

No. 18 - 0579

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

IN THE MATTER OF AMENDING SERVICE)
LEVELS FOR RESIDENTIAL RECYCLING)
COLLECTION IN UNINCORPORATED AREAS)
OF SPOKANE COUNTY)

RESOLUTION

WHEREAS, pursuant to the provisions of RCW 36.32.120(6), the Board of County Commissioners of Spokane County, Washington (the "Board") has the care of county property and management of county funds and business; and

WHEREAS, pursuant to the provisions of chapter 36.58 RCW and chapter 70.95 RCW, Spokane County is charged with the primary responsibility for adopting a comprehensive solid waste management plan (the "Plan") to control the handling and disposal of solid waste within Spokane County; and

WHEREAS, pursuant to RCW 70.95.010(8), 70.95.040, 70.95.092 and 70.95.160, Spokane County—with the approval of the Washington State Department of Ecology—has adopted a Plan to provide for certain service levels to promote recycling, waste reduction and waste separation; and

WHEREAS, pursuant to RCW 36.58.040, Spokane County may provide by ordinance 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, co-mingled recyclable materials or to notify the Washington Utilities and Transportation Commission (the "WUTC") to carry out the waste reduction and recycling elements of the Plans; and

WHEREAS, pursuant to RCW 70.95.160--and consistent with the Plan—in order to establish minimum levels and types of services for any aspect of solid waste handling and to implement other aspects of the Plan, Spokane County has adopted a recycling service level ordinance codified as Spokane County Code Chapter 8.58 to be effective within the unincorporated areas of Spokane County; and

WHEREAS, following public notice, the Board of County Commissioners held a public hearing on August 14, 2018, to consider amendments to the Service Level Area as set forth in Spokane County Resolution No. 11-0642; and

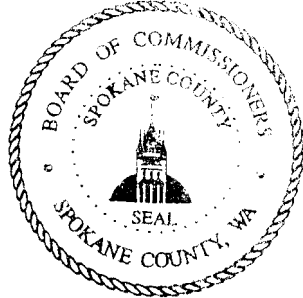
WHEREAS, after considering the public testimony at the above public hearing as well as written testimony, the Board of County Commissioners deems it in the best interests of the general public health, safety and welfare to adopt those amendments to the provisions Spokane County Code Chapter 8.58 as set forth in Spokane County Resolution No. 11-0642.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of County Commissioners of Spokane County, Washington, pursuant to the provisions of RCW 36.32.120(6), chapter 36.58 RCW, and chapter 70.95 RCW, that the Board does hereby adopt those amendments to certain provisions of Spokane County Code chapter 8.58 as set forth in Spokane County Resolution No. 11-0642 , a copy of

which is attached hereto as Attachment "A" and incorporated herein by reference, which amendments shall

become upon the date set forth hereinafter.

PASSED AND ADOPTED this 14th day of August, 2018.




ATTEST:


Ginna Vasquez, Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON


JOSH KERNS, CHAIR


MARY KUNEV, VICE-CHAIR


AL FRENCH, COMMISSIONER

Chapter 8.58
RECYCLING SERVICE LEVELS

Sections:

8.58.010 - Purpose.

8.58.020 - Findings.

8.58.030 - Definitions.

8.58.040 - Residential recycling collection.

8.58.050 - Submittal of documents and notices.

8.58.060 - Notice to utilities and transportation commission.

8.58.070 - Severability

8.58.010- Purpose

- (a) The policies expressed in Spokane County's 2009 2015 Comprehensive Solid Waste and Moderate Risk Waste Management Plan make waste reduction and recycling the preferred methods of handling solid waste. The purpose of this chapter 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 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 chapter 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 chapter 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.

8.58.020- 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 the ordinance codified in this chapter 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.

8.58.030 - Definitions.

As used in this chapter:

"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).

"Certified 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.

"Eligible residence" means any residence located within the urban areas of Spokane County, identified in Exhibit A of the ordinance codified in this chapter, which receives garbage collection service from a Certified Hauler. The Certified Hauler must provide the level of service described in this chapter 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 Certified Hauler but elects to receive the recycling service described in this chapter. 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 Certified Hauler, even if they elect to receive recycling collection service.

"Material recovery facilities" shall have the meaning given to it by RCW 70.95.100.

"Multifamily residence" means any structure housing five or more dwelling units or any other premises used for residential purposes not included elsewhere.

"Processing" shall have the meaning given to it by 173-350-100 WAC.

"Recyclables" means those solid wastes that are separated for recycling or reuse as identified in this chapter.

"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.

"Solid waste" shall have the meaning given to it by RCW 70.95.030.

"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.~~ the Spokane County Regional Solid Waste Disposal System established and governed by an interlocal agreement between Spokane County and the City of Spokane (February 2014), as well as any interlocal agreements with participating jurisdictions.

"Urban areas" means required service areas described in the ~~2009~~2015 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 chapter, the urban areas identified in Exhibit A attached to the ordinance codified in this chapter may be redefined by the board of county commissioners.

8.58.040- Residential recycling collection.

- (a) Beginning no later than ~~October 1, 2011~~ **March 1, 2019**, or no later than fourteen days after the effective date of an applicable WUTC tariff under Section 8.58.050(a) of this chapter, whichever date occurs later, Certified Haulers shall collect source separated, co-mingled recyclables from all eligible single-family residences except as provided in subsection (l) of this section. All eligible single-family residences shall be provided with recycling collection no less than every other week, and collection shall be provided on the same day of the week as garbage collection if the eligible residence also receives garbage collection.
- (b) Certified Haulers shall provide recycling containers to each single-family residence. The cost of lost or stolen containers shall be borne by the customer. Certified Haulers shall deliver all containers to the single-family residences unless otherwise directed.

Recycling will be made available to multifamily dwelling premises on a subscription basis. The appropriate number of recycling containers will be provided by the Certified Hauler. The cost of lost or stolen containers shall be borne by the customer. The Certified Hauler shall provide all containers to the dwelling units or complex.

- (c) The list of materials Certified Haulers shall / may collect is set forth in Exhibit B.
- (d) Annually by way of amendment to this chapter, new materials may be added or deleted from Exhibit B after consultation with the county, SWAC, the system, Certified Haulers and material recovery facility operators. No public hearing shall be required to add to or delete materials from Exhibit B so long as all affected Certified Haulers and material recovery facility operators agree with the modification(s) and the modification(s) does not require an increase to the tariff by WUTC. If both conditions are not satisfied, then any addition or deletion of any material shall require a public hearing and action by the board of county commissioners.
- (e) Materials shall be collected on the improved public road nearest to the residence, or other location mutually agreed upon by the Certified Hauler and customer, when properly set out on the designated collection day. The Certified Hauler is not required to collect materials at any particular hour. The Certified 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 Certified 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 Certified Hauler and customer. All Certified Haulers shall add staff as needed to answer questions and respond to complaints concerning collection of recyclable material from eight a.m. to five p.m. Monday through Friday except for scheduled holidays.
- (g) Each Certified Hauler collecting the same list of materials set forth in Exhibit B 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 Certified 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 Certified Hauler, the rate printed on the Certified Hauler's bill shall identify the garbage collection rate and the recycling collection rate separately.
- (h) Certified 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 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. Certified Haulers shall use dedicated recycling collection vehicles and adopt collection procedures and technologies to minimize the cross-contamination or non-recyclability of collected materials.
- (i) The system, in consultation with Certified Haulers of recyclable materials and material recovery facility operators, shall establish promotional strategies by which the Certified Hauler and the system shall inform the public about recycling collection service. The costs of implementing such strategies shall be borne by the system and/or Certified Hauler. Any Certified Hauler that wishes to adopt additional promotional strategies shall consult with the system and Spokane County. Requirements imposed by the WUTC are not promotional strategies for purposes of this section.
- (j) No person, other than a Certified Hauler as authorized by this chapter, may collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to Section 8.58.040 of this chapter without first obtaining the consent of the occupant or owner of the premises.
- (k) The business name and telephone number of the Certified Hauler shall be clearly visible on each side of each vehicle used to provide residential recycling service.

The Certified Hauler shall contain, tie, or enclose all collected materials to prevent leaking, spilling or littering.

- (1) If the system determines that a Certified Hauler has failed to comply with the requirements of policies of this chapter, the system shall provide the Certified Hauler with a written notice specifying the alleged noncompliance and affording the hauler sixty days to cure the noncompliance; provided, however, that the Certified 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 Certified Hauler's control. At the discretion of the system, the period for cure may be extended up to an additional sixty days. If the Certified 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 Certified Hauler.

8.58.050 -Submittal of documents and notices.

- (a) Each Certified Hauler if required by WUTC regulations shall file a proposed tariff revision with the WUTC that complies with the requirements of this chapter within thirty days of the adoption of the ordinance codified in this chapter.
- (b) Whenever a Certified Hauler of recyclable materials within the unincorporated areas of Spokane County files a proposed tariff revision with the WUTC, the Certified Hauler shall simultaneously provide the system and Spokane County 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 Certified 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.

8.58.060 - Notice to utilities and transportation commission.

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

8.58.070- Severability.

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

"EXHIBIT B"

Certified Haulers shall collect the following materials:

- 1. Newspaper (including Magazines, Catalogs and Telephone Books)**
- 2. Cardboard Boxes (including Brown Paper Bags)**
- 3. Aluminum Cans**
- 4. Steel / Tin Cans**
- 5. #1 and #2 Plastic Jugs and Beverage Containers**

Certified Haulers may collect the following materials:

- 1. Mixed Paper {including Office Paper, Junk Mail, Cereal Boxes, Paper Cartons and Paper Bags}**
- 2. Aluminum Foil and Food Trays**
- 3. #3 thru #7 Plastic Containers {including Beverage Containers, Plastic Jars and Tubs, Plastic Trays and Cups, Plastic Plant {Nursery} Pots and Plastic Pill Containers over 4 ounces}**
- 4. Glass bottles and jars {clear and colored}**
- 5. Household batteries, including rechargeable batteries**
- 6. Automotive batteries**
- 7. Cell phones, including batteries and chargers**

Submit to Clerk of the Board with accompanying paperwork (Resolution, Agreements, etc.)

AGENDA SHEET

SUBMITTING DEPARTMENT: Environmental Services

CONTACT PERSON: Deb Geiger, Regional Solid Waste Manager

PHONE NUMBER: 477-7281

CHECK TYPE OF MEETING ITEM BELOW:

9:00 AM CEO MEETING:

2:00 PM CONSENT AGENDA:
BY LEAVE:

5:30 PM LEGISLATIVE SESSION:
BY LEAVE:

SPECIAL SESSION:

BELOW FOR CLERK'S USE ONLY:

Clerk's Resolution No. 18 - 0579
Approved: Majority/Unanimous _____
Denied: Majority/Unanimous _____
Renews/Amends No. _____
Public Works No. _____
Purchasing Dept. No. _____

AGENDA TITLE: Notice of Public Hearing in the matter of amending Service Levels for Residential Recycling Collection in unincorporated areas of Spokane County.


BACKGROUND: (Attach separate sheet(s) if necessary):

Pursuant to the provisions of chapter 36.58 RCW and chapter 70.95 RCW, Spokane County is charged with the primary responsibility of adopting a comprehensive solid waste management plan to control the handling and disposal of solid waste within Spokane County ("Plan"). The Plan shall provide for certain service levels to promote recycling, waste reduction and waste separation. The Plan adopted by Spokane County and approved by the Washington State Department of Ecology provides for certain service levels to promote recycling, waste reduction and waste separation. Consistent with chapter 70.95 RCW, and the Plan, Spokane County has adopted a recycling service level ordinance codified as Spokane County Code chapter 8.58 to be effective within the unincorporated areas of Spokane County.

FISCAL IMPACT: None.

REQUESTED BOARD ACTION: Approve.

SIGNATURES: (Signatures must be completed before submitting to the Clerk of the Board).



Department Head/Elected Official or
Designated Authority (Requesting Agenda Item)

This item will need to be codified in the Spokane County Code.