste management plan which is being prepared by the King County solid waste division for review by the designated Interlocal Forum and approval by the appropriate parties as set forth by state law shall include the following policies:

A. A waste reduction and recycling goal of sixty-five percent, to be achieved within twelve years. Interim goals of thirty-five percent within three years (1992) and fifty percent within six years (1995) are shorter range goals to measure progress. At each of these checkpoints the recycling levels will be assessed pursuant to section 10.22.040E. of this chapter and, if necessary, the waste reduction and recycling program will be adjusted and prohibition of certain recyclables from disposal at Cedar Hills landfill shall be considered in order to assure achievement of the sixty-five percent goal. An annual report on progress towards the waste reduction and recycling goals will be prepared by the King County solid waste division pursuant to K.C.C. 10.14.080.

B. Programs to reduce yard waste, including an extensive backyard composting program, support for curbside collection of yard waste, a neighborhood yard waste drop box program, and support for yard waste processing facilities.

C. Programs to reduce residential waste, based on waste reduction and source separation of recyclables from solid waste and including curbside collection of recyclables from all residents living in the urbanized portions of King County. The county will work with affected jurisdictions and service providers to facilitate provision of curbside collection of recyclables in areas where housing density makes this practice feasible. Containers or other systems to collect recyclables from apartments and condominiums should also be provided, and convenient and comprehensive drop box sites for collection of source separated recyclables should be located in rural King County.

D. Programs to reduce non-residential waste, based on waste reduction and source separation of recyclable material from solid waste and including a comprehensive technical assistance program for the commercial sector that provides waste audits and assistance in establishing waste reduction and recycling mechanisms, as well as facilitating collection of source separated recyclable material.

E. Development of private sector recycling facilities which complement the waste reduction and recycling program emphasis on source separation of recyclables, including yard waste processing and intermediate processing facilities.

F. Authorization for one privately owned and operated mixed waste processing facility to which a portion of the county's waste stream will be designated to supplement source separation and to evaluate the long-term benefits, costs and risks of mixed waste processing in combination with extensive source separation programs.

G. Authorization of out of county landfilling as part of the county's solid waste system.

H. If an out of county landfill option is implemented, King County shall continue a level of operation at Cedar Hills landfill at least adequate to allow use of Cedar Hills as a backup system for King County waste, excluding waste from the City of Seattle, if necessary due to an emergency or failure of the out of county landfill alternative.

I. An energy/resource recovery facility shall not be included as a waste disposal alternative in the 1989 CSWMP and shall not be constructed.

J. The City of Seattle will plan separately for disposal of its own waste, including commercial waste, special waste, demolition and construction debris, as well as residential waste. (Ord. 8771 § 3, 1988).

10.22.040 Strategies for waste reduction and recycling goals. The executive shall implement the following strategies directed at the waste reduction and recycling goals established in 10.22.030 of this chapter.

A. Rates.

1. The executive shall prepare a solid waste financing study and rate proposal which provides for funding the waste reduction and recycling programs needed to achieve the goals established in Section 10.22.030A. of this chapter as well as funding to support ongoing operations requirements of the King County solid waste division. The rate which is proposed shall be a single rate for disposal of waste at Cedar Hills Landfill or another final disposal site and a single rate for use of county transfer stations and rural landfills. The financial and policy implications of an increase in disposal rates, and the effect it will have on recycling programs and other system operations and programs, shall be fully analyzed. In addition, the possibility of establishing a surcharge for handling special wastes, such as asbestos, at Cedar Hills Landfill should be analyzed.

2. The executive shall work with cities and the WUTC to support collection rates which involve higher rates for higher volumes of mixed waste.

B. Promotion, education and public involvement. An extensive 2-tiered promotion, education, and public involvement effort shall be implemented to carry out the waste reduction and recycling program. The goal of public education in King County's waste reduction and recycling program is to provide various audiences with information and technical assistance which will change their attitudes and behavior about waste disposal. The two distinct tiers should include: 1. awareness building and 2. technical assistance. The following WR/R education programs should be provided: resource center and educational materials, technical assistance and training, school programs, and publicity and demonstrations. The following audiences should be targeted: city governments, commercial and institutional sectors, schoolchildren, households, and media.

C. Market support. The executive shall submit to the council an expanded procurement policy directed toward stimulating demand for and use of recyclable materials recovered from solid waste. Other municipalities and the private sector should be encouraged to adopt procurement policies that favor recycled and recyclable materials. In addition, the division shall assist the private sector in identifying receivers for recyclables for which markets do not exist but which are under development.

D. Marketing council. King County will support state legislation to develop a marketing council comprised of government officials, business representatives, recyclers, and others, to promote research and development of new uses for recycled materials, match recyclers with persons interested in

purchasing their end-product, and keep apprised of the latest developments in recycling markets. The executive shall develop a local marketing council if the state does not create such an entity.

E. Monitoring. The executive shall establish an annual monitoring program to measure waste reduction and recycling levels and to provide information on where improvements can be made. The program should evaluate four sets of information: the quantity and composition of the waste stream as generated, the sources of waste by waste stream component, the quantities and types of materials being recycled, the quantities and types of waste being disposed, and the amount of recycling that is occurring in different sectors of the economy. (Ord. 8771 § 4, 1988).

10.22.050 State Legislation. It is county policy to seek legislation, in addition to that referenced in Section 10.22.040D. of this chapter, which will accomplish the following:

A. Authorize the county to establish the minimum level of recycling and mixed waste collection services to be provided in unincorporated areas of the county and in any incorporated areas for which the county has solid waste planning authority or in which the city or town is not providing or contracting for solid waste collection services.

B. Discourage waste generation and encourage the use of recycled materials, including establishment of disincentives for unnecessary packaging, incentives to encourage the production and use of recycled materials, and packaging standards and labeling requirements to guide the development of packaging and to inform consumers about the impacts of their product choices.

C. Strengthen the state's involvement in implementing its waste reduction and recycling priorities by the establishment of reporting or licensing requirements for entities that collect or process recyclables and also by monitoring per capita waste generation rates.

D. Development of minimum requirements for new construction to provide waste reduction and recycling opportunities. (Ord. 8771 § 5, 1988).

10.22.060 Vendors. The executive shall use the following procedures to select the vendors referenced in Sections 10.22.030 F. and G. of this chapter.

A. Mixed waste processing. The vendor to provide mixed waste processing shall be selected through an RFQ/RFP and the plant shall be coordinated with the county transfer system. The project RFQ shall include criteria to establish demonstrated vendor performance, guaranteed level of waste reduction, costs comparable to other disposal alternatives authorized in the CSWMP, and marketable by-products from the process.

B. Out of county landfilling. The out of county landfilling alternative which is designated must be selected through an RFQ/RFP process using the following criteria:

1. Landfill operations and transportation system must meet all applicable environmental standards.

2. There are assurances of host community receptivity.

3. There is assurance of long-term waste stream diversion from Cedar Hills Landfill (i.e., a minimum volume guaranteed for 10-20 years), including guaranteed backup.

4. There are adequate assurances of vendor financial and legal capability to indemnify the county from risks of liability for out of county operations.

5. There are penalties for non-performance by the vendor.

6. The life cycle cost of the proposal is financially competitive in comparison to other disposal options. Cost considerations include:

a. Direct and indirect costs of both the proposal and any additional King County operating and/or capital costs; and

b. Effect of proposal on the following system costs:

- (1) Annual landfill reserve fund contributions.
- (2) Cedar Hills new area development costs.
- (3) Effect on E/RR reserve fund.

7. The proposal is feasible in terms of its impact on the county transfer system and other county operations. (Ord. 8771 § 6, 1988).

**Chapter 10.24
SOLID WASTE MANAGEMENT PLAN**

Sections:

- 10.24.020 Responsibilities.
- 10.24.030 Plan contents.
- 10.24.040 Hazardous Waste Management Plan.
- 10.24.050 Solid Waste Management Plan Adoption.

10.24.020 Responsibilities. A. The division shall prepare the plan and submit it to the council of King County on or before March 1, 1989, for adoption.

B. The division shall maintain the plan in a current condition and shall propose necessary plan revisions to the council at least once every three years.

C. The King County Solid Waste Advisory Committee shall review and comment upon the proposed plan prior to its submittal to the council for adoption.

D. The designated interlocal forum shall have the following responsibilities:

1. Advise the King County council and executive and other jurisdictions as appropriate on all policy aspects of solid waste management and planning. Consult with and advise the King County solid waste division on technical issues.

2. Review and comment on alternatives and recommendations for the county comprehensive solid waste management plan and facilitate approval of plan by each jurisdiction.

3. Review proposed interlocal agreements between King County and cities for planning, recycling, and waste stream control.

4. Review disposal rate proposals.

5. Review status reports on waste stream reduction, recycling, energy/resource recovery, and solid waste operations with interjurisdictional impact.

6. Promote information exchange and interaction between waste generators, local governments with collection authority, recyclers, and county planned and operated disposal system.

7. Provide coordination opportunities between King County solid waste division, local governments, private operators and recyclers.

8. Aid cities in recognizing municipal solid waste responsibilities, including collection and recycling, and effectively carrying out those responsibilities.

E. The council shall hold a public hearing on the draft plan and another public hearing on the final plan prior to adoption of the plan. Any city using county disposal sites shall be notified of these public hearings and shall be requested to comment on the plan.

F. Until adoption of the plan by ordinance of King County, the 1982 Comprehensive Solid Waste Management Plan prepared by the Puget Sound Council of Governments shall be used as the solid waste management plan for King County.

G. Beginning in 1989, the division shall submit to the council by September 1 of each year an annual report of its progress toward objectives identified in the plan.

H. Interlocal agreements between the county and cities wishing to plan jointly with the county or to authorize the county to plan for it shall identify which party is responsible for city solid waste operational plans, tonnage forecasts, and recycling goals. (Ord. 8771 § 8, 1988: Ord. 8365 § 2, 1987: Ord. 8098 § 2, 1987: Ord. 7737 § 2, 1986).

10.24.030 Plan contents. The plan shall include the following: A. Goals for solid waste management in King County, including a goal to achieve maximum feasible reduction of solid waste going to landfills and other processing facilities, conservation of energy and natural resources, and environmental protection. The plan shall include measurable objectives for achieving this goal, including but not limited to the following:

1. Annual tonnage projections;
2. Five, ten and twenty year plans for waste reduction through recycling and waste reduction incentives, packaging changes, source separation, and waste processing alternatives, and other methods deemed effective by the division; and
3. Analysis of alternative waste reduction and disposal methods showing the impact of each on landfill capacity, energy consumption, natural resource consumption, and environmental quality.

B. A detailed inventory and description of all existing solid waste handling facilities including an inventory of any deficiencies, including operating efficiencies and public service needs, in meeting current solid waste handling needs.

C. The estimated long-range needs for solid waste handling facilities projected twenty years into the future.

D. A program for the orderly development of solid waste handling facilities in a manner consistent with the plans for the entire county which shall:

1. Meet the minimum functional standards for solid waste handling adopted by the State of Washington Department of Ecology and all laws and regulations relating to air and water pollution, fire prevention, flood control, and protection of public health;
2. Take into account the comprehensive land use plan of each jurisdiction;
3. Contain a six year construction and capital acquisition program for solid waste handling facilities; and
4. Contain a plan for financing both capital costs and operational expenditures of the proposed solid waste management system.

E. A program for surveillance and control.

F. A current inventory and description of solid waste collection needs and operations within each respective jurisdiction which shall include:

1. Any franchise for solid waste collection granted by the utilities and transportation commission in the respective jurisdictions including the name of the holder of the franchise and the address of his place of business, the area covered by his operation and rates charged in comparison to disposal costs;
2. Any city solid waste operational plan, including boundaries and identification of responsibilities;
3. The population density of each area serviced by a city operation or by a franchised operation within the respective jurisdictions;
4. The projected solid waste collection needs for the respective jurisdictions for the next six years;
5. Analysis of operating economics, travel distances and economically optimal locations of disposal sites;

G. A review of potential areas that meet the (siting) criteria as outlined in RCW 70.95.165.

H. Any other requirements prescribed by the State of Washington.

I. Any other analysis which will be useful to fulfilling the goals set forth in the plan. (Ord. 7737 § 3, 1986).