



King County and the cities within its jurisdiction are responsible for providing enforcement of federal, state, and local laws and regulations that guide the planning, operation, and maintenance of the region's solid waste management system. This local enforcement authority ensures that our system meets all applicable standards for the protection of human health and environmental quality in the region.

This chapter discusses four areas of enforcement delegated to Public Health – Seattle & King County (the Health Department), King County's Department of Development and Environmental Services and Solid Waste Division, and the cities:

- Permitting and compliance for solid waste handling facilities
- Management of waste flows within the region
- Acceptance of special wastes
- Illegal dumping and litter control

This chapter first sets out County policies on enforcement. Each enforcement category is then discussed, along with issues and recommendations as appropriate.

### **County Enforcement Policies**

The County policies for enforcement are as follows:

**ENF-1.** The county shall exercise its enforcement authority to ensure that the county solid waste management system meets all applicable standards for the protection of human health and environmental quality in the region.

**ENF-2.** Enforcement shall be achieved through permitting and compliance for solid waste handling facilities; management of waste flows within the region; regulation of acceptance of special wastes; and control of illegal dumping and litter.

**ENF-3.** The county, cities and towns should work cooperatively to manage waste flows within the region. The responsibilities for waste handling and process for managing waste flow are established by interlocal agreement.

**ENF-4.** The county shall not accept hazardous and dangerous wastes, as defined under federal, state and local law, for disposal at county facilities.

**ENF-5.** The county should maintain a waste-screening program at county disposal facilities to ensure that material in the solid waste stream is handled in conformance with county and state regulations. The purpose of the waste-screening program is to safely process solid wastes and to prohibit hazardous and dangerous wastes from the county waste facilities.

**ENF-6.** The county should implement a comprehensive public outreach and education program to assure that proper waste handling practices are observed.

**ENF 7.** The county should develop programs and strategies designed to reduce illegal dumping and littering.

**ENF-8.** The county should continue the community litter cleanup program administered by the solid waste division of department of natural resources and parks as long as financial assistance from the state is available.

**ENF-9.** The county should continue to seek state funding to support efforts by the county and the cities to clean up illegal dumping and litter on public lands and waterways.

**ENF-10.** The county should reconvene the illegal dumping task force to improve coordination among county agencies, cities, and other relevant public agencies responsible for illegal dumping cleanup, education and prevention programs.

**ENF-11.** The county should implement a coordinated effort to develop an illegal dumping clean-up, education and prevention program targeted at county-owned or controlled properties.

**ENF-12.** The county should establish an illegal dumping hotline to provide a single point of contact for the public to report illegal dumping. To the extent possible, this hotline should be coordinated with other similar hotlines.

**ENF-13.** The county should consider legislation to strengthen enforcement against illegal dumping and litter in the unincorporated areas of the county.

## Permitting and Compliance for Solid Waste Handling Facilities

The Health Department is the primary regulatory and enforcement agency responsible for issuing operating permits for both public and private solid waste handling facilities and associated transport vehicles in King County. Solid waste handling regulations are codified in Title 10 of the King County Board of Health Code, and apply to all public and private solid waste facilities in the region that handle mixed municipal solid waste (MMSW) or separate or process recyclable material. Health Department enforcement activities are funded by a portion of the Solid Waste Division's disposal fees (based on overall tonnage) and grants from the Washington Department of Ecology (Ecology).

The permitting process is the vehicle by which the Health Department enforces the state's Minimum Functional Standards (MFS; WAC 173-304 and WAC 173-351) and the King County Board of Health Code. The MFS set standards for the proper handling of all solid waste materials and the protection of public health and the environment. The King County Board of Health Code is the local adoption of the state regulations, which must be at least as stringent as the state regulations.

Through the permitting process, the Health Department also helps to implement the provisions of the adopted solid waste management plan. All facility permit applications must detail their relationship to, and be consistent with, the adopted plan as a condition of receiving permit approval.

The Health Department issues the initial permits for solid waste handling sites and then regularly inspects the transfer stations and drop boxes, transport vehicles, recycling drop boxes, compost facilities, moderate risk waste sites, and landfill operations. If a facility is determined to be out of compliance, the Health Department is authorized to take a number of steps, including:

- Grant a variance, with the approval of Ecology, if the public health and environment are not endangered or if compliance would produce hardship for the owner without equal or greater benefit to the public
- Issue an annual permit for the site, as long as Health Department conditions are met and there is a schedule for reaching compliance or closure
- Initiate actions involving civil penalties, criminal proceedings, or an order to close a site, if determined that the operation would endanger public health

Ecology has the right to appeal issuance of any permit to the State Pollution Control Hearings Board.



*The Health Department regulates both public and private MMSW facilities*



### **Issues and Recommendations**

Recent bills have been passed that would require changes to WAC 173-304, which is in the process of being revised. The legislation reduces permitting requirements for beneficial uses of recycled materials, as well as permitting for certain types of facilities, where public health and environmental protection are not at risk.

The present enforcement system appears to be effective in ensuring compliance. The revised regulations described above may require that the Health Department reassess permitting requirements for some facilities, but most solid waste handling facilities will continue to be held to the strict standards that are currently in place.

## **Management of Waste Flow**

It is the responsibility of the County to ensure that the County’s solid waste system meets all applicable standards for the protection of human health and environmental quality in the region. To meet this responsibility, the County works cooperatively with cities and towns in the region to manage the flow of waste into authorized facilities for sorting, processing, and disposal. The County works with the cities and towns through Interlocal Agreements. These agreements are contracts currently set to run through 2028. Through these agreements, the County is required to ensure that transfer and disposal services are provided, and participating cities and towns are committed to direct waste collected within their respective jurisdictions into the King County solid waste system. This contractual relationship between the County and the cities and towns with Interlocal Agreement helps to ensure that public health and the environment are protected and that the region’s solid waste system operates efficiently.



### **Issues and Recommendations**

Privately owned solid waste management companies continue to use the regional disposal system to dispose of MMSW, as specified in their agreements with the cities. Regionally, waste flows are managed, and the Solid Waste Division is able to forecast system capacity and facility needs based on a defined service area.

During the development of this Plan, the cities raised an issue regarding the management of waste flows within the region. Some of the cities expressed interest in directing collected solid waste to the closest facility within the regional system in order to reduce collection costs to ratepayers and transportation impacts. As discussed in detail in Chapter 5, the city contracting authority already allows the cities to address this issue. Chapter 5 provides an example of contract language for the cities to use at their discretion.

Policies direct that the existing system of waste flow management will be maintained, and that the County and cities will continue to work together to manage waste flows within the region. It is also assumed that the Interlocal Agreements that exist between the County and cities be maintained through 2028, their existing term of expiration. Any changes to these assumptions would necessitate an update to the Plan, and reallocation of responsibilities as appropriate.

## Acceptance of Special Wastes

Most of the waste delivered to our regional system is MMSW from residential and non-residential sources. A portion of the waste stream, however, requires special handling and waste clearance/acceptance before disposal because of legal, environmental, public health, or operational concerns. These special wastes include contaminated soils, asbestos-containing materials, treated biomedical wastes, treatment plant grit and vector wastes, agricultural wastes, and other wastes (see Chapter 8). Certain wastes, including hazardous and dangerous wastes, as defined by the Resource Conservation and Recovery Act (RCRA) and Washington State Waste Regulations, are prohibited from disposal at County facilities. Table 9-1 summarizes the regulations governing waste acceptance in King County.



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A waste clearance was required to accept this drum containing solid resins

**Table 9-1.** Waste Acceptance Regulations

Regulation	Content
Federal RCRA of 1976, as amended by the Hazardous and Solid Waste Amendments of 1984	Establishes minimum design and operational standards for MMSW landfills, including requirements to exclude hazardous waste. Defines hazardous waste and establishes standards for disposing of it.
Washington State MFS for MMSW Landfills (WAC 173-351) and for Solid Waste Handling Facilities (WAC 173-304)	WAC 173-351—establishes RCRA standards for landfills at the state level. WAC 173-304—establishes regulations for all other solid waste handling facilities, including non-MMSW landfills.
King County Board of Health Code, Title 10	Expands on state WAC, establishing standards and identifying other unacceptable wastes excluded from disposal at King County facilities.
King County Solid Waste Code (Title 10)	Authorizes the Solid Waste Division to develop operating regulations that address controls on incoming wastes.
King County Public Rules—Waste Acceptance Policy PUT 7-1-4(PR) and Waste Clearance Policy PUT 7-2-1(PR)	Waste Acceptance Policy—describes the categories of waste accepted at facilities and the conditions for acceptance. Waste Clearance Policy—specifies when a waste clearance is necessary and procedures to obtain the clearance.

In February 1993, the Solid Waste Division implemented a waste-screening program that was recommended in the 1992 Plan, and required by state and federal law (RCRA Subtitle D and WAC 173-351). Under this program, technicians in the Special Waste Unit, in cooperation with other staff, are responsible for ensuring that material in the solid waste stream entering County facilities is handled in accordance with the King County Public Rules and state regulations. The technicians' primary task is to perform manual and visual screening of incoming loads of waste at each of the transfer facilities and at the Cedar Hills Regional Landfill to identify and properly manage any potentially unacceptable wastes.

The Special Waste Unit also administers the waste acceptance and clearance policies, with assistance as needed from the Health Department. The County's Waste Clearance Policy (PUT 7-2-1[PR]) describes procedures for obtaining a clearance to dispose special wastes. The Solid Waste Division provides a free service to customers to evaluate wastes and determine if they can be accepted and under what conditions. The Health Department assists the Division by reviewing data on industrial and contaminated wastes and providing a determination on these materials. If wastes are deemed acceptable, the Division can issue a clearance for disposal. Waste that does not meet acceptance criteria cannot be issued a clearance or be disposed in County facilities.



### Recommendations

The waste-screening program and clearance procedures within the Solid Waste Division are working well. The Division continues to emphasize public outreach and education to assure that proper waste handling practices are observed.

## Illegal Dumping and Litter Control

Illegal dumping and littering are generally defined as the accumulation or disposal of waste materials anywhere other than in a designated receptacle or permitted waste handling facility. Many local jurisdictions and County departments respond to complaints of illegal dumping and littering in the region, making it difficult to properly assess the scale of the problem and to design adequate prevention and enforcement programs.

King County ordinances against littering and illegal dumping are codified in the King County Board of Health Code, Title 10, and the Solid Waste Code, Title 10 (Appendices E-2 and E-3). The purpose of illegal dumping and anti-litter legislation is to promote health, safety, and environmental quality and to reduce the cost of cleanup. Enforcement authority and options are codified in King County Code, Title 23. Responsibility for investigation, enforcement, and cleanup throughout the County lies with the Health Department, as well as other County departments including the Department of Development and Environmental Services, the Department of Transportation, the Roads Services Division, and the Department of Natural Resources

*In 1999, more than 95 tons of wastes were cleaned up under the Community Litter Cleanup Program*



and Parks Water and Land Resources Division. Ecology also plays a cleanup and enforcement role. Most of the cities have passed ordinances covering illegal dumping in their communities, which they enforce themselves.

Specific regional responsibilities for the cleanup of illegal dumping and litter are summarized in Table 9-2.

**Table 9-2.** Regional Responsibilities for Cleanup

<b>Entity</b>	<b>Responsibility</b>
Washington Department of Ecology	Implements state-wide litter cleanup and illegal dumping control policies, usually by providing funds for programs
Puget Sound Clean Air Agency	Responds to illegal dumping of demolition materials where asbestos-containing material is a potential constituent or where illegal dumping includes incineration of solid waste
Health Department	Receives the majority of illegal dumping and litter complaints in the County
Department of Development and Environmental Services	Enforces nuisance provisions of the Uniform Housing Code and zoning violations, usually accumulation of junk and debris on private property
Roads Services Division	Responds to complaints and removes illegally dumped materials from public roads and right-of-ways
DNRP – Local Hazardous Waste Management Program	Responds to abandonment, illegal dumping, and mishandling complaints for potentially hazardous waste materials
DNRP – Solid Waste Division	Responds to complaints about illegal CDL dumping, litter, and illegal dumping near County solid waste facilities; provides cleanup of litter and illegal dumping on public lands and waterways; and implements state litter and illegal dumping programs that include assistance to the cities
DNRP – Water and Land Resources Division	Investigates illegal dumping and litter complaints and refers cleanup to the appropriate agency
Cities	Enforce municipal littering and illegal dumping ordinances, and provide cleanup of litter and illegally dumped material from city streets and properties

**NOTE:** DNRP—Department of Natural Resources and Parks

The Health Department is authorized to pursue civil actions against an offender or property. Civil penalties for a first violation can be as high as \$250 per day.

In 1998, Ecology created the Community Litter Cleanup Program that provides financial assistance to help local governments pay for illegal dumping and litter programs. It pays for picking up litter, cleaning up illegal dumps, and educational programs aimed at illegal dumping and litter prevention. State funds were made available to any geographic area covered by a local solid waste management plan. King County, after consultation with the cities, applied for and received funds from Ecology, which enabled the County to respond to requests from the cities and County departments to clean up illegal dumping and litter on public lands and waterways. In 1998, more than 74 tons of wastes were cleaned up at 28 sites. In 1999, more than 95 tons were cleaned up at 43 sites. The efficient use of staff time and volunteers has leveraged the funding contributed by the state into a highly valuable program.

RCW 7.80.120 establishes penalties for litter and illegal dumping in incorporated areas of a county. The 2000 state legislature strengthened litter and illegal dumping enforcement in unincorporated areas by passing SSB 6194, codified in RCW 70.93.060. The amended law classifies litter and illegal dumping in unincorporated areas as a misdemeanor, punishable by specific penalties and actions as prescribed in the law.



### **Issues and Recommendations**

There are multiple agencies involved in region-wide cleanup and prevention programs for illegal dumping and littering. The 1992 Plan recommended that an Illegal Dumping Task Force made up of affected agencies be convened to develop a comprehensive strategy to address illegal dumping. The Task Force was convened and a working relationship was developed among the agencies. As a result, efforts to address illegal dumping are more coordinated, overlap has been reduced, and some gaps in coverage have been eliminated. Based on input received from the public and the cities during Plan development, illegal dumping and littering continue to be a concern in the region. Coordinated efforts to manage illegal dumping and littering will continue.

In addition, there is a clear need for more accurate and complete statistical information on the number of illegal dumping and litter incidents and volumes of material. The County will initiate a coordinated effort to gather this information and make it available to all agencies responsible for investigation and enforcement.

There are five primary recommendations to help control illegal dumping and litter:

- Continue the Community Litter Cleanup Program as long as state financial assistance is available. This is a cost-effective program that, through the creative work of County staff and the cooperation of volunteer organizations and property owners, has resulted in four times as much cleanup accomplished as financial assistance provided.



- Reconvene the Illegal Dumping Task Force to improve coordination among the County agencies, cities, and other relevant public agencies responsible for illegal dumping cleanup, education, and prevention programs. The Task Force will consider both public and private property in the development of the program. Initial Task Force membership will include all affected departments in the County. After County agencies have developed a coordinated approach, representatives from the cities and other relevant public agencies will be asked to participate.
- Lead a coordinated effort to develop an illegal dumping cleanup, education, and prevention program targeted at County-owned or controlled properties to serve as an example of good neighborly conduct. All affected County departments will be involved in the development and implementation of the program and will share in the costs.
- Establish an Illegal Dumping Hotline. The hotline will provide a single point of contact for the public to report illegal dumping. Reports to the hotline will be referred to the appropriate agency for action, with tracking and follow-up.
- Pass a County ordinance similar to state statute RCW 7.80.120 to strengthen enforcement in the unincorporated areas of King County.