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7 SUPERIOR COURT OF WASHINGTON IN AND FOR KING COUNTY

8 RABANCO LTD., a Washington corporation,

9 Plaintiff,

10 v.

11 KING COUNTY, a political subdivision of the
12 State of Washington,

13 Defendant.

The Honorable Douglass North

No. 04-2-06720-1SEA

KING COUNTY'S ANSWER TO
COMPLAINT

14 For its Answer to the Plaintiff's Complaint for Declaratory and Injunctive Relief ("Complaint"),
15 Defendant King County states as follows:

16 1. INTRODUCTION

17 1.1 King County, like cities and counties throughout the United States, operates rate-
18 based systems for managing critical public health and safety services such as wastewater and
19 solid waste. King County, through its Solid Waste Division ("Division"), provides an
20 integrated system for managing solid waste handling within King County. That system carries
21 out the mandatory requirements of State law, such as waste reduction, recycling, household
22 hazardous waste management – as well as waste transfer, transport, and disposal. A description
23 of the system (as it existed in 2001) is attached as Exhibit 1. Over the years, the County has
24 adjusted its rates to cover the cost of the services and systems it maintains. The County
25 provides its services for the benefit of the public and does not make a profit.
26

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KING COUNTY'S ANSWER TO COMPLAINT - 1

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SEATTLE, WASHINGTON 98101-3299 ♦ 206-447-4400

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4 SUPERIOR COURT CLERK
5 SEATTLE, WA

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1 1.2 Plaintiff is a wholly owned subsidiary of Allied Waste Industries, Inc. (“Allied”),
2 the second largest solid waste company in the United States. Through one of its many
3 interlocking corporate entities, the Plaintiff is a beneficiary of the County’s solid waste
4 management system. Plaintiff owns 49% of Regional Disposal Company (“RDC”). RDC is
5 one of only two contractors of the County under its multi-year contract for Construction,
6 Demolition and Land Clearing Waste Handling Services. Plaintiff, or other Allied entities,
7 operate waste collection, transport, recycling and materials recovery, and waste disposal
8 throughout the United States. Plaintiff controls approximately 40% of the solid waste collection
9 market in King County. Plaintiff challenges the County’s legislative determination regarding
10 rates for its solid waste management services, asserting issues and claims that seek to interject
11 the courts into uniquely legislative prerogatives, and in contravention of well-established law
12 deferring to municipal rate-making decisions. In this case, Plaintiff also seeks the courts’ order
13 to legislate a profit for one of its many corporate enterprises.

14 1.3 In 2003, as the County dealt with funding constraints brought on by a reduced
15 tax base and limited taxing authority, it sought to evaluate all potential revenue sources,
16 including the realization of fair rent from the County’s general (or, current expense fund) assets.
17 One such asset was the land used by the Division for the Cedar Hills Regional Landfill (“Cedar
18 Hills” or “Landfill”). As part of a larger budget and financial analysis of the Division, the
19 County sought independent appraisal information regarding the fair market rent of its real
20 property asset. Based on the result of that appraisal, the County determined to charge fair rent
21 to the Division for the use of that asset.

22 1.4 In 2003, the Division undertook a comprehensive business planning process to
23 increase efficiencies and improve business practices. The increase in the regional direct rate to
24 enable the County to fully recover costs of handling regional direct waste was only one of many
25 operational changes that the Division is making as part of the business plan. These changes
26 include reducing rural service levels, a refocusing of recycling programs, and changing

1 purchasing practices and other operating procedures. The business planning changes will result
2 in a total of approximately \$9.4 million in savings and new revenues in the Division's 2004
3 budget.

4 1.5 To accommodate potential changes in Plaintiff's needs for waste handling
5 services as a result of the regional direct rate increase, between December 2003 and March 30,
6 2004, the Division repeatedly asked Plaintiff to project its service needs following the increase.
7 Plaintiff's representatives repeatedly indicated that they would provide information on planned
8 waste deliveries by hour of the day and by facility. However, Plaintiff never provided the
9 requested information, which has made Division planning for staffing and equipment extremely
10 difficult.

11 1.6 Answer to Complaint Introduction

12 1.6.1 In answer to Section 1 of the Complaint, the County denies the same.

13 1.6.2 Answering Section 2 of the Complaint, the County admits that Division,
14 or a predecessor entity, operated the Cedar Hills Regional Landfill since the 1960s. The County
15 further admits that the County leased property occupied by Cedar Hills from the State of
16 Washington and paid rent to the State for the use of the property ("Property"). The County
17 admits that the Property was transferred from the State to the County. The County admits that
18 the Property was erroneously identified as an asset of the Division. The County denies any
19 remaining allegations in Section 2 of the Complaint.

20 1.6.3 In answer to Complaint Section 3, the County admits that the
21 construction, operation and maintenance of the Landfill is the responsibility of the Division.
22 The County denies that the Property, on which the Landfill is operated, is owned by the
23 Division. The County admits that the County, commencing in 2004, is charging fair market rent
24 for the Division's use of the Property. The County denies any remaining allegations in
25 Complaint Section 3.

1 1.6.4 In answer to Section 4 of the Complaint, the County admits that it is a
2 solid waste market participant. The County further admits that, consistent with its obligations
3 under state and federal law, it regulates certain solid waste handling practices. The County
4 admits that in its exercise of its governmental function of solid waste handling it requires self
5 haulers and private haulers to take collected solid waste to specified facilities within the County.
6 The County admits that it has maintained a disposal rate of \$82.50 per ton of municipal solid
7 waste ("MSW") disposed in the County system. The County's rate for disposal of MSW
8 includes costs for the Division's range of services, including recycling, public education,
9 comprehensive planning, waste reduction services, and other activities required under state law.
10 See Chapter 70.95 RCW. The County admits that Allied operates disposal facilities throughout
11 the United States; and, Allied's charges just for waste disposal and waste transport services,
12 may be less than \$82.50 per ton. The County admits that prior to 2004 it charged a reduced rate
13 of \$59.50 per ton to private solid waste companies as a regional direct rate for certain solid
14 waste services. The County further admits the existence of its Comprehensive Solid Waste
15 Management Plan ("CSWMP" or "Plan"). That Plan speaks for itself. The County denies any
16 remaining allegations in Section 4 of the Complaint.

17 1.6.5 Answering Complaint Section 5, the County admits that it increased the
18 regional direct rate from \$59.50 to \$69.50, effective April 1, 2004. The County denies any
19 remaining allegations in Section 5 of the Complaint.

20 1.6.6 The County denies the allegations in Section 6 of the Complaint.

21 **2. PARTIES**

22 2.1 In answer to Complaint Section 7, the County admits that Plaintiff Rabanco Ltd.
23 is a Washington corporation with its principal place of business located in the State of
24 Washington; and that it has an office located in Seattle, Washington. The County further states
25 that Allied and its affiliates collect solid waste; process waste at transfer stations; and, own
26 landfills in Oregon, Montana and Klickitat County, Washington – and throughout the United

1 States. The County is without information sufficient to respond to the allegation regarding
2 "Rabanco and its affiliates" and therefore denies the same. To answer the Complaint, where
3 there is reference to "Rabanco" or "Rabanco and its affiliates," the County recognizes that
4 Rabanco is wholly owned by Allied and that by admitting allegations regarding Rabanco, the
5 County is not admitting which of the numerous Allied entities owns and/or operates any of the
6 facilities, enterprise or contracts that may be identified in the Complaint.

7 2.2 In answer to Section 8 of the Complaint, King County states that it is a municipal
8 corporation and admits that it is a political subdivision of the State of Washington. King
9 County further admits that, through its Solid Waste Division, it operates eight transfer stations
10 and the Cedar Hills Regional Landfill. The County states that the Division owns some, but not
11 all, of the property comprising the Division transfer stations. The County further admits that it
12 is a solid waste market participant, including through its Construction Demolition and
13 Landclearing ("CDL") contract with Plaintiff. The County admits that it regulates certain solid
14 waste handling practices of Plaintiff, consistent with applicable law. The County denies any
15 remaining allegations in Section 8 of the Complaint.

16 3. JURISDICTION AND VENUE

17 Without waiving any defense to the Complaint, the County admits that King County
18 Superior Court has jurisdiction over the parties, and that venue is proper in this Court. The
19 County denies any remaining allegations in Section 9 of the Complaint.

20 4. FACTUAL ALLEGATIONS

21 4.1 In answer to Section 10 of the Complaint, the County admits the existence of
22 Chapter 36.58 RCW. That statute speaks for itself, and no answer is required to that section of
23 the Complaint. To the extent that an answer is required, the County denies the same.

24 4.2 In answer to Section 11 of the Complaint, the County admits that it has adopted
25 ordinances from time-to-time, and that ordinances of general application are currently codified
26 in King County Code ("KCC"). In addition to such other regulations in the exercise of the

1 County's public health and safety authority, the County directs the disposal of solid waste to
2 specifically designated facilities. The County admits the existence of Chapter 10.08 KCC, and
3 that Chapter and such other municipal code provisions speak for themselves. The Court may
4 take judicial notice of King County Code and ordinances. The County denies any remaining
5 allegations in Section 11 of the Complaint.

6 4.3 In further answer to Part IV of the Complaint, the County states that its authority
7 is derived from Article XI, Section 11 of the State Constitution, as well as state statute.

8 4.4 In answer to Section 12 of the Complaint, the County admits that certain King
9 County ordinances govern the disposal of solid waste from unincorporated King County and
10 that County has entered into interlocal agreements for disposal of solid waste with all cities in
11 King County except Seattle and Milton. The County further admits the City of Seattle has
12 implemented its own solid waste system and is not part of King County's system. The County
13 admits that the City of Milton, which is located in both King and Pierce Counties, has elected to
14 take part in Pierce County's solid waste system. The County denies any remaining allegations
15 in Complaint Section 12.

16 4.5 In answer to Section 13 of the Complaint, the County states that the Division
17 provides for numerous solid waste services in accordance with applicable law, including, but
18 not limited to, waste reduction, recycling, household hazardous waste disposal, pilot programs
19 for food waste, and solid waste transfer and disposal. The County also contracts for disposal of
20 construction demolition and land clearing ("CDL") waste with Plaintiff's affiliate RDC, and
21 with another private solid waste company. The County admits that part of the operations of the
22 Division include transfer stations and disposal of MSW at Cedar Hills. The County admits the
23 existence of Chapter 10.08 KCC and that the chapter speaks for itself. The County admits the
24 existence of CSWMP and that the Plan speaks for itself. The County denies that the CSWMP is
25 a law or otherwise enforceable by its own terms. The County admits that Cedar Hills is closed
26 to the general public with certain exceptions consistent with the Cedar Hills Plan of Operations

1 and applicable waste acceptance requirements. The County denies any remaining allegations in
2 Section 13 of the Complaint.

3 4.6 In answer to Section 14 of the Complaint, the County admits that it owns and
4 operates eight transfer stations. The County does not own two private transfer stations in
5 Seattle, one of which is owned and operated by Allied, and the County does not own a private
6 CDL transfer station in Renton owned by Allied. The County states further that Allied operates
7 private transfer stations throughout the United States.

8 4.7 In answer to Section 15 of the Complaint, the County admits that certain of
9 Plaintiff's activities in King County are regulated by the Washington Utilities and
10 Transportation Commission ("WUTC"). The County further admits that Plaintiff, or one of
11 Allied's affiliates, has contracts with the stated cities in the County. The County denies any
12 remaining allegations in Section 15 of the Complaint.

13 4.8 In answer to Section 16 of the Complaint, the County admits that Plaintiff, like
14 other businesses, must comply with regulatory standards, including noise control ordinances.
15 The County further admits that many of Plaintiff's contracts with cities limit hours of collection.
16 The County is without sufficient knowledge to answer Plaintiff's Complaint with respect to
17 each and every contract that Plaintiff may have with its customers, and therefore denies those
18 allegations in Section 16 relating to such contracts. The County admits the provisions of
19 Plaintiff's contract with the City of Bellevue. The County denies any remaining allegations in
20 Section 16 of the Complaint.

21 4.9 In answer to Section 17 of the Complaint, the County is without sufficient
22 information regarding the ownership and operation of Allied's transfer station at Third Avenue
23 South and Lander Street in South Seattle, and therefore denies the allegations therein. The
24 County admits the existence of the City of Seattle tax on MSW handling within Seattle. The
25 County denies any remaining allegations in Section 17 of the Complaint.
26

1 4.10 Answering Section 18 of the Complaint, the County admits that Allied's Seattle
2 transfer station delivered to King County approximately 123,000 tons of MSW in 2003; 125,000
3 tons of MSW in 2002; 65,000 tons of MSW in 2001; 38,000 tons of MSW in 2000 from King
4 County, excluding Seattle. The County denies any remaining allegations in Complaint
5 Section 18.

6 4.11 In answer to Section 19 of the Complaint, the County is without sufficient
7 information to form a belief as to the truth of the allegations therein and must therefore deny the
8 same.

9 4.12 In answer to Section 20 of the Complaint, the County admits that it has adopted
10 its CSWMP consistent with Chapter 70.95 RCW.

11 4.13 The County admits the existence of the 2001 CSWMP, and that such Plan speaks
12 for itself. The County further admits that Exhibit D is an incomplete excerpt from that Plan.
13 The County denies that the referenced excerpt from the Plan fully addresses the costs of County
14 in managing and disposing of MSW from private transfer stations. The County denies any
15 remaining allegations in Section 21 of the Complaint.

16 4.14 In answer to Section 22 of the Complaint, the County admits that it has
17 recognized the private transfer stations as a part of the system for solid waste handling in King
18 County. The County further admits the location of the Allied transfer station in Seattle. The
19 County denies the claim of congestion at its transfer stations, and states affirmatively that
20 Plaintiff's collection vehicles bypass convenient and available County transfer stations in order
21 to use Plaintiff's transfer station. The County is without information sufficient to form a belief
22 as to the truth of the remaining allegations in Section 22 of the Complaint and therefore denies
23 the same.

24 4.15 In answer to Section 23 of the Complaint, the County admits that it charges
25 different rates for various solid waste handling services. One rate, the basic rate, is \$82.50 per
26 ton, which generally applies to waste handled at County transfer stations that is disposed at

1 Cedar Hills. Another rate, the regional direct rate, is \$69.50 for MSW disposal at Cedar Hills.
2 The County denies any remaining allegations in Complaint Section 23.

3 4.16 In answer to Section 24 of the Complaint, the County admits that the basic rate
4 (or tipping fee) is \$82.50 per ton of MSW. The County basic rate is not limited to waste
5 received at County transfer stations, and the County denies the remaining allegations in
6 Section 24 of the Complaint.

7 4.17 In answer to Section 25 of the Complaint, the County admits that the WUTC
8 regulates certain solid waste collection rates in King County through its approval of tariffs filed
9 by private solid waste companies. The County denies any remaining allegations in Section 25
10 of the Complaint.

11 4.18 In answer to Section 26 of the Complaint, the County admits the existence of the
12 document referenced in Exhibit E to the Complaint. The County denies any remaining
13 allegations in Section 26 of the Complaint.

14 4.19 Answering Complaint Section 27, the County admits that of the \$82.50 basic rate
15 per ton of MSW: disposal costs, approximately \$26 per ton; transfer and transport costs,
16 approximately \$13.00 per ton; and, the balance is for other programs and services, consistent
17 with applicable law, including but not limited to waste reduction, recycling, comprehensive
18 planning, environmental remediation, transfer costs for self-haul and rural customers, and other
19 solid waste handling services necessary to protect public health and safety. The County denies
20 any remaining allegations in Complaint Section 27.

21 4.20 In answer to Section 28 of the Complaint, the County states that the cost for rail
22 transport and disposal of Snohomish County MSW to Allied's system, including disposal at its
23 Klickitat County landfill, was \$43.89 per ton in January 2003. The transport and disposal
24 charges reflected in the rates that are referenced in Section 28 of the Complaint do not include
25 such services that King County includes within its basic and regional direct rates, such as waste
26 transfer, waste reduction, recycling, comprehensive planning and other services. The County is

1 without information sufficient to form a belief as to the truth of the allegations regarding the
2 rates charged by Allied's various solid waste disposal facilities for its various contracts and
3 therefore denies the remainder of Section 28 of the Complaint.

4 4.21 In answer to Section 29 of the Complaint, the County admits that the regional
5 direct rate, effective April 1, 2004, is \$69.50 per ton, increased from the rate of \$59.50 per ton
6 in order to cover the County's costs of providing service. The County admits that \$59.50
7 regional direct rate has been in existence since 1999 and that the County had evaluated raising
8 the rate for several years. The County admits that the regional direct rate is the rate that King
9 County charges certain private haulers, including Plaintiff, who bypass the County-owned
10 transfers stations and use their own private transfer stations to process and consolidate waste
11 before transport of MSW directly to Cedar Hills for final disposal. The County admits the
12 existence of the CSWMP, and that the Plan speaks for itself. The County denies any remaining
13 allegations in Section 29 of the Complaint.

14 4.22 In answer to Section 30 of the Complaint, the County admits that Cedar Hills is
15 the only open and operating MSW landfill in King County. The County admits the existence of
16 the County's website, but states that the Property on which Cedar Hills operates is owned by
17 King County and not by the Division. The County further states that the website information
18 referenced in Section 30 is outdated. The County denies any remaining allegations in
19 Complaint Section 30.

20 4.23 Answering Section 31 of the Complaint, the County admits the size of the
21 Property is approximately 920 acres, with approximately 406 acres available for Landfill and
22 support functions. The County states that certain of the Property on which the Landfill operates
23 was used as an alcoholism treatment facility until 2003 and has also been used for other
24 purposes. For example, the Property hosts private utility facilities, the rent for which has been
25 paid to the general fund for many years. The County denies any remaining allegations in
26 Complaint Section 31.

1 4.24 In answer to Section 32 of the Complaint, the County admits that the currently
2 projected capacity for MSW disposal at Cedar Hills is for approximately nine (9) more years.
3 The County further admits that upon closure, federal, state and local regulations require a 30-
4 year monitoring period of the Landfill, the Property, and surrounding areas. The County denies
5 any remaining allegations in Complaint Section 32.

6 4.25 In answer to Section 33 of the Complaint, the County admits the State's lease of
7 the Property to the County. The County denies any remaining allegations in Complaint
8 Section 33.

9 4.26 In answer to Section 34 of the Complaint, the County admits rent payments to
10 the State from the County. The County denies any remaining allegations in Complaint
11 Section 34.

12 4.27 In answer to Section 35 of the Complaint, the County admits RCW 79.22.120.
13 The statute speaks for itself and no further answer is required. To the extent an answer is
14 required, Section 35 is denied.

15 4.28 In answer to Section 36 of the Complaint, the County admits that the Property
16 was transferred by the State to the County. The County denies any remaining allegations in
17 Complaint Section 36.

18 4.29 In answer to Section 37 of the Complaint, the County admits that it erroneously
19 identified the Property as an asset of the Solid Waste Division, rather than the County's general
20 (or, current expense) fund. The County states that this error was rectified in 2003 as part of an
21 overall review of County assets. The County admits the existence of the document at Exhibit H
22 to the Complaint. The County admits that the Division continues to operate the Cedar Hills
23 Regional Landfill. The County denies any remaining allegations in Complaint Section 37.

24 4.30 In answer to Section 38 of the Complaint, the County states that there is no
25 "solid waste enterprise fund." The County states that it has six funds that are maintained for the
26 use of the Division, and that those funds have been collectively referred to in certain County

1 documents as a "solid waste enterprise fund." The County states that disposal rates and other
2 fees and charges are the primary source of revenue for the Division, and for the funds of the
3 Division. The County further states that certain of its capital assets are funded through the
4 issuance of County general obligation bonds. The Division pays, to the County, principal and
5 interest related to the money provided to the Division through the general obligation bonds
6 issued by the County. The County denies any remaining allegations in Complaint Section 38.

7 4.31 In answer to Section 39, the County states that the Division pays rent, charges
8 and other expenses for solid waste-related purposes. The County denies remaining allegations
9 in Section 39 of the Complaint.

10 4.32 Complaint Section 40 states a legal conclusion to which an answer is not
11 required. To the extent necessary, the County denies Section 40 of the Complaint.

12 4.33 In answer to Section 41 of the Complaint, the County states that, following its
13 determination that the Division was not paying fair market rent for the use of the Property, an
14 independent appraisal was commissioned to determine the appropriate rent that the Division
15 should pay to the County. Similar to the manner in which the County charges its various
16 departments and divisions for the general fund support of their activities, the County has
17 imposed (in the County budget) rent on the Division, and payment of that rent obligation
18 commenced in 2004. The County further admits the existence of the letter attached to the
19 Complaint at Exhibit I. The County denies any remaining allegations in Complaint Section 41.

20 4.34 In answer to Section 42 of the Complaint, the County states that its property
21 holdings have been and remain subject to review. The County admits the existence of Exhibit J
22 to the Complaint. The County states that the Property is an asset of the County, and not of the
23 Division, and that consideration for the payment of rent was the Division's beneficial use of the
24 property. Any remaining allegations in Complaint Section 42 are denied.

25 4.35 In answer to Section 43 of the Complaint, the County states that it based its
26 annual rent charge to the Division on an appraisal prepared by an independent, Washington-

1 certified appraiser. The County further admits that it did not pay money as consideration for the
2 State's transfer of the property to the County. Consideration for the transfer included the
3 assumption of liability concerning the Property. The County admits that rent payments were
4 made to the State prior to the transfer of the Property to the County. The County denies any
5 remaining allegations in Complaint Section 43.

6 4.36 In answer to Section 44 of the Complaint, the County admits the existence of
7 Exhibit L to the Complaint. The County further admits that the determination to charge rent to
8 the Division for its use of the County's general fund Property arose out of an overall County
9 effort to put current expense fund assets to their most productive use to address general fund
10 budget issues, including the provision of general fund services, e.g., police, courts, parks,
11 elections, as well as human service programs. The County denies any remaining allegations in
12 Complaint Section 44.

13 4.37 The County denies Section 45 of the Complaint.

14 4.38 In answer to Section 46 of the Complaint, the County admits that part of the
15 Solid Waste Division's 2004 budget reflects the regional direct rate increase from \$59.50 to
16 \$69.50 per ton. In further answer, the County states that additional savings were realized from
17 layoffs, reduction in hours of operation at County facilities and other efficiencies and that the
18 savings and new revenues pay for a variety of Division capital and operating costs, as well as
19 enabling the Division to defer an increase in the \$82.50 per ton basic rate for an additional two
20 years. The County admits the existence of the document at Exhibit M. The County denies any
21 remaining allegations in Complaint Section 46.

22 4.39 In answer to Section 47 of the Complaint, the County admits Ordinance 14811
23 and that such Ordinance speaks for itself. The County further admits the existence of Exhibit N
24 to the Complaint. The County admits Chapter 10.12 KCC, a part of which is incorporated as
25 Exhibit O to the Complaint. The County denies any remaining allegations in Complaint
26 Section 47.

1 4.40 The County admits Section 48 of the Complaint.

2 4.41 In answer to Section 49 of the Complaint, the County states that the regional
3 direct rate was increased from \$59.50 to \$69.50 to recognize the marginal costs of the County's
4 management of that waste stream. The County addressed a rate that had remained unchanged
5 since 1999 to recover its costs; provide fairness to its rate structure; and, reduce the subsidy that
6 the County had been providing through the regional direct rate. The County was made aware of
7 and considered the claims of certain solid waste handling companies regarding the Seattle tax.
8 Additionally, the County asked for information from Plaintiff. See Complaint Exhibit T. The
9 Plaintiff's did not provide information or seek further negotiations with County. The County
10 denies any remaining allegations in Complaint Section 49.

11 4.42 In Section 50 of the Complaint, the Plaintiff is mixing apples and oranges. The
12 County disposal rates (both basic and regional direct rate) are to provide funding for a broad
13 range of the Division's solid waste related services – many of which are mandated by State law.
14 The basic and regional direct rate, in addition to rates charged the public at transfer stations for
15 other services, fund a range of services beyond transport and disposal of MSW. The County
16 denies any remaining allegations in Complaint Section 50.

17 4.43 In answer to Section 51 of the Complaint, the County admits that, as part of the
18 County's ongoing communications with solid waste handling companies, the County sent the
19 letter at Exhibit Q to the Complaint. That document speaks for itself, and the County denies any
20 remaining allegations in Complaint Section 51.

21 4.44 In answer to Section 52 of the Complaint, the County admits the existence of the
22 letter at Exhibit R of the Complaint. That letter speaks for itself, and the County denies any
23 remaining allegations in Complaint Section 52.

24 4.45 In answer to Section 53 of the Complaint, the County admits the existence of the
25 letter attached as Exhibit S to the Complaint. That letter speaks for itself. The County is
26 without information and belief as to why Plaintiff requested the County to keep all of its

1 transfer stations open nearly 24 hours a day, 7 days a week, when Plaintiff operated only one
2 transfer station during such hours. The County denies any remaining allegations in Complaint
3 Section 53.

4 4.46 In answer to Section 54 of the Complaint, the County admits the existence of the
5 letter attached as Exhibit T to the Complaint, in which the County sought information to
6 accommodate Plaintiff's needs. That letter speaks for itself, and any further allegations in
7 Complaint Section 54 are denied.

8 4.47 In answer to Section 55 of the Complaint, the County admits the existence of the
9 letter attached to the Complaint as Exhibit U. That letter speaks for itself, and County denies
10 any remaining allegations in Complaint Section 55.

11 4.48 In answer to Section 56 of the Complaint, the County admits that as a result of
12 the lack of response by Plaintiff to the County's request for information regarding Plaintiff's
13 anticipated needs for County waste facilities, the County sent the letter attached as Exhibit V to
14 the Complaint. That letter speaks for itself. The County denies any remaining allegations in
15 Complaint Section 56.

16 4.49 The County denies Section 57 of the Complaint.

17 4.50 In answer to Section 58 of the Complaint, the County states that it requested, but
18 did not receive, information from Plaintiff regarding potential changes that Plaintiff might make
19 in its waste handling practices as a result of the regional direct rate increase. Therefore, the
20 County is without information sufficient to form a belief as to other allegations in Complaint
21 Section 58, and therefore denies the same.

22 4.51 In answer to Section 59 of the Complaint, the County states that as set forth in
23 Complaint Exhibits Q, R, T and V, the County sought information and identified a number of
24 alternatives for Plaintiff's management of solid waste disposal. The Plaintiff did not respond to
25 the County's request for information and for discussions regarding alternatives. The County
26 denies any remaining allegations in Complaint Section 59.

1 4.52 In answer to Section 60 of the Complaint, the County states that one of the
2 alternatives identified by County and offered to Plaintiff was the extension of hours of operation
3 at the County's Factoria transfer station in order to accommodate one of the largest of Plaintiff's
4 collection operations. The Factoria station is located in Bellevue, and is far closer to Plaintiff's
5 East King County operations than its Seattle facility. The County is without information
6 sufficient to form a belief regarding the allegations of Plaintiff regarding rerouting of collection
7 vehicles. For example, the County is not aware of any of the collection routes (excluding
8 Seattle, which, as acknowledged by Plaintiff, is not part of the County system) in which it is
9 closer to drive to Seattle than any of the County's transfer stations. As a result, the County
10 denies the allegations in Complaint Section 60.

11 4.53 The County denies Complaint Section 61.

12 4.54 To the extent that part, section or paragraph headings or titles (A through K) in
13 the Complaint represent allegations, the County denies the same.

14 **5. ANSWER TO PLAINTIFF'S CLAIMS FOR RELIEF**

15 5.1 In answer to Part V of the Complaint, the County realleges and incorporates by
16 reference the allegations in Answer Sections 1 through 4, above. The County denies the
17 allegations and claims for relief set forth in Complaint Sections 62 through 75.

18 5.2 In answer to Part VI of the Complaint, the County realleges and incorporates by
19 reference the allegations in Answer Sections 1 through 4, above, and denies the allegations and
20 claims set forth in Complaint Sections 76 through 87.

21 5.3 In answer to Part VII of the Complaint, the County realleges and incorporates by
22 reference the allegations in Answer Sections 1 through 4, above, and denies the allegations and
23 claims set forth in Complaint Sections 88 through 96.

24 5.4 In answer to Part VIII of the Complaint, the County realleges and incorporates
25 by reference the allegations in Answer Sections 1 through 4, above, and denies the allegations
26 and claims set forth in Complaint Sections 97 through 103.

1 5.5 In answer to Part IX of the Complaint, the County realleges and incorporates by
2 reference the allegations in Answer Sections 1 through 4, above, and denies the allegations and
3 claims set forth in Complaint Sections 104 through 116.

4 5.6 In answer to Part X of the Complaint, the County realleges and incorporates by
5 reference the allegations in Answer Sections 1 through 4, above, and denies the allegations and
6 claims set forth in Complaint Sections 117 through 124.

7 5.7 In answer to Part XI of the Complaint, the County realleges and incorporates by
8 reference the allegations in Answer Sections 1 through 4, above, and denies the allegations and
9 claims set forth in Complaint Sections 125 through 132.

10 5.8 The County denies Section 133 of the Complaint.

11 **6. AFFIRMATIVE DEFENSES**

12 6.1 Plaintiff is without standing to maintain this action, including its First, Third,
13 Fourth, Fifth and Seventh Claims for Relief.

14 6.2 The doctrine of primary jurisdiction bars this Court from consideration of
15 Plaintiff's Complaint. Alternatively, the Plaintiff has failed to exhaust available administrative
16 remedies regarding the claims in its Complaint.

17 6.3 The Plaintiff's Complaint has failed to state claims upon which relief may be
18 granted.

19 6.4 Plaintiff's claims in equity are varied by the doctrines of:

20 6.4.1 Unclean Hands;

21 6.4.2 Estoppel;

22 6.4.3 Laches;

23 6.4.4 Waiver.

24 6.5 Constitutional Privilege.

25 6.6 Failure to Mitigate Damages.

26 6.7 Immunity.

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KCSWD
Cedar Hills



KING COUNTY

**Department of Natural Resources
Solid Waste Division**

Competitiveness Project SYSTEM DESCRIPTION

prepared by:



BLACK & VEATCH
Corporation

January 25, 2001

Exhibit 1



KING COUNTY
Department of Natural Resources
Solid Waste Division

Competitiveness Project

SYSTEM DESCRIPTION

January 25, 2001

Introduction

Black & Veatch, as a consultant to the Solid Waste Division, is assisting the Division in implementing a Competitiveness Project, for the purposes of providing Division employees with a methodology and tools necessary to evaluate Division-wide performance and implement change when necessary. As part of the Competitiveness Project, Black & Veatch conducted numerous interviews and site visits to provide the consultant team with a broad understanding of the Division's organization, activities, and procedures. In addition, the consultant team reviewed numerous documents and reports prepared by the Division. The purpose of the site visits, document review and this memorandum is not to provide an audit of the Division or a list of recommendations for improvement, but rather to summarize the consultant team's understanding of the Division's system at the time of the Competitiveness Project. As the consultant team evaluates the results of the benchmarking analysis, this understanding will assist in discerning the possible reasons for any differences between the Division and other organizations.

This technical memorandum summarizes the current status of the County's waste management system, and provides a brief summary of the organization of the Solid Waste Division.

System Overview

The Solid Waste Division manages the transfer, transportation and disposal of solid waste brought to the Division's transfer stations by self-haul customers or commercial haulers providing curbside service within the County, or brought directly to Cedar Hills Landfill. The County is also responsible for regional solid waste planning and the development and implementation of numerous waste reduction and recycling programs throughout the County.

Each component of the system is described in the following sections.

Curbside Collection

The Solid Waste Division does not provide curbside collection within the County. Private contractors, with rates and fees regulated by the Washington State Utilities and Transportation Commission (WUTC), provide curbside service in unincorporated portions of the County. Some cities and towns provide curbside collection themselves, others contract directly with private companies, and still others reside within franchised areas that are regulated by the WUTC.

Transfer Operation

Commercial haulers, residential customers and businesses that have chosen not to subscribe to curbside collection services, and small businesses and residential customers with bulky or large



loads transport solid waste to County transfer facilities. The County operates eight (8) transfer stations and two (2) drop boxes, located throughout the County. Each facility is unique due to different customer bases, daily volume, and facility layout, although there are three basic “styles” of facilities:

- Transfer Station with “Pit” (Bow Lake, Enumclaw, Vashon Island – Enumclaw and Vashon Island are only facilities with compactors)
- Transfer Station without a pit – waste dropped directly into top-load trailer (Houghton, Renton, Algona, First NE, Factoria)
- Drop Boxes (Cedar Falls, Skykomish)

At all sites, commercial haulers are segregated from self-haul customers, both for safety reasons as well as to allow commercial haulers the ability to more conveniently unload. At some sites, commercial haulers use a dedicated “bay”, at other sites, commercial haulers use one side of the facility, and self-haul customers use the other side of the facility.

Only non-hazardous waste is accepted. Small amounts of construction, demolition and land clearing debris (CDL) from self-haul customers is accepted, but large loads of CDL from commercial customers is not allowed. Other special waste, including waste that contains asbestos, biomedical waste, industrial waste, contaminated soils, empty tanks and drums, oversized materials, and large quantities of food or beverages, is accepted only upon review by Division employees and a Waste Clearance is issued.

Division employees screen waste by conducting visual spot checks of waste delivered to the transfer stations to help ensure that hazardous materials are not being disposed by customers. Screening occurs on a rotating basis. Scale operators and transfer station operators (TSOs) also report any violations they may identify.

Recycling is accepted at all but one facility, Algona, and yard waste is accepted at a reduced rate at Enumclaw and Factoria transfer stations and the Cedar Falls drop box.

Each transfer station is operated by two or more TSOs. Each site also utilizes a scale house, operated by one scale house operator. A second scale house operator is assigned to sites on an as-needed basis.

All facilities are open 7 days per week, closing only on Thanksgiving day, Christmas day, and New Year’s day. Most facilities are open from 8:00 a.m. – 5:30 p.m. daily per County Charter. Cedar Falls Drop Box is open 9:00 a.m. – 6:00 p.m. daylight savings time and 8:00 a.m. – 5:00 p.m. standard time. Factoria is open from 6:15 a.m. – 11:30 p.m. weekdays, and 8:00 a.m. – 5:30 p.m. on weekends.

Facilities are geographically dispersed throughout the County, providing a high level of service to citizens. Both self-haul and commercial haulers utilize all facilities; however the mix of customers varies by facility. Transfer station locations are shown in Figure 1. Also shown are the locations of the Division’s two drop boxes and Cedar Hills Landfill.

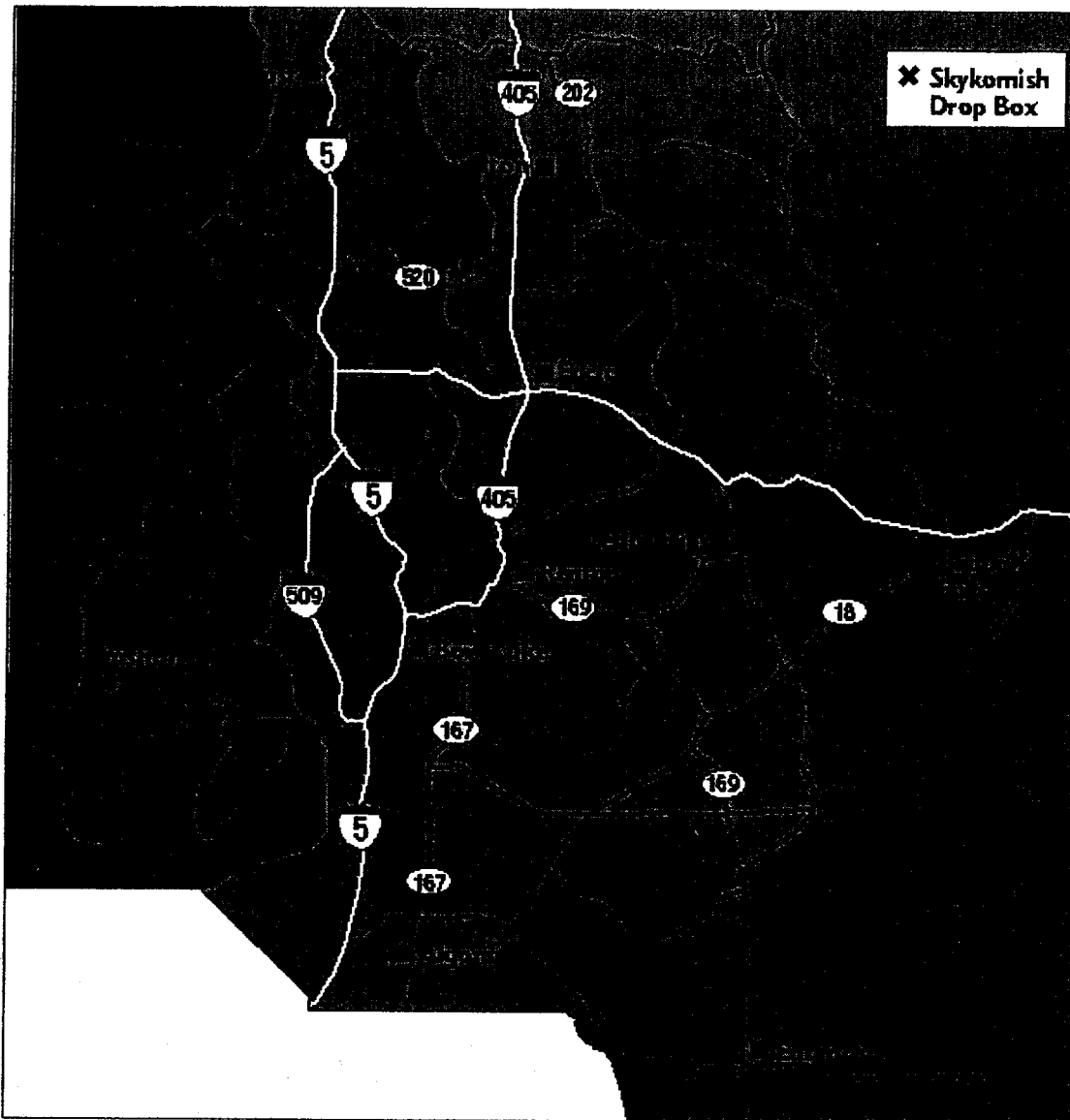


Figure 1: Transfer Station Locations

Each facility is discussed in further detail as follows:

Algona – While one of the Division’s smaller sites, Algona receives a high volume of self-haul traffic, often serve up to 400-600 customers on busy week days, and up to 725 customers on peak weekends. It is common to require a third TSO to direct traffic. It is also common to use the inbound scale for outbound customers in order to facilitate departure from the site. Space for self-haul vehicles to wait in line is minimal. In addition, empty transfer trailers are parked on the left side of the queuing line, while the facility is on the right, requiring TSOs to maneuver trailers through the queuing line in order to pull an empty trailer into position.

In 1999, the station received 91,661 tons of waste from an average of 357 customers per day, making it the fourth busiest station in terms of tons of waste received, and the second busiest station in the SWD system in terms of customers served. Algona is the only site that does not have recycling, due to the limited amount of land available for operations.



First NE – located in the northern part of the County, trucks deliver trailers via residential roads. The station is located on Thornton Creek; therefore, the SWD has implemented a water quality monitoring program for the site. In 1999, this transfer station received 56,771 tons of waste and served an average of 331 customers per day. It is the fourth busiest station in terms of customers served, but because it serves a high number of self-haul customers, it is only sixth busiest in terms of waste collection. First NE is the only site with a Goodwill box, allowing customers to drop off usable items. TSOs routinely check (walk-by) the Goodwill box to ensure that no garbage is being dumped into the box. Customers are charged the regular disposal fee for items delivered to the Goodwill box.

Renton – this station provides service to approximately 200 customers per day, and received 64,791 tons of waste in 1999. Commercial haulers do not use the station as much as other stations, due in part because the route to the station includes a steep hill that is difficult for trucks to navigate when carrying a full load of garbage. Most commercial haulers serving the area near the transfer station haul waste directly to Cedar Hills landfill. The site is adjacent to the Renton aquifer and is near a creek; therefore, monitoring is performed regularly to ensure that water quality is being maintained. As with all stations, wash water is discharged to the sanitary sewer system. At Renton, small pipes lead to frequent clogs, although routine cleaning minimizes the occurrence of such clogs and minimizes odor when cleaning takes place.

Houghton – the busiest station in the SWD system, Houghton Transfer Station received 175,295 tons of waste in 1999, and serves on average 370 customers per day. The Division currently has a safety improvement project and other rehabilitation projects underway to provide certain necessary improvements to the site. The station receives a large number of commercial haulers first thing in the morning, and receives “pods” (a type of garbage truck) in the afternoon. These trucks were designed for dumping at a landfill and generally take up to twice as long to unload at a transfer station as other types of commercial hauling vehicles. While some other sites also receive pods, the impact at Houghton is often greater due to the volume of traffic utilizing the station.. Because the volume of business at this site is so high, it is the only site where a second scale house operator is assigned on a regular basis.

Factoria – one of the oldest facilities in the County system, Factoria is planned for replacement in 2003. The station was designed for 200 tons per day (tpd) and regularly receives significantly more than that. In 1999, the Factoria Transfer Station received 157,198 tons of waste, or an average of more than 430 tpd and served an average of 325 customers per day, making it the second busiest station in the SWD system. Due to the high volume of waste received at the site, the Division extended the hours of operation at the facility, opening at 6:15 a.m. on weekdays and remaining open until 11:30 p.m. It is common for the facility to receive 140-160 tons between 6:15 a.m. and 8:00 a.m. The early opening of Factoria also helps relieve some pressure from the Houghton Transfer Station. Separated yard waste is accepted Monday through Friday from 5:30 p.m. until 11:30 p.m. only due to the need to use the space for additional garbage during the day and on weekends.

Bow Lake – Located along Interstate 5 in south King County, Bow Lake Transfer Station is one of three stations that utilizes a pit for dumping waste. This design gives the facility the ability to accept a certain amount of waste even if all trailers on site are full.. The station received 119,012 tons of waste and served an average of 335 customers per day in 1999, making it the third busiest station in the SWD system.





Department of Natural Resources
Solid Waste Division

Enumclaw – Opened in 1993, the Enumclaw station is located in south King County in an area that has historically been mostly rural. As the region's population grows, the area served by the Enumclaw transfer station is rapidly developing. The station utilizes a sizable pit, providing surge capacity, and a compactor that compacts waste prior to loading onto trailers. Compactor capacity is approximately 800 tpd for 8 hours/day, although it can handle up to 1400 tpd for short periods of time, if necessary, providing ample capacity for future growth. Enumclaw is one of three Solid Waste Division facilities that accept separated yard debris. The scale house is larger than most of those used within the County system, requiring the scale house operator to move a greater distance than at other sites. In 1999, the station received 19,858 tons of waste and served an average of 112 customers per day.

Vashon Island – opened in the summer of 1999. The Vashon Island Transfer Station accepts a wider variety of materials than other stations, due to the remote location of the station. Large volumes of construction & demolition debris and other special types of waste, such as animal carcasses, that are not accepted at other stations require a waste clearance decision in order to be disposed of at the transfer station. Waste is disposed of into one side of the pit and is not crushed or broken down by the front-loader prior to being loaded into the compacting machine (an SSI). TSOs are required to lift waste up and over a lip of the compactor receptacle using a front-loader in order to place it in the compactor. Due to the size of the front-loader and compactor receptacle, a significant portion of the TSOs time is spent handling the waste. The SSI compacts the garbage into bales that are approximately 9 feet long by 8 feet tall and 8 feet wide. Three such bales are placed in each trailer. Approximately four bales are placed each day.

Since there is no CDL facility on Vashon Island much of the garbage being brought in is construction or demolition debris, which results in an increased potential for problems with the compactor and trailers than would be expected with municipal waste only. Approximately 8,600 tons of waste per year is delivered to Vashon Island Transfer Station. An average of 60 customers per day are served.

While certain recyclable materials (newspaper, plastic, tin and aluminum cans, and glass) are accepted in bins located alongside the transfer station building, and cardboard and mixed paper are accepted via two portholes, with material dropping into separate areas on the tipping floor. While the volume of waste received at the site is relatively low in comparison to other SWD sites, the volume of recyclables is greater. The Vashon Island station is also the only station where TSOs are responsible for baling mixed paper and cardboard prior to transfer to recycling facilities. The existing baler has not worked well given the volume of cardboard and mixed paper and the design of the facility, and the Division has included funding in its 2001 budget to replace the baler. The Division has also included funding in its 2001 budget for a new waste-handling equipment such as a bobcat or backhoe; however, the specific performance specifications have not yet been finalized.

In addition to transfer stations, the Division also operates two rural drop boxes. The **Cedar Falls drop box**, located in the eastern part of the County, was originally designed for a population of approximately 500, and an average of 70 vehicles per day. In 1999, Cedar Falls drop box received an average of 52 customers per day, and had peak customer volumes of up to 140-150 customers per day. 3,657 tons of municipal waste and 182 tons of yard waste were received.

The facility includes one yard waste bin and two garbage bins. Currently, some of the containers provided by the hauling contractor are too tall for design of facility, and customers are required

to dump over the lip of the containers. The scale house operator is responsible for sweeping up around boxes, which is difficult due to the height of the bins.

Waste collected at Cedar Falls is hauled away by a private hauler that holds the Washington Utilities and Transportation Commission (WUTC) franchise for the area. Up to seven trips per day are made to the landfill. A single scale is used for both inbound and outbound traffic at the facility. The limitations of the scale result in metering usage of the site, allowing time for customers to dump garbage and get out of the way of the next customer without creating congestion inside the facility. Drop boxes fill up rapidly on summer weekends or during good weather since there is no way to compact or optimize use of the box.

The Division also operates the Skykomish drop box, an un-staffed location in the northeastern part of the County. Waste delivered to Skykomish drop box is free of charge. Most of waste is from the area directly around the drop box, including self-haul and private haulers from Skykomish and Steven's Pass, but there is an indication that a few private haulers and self-haul loads may be received from areas such as Leavenworth and Wenatchee. Waste is hauled to Cedar Hills Landfill by a private hauler under contract to the Division. In 1999, the Skykomish drop box received 933 tons of municipal waste.

Transportation

County employees are responsible for the transport of waste from County facilities to Cedar Hills Landfill and for the transport of yardwaste to a waste processing facility. Trucks are based at the Cedar Hills Landfill, and are dispatched to transfer stations from the Cedar Hills scale house. Truck drivers are assigned a particular site, and begin the day by delivering an empty trailer to the site. The empty is parked at the site, and the driver then picks up a full trailer and returns to the landfill. Drivers pull the trailers out onto the face of the landfill, and are required to empty the trailers, which have hydraulically operated walking floors to facilitate unloading. The trucks return through a truck wash, weigh out at the scale house, and return the empty trailer to the site. At the end of the day, drivers return the truck and trailer to an assigned parking spot. Drivers are not allowed to use all legal truck routes, resulting in less than optimal routes to some transfer stations. Drivers also have limited flexibility to adjust routes if traffic is a problem.

In addition to hauling the Division's transfer trailers, truck drivers are also responsible for hauling rock, bark, and other material, excluding daily cover, required for the effective management of the landfill. Because daily landfill cover is located on site and is hauled by landfill operators using belly scrapers, truck drivers are not responsible for hauling daily cover unless there is a need to bring such cover in from an off-site location. Truck drivers are also responsible for hauling leachate from sites that are not directly connected to the wastewater collection system, and haul equipment between sites, as necessary.

Disposal

The Cedar Hills Landfill is the County's only active landfill. The landfill is a large, regional state-of-the art landfill located on a 920-acre site in eastern King County. Based on current volume estimates, the landfill is expected to reach capacity in 2012. The Division monitors the life of the landfill continually, and as actual volumes vary from estimates, adjusts the estimated life of the landfill accordingly. In 1999, the Division disposed of approximately 930,000 tons of

solid waste, representing a 5 percent increase over 1998, and approximately a 14 percent increase over a five-year period (1994-1999).

The Division continually monitors options for how regional disposal will occur once the landfill closes. Current plans are to enter into a long-haul agreement with a private company once the landfill is closed. The Division re-evaluates this issue on an annual basis to ensure that the decision continues to meet Division and County policy objectives.

The Division's transfer trucks comprise the majority of traffic at the landfill; however, private haulers and other large loads are allowed. Private haulers that bring waste directly from their own transfer stations are allowed to pay the Division's "regional direct" rate, which is a reduced rate. In 1999, 214,422 tons were received under the Division's Regional Direct rate, which accounts for approximately 23% of the total waste disposed at the landfill. All others, such as local collection trucks, and large loads from commercial or industrial customers, are required to pay the regular gate rate.

Trailers are brought out directly onto the operating landfill, and truck drivers are responsible for unloading trailer. This eliminates the need for additional equipment to take the trailer out to the working face of the landfill. Waste is placed, and daily cover is placed using belly dumps, allowing the cover to be placed directly on top of the waste, rather than being placed near the site by a dump truck and spread with landfill equipment. This is possible due to the availability of daily cover at the landfill. All equipment operators are certified landfill operators.

In addition to "spot" screening of waste at transfer stations, Division employees also "spot" screen waste at Cedar Hills to ensure that hazardous waste is not disposed at the landfill. Loads are diverted on a random basis and checked for hazardous waste. In addition to mixed municipal waste, asbestos is accepted at Cedar Hills during limited hours.

Leachate is collected and transmitted to the Wastewater Treatment Division's South Treatment Plant in Renton. The SWD holds a leachate discharge permit, allowing it to discharge up to 2.5 million gallons per day (mgd) of leachate without notification. The leachate is pretreated in an aeration pond in order to lower the chemical oxygen demand (COD) of the leachate. The pond holds four aerators, with two operating at a time.

The landfill has been constructed with a system of extraction wells, monitored and maintained by the Division's gas crew. Gas is not used, and is burned off at the landfill. Older parts of the landfill, constructed prior to current regulations, and now closed, are monitored with a passive system.

The Division holds contracts with private sector facilities that accept Construction, Demolition and Land clearing Debris (CDL) for disposal. Under these contracts, CDL is long-hauled to regional landfills operated outside the County by private landfill operators. Therefore, commercially-generated CDL is not allowed at most County facilities. The one exception is the Vashon Island Transfer Station, where commercially-generated CDL is accepted. Small amounts of construction debris from residential customers are allowed at other transfer stations.

The landfill is open seven days per week, 6:00 a.m. – 4:30 p.m. weekdays, and 6:30 a.m. – 4:30 p.m. weekends, and is closed only on Thanksgiving day, Christmas day and New Year's day.



Equipment and Facility Maintenance

SWD employees conduct a significant amount of equipment and facility maintenance and repair in-house. Preventive maintenance is tracked via an in-house computer program. Major overhauls of equipment and delivery and installation of tires for the landfill's large scrapers are outsourced.

Transfer station maintenance is conducted by either TSOs at the site, or shop staff who are dispatched to the location. TSOs conduct minor repairs and maintenance, such as oiling and cleaning of equipment, minor painting, etc. More extensive or specialized maintenance and repair is conducted by shop personnel.

Closed Landfills

The Division also maintains and monitors 10 closed and custodial landfills. Figure 2 presents a map of all closed and custodial landfills, as well as Cedar Hills Landfill.

Closed landfills are those that were operated by the County and were closed after the early 1970's when environmental regulations were implemented. The Division monitors groundwater, surface water and landfill gas at these locations, and maintains the facilities and any structures. Closed landfills include:

- Cedar Falls – closed in 1989 – includes a passive gas collection system
- Enumclaw – closed in 1993 – has up-to-date environmental control systems
- Duvall – closed in 1981
- Hobart – closed in 1994 – includes up-to-date environmental control systems
- Vashon Island – closed in 1999. Currently in final stages of closure. Includes up-to-date environmental control systems.

Custodial landfills include sites that the Division has taken responsibility for managing in order to help ensure protection of public health and the environment. These sites were closed prior to the implementation of environmental regulations concerning landfills. The Division monitors groundwater, surface water, wastewater and landfill gas at all sites. Sites include:

- Houghton
- Puyallup/Kit Corner
- Bow Lake
- Corliss
- South Park

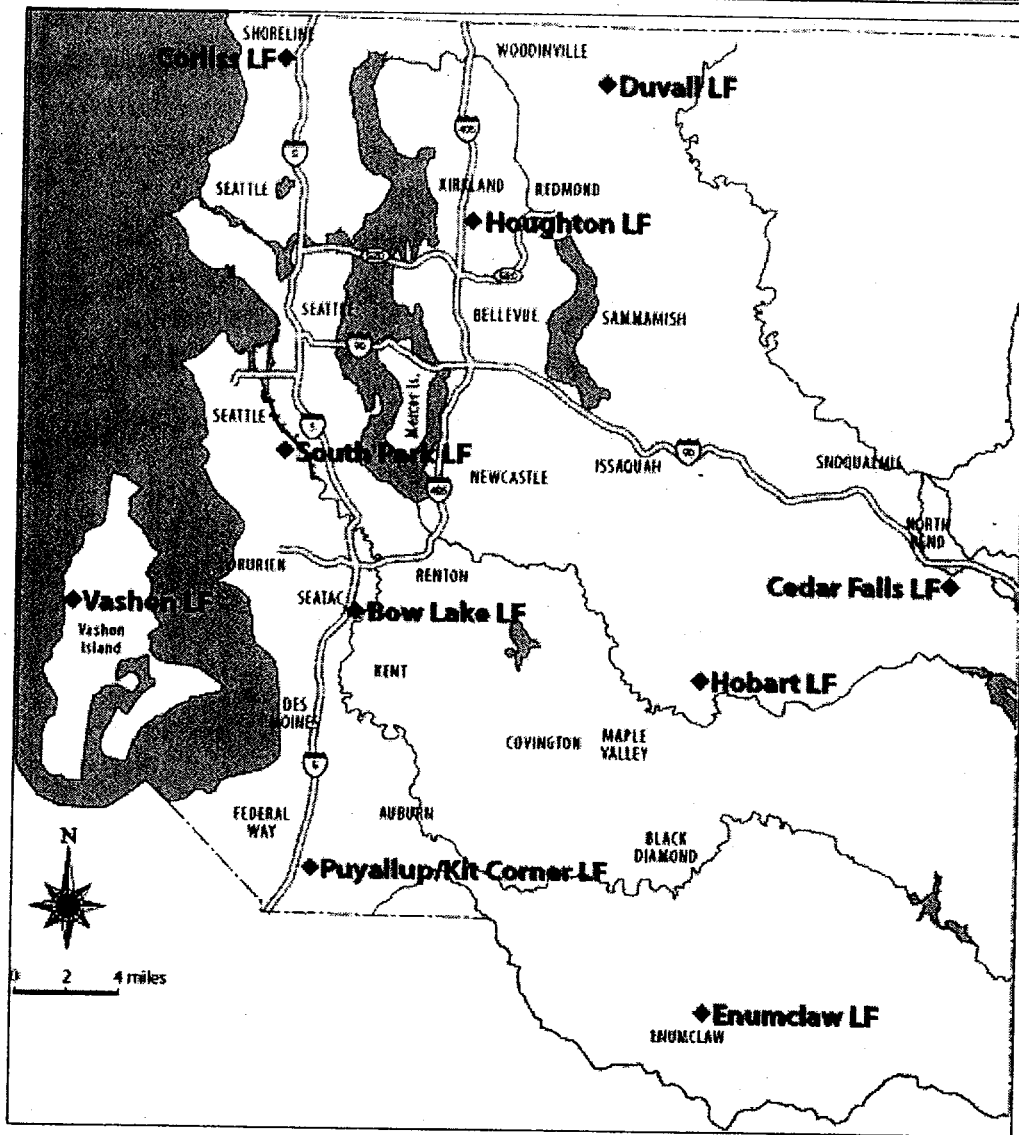


Figure 2: Closed and Custodial Landfills

Hazardous Waste

Waste accepted at transfer stations is screened for hazardous waste. In addition, waste delivered at Cedar Hills is “spot-checked” to further ensure that hazardous materials are not disposed in the landfill. While the Division does not accept hazardous materials at any of its facilities, it has developed a Household Hazardous Wastemobile program, allowing County residents the opportunity to bring waste such as paint, used oil, etc. to the Wastemobile for proper disposal. The Wastemobile rotates its location throughout the County to ensure accessibility for residents.

Environmental Monitoring/Reporting

The Division conducts a variety of environmental monitoring efforts at all of its facilities. Such monitoring includes gas, groundwater, surface water and wastewater at all landfills. Data collected is evaluated and reports are produced in accordance with state and local regulations.

Regional Planning

The Solid Waste Division is responsible for developing and implementing the Comprehensive Solid Waste Management Plan (Plan). The Plan includes provision of a system of facilities and services for the entire County, including municipal solid waste and construction debris disposal and waste reduction and recycling programs.

Recycling and Waste Reduction

The Division promotes and educates the public about recycling and waste reduction. An extensive outreach and education effort is divided into three topic areas based on a targeted audience: Residents, Businesses and Schools. Each topic has a team of staff dedicated to producing education and outreach materials and managing specific programs. Programs serve to inform the public about current recycling opportunities such as the long-standing curbside recycling programs in the county, as well as breaking new territory through pilot programs such as the Computer Recycling Project.

At most transfer stations operated by the Division, residents without direct collection of recyclables may choose to drop-off recyclables. In addition, while the recycling area at each station has been established specifically to serve the need of County residents, some small businesses also occasionally bring recyclables to the sites. Items accepted include mixed paper, newspaper, cardboard, aluminum and tin cans and certain types of plastic. Appliances are accepted at Enumclaw and Vashon, and separated wood waste is accepted at Enumclaw. Recyclable materials are hauled to handling facilities through contracts with local haulers. Separated yard waste is collected at a reduced rate at Enumclaw, Factoria and Cedar Falls facilities. At all other facilities, yard waste is accepted along with garbage and disposed of at Cedar Hills Landfill.

In addition, the Division also operates 'Special Recycling Events' throughout the county to give residents an opportunity to recycle bulky items that can't be put out at the curb such as bicycles, appliances and building materials. A Holiday TreeCycling event for collection and processing (e.g., chipping, composting, use for stream restoration) of holiday trees is an annual event.

Designed to help achieve region-wide goals for waste reduction and recycling, the Division operates several other programs including: grants to cities, grasscycling, a mobile household hazardous wastemobile, used motor oil and latex paint collection and recycling, master recycler composter training, backyard compost bin distribution, compost education, business recognition programs, an online material exchange and business recycling database, construction recycling programs, educational workshops for businesses, and elementary, middle and secondary school programs promoting general recycling and reduction of household hazardous wastes to students and teachers.

Marketing Commission

Although not part of the Solid Waste Division, the Marketing Commission is funded by Solid Waste Division revenues. The Marketing Commission was developed 11 years ago to help develop markets for recyclable materials being collected. Currently, the Commission is comprised of 14 members, representing suburban cities, private haulers, and other stakeholders. Commission staff reports to the Commission and is a separate entity within the Department of



Natural Resources. Marketing Commission staff and Waste Reduction & Recycling section staff meet regularly to coordinate efforts.

The Marketing Commission's work is intended to complement the Waste Reduction & Recycling section of the Solid Waste Division. Its mission is focused on getting people to buy products made of recycled materials, and historically, efforts focused on promotions. As awareness has increased and the prevalence of recycled content products has improved, the Commission has begun to shift its focus to new efforts such as recycled building materials and broader resource conservation initiatives.

Customer Service

In one manner or another, nearly all Division employees contribute to customer service efforts, due to the nature of the service provided. The Division employs customer service representatives that respond to customer inquiries, complaints or questions that are received via telephone or the internet. In addition, scale house operators maintain various brochures and handouts and respond to customer inquiries at the transfer stations. TSOs also provide guidance to customers on an as-needed basis.

Litter/Illegal Dumping

The Division offers free litter and illegal dump cleanup services on publicly owned property throughout the County. Funding for this program is through the Washington State Department of Ecology's (DOE's) Community Litter Cleanup Program.

Support Activities

In addition to activities conducted for customers of the Solid Waste Division, the Division undertakes other activities in support of the system, as follows:

Procurement of Services and Materials

The Division is responsible for the procurement of a wide variety of services and materials. Engineering/architecture-design and contractors contracts managed by the Engineering section are let by the Professional & Construction Services section of the County's Procurement Division. Waste Reduction & Recycling section and Planning & Communication section contracts are generally considered non-professional/technical contracts, and are let by a different unit of the County's Procurement Division. The SWD has a staff person who assists Division employees, by acting as an intermediary/liaison between SWD staff and Procurement staff. The Operations section lets contracts as well, working directly with the County's Procurement Division. The SWD is required to adhere to all Procurement Division policies and practices with regard to contracting for services.

The SWD procures a large amount of supplies and contracts for Operations, through the Cedar Hills Stores group, and a smaller amount of supplies and small contracts are procured for the King Street location. Most of the materials are purchased through purchase orders, resulting in over 9,000 such transactions each year. The Division maintains approximately 250 blanket purchase orders to help facilitate the purchase of commonly-used materials/supplies. Dollar limits and other policies must be adhered to.





Human Resource Management

The Human Resources Unit is responsible for monitoring and ensuring compliance with employment laws and regulations; managing and coordinating the employment process; interpreting and developing personnel policies, providing oversight for employee leaves of absence; maintaining personnel and medical files; orienting new employees; tracking employee data; maintaining training files and records; and advising, consulting with and training managers and supervisors in all facets of human resources issues. All work is performed in coordination with King County's central human resource department and with the Department of Natural Resources central human resource office.

Financial Management/Budgeting

Budgeting. All sections within the Division are responsible for developing the budget. Working with Fiscal to include payroll and staffing, a preliminary budget is presented to management, and then is submitted to the Executive's office, whose staff manually re-enters the budget into their system. After the review and question/answer period, the budget is adopted in late November. Although the budget is developed based on a "zero-based budgeting" concept, many programs are evaluated based on historical needs.

Accounts Payable/Receivable. Fiscal section employees are responsible for the payment of all Division invoices. In addition, they are responsible for paying Department of Natural Resources invoices as well as the Marketing Commission invoices. Employees utilize a Microsoft Access-based accounts payable system that is not currently linked to other Division or County systems.

Transaction information from all Division sites is downloaded nightly. The information is then uploaded to ARMs, the County's financial management system. This process allows Division employees access to all Division information so that necessary analysis and review can be accomplished.

Payroll. The Payroll Unit prepares and maintains payroll records and information for approximately 480 employees. This unit processes semi-monthly and hourly timesheets. This includes: union dues deductions, retroactive payments, tool allowance and professional license stipends, special payments (e.g., work out of class, standby duty pay, etc.), processing of annual cost of living adjustment (COLA) increases and annual merit increases as well as anniversary date step increases. Maintenance of employee records such as changes in job titles and address changes are handled through this unit.

Facility Design/Construction

The Engineering section of the Division is responsible for the planning, design and construction of Division facilities, including development of new facilities as well as refurbishment of existing facilities. Landfill projects and environmental programs, including remediation, are managed by the Division. Landfill site development (now only at Cedar Hills Landfill), including construction of new cells, closure of existing cells, and design/construction of any utilities or other support facilities required (e.g., leachate collection/transmission, landfill gas extraction) is normally out-sourced, and contracts are managed by the Engineering section.

The Facilities Unit of the Engineering section is responsible for the planning, design and construction of most buildings within the system, including transfer stations, and larger



structures at Cedar Hills. This includes both the design and construction of new buildings as well as smaller capital projects, which are often rehabilitation and/or replacement projects. Most of the smaller projects are accomplished in-house. Larger projects, such as the design/construction of new stations, are out-sourced.

Division Organization

The Solid Waste Division consists of approximately 385 employees. The organization is divided into the following functional areas:

- **Administration** – includes the Division manager and assistant manager as well as labor relations and support staff.
- **Operations** – includes almost all activities directly related to solid waste handling and disposal. The Operations Manager and Assistant Manager are responsible for the following activities:
 - Landfill operations – One supervisor, managing equipment operators, landfill gas, wastewater, vector, security and utility workers
 - Customer transactions – One supervisor, managing scale house operators and one scale technician
 - Transportation – One supervisor, managing truck drivers
 - Transfer station operations – Three supervisors, managing transfer station operators
 - Maintenance operations – Two supervisors. Operations include welders, oilers, heavy-duty auto mechanics, carpenters, electricians, stores, litter control. Two shifts per day.
 - Operations planning unit – Report directly to Operations Manager. Responsible for analysis and planning for the Operations budget and all operational programs and manages all recycling programs at the transfer stations. Unit tracks and monitors operations expenditures and assists supervisors with data and analysis requests.
 - Operations Administration – One supervisor. Group is responsible for assisting operations staff by providing clerical needs and assistance with payroll and training requirements.
- **Fiscal** – Section includes accounts payable, accounts receivable, human resources, rates and financial analysis, information systems, administrative services, contracts coordination, Cedar Hills supplies and materials procurement, payroll and customer service.
- **Engineering** – Section is responsible for the planning, design and construction of Division facilities, including development of new facilities as well as refurbishment of existing facilities. Section is also responsible for environmental management of facilities, including monitoring, and is responsible for the Division's special waste program.

- ***Waste Reduction and Recycling*** – Three self-directed work teams: Schools Assistance Team, Business Assistance & Recognition Team and Residential Generator Assistance Team. Unit also manages special waste reduction and recycling projects and a grant program that provides funding for waste reduction and recycling programs and special events in cities and towns within King County.
- ***Planning and Communication*** – Section is responsible for regional planning, business planning and local hazardous waste planning. Conduct necessary study and analysis to support planning efforts and occasional special projects. Also responsible for internal and external communications and provide internal meeting facilitation and training.

As illustrated in Figure 3 and Figure 4, the Solid Waste Division is managed by a Division Manager. Each functional area is headed by a manager that reports to the Division Manager. Supervisors are responsible for specific activities and/or programs.

