



Signature Report

July 27, 2004

Ordinance 14971

Proposed No. 2004-0125.2

Sponsors Ferguson, Edmonds, Lambert,
Patterson and Irons

1 AN ORDINANCE relating to the timing for planning for
2 waste export and annually reporting the solid waste
3 division's progress toward objectives identified in the
4 comprehensive solid waste management plan; amending
5 Ordinance 7737, Section 2, as amended, and
6 K.C.C.10.24.020 and adding a new section to K.C.C.
7 chapter 10.25.

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9
10 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

11 SECTION 1. Findings.

12 A. In Ordinance 14236 and the 2001 Final Comprehensive Solid Waste
13 Management Plan, the council made the policy determination to export the county's solid
14 waste to one or more landfills after the county's Cedar Hills regional landfill reaches
15 capacity and must close. The council rejected alternatives to waste export, including
16 development of a new landfill in King County or incinerating the county's waste.

17 B. In Ordinance 14236, the council directed the county executive to begin to
18 implement the policy to export the county's waste by developing a waste export
19 coordination and implementation plan ("the waste export system plan").

20 C. The 2001 Final Comprehensive Solid Waste Management Plan also included
21 policies on transfer stations and the future transfer station system. The majority of the
22 current transfer stations were planned for and developed in the 1960s. The most-recent
23 review of the transfer station system was conducted for the 2001 Comprehensive Solid
24 Waste Management Plan update. The future transfer station system must be planned and
25 developed as an integral part of the waste export system plan.

26 D. Waste export may require the county to secure intermodal capacity to transfer
27 sealed containers of solid waste from trucks to rail cars.

28 E. The 2001 Final Solid Waste Comprehensive Management Plan Policy DSW-8
29 directs the county executive to undertake a siting study process for any necessary
30 intermodal facilities that involves all affected jurisdictions and interested parties in the
31 siting study and in the development of site evaluation criteria regarding environmental,
32 technical, financial and community needs.

33 F. An environmental review process for the siting analysis portion of the waste
34 export coordination and implementation plan is required by chapter 197-11 WAC.

35 G. The solid waste division became aware of the Fisher Flour Mill property as a
36 potential site for an intermodal facility, and upon King County council approval,
37 purchased the property in 2003. Ordinance 14710, authorizing the purchase of the Fisher
38 Flour Mill property, requires an independent third-party review of competitive
39 alternatives to the Fisher Flour Mill property as a potential site for an intermodal facility.

40 H. To develop the waste export system plan, the county shall:

41 1. conduct a comprehensive evaluation of:

42 a. transfer system capacity;

43 b. public and private alternatives for transfer capacity;

44 c. public and private alternatives for waste export;

45 d. site evaluation criteria; and

46 e. siting as needed;

47 2. Perform environmental review for any siting analysis; and

48 3. Obtain independent third-party review of competitive alternatives to the
49 Fisher Flour Mill property as a potential site for an intermodal facility.

50 I. The waste export system plan must be developed with processes that provide
51 for input from all stakeholders and interested parties.

52 J. King County intends to establish an advisory committee for city input into the
53 development of the waste export system plan, to improve the communication of
54 information between King County and cities and to facilitate the resolution of solid waste
55 management issues with city partners and customers. The advisory committee will
56 consist of representatives from each city with a signed solid waste interlocal agreement
57 participating in the county solid waste management system.

58 NEW SECTION. SECTION 2. There is hereby added to K.C.C. chapter 10.25 a
59 new section to read as follows:

60 **Metropolitan solid waste management advisory committee.**

61 A. A metropolitan solid waste management advisory committee is established.
62 Each component city with a signed interlocal agreement participating in the county solid

63 waste management system shall identify representatives and alternates to the solid waste
64 division for appointment to the advisory committee. The committee shall conduct its first
65 meeting on or after January 2, 2005. The solid waste division shall notify each
66 component city with a signed interlocal agreement participating in the county solid waste
67 management system of committee meeting times and locations. At the first meeting, the
68 committee shall elect a chair. The members of the committee shall serve at the pleasure
69 of the appointing bodies and shall receive no compensation from King County other than
70 reimbursement for reasonable expenses actually incurred in the performance of their
71 duties.

72 B. The metropolitan solid waste management advisory committee shall advise the
73 executive, the solid waste interlocal forum established in the solid waste service contracts
74 between the county and cities, and the King County council in all matters relating to solid
75 waste management and participate in the development of the solid waste management
76 system and waste export system plan.

77 C. The metropolitan solid waste management advisory committee shall review
78 and make recommendations on the waste export system plan before transmittal of the
79 plan from the King County executive to the King County council.

80 D.1. Until the metropolitan solid waste management advisory committee first
81 convenes, an interjurisdictional technical staff group presently assembled shall serve in
82 lieu of the metropolitan solid waste management advisory committee. The
83 interjurisdictional technical staff group shall advise the metropolitan solid waste
84 management advisory committee through December 31, 2005, to assist the committee
85 during its first year of work. Each city with a solid waste interlocal agreement with King

86 County may participate in the interjurisdictional technical staff group. The group shall
87 provide a report of its findings and recommendations by December 31, 2004, to all cities
88 participating in the county solid waste management system, the King County executive,
89 King County council, the solid waste advisory committee and the solid waste interlocal
90 forum, or its successor, on the structure, function and responsibilities of the metropolitan
91 solid waste management advisory committee. The staff group shall provide a report of
92 its findings and recommendations by December 31, 2005, to all cities participating in the
93 county solid waste management system, the metropolitan solid waste management
94 advisory committee, the King County executive, King County council, the solid waste
95 advisory committee and the solid waste interlocal forum, or its successor.

96 2. The interjurisdictional technical staff group report shall address at least the
97 following issues:

98 a. potential modification or replacement of the solid waste interlocal forum, to
99 identify membership, decision-making responsibilities and scope of duties;

100 b. identification of dispute resolution options;

101 c. development of a framework for financial policies and host city mitigation,
102 including compensation agreements;

103 d. evaluation of the impact of the proposed waste export system plan on each
104 of the provisions of the solid waste interlocal agreement between King County and cities;

105 and

106 e. identification of potential amendments to the solid waste interlocal
107 agreement.

108 3. The solid waste interlocal forum, or its successor, shall make a
109 recommendation to the King County executive and King County council on or before
110 December 31, 2005, on the efficacy of the continuing role of the interjurisdictional
111 technical staff group.

112 E. The solid waste division shall provide staff support to the metropolitan solid
113 waste management advisory committee and the interjurisdictional technical staff group.
114 The King County council shall provide staff support in the development of solid waste
115 planning legislation.

116 SECTION 3. King County and any city exercising its right under Section 5.1 of
117 its solid waste interlocal agreement with the county may engage in informal discussions
118 regarding potential changes to any of the provisions of the interlocal agreement. A city's
119 decision to engage or not to engage in such informal discussions shall not constitute a
120 waiver of the city's exercise of its rights under Section 5.1 to either review or renegotiate,
121 or both, the solid waste interlocal agreement. This authorization to engage in informal
122 discussions does not constitute consent to negotiate any provision under Section 5.2 of
123 the agreement nor constitute a waiver of the requirement of mutual consent for the
124 negotiation of any provision under Section 5.2 of the agreement. Any informal
125 discussions shall not be binding on any party in any future negotiations and shall not be
126 relied upon by any party, unless the discussions or agreements have been formalized in a
127 properly executed agreement.

128 SECTION 4. Ordinance 7737, Section 2, as amended, and K.C.C.10.24.020 are
129 each hereby amended to read as follows:

130 **Responsibilities.**

131 A. The division shall maintain the plan in a current condition and shall propose
132 necessary plan revisions to the council at least once every three years.

133 B. The King County solid waste advisory committee shall review and comment
134 upon the proposed plan prior to its submittal to the council for adoption.

135 C. The designated interlocal forum, or its successor, shall have the following
136 responsibilities:

137 1. Advise the King County council and executive and other jurisdictions as
138 appropriate on all policy aspects of solid waste management and planning and consult
139 with and advise the King County solid waste division on technical issues;

140 2. Review and comment on alternatives and recommendations for the county
141 comprehensive solid waste management plan and facilitate approval of the plan by each
142 jurisdiction;

143 3. Review proposed interlocal agreements between King County and cities for
144 planning, recycling and waste stream control;

145 4. Review disposal rate proposals;

146 5. Review status reports on waste stream reduction, recycling, energy and
147 resource recovery; and solid waste operations with interjurisdictional impact;

148 6. Promote information exchange and interaction between waste generators,
149 local governments with collection authority, recyclers and county-planned and operated
150 disposal system;

151 7. Provide coordination opportunities between the King County solid waste
152 division, local governments, private operators and recyclers; and

153 8. Aid cities in recognizing municipal solid waste responsibilities, including
154 collection and recycling, and effectively carrying out those responsibilities.

155 ~~((E.))~~ D. The council shall hold a public hearing on the draft plan and another
156 public hearing on the final plan before adoption of the plan. Any city using county
157 disposal sites shall be notified of these public hearings and shall be requested to comment
158 on the plan.

159 ~~((F.))~~ E. The division shall submit to the council by ~~((September))~~ April 1 of each
160 year an annual report of its progress toward objectives identified in the plan.

161 ~~((G.))~~ F. Interlocal agreements between the county and cities wishing to plan
162 jointly with the county or to authorize the county to plan for it shall identify which party
163 is responsible for city solid waste operational plans, tonnage forecasts~~((,))~~ and recycling
164 goals.

165 G. The division shall provide staff support to the metropolitan solid waste
166 management advisory committee and the interjurisdictional technical staff group.

167 **SECTION 5. Solid waste system planning.** The development of the waste
168 export system plan, including comprehensive analysis of public and private transfer
169 station and system capacity, transfer system efficiency and waste export for the next
170 comprehensive solid waste management plan update, shall include, but not be limited to,
171 the following:

172 A. The process for developing the waste export system plan shall be guided by
173 the adopted 2001 Comprehensive Solid Waste Management Plan that directs the county
174 to involve all affected jurisdictions and interested parties in siting process decisions, and
175 by Ordinance 14710. The interjurisdictional technical staff group and the metropolitan

176 solid waste management advisory committee shall work with the solid waste division to
177 develop the waste export system plan, including development of the business plan, future
178 transfer station system alternatives and waste export system alternatives;

179 B. Preparing a business plan, which should at a minimum address:

- 180 1. Emergency capacity;
- 181 2. System reliability;
- 182 3. Efforts to coordinate planning and operations with other jurisdictions;
- 183 4. Possible impacts of future system choices on employees;
- 184 5. Strategies to encourage competition;
- 185 6. Preserving service levels and value for customers;
- 186 7. Integration of waste export activities with the transfer network;
- 187 8. Environmental protection; and
- 188 9. The potential benefits of a federated system; and

189 C. Scope of work and analysis of technical issues for development of a waste
190 export system plan shall consider the solid waste handling system as a whole. Major
191 technical elements shall include, but not be limited to:

- 192 1. Development of transfer system level of service standards and criteria, such
193 as evaluation of traffic flow impacts and queuing, that provide objective measures for
194 when a transfer station needs to be upgraded in place, relocated to a more appropriate
195 location, or additional transfer stations need to be built to adequately serve the region's
196 growing population;

197 2. Identification of needed transfer system improvements, replacements or
198 additions, or any combination thereof, and their respective estimated costs based on level
199 of service standards;

200 3. Analysis of both public and private transfer station ownership and operational
201 options;

202 4. Development of level of service standards and criteria that provide objective
203 measures for a solid waste intermodal capacity needs analysis;

204 5. Analysis of both public and private intermodal facility ownership and
205 operational options;

206 6. Analysis of waste transport cost and feasibility;

207 7. Analysis of landfill capacity; and

208 8. Independent evaluation of waste export system plan. Consistent with
209 Ordinance 14710, the county shall provide for an independent evaluation of the transfer
210 and waste export system alternatives and recommendations to inform the county's
211 decision-making on the waste export system plan, by convening an expert independent
212 review panel. The council, after consultation with the solid waste interlocal forum, or its
213 successor, shall define the scope of the evaluation to be conducted and guide the selection
214 of independent review panel experts.

215 **SECTION 6. Reporting.**

216 A. The solid waste division shall submit a waste export system plan to the
217 council and solid waste interlocal forum or its successor by December 15, 2005. The
218 division shall also regularly report back to the council and solid waste interlocal forum,
219 or its successor, throughout the system plan development process.

220 B. Major milestones for reports to be submitted by the solid waste division to the
221 council and solid waste interlocal forum, or its successor, for review and council approval
222 by motion shall include, but are not limited to:

- 223 1. Transfer system level of service standards and criteria;
- 224 2. Analysis of system needs and capacity;
- 225 3. Analysis of options for public and private ownership and operation;
- 226 4. Preliminary transfer and waste export facility recommendations, and
227 estimated system costs, rate impacts and financial policy assumptions.

228 C. The council shall, if approving submitted solid waste division reports for
229 major milestones, make the approval by motion. Each motion shall also include a
230 timeline for submittal of future milestone reports still pending. The first milestone report
231 pertaining to level of service standards and criteria for future system needs shall be
232 submitted to the council and solid waste interlocal forum on or before October 15, 2004.

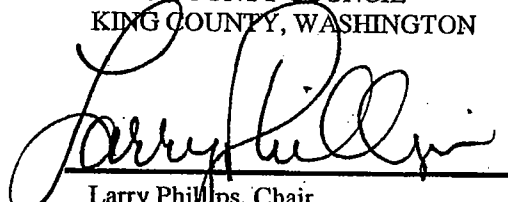
233 D. In accordance with K.C.C. 10.24.020.A, the solid waste division shall begin
234 updating the adopted 2001 Comprehensive Solid Waste Management Plan by December
235 1, 2005, with completion of the update process anticipated by December 2007. The
236 waste export system plan shall be used as the basis for formulating recommendations for

237 solid waste transfer and disposal for the update of the 2001 Comprehensive Solid Waste
238 Management Plan.
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Ordinance 14971 was introduced on 3/15/2004 and passed by the Metropolitan King County Council on 7/26/2004, by the following vote:

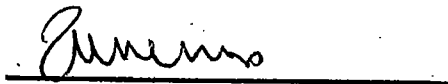
Yes: 13 - Mr. Phillips, Ms. Edmonds, Mr. von Reichbauer, Ms. Lambert, Mr. Pelz, Mr. McKenna, Mr. Ferguson, Mr. Hammond, Mr. Gossett, Ms. Hague, Mr. Irons, Ms. Patterson and Mr. Constantine
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 2 day of August, 2004.



Ron Sims, County Executive

Attachments None

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KING COUNTY CLERK
KING COUNTY COUNCIL