

No. \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

**IN THE MATTER OF ESTABLISHING** )  
**SERVICE LEVELS FOR RESIDENTIAL** )  
**RECYCLING COLLECTION IN** ) **RESOLUTION**  
**UNINCORPORATED AREAS OF** )  
**SPOKANE COUNTY** )

**WHEREAS**, the County desires to amend the service levels for residential recycling collection from single family and multifamily residences in the urban areas of Spokane County; and

**WHEREAS**, Spokane County (“County”) is charged by Chapters 36.58 and 70.95, RCW with the primary responsibility for adopting a comprehensive solid waste management plan to control the handling and disposal of solid waste within the urban areas located within its boundaries, as the term “urban areas” is defined herein; and

**WHEREAS**, on July 10, 1990, the County adopted the 1990 Spokane County Comprehensive Solid Waste Management Plan Update (“1990 Plan”) to govern the solid waste management policies and practices of Spokane County, pursuant to RCW 70.95.080; and

**WHEREAS**, on July 9, 1990, the City of Spokane (“City”) also adopted the 1990 Plan to govern solid waste management policies and practices within the City pursuant to RCW 70.95.080; and

**WHEREAS**, pursuant to RCW 70.95.010(8), 70.95.040, 70.95.092 and 70.95.160, the 1990 Plan provides for certain service levels to promote recycling, waste reduction and waste separation; and

**WHEREAS**, on March 14, 1990, the City and County submitted the 1990 Plan to the State of Washington’s Department of Ecology (“Ecology”) for review pursuant to RCW 70.95.094; and

**WHEREAS**, in July 1990, Ecology provided comments on the 1990 Plan and requested revisions to the 1990 Plan in areas other than the levels of service for recycling, waste reduction and waste separation; and

**WHEREAS**, the City and County submitted a revised Plan to Ecology in March 1991, (“1991 Plan”) for review pursuant to RCW 70.95.094; and

**WHEREAS**, pursuant to RCW 70.95.010(8), 70.95.040, 70.95.092 and 70.95.160, the 1998 Plan provides for the same service levels as the 1991 Plan to promote recycling, waste reduction and waste separation; and

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**WHEREAS**, the County Commissioners have duly considered the environmental impacts associated with implementation of the 1990, 1991 and 1998 Plans (collectively herein the “Plans”) and this resolution; and

**WHEREAS**, the City has implemented a residential curbside recycling program pursuant to the Plans within the City’s boundaries; and

**WHEREAS**, RCW 36.58.040 authorizes the County to provide by resolution for a system of solid waste handling and disposal, including processing and conversion of solid wastes into other valuable or useful products, and to either award contracts to collect residentially source separated recyclable materials or to notify the Washing Utilities and Transportation Commission (“WUTC”) to carry out the waste reduction and recycling elements of the Plans; and

**WHEREAS**, RCW 70.95.160 requires the County to adopt resolutions to establish minimum levels and types of services for any aspect of solid waste handling, and to implement other aspects of the Plans; and

**WHEREAS**, RCW 81.77.030 and 81.77.040 require the WUTC, through its review and approval of billing systems and its issuance, amendment and revocation of certificates of necessity, to require solid waste collection companies to comply with the waste management priorities in RCW 70.95.010, the Plans and related implementation resolutions; and

**WHEREAS**, State and federal law and regulations have placed increased responsibility on local governments to manage solid waste in a manner that protects public health and safety; and

**WHEREAS**, the County and City, through the Plans, have made long-term commitments to waste reduction and recycling, including curbside recycling; and

**WHEREAS**, the solid waste haulers presently operating in the County and certificated by the WUTC have consistently provided necessary, efficient, and convenient solid waste collection services to the urban areas of the County; and

**WHEREAS**, to continue operating an efficient waste disposal system and recycling collection system requires that solid waste and recycling collection companies provide adequate and appropriate levels of service at fair, just and reasonable rates to residential customers within the urban areas of the County; and

**WHEREAS**, a notice of public hearing was given as required by RCW 36.36.120(7) and 65.16.160 regarding establishing service levels for residential recycling collection in the unincorporated areas of Spokane County; and

**WHEREAS**, pursuant to the provisions of RCW Section 36.94.080, the Board held a public hearing on November 14, 2006, at 5:00 p.m., in the Assembly Room of the Board of

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County Commissioners to consider "Establishing Service Levels for Residential Recycling Collection in Unincorporated Areas of Spokane County"; and

**WHEREAS**, after considering all public testimony submitted at said public hearing, the Board wishes to reenact the solid waste system and plans implemented by Resolutions 91-0538 and 92-0605 along with additions or modifications necessary and/or prudent to comply with requirements and constraints that govern such systems and plans.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Spokane County as follows:

1. Spokane County Resolution Nos. 91-0538 and 92-0605 are repealed in their entirety; and,
2. The attached "Recycling Service Levels Ordinance" is adopted and codified as Chapter 8.58 of the Spokane County Code.

**PASSED AND ADOPTED** this 14th day of November 2006.

BOARD OF COUNTY COMMISSIONERS  
OF SPOKANE COUNTY, WASHINGTON

\_\_\_\_\_  
Todd Mielke, Chair

ATTEST:

\_\_\_\_\_  
Mark Richard, Vice-Chair

By: \_\_\_\_\_  
Daniela Erickson,  
Clerk of the Board

\_\_\_\_\_  
Phillip D. Harris, Commissioner

**ORDINANCE NO. \_\_\_\_\_**

**RECYCLING SERVICE LEVELS**

(Codified at Spokane County Code Chapter 8.58)

Section 1. Purpose

- A. The policies expressed in Spokane County's 1990, 1991 and 1998 Plans make waste reduction and recycling the preferred methods of handling solid waste. The purpose of this Ordinance is to specify service levels for recycling collection in urban areas of the County that encourage recycling and waste reduction, protect the public health and safety, and to ensure to the maximum extent practicable that only separated waste is incinerated or placed in landfills.
- B. Certain service levels for recycling collection are hereby established in the urban areas of Spokane County to further the objectives of the Plans, including a high level of waste reduction and recycling; to ensure the provision of such collection systems and services as are in the public interest; and to secure a healthful environment for all citizens of Spokane County.
- C. Nothing in this Ordinance shall prevent a recycling company or nonprofit entity from collecting and transporting recyclable materials from a buy-back center, drop-box, or from a commercial or industrial generator of recyclable materials, or upon agreement with a solid waste collection company.
- D. Nothing in this Ordinance shall be construed as prohibiting a commercial or industrial generator of commercial recyclable materials from selling, conveying, or arranging for transportation of such material to a recycler for reuse or reclamation.

Section 2. Findings

The County Commissioners, in establishing service levels and rate structure principles, determine and find:

- A. Waste reduction and recycling measures contemplated by the Plans promote the health, safety, and welfare of County residents by encouraging re-use and recycling of solid waste to the maximum extent practicable, and ensuring that only separated waste is incinerated or placed in landfills.
- B. State and federal laws and regulations have increased the responsibility of local governments to manage solid waste systems in a manner that protects public health and safety.
- C. The State, City and County have set waste reduction and recycling as the highest priorities in managing solid waste. In order to make programs for waste reduction, curbside recycling and other source separation feasible, rate structures must make it

cost-effective for residents who generate small amounts of waste to participate in such programs.

- D. It is the policy of the County that collected recyclable materials are processed for market at a local material recovery facility whenever practicable.
- E. Adoption of this Ordinance is necessary for the protection of natural resources and the environment, the immediate preservation of the public health and welfare and the support of governmental activities.

### Section 3. Definitions

- A. “Beneficial Use” means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use (WAC 173-350-100).
- B. “Certified hauler” or “hauler” means a solid waste collection company as defined by Chapter 81.77, RCW and certificated to operate in the unincorporated portions of Spokane County.
- C. “Eligible residence” shall mean any residence located within the urban areas of Spokane County, identified in Exhibit A of this Ordinance, which receives garbage collection service from a certificated hauler. The certificated hauler must provide the level of service described in this Ordinance to all those eligible residences and the customer must pay for the service whether or not the customer elects to actually use the service. “Eligible residence” shall also include any residence located within the urban unincorporated portions of Spokane County which does not receive garbage collection service from a certificated hauler but elects to receive the recycling service described in this Ordinance. These eligible residences, not otherwise required to pay for the garbage and recycling services, must pay for the recycling collection service only if the customer elects to receive it. These residences that become eligible residences by election only, are not required to accept garbage collection service from a certificated hauler, even if they elect to receive recycling collection service.
- D. “Material Recovery Facilities” shall have the meaning given to it by RCW 70.95.100.
- E. “Multi-family residence” shall mean any structure housing 5 or more dwelling units or any other premises used for residential purposes not included elsewhere.
- F. “Processing” shall have the meaning give to it by 173-350-100 WAC.
- G. “Recyclables” means those solid wastes that are separated for recycling or reuse as identified in this Ordinance.

- H. “Single family residence” means a residential dwelling containing four or fewer dwelling units on one lot or parcel. Where two, three, or four units are on one lot or parcel, each unit shall be considered as an individual single family residence.
- I. “Solid Waste” shall have the meaning given to it by RCW 70.95.030.
- J. “System” means the Spokane Regional Solid Waste Disposal System established and governed by interlocal agreement between the County and City in November 1987, as amended.
- K. “Urban areas” shall mean required service areas described in the 1998 Plan and all urban areas within the boundaries depicted on the map attached hereto as “Exhibit A”. Annually, the Board of County Commissioners shall review all citizen petitions to redefine the urban areas defined in Exhibit A. By way of amendment to this Ordinance, the urban areas identified in Exhibit A attached to this Ordinance may be redefined by the Board of County Commissioners.

Section 4. Residential Recycling Collection

- A. Beginning no later than January 1, 2007, or no later than fourteen (14) days after the effective date of an applicable WUTC tariff under section 5.A. of this Ordinance, whichever date occurs later, certificated haulers shall collect source separated recyclables from all eligible single family residences except as provided in Section 4.K. of this Ordinance. All eligible single family residences shall be provided with recycling collection weekly, and collection shall be provided on the same day of the week as garbage collection if the eligible residence also receives garbage collection.
- B. The System shall provide recycling containers to each single family residence. The cost of lost or stolen containers shall be borne by the customer. The hauler shall deliver all containers to the single-family residences unless otherwise directed.

Recycling will be made available to multi-family dwelling premises on a subscription basis. The appropriate number of bins/carts will be provided by the hauling company. The cost of lost or stolen containers shall be borne by the customer. The hauler shall deliver all containers to the dwelling unit.

- C. Haulers shall collect the following materials:
  - 1. Newspaper
  - 2. #1 PET plastic bottles
  - 3. #2 HDPE uncolored plastic bottles
  - 4. Aluminum cans

5. Tin-plated steel cans
  6. Glass bottles and jars (clear and colored)
  7. Household batteries, including rechargeable batteries
  8. Automotive batteries
  9. Corrugated cardboard and brown kraft paper bags
  10. Magazines
  11. Phonebooks
  12. Cell phones, including batteries and chargers
- D. By way of amendment to this Ordinance, new materials may be added after consultation with the County, the System, haulers, and material recovery facility operators.
- E. Materials shall be collected on the improved public road nearest to the residence, or other location mutually agreed upon by the hauler and customer, when properly set out on the designated collection day. The hauler is not required to collect materials at any particular hour. The hauler is not required to enter private property to collect material while an animal considered or feared to be vicious is loose.
- F. In case of missed collection, the hauler shall investigate and, if the missed collection is verified, shall arrange for the collection of the uncollected recyclable material within one business day after the complaint is received, unless otherwise agreed by the hauler and customer. All haulers shall add staff as needed to answer questions and respond to complaints concerning collection of recyclable material from 8:00 a.m. to 5:00 p.m. Monday through Friday except for scheduled holidays.
- G. Each hauler shall charge the same recycling collection rates to each class of customer. Rates charged for recycling collection shall be designed to cover all projected collection, marketing and administrative costs reasonably and necessarily incurred by the hauler to provide residential recycling collection as approved by the WUTC. However, only costs directly associated with recycling service may be allocated to recycling rates. For those eligible residences which receive both garbage and recycling collection services from a certificated hauler, the rate printed on the hauler's bill shall identify the garbage collection rate and the recycling collection rate separately.
- H. Haulers will deliver collected recyclable materials to a material recovery facility which shall take reasonable actions in marketing recyclable materials to implement the County's policies regarding local processing and priorities of use. All recyclable

materials collected, other than household batteries and incidental residuals, shall be processed and marketed such that no recyclable material is disposed of in any way other than recycling or beneficial use. Haulers shall use dedicated recycling collection vehicles and adopt collection procedures and technologies to minimize the cross-contamination or non-recyclability of collected materials. Haulers must deliver household batteries to a location within the County designated by the System. The System will provide for the proper storage and disposal of household batteries.

- I. The System, in consultation with certificated haulers of recyclable materials and material recovery facility operators, shall establish promotional strategies by which the haulers and the System shall inform the public about recycling collection service. The costs of implementing such strategies shall be borne by the System. Any hauler that wishes to adopt additional promotional strategies shall obtain the prior approval of the System. Requirements imposed by the WUTC are not promotional strategies for purposes of this section.
- J. No person, other than the haulers as authorized by this Ordinance, may collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to Section 4 of this Ordinance without first obtaining the consent of the occupant or owner of the premises.
- K. The business name and telephone number of the hauler shall be clearly visible on each side of each vehicle used to provide residential recycling service. The hauler shall contain, tie, or enclose all collected materials to prevent leaking, spilling, or littering.
- L. If the System determines that a certificated hauler has failed to comply with the requirements of policies of this Ordinance, the System shall provide the hauler with a written notice specifying the alleged noncompliance and affording the hauler sixty (60) days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the System, the period for cure may be extended up to and additional sixty (60) days. If the hauler fails to cure the noncompliance within the time allotted for said cure, the System may request that the County contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler.

Section 5. Submittal of Documents and Notices

- A. Each certificated hauler shall file a proposed tariff revision with the WUTC that complies with the requirements of this Ordinance within thirty (30) days of the adoption of this Ordinance.
- B. Whenever a certificated hauler of recyclable materials within the unincorporated areas of Spokane County files a proposed tariff revision with the WUTC, the hauler

shall simultaneously provide the System with copies of the proposed tariff and all supporting materials submitted to the WUTC at any time prior to approval of the tariff. Such materials include but are not limited to any correspondence or other information concerning rate calculation parameters and details, tariff sheet application and adjustments, and annual reports.

- C. All certificated haulers shall provide the System with the following information on a quarterly basis:
1. monthly recycling tonnages per material delivered to material recovery facilities;
  2. any changes in usage and type of equipment used per recycling route and;
  3. quantity of new single family bins picked up from the System, and frequency of and reasons for recycling bin replacement.

#### Section 6. Notice to Utilities and Transportation Commission

The Spokane County Commissioners, pursuant to RCW 81.77.030 (5) and RCW 81.77.040, hereby notify and request that the Washington Utilities and Transportation Commission carry out and implement the policies and programs specified in this Ordinance and in the Plan in coordination with certificated haulers through the Commission's rate setting and oversight authority.

#### Section 7 Severability

If any portion or section of the Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the section to other persons or circumstances shall not be affected.

#### Section 8. Effective Date

The provisions of this Ordinance shall be effective upon adoption of this Ordinance by the County Commissioners.