

WUTC DOCKET: TG-181023

EXHIBIT: DS-20X

ADMIT  W/D  REJECT 

## Chapter 9.48 RESIDENTIAL RECYCLING COLLECTION\*

\* **Editor's Note:** Prior ordinance history: This chapter was amended in its entirety by Ord. 272 (2002). The chapter was originally adopted by Ord. 157 (1993), as amended by Ord. 157A (1993).

This chapter was formerly designated "Service Levels and Rate Structures for Solid Waste and Recycling Collection." The title was amended by Section 2 of Ord. 272 (2002), and again amended by Section 2 of Ord. 379 (2007).

Sections:

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- 9.48.100 (Repealed).**
- 9.48.110 County notification to solid waste company.**
- 9.48.120 (Repealed).**
- 9.48.130 Effective date.**

### 9.48.010 Purpose.

Policies expressed in the Kitsap County comprehensive solid waste management plan make recycling the preferred method of handling solid waste. This chapter specifies the minimum level of curbside recycling and compostable organics collection service for residential customers.

(Ord. 453 (2010) § 1, 2010: Ord. 379 (2007) § 3, 2007: Ord. 272 (2002) § 3, 2002)

### 9.48.020 Definitions.

These terms mean the following:

1. "Cart" means a wheeled and lidded collection container of thirty-five, sixty-four, or ninety-six-gallon capacity.
2. "Compostable organics," as designated by the current Kitsap County comprehensive solid waste management plan, means food waste, yard waste, and compostable paper commonly found in residential garbage that are best managed by composting at a compost facility.
3. "Compost facility" means any facility that is permitted to accept type 3 feedstock as defined in WAC [173-350-100](#).
4. "Compostable paper," a component of compostable organics, means paper products commonly found in residential garbage, including, but not limited to, food-soiled paper products such as napkins, paper towels,

paper plates, and pizza boxes, as well as non-food-soiled paper products such as shredded paper and egg cartons.

5. "County" means Kitsap County.
6. "Curbside recycling" means the collection of food packaging, product packaging, and paper products designated in the current Kitsap County comprehensive solid waste management plan and commonly found in residential garbage that are best managed by returning them to a remanufacturing cycle.
7. "Division" means the solid waste division of Kitsap County department of public works.
8. "Food waste," a component of compostable organics, means food and plate scrapings commonly found in residential garbage, including, but not limited to, meat, fish, bones, dairy products, vegetables, grains, beans, fruit, coffee grounds, coffee filters, tea bags, and eggshells.
9. "Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling (WAC [173-350-100](#)).
10. "Multifamily customer" means the manager or owner of a multifamily residence.
11. "Multifamily residence" means any structure housing two or more dwelling units (WAC [480-70-041](#)).
12. "Recyclable materials" means materials designated in the current Kitsap County comprehensive solid waste management plan that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose (WAC [480-70-041](#)).
13. "Single-family customer" means a person or family living in a residential unit designed exclusively for occupancy of one family living independently.
14. "Solid waste" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, refuse, swill, ashes, industrial wastes, sewage sludge, demolition and construction wastes, abandoned vehicles or parts of abandoned vehicles, and source-separated recyclable materials collected from single- and multifamily residences (WAC [480-70-041](#)).
15. "Solid waste company" means every common carrier, including a contract carrier, who provides solid waste collection service as authorized by the Washington Utilities and Transportation Commission (WAC [480-70-041](#)).
16. "Yard waste," a component of compostable organics, means plant material commonly generated in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden waste, holiday trees, and tree prunings four inches or less in diameter.
17. "WUTC" means the Washington Utilities and Transportation Commission.

(Ord. 453 (2010) § 2, 2010: Ord. 379 (2007) § 4, 2007: Ord. 272 (2002) § 4, 2002)

#### **9.48.030 Residential curbside recycling and compostable organics collection boundaries.**

1. Curbside Recycling. Curbside recycling service will be available to all single-family and multifamily customers in unincorporated Kitsap County.
2. Compostable Organics. Boundaries for the purpose of establishing minimum levels of curbside collection of compostable organics from single-family and multifamily customers are designated in Exhibit A attached to the ordinance codified in this chapter, incorporated herein by this reference. Said Exhibit A and a map showing the boundaries are on file and available for public inspection in the offices of the Kitsap County board of county commissioners and the division.

(Ord. 453 (2010) § 3, 2010: Ord. 379 (2007) § 5, 2007: Ord. 272 (2002) § 5, 2002)

**9.48.040 Minimum levels of curbside recycling and compostable organics collection service.**

The minimum levels of service and the Washington Utilities and Transportation Commission (WUTC) regulation of the solid waste company, pursuant to Chapter [81.77 RCW](#), will continue from the effective date of the ordinance codified in this chapter as codified in Section [9.48.130](#) unless terminated by the county as specified in Section [9.48.110](#). The minimum level of curbside recycling and compostable organics collection service to be provided by the solid waste company in unincorporated Kitsap County must include the following:

(1) Single-Family Curbside Recycling.

(A) Single-family customers receiving curbside garbage collection service will receive and be billed for curbside recycling service.

Senior citizens and disabled persons that are approved by the Kitsap County assessor for property tax exemption are eligible for exemption from participation in the curbside recycling program. These citizens must apply to the division to qualify for this exemption. The division must notify the solid waste company of the names and addresses of the citizens that qualify for this exemption. These citizens will not receive curbside recycling service and will not be billed for the service.

(B) Single-family customers not receiving curbside garbage collection service may contact the solid waste company to receive and be billed for curbside recycling service.

(C) Recyclable Material Collected. The following recyclable material will be collected from single-family customers as specified herein. Material will be commingled in each collection container.

- (i) Glass food and beverage containers;
- (ii) Tin-coated steel cans;
- (iii) Aluminum cans;
- (iv) Newspaper, including glossy advertisements and inserts that are delivered with the newspaper;
- (v) Mixed paper, including mail, magazines, catalogs, phone books, paperback books, computer paper, white and colored ledger, file folders, file cards, and chipboard;
- (vi) Paper food containers, including paper bags, dry food boxes, frozen food boxes, and milk cartons;
- (vii) Corrugated cardboard;
- (viii) Plastic containers including bottles, jugs, jars, and dairy tubs.

(D) Collection Schedule. The recyclable material listed in subsection (1)(C) of this section must be collected every other week. Recyclable material will be collected on the same day of the week as garbage collection.

(E) Collection Containers. The solid waste company shall provide a minimum of one sixty-four-gallon cart to each single-family customer. One thirty-five-gallon cart may be provided instead of a sixty-four-gallon cart at the customer's request. Single-family customers that generate more than sixty-four gallons of recyclable material between collections have the following options:

- (i) Request additional thirty-five-gallon or sixty-four-gallon carts from the solid waste company.
- (ii) Haul extra recyclable material to the nearest county-owned recycling facility. There will be no additional charge for using the recycling facility.

(2) Multifamily Curbside Recycling.

- (A) Multifamily customers receiving curbside garbage collection service will receive and be billed for curbside recycling service.
- (B) Recyclable Material Collected. All of the recyclable material listed in subsection (1)(C) of this section will be collected from multifamily customers as specified herein. Material will be commingled in each collection container.
- (C) Collection Schedule. The recyclable material listed in subsection (1)(C) of this section must be collected every other week.
- (D) Collection Containers. Carts with a ninety-six-gallon capacity must be placed at each garbage collection location where space for multiple carts and access for recycling trucks is available. The solid waste company in consultation with the division will determine the correct number of recycling carts for each multifamily customer.
- (3) Optional Curbside Compostable Organics Collection.
- (A) Curbside compostable organics collection service will be available to all single-family and multifamily customers within the curbside collection boundaries designated in Exhibit A.
- (B) Single-family and multifamily customers will receive and be billed for curbside compostable organics collection only if they request this service.
- (C) Material Collected. The following material will be collected as specified herein:
- (i) Single-family: Yard waste, food waste, and compostable paper.
    - (a) Yard waste commonly generated in the course of maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities, including, but not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden waste, holiday trees, and tree prunings four inches or less in diameter and four feet or less in length.
    - (b) Food waste and plate scrapings commonly found in residential garbage, including, but not limited to, meat, fish, bones, dairy products, vegetables, grains, beans, fruit, coffee grounds, coffee filters, tea bags, and eggshells.
    - (c) Compostable paper products commonly found in residential garbage that are best managed by composting, including, but not limited to, food-soiled paper products such as napkins, paper towels, paper plates, and pizza boxes; and non-food-soiled paper products such as shredded paper and egg cartons.
  - (ii) Multifamily: Yard waste and shredded paper.
- (D) Collection Schedule. Compostable organics will be collected every other week on the same day as garbage collection service, unless the solid waste company can demonstrate to the division that an alternate collection schedule will provide increased collection route density.
- (E) Collection Containers. The solid waste company will provide the number of ninety-six-gallon carts requested by the customer.
- (4) Additional Service Provisions. The following provisions apply to the collection services described in this chapter:
- (A) The style, color, and printing on collection containers will be determined by the division in consultation with the solid waste company and must be standardized throughout the county. The goal is to have

garbage, curbside recycling, and compostable organics containers that are easily distinguishable from each other.

(B) The solid waste company may refuse to collect curbside recycling and compostable organics material set out for collection if the material will be unmarketable due to contamination. If collection is refused, the solid waste company must attach information to the cart explaining why the material was not collected. The customer will have the choice to clean the recyclable and compostable material or ask the solid waste company to dispose of the material as garbage at the next scheduled pick up. The division in consultation with the solid waste company will develop this information.

(C) The solid waste company must clean up any material spilled by their employees or equipment. Failure to do so may result in a fine by the Kitsap County health district.

(D) Collection containers must comply with Kitsap County Board of Health Ordinance 2004-2, Section 300, as now or hereafter amended.

(E) The solid waste company will not dispose of curbside recycling material or compostable organics by landfilling, incineration, or other means without the written consent of the division. The division will not withhold consent unreasonably in the case of contaminated loads that are unmarketable. When consent is granted, the solid waste company must report the type of material, the nature of contamination, the weight and volume of material disposed, and date and method of disposal to the division within two business days.

(F) The division and the solid waste company will discuss the economic viability of any proposed changes to the list of recyclable or compostable material to be collected, or to the service area boundaries. Changes in service area boundaries are subject to approval of the county.

(Ord. 453 (2010) § 4, 2010: Ord. 379 (2007) § 6, 2007: Ord. 283 (2002) § 1, 2002: Ord. 272 (2002) § 6, 2002)

#### **9.48.050 Curbside recycling and compostable organics collection rates.**

The solid waste company must 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 garbage collection and recycling services pursuant to Kitsap County's comprehensive solid waste management plan and implementing ordinances.

- (1) When a solid waste company files proposed tariff changes with the WUTC, the company must include:
  - (A) A rate structure that encourages curbside recycling and compostable organics collection.
  - (B) Single-family curbside recycling rates that:
    - (i) Distribute the cost of single-family curbside recycling among all single-family garbage collection service ratepayers; and
    - (ii) Include the cost of curbside recycling only for single-family customers that do not have curbside garbage collection service, but that sign up for curbside recycling service; and
    - (iii) Provide the customer with a choice of one thirty-five-gallon or sixty-four-gallon cart for the same rate; and
    - (iv) Include a rental fee only, but no delivery fee, for additional carts.
  - (C) Multifamily curbside recycling rates that distribute the cost of multifamily curbside recycling among all multifamily garbage collection service rate payers.
  - (D) Single-family compostable organics rates that:

(i) Include the cost of curbside compostable organics collection service for single-family customers within the curbside compostable organics collection boundaries in Exhibit A that sign up for curbside compostable organics collection service; and

(ii) Include the provision, repair, and replacement of ninety-six-gallon carts to yard waste customers without an initial delivery fee. If service is cancelled and started up at a later date within a calendar year by the same customer, the solid waste company may charge a redelivery fee. The solid waste company shall not charge a rental fee for carts; and

(iii) Charge a reduced rate, based on the WUTC cost of service model, for additional ninety-six-gallon carts or extra yard waste placed at the curb in a rigid thirty-two-gallon can marked "yard waste," a kraft bag, or bundle.

(E) Multifamily yard waste and shredded paper rates that include the cost of curbside yard waste and shredded paper collection service for multifamily customers within the curbside compostable organics collection boundaries in Exhibit A that sign up for curbside compostable organics collection service.

(F) The provision of a cart to a new customer and replacement of damaged carts to curbside recycling and compostable organics collection customers without a delivery fee.

(2) A customer's bill must show as separate line items all charges or credits billed to the customer. These may include garbage collection, curbside recycling, compostable organics collection, and a recycling commodity adjustment as provided for in WAC [480-70-351](#) and [480-70-396](#).

(3) The rate structure must be based on the use of the least expensive material recovery and compost facilities for processing all curbside recycling and compostable organics. The cost of transportation and material rebate must be included in the determination of the least expensive alternative. Only facilities that have obtained all applicable local, state, and/or federal permits, and which are in compliance with these permits, will be used. The solid waste company must provide a written report to the division that justifies the use of material recovery and compost facilities based on these criteria no later than October 1st each year.

(4) Missed Collections. If the collection of curbside recycling or compostable organics was missed due to a solid waste company error, the solid waste company will collect the material within two business days at no additional charge to the customer.

(Ord. 453 (2010) § 5, 2010: Ord. 379 (2007) § 7, 2007: Ord. 272 (2002) § 7, 2002)

#### **9.48.060 County notification of WUTC tariff filings.**

The solid waste company must meet with the division prior to filing a tariff revision for garbage, curbside recycling, or compostable organics collection rates with the WUTC. The division will review the tariff revision before it is submitted to the WUTC. The solid waste company must notify the division, within two business days, of scheduled times and dates of any open meetings or public hearings before the WUTC for proposals that might have an effect on customers that reside in Kitsap County.

(Ord. 453 (2010) § 6, 2010: Ord. 379 (2007) § 8, 2007: Ord. 272 (2002) § 8, 2002)

#### **9.48.070 Program promotion and education requirements.**

(1) The division will prepare and publish materials that encourage the use of curbside recycling, compostable organics and garbage collection services. The division may direct the solid waste company to distribute printed material to customers.

(2) The division will take the lead for contacting multifamily customers and promoting available recycling services. The solid waste company is encouraged to assist with this work.

(3) The solid waste company must distribute educational materials prepared by the division to new customers.

(4) The solid waste company must prepare and distribute calendars of collection dates to all customers. The calendar must list the solid waste company's phone number and the WUTC's consumer affairs toll free phone number.

(5) The solid waste company will not distribute any promotional or educational materials to the customer without prior review and approval of the materials by the division.

(Ord. 453 (2010) § 7, 2010: Ord. 379 (2007) § 9, 2007: Ord. 272 (2002) § 9, 2002)

#### **9.48.080 Solid waste company's customer service responsibilities.**

The solid waste company is responsible for all aspects of customer service, including, but not limited to:

(1) Giving accurate service-related information to customers by telephone. The solid waste company must actively promote all curbside recycling, compostable organics, and garbage collection alternatives to each customer requesting service.

(2) Accepting customer complaints by phone. The solid waste company must keep a written record of the complaint. Unresolved complaints must be referred to the WUTC's consumer affairs toll free phone number or website.

(3) The solid waste company must collect garbage, curbside recycling, and compostable organics within two business days after a missed collection complaint is received and verified that the solid waste company was at fault unless the customer agrees to an acceptable alternative.

(4) Maintaining an adequately staffed telephone line for its customer base. This number must be accessible to customers for the purpose of providing program information, and accepting service comments and complaints.

(Ord. 453 (2010) § 8, 2010: Ord. 379 (2007) § 10, 2007: Ord. 272 (2002) § 10, 2002)

#### **9.48.090 Reporting requirements.**

(1) The solid waste company must submit garbage, curbside recycling, and compostable organics collection data to the division in a format determined by the division on a quarterly basis.

(2) The solid waste company must submit a customer service score based on errors per one thousand customers to the division on a quarterly basis.

(3) The solid waste company will refer each unincorporated Kitsap County customer requesting organic material collection service that lives outside the current organic material collection service boundaries to the Kitsap County solid waste division if the solid waste company is not able to provide service to the customer.

(4) As required by RCW [81.77.120](#), the county will periodically comment to the WUTC in writing concerning the county's perception of the adequacy of service being provided by the regulated solid waste company serving the unincorporated areas of the county. The county will also receive and forward to the WUTC all letters of comment on services provided by the regulated solid waste company serving unincorporated areas of the county. Any such written comments or letters will become part of the record of any rate, compliance, or any other hearing held by the WUTC on the issuance, revocation, or reissuance of a certificate provided for in RCW [81.77.040](#).

(Ord. 453 (2010) § 9, 2010: Ord. 379 (2007) § 11, 2007: Ord. 272 (2002) § 11, 2002)

#### **9.48.100 Repealed.\***

\* **Editor's Note:** Former Section [9.48.100](#), "County administrative fee," was repealed by Section 12 of Ord. 272 (2002). The section was originally adopted by Ord. 157 (1993).

#### **9.48.110 County notification to solid waste company.**

The county will exercise its authority to contract for curbside recycling and compostable organics collection from single- and multifamily customers if the services specified in this chapter are not fully implemented by the solid

waste company.

(Ord. 453 (2010) § 10, 2010: Ord. 379 (2007) § 12, 2007: Ord. 272 (2002) § 13, 2002)

**9.48.120 Repealed.\***

\* **Editor's Note:** Former Section [9.48.120](#), "Full program implementation," was repealed by Section 14 of Ord. 272 (2002). The section was originally adopted by Ord. 157 (1993).

**9.48.130 Effective date.**

The ordinance codified in this chapter shall take effect immediately. The solid waste company will implement the required changes no later than September 2010.

(Ord. 453 (2010) § 11, 2010: Ord. 379 (2007) § 13, 2007: Ord. 272 (2002) § 15, 2002)

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