

**King County Solid Waste Advisory Committee
September 18, 2015 - 9:30 a.m. to 11:35 p.m.
King Street Center 8th Floor Conference Center**

Meeting Minutes

<u>Members Present</u>	<u>King County Staff</u>	<u>Others</u>
April Atwood	Alejandra Calderon	Doreen Booth, Sound Cities Association
Jerry Bartlett	Jeff Gaisford	Karl Hufnagel, Parametrix
Elly Bunzendahl	Kathy Hashagen	Brent Kinkade, HDR
Joe Casalini - excused	Beth Humphreys	Ross Marzolf, Councilmember Lambert staff
Gib Damman - excused	Laila McClinton	Joe Murdoch, HDR
Chris Eggen	Pat McLaughlin	
Jean Garber	Meg Moorehead	
Stacia Jenkins - absent	Diane Yates	
Kim Kaminski - excused		
Kevin Kelly		
Sean Kronberg - absent		
Keith Livingston		
Jose Lugo - excused		
Barbara Ristau		
Philipp Schmidt-Pathmann		
Stephen Strader		

Election of Chair and Vice Chair

Yates called for nominations for Chair. Eggen nominated Garber. No other nominations were received. Garber was elected unanimously.

Yates called for nominations for Vice Chair. She noted that Casalini, the current Vice Chair would be leaving the committee because of term limits. Garber nominated Kelly. After further discussion, no other nominations were received. Kelly was elected unanimously.

Approve Meeting Minutes; Review Agenda

The August meeting minutes were not approved. Garber made the following motion:

I move that the minutes of the August 2014 SWAC meeting, agenda item Transfer Plan Report: Action (p.4-5), be amended to make them consistent in level of detail with the minutes of other items on the same agenda; and that the amended minutes be brought back to SWAC for review and approval at its October 2015 meeting. Specifically, I move that the following amendments be made: (1) name the members who commented on the Transfer Plan Part 2 Final Report motion and summarize the gist of what each said; (2)

specify who in the division expressed concern about the clarity of the motion language and summarize the gist of their concern; and (3) instead of attaching Chair Garber's comments on the motion, attach to the minutes the two-page background piece that was intended to accompany the motion to decision makers.

Garber said she had noted a discrepancy in the amount of attribution between agenda items on the minutes. She made the above motion and recommended that the minutes be more detailed; particularly when the committee is discussing a motion. She said that not including the attachment with the minutes may have been an oversight.

Eggen seconded the motion and asked if the division had notes they could use to respond to the motion.

McLaughlin reminded the group that the meeting notes aren't intended to be a transcript of the proceedings. He said that the division does not keep a separate set of documents but could attempt to add the information included in the motion. He requested specifics regarding which portions of the notes were referred to in the motion. Garber said the motion refers to at least the last three bullets on page 4. She said that though attributions were captured related to motions the minutes did not capture the points of the discussion or provide attribution of those points.

The motion passed.

Yes – Atwood, Bunzendahl, Eggen, Garber, Kelly, Livingston, Ristau, Schmidt-Pathmann, Ziegler

No - Strader

Abstain - Bartlett

Updates

SWD

In early August, SWD began siting new landfill gas (LFG) lines and a solar spark flare at the Enumclaw closed landfill which has not been in operation since the mid-1990s. The purpose for the updated flare is to create efficiencies in the way the SWD controls LFG. The solar spark flare will act as a transitional flare as SWD moves to a passive gas control system, which is needed to reduce post-closure care requirements.

The windstorm Saturday, September 13 caused a few small incidents at SWD transfer stations, mostly in the form of downed trees. The facilities were re-opened within 90 minutes.

In an effort to learn more about trash disposal and recycling, Mongolian Parliament Member Oyungerel Tseveddamba requested a tour of the Cedar Hills Regional Landfill. The parliament member was extremely appreciative of the tour and was impressed with SWD operations.

The Solid Waste Division had a strong presence at the first ever “Movies Under the Stars” night at Steve Cox Memorial Park. The Recicla Mas, EcoConsumer, and the Local Hazardous Waste Management Program (LHWMP) booths were all next to one another, allowing for a comprehensive introduction to SWD and its programs. Recicla Mas’ facilitadores de reciclaje engaged in 90 one-on-one interactions with residents and handed out brochures, recycling guides, and other education materials.

The Green Tools Sustainable Cities Roundtable, a SWD program that brings together city partners to exchange ideas on climate change and how to build green, received a grant from the Bullitt Foundation to include Island Press authors for the roundtable series. The Roundtables meet once a month and have an average of 75 attendees.

October 1, the division will begin a pilot to collect and recycle polystyrene and plastic film/bags at the Shoreline Recycling and Transfer Station. During this “soft launch” collection containers and signs will be placed at Shoreline. The collected materials will be sent to Sty-recycling who will at no cost to the County extrude the material, pelletized it and reuse it as polystyrene. If the initial pilot is successful the City of Shoreline will share information about the service through their newsletter before the holiday season.

King County and Seattle Public Utilities are partnering with Bartell Drugs to provide a discount on bio-bags during the month of September. The bags are compostable and are used to line food scrap containers. This supports the continued effort to remove food scraps from the waste stream.

MSWMAC

MSWMAC received a presentation on the process and timeline for researching alternative disposal technologies. It was well received by MSWMAC and generated a significant number of technical questions. MSWMAC also discussed the Transfer Plan report. There were a number of motions circulated by MSWMAC members. The various motions were discussed for the balance of meeting.

Other

Garber acknowledged the work of two departing SWAC members. Both Casalini and Kronberg are leaving the committee as a result of term limits. Garber read the certificates for both members and thanked them for their service.

Transfer Plan Report: Discussion

McLaughlin asked that the Transfer Plan Report be added to the agenda to discuss challenges related to the motion passed at the August SWAC meeting. He noted that SWAC plays an important role in providing valuable advice to the division. He would like the division to be able to take action which honors and works with the advice provided. However, the practicality of

implementing the content of the motion is challenging. McLaughlin discussed the three elements of the motion.

The first element says that the Northeast Recycling and Transfer Station (NRTS) should be retained as an option in the comp plan update. However, it also said that NRTS should have the same priority as demand management strategies.

The second element says, “the county immediately begins the process of identifying alternative sites for a NE station, and secures a site if feasible.” Funding that was set aside to support siting in northeast county was removed from the division’s budget. Thus, the division does not have the authority to begin siting at this time.

The third element says, “alternative sites for a NE station are analyzed in the same EIS, and at the same level of detail, as demand management strategies.” It is likely that the division will be ready to begin an environmental review regarding the demand management strategies much sooner than a siting process could identify locations if authority to begin that work had been received. So combining the processes would mean that the environmental review for demand strategies would have to wait.

McLaughlin said that beyond the practical challenges related to the motion, he believes a better alternative would be for the committee to focus on the core policy elements, the road map to 70%, long term disposal options, and rate strategies that will inform the comp plan. Making service or capital decisions based on the 2002 plan is not optimal. He asked that the committee amend or withdraw the motion.

Garber said that the “begins the process” portion of the second element includes thinking about how it will be funded. Beginning the process to acquire funding by thinking about it now satisfies the “immediately” descriptor in the motion even if funding can’t be available before 2017. She also noted that the purpose of SWAC as an advisory committee is unclear if the committee only makes the motions requested by the County. The fact that the County wants to talk about the motion made at the last meeting indicates that the motion had impact.

Livingston said that he respects McLaughlin’s challenge in managing multiple perspectives. He said SWAC is very much an independent body that can trace its roots to Code 40 of the EPA. He asked, “What good are we if you want to structure our motions? We’re here to give you our best advice. You don’t have to do it.” He said there appears to be politics involved instead of a new, rational reason to withdraw or amend the motion.

Schmidt-Pathmann commented that this is not an easy process. He appreciated McLaughlin’s position and noted that SWAC did not pick up on the point that the siting budget had been removed when discussing the motion in August. He said it is important to consider the system holistically. He suggested that the committee may wish to focus on the comp plan – considering

how to get to 70% recycling is very complex and may require weekly rather than monthly meetings.

Eggen said that in his experience as an elected official when motions received from citizen's group and advisory groups are "undoable" there is a tendency to ignore even the good parts. SWAC wants their motions to be effective. By removing the funding, Council has told the division not to take action on the NE station. For SWAC to recommend to SWD that they should take action puts the division in a difficult situation. Secondly, the motion recommending that alternative sites be evaluated in the same EIS as demand management may be a problem since SWD is set to work on demand management EIS very soon. Doing them together may slow down the process. He didn't think that's what SWAC intended.

Garber said that environmental review is her specialty. If the City of Bellevue is asking for an EIS, it's possible that demand management would have a larger impact than anticipated. She said that the NE station would be part of that EIS. Demand management was analyzed in a site specific way but because a site for a NE station had not been identified, it was not included in the analysis.

Bunzendahl reiterated respect and appreciation for McLaughlin. She said that SWAC was presented information and made a motion consistent with its role. Committee members don't have all the background or information about political pressures such as why the funding was pulled. If removing funding was a political decision, why would SWAC consider pulling this motion?

McLaughlin responded that funding was pulled from the budget because it was determined that King County didn't need a NE station at this time. A solution will be needed when Houghton closes. From the analysis last summer we learned that there are less capital intense solutions that could also serve as a means to meet the needs of the region.

Bunzendahl responded that based on the information SWAC received, the population increase in the NE King County area make this a viable motion. Discussion has been of such high quality that it can't be ignored. She advocates keeping the motion as written and capturing more of August's discussion in the meeting notes as a record. She noted that there seem to be other unstated components impacting the discussion.

Livingston noted in response to Eggen's comments that the challenge for the County is to make the best of the motion they receive from SWAC. He reiterated that the committee is intended to be independent and maintain their objectivity. It is possible that "immediate" may be five years from now but the work needs to be done. Even if the motion is not accepted by the County it is important that SWAC make this point.

Kelly asked if there is a way SWAC can supplement the motion to request the necessary funding or find another way to make the motion more acceptable to decision makers. Whether or not the motion can be changed the committee has given their advice.

Garber stated that the motion says, “begin the process of.” The intent of the motion was to get things moving in that direction and the intent is just as important as the words contained in the motion.

Schmidt-Pathmann said it is important that SWAC not rescind the motion. Information about siting funding was not presented to the committee in advance. He would like to see a mention of increased focus on a holistic system. The cost of burying waste has changed because waste now has a resource value that is included in the calculations.

Ziegler noted that the division’s analysis that was given to the Council threw some weight to the demand management strategies that are largely unproven. The strategies have not been deployed though they have been modeled. Until that happens he is skeptical about demand management. Requirements with respect to the labor force will need to be negotiated. It may not be practical.

In response to Ristau’s questions, McLaughlin said Houghton will close when replacement capacity is available. He noted that the City of Kirkland would like to see that happen as soon as possible. He said that it is difficult to site a facility when policy decisions regarding the possible impact of alternative disposal options and what services would be needed at the location have not been made. When the purpose of the facility is not clear it is difficult to determine the size of property needed and the optimal location. That makes siting problematic. Until more is known the process cannot begin. How long it would take would depend on what type of property is sought and in what area.

Ristau noted that it is important to look at all the information when providing advice. She said she was not certain SWAC had done that. She noted that things “never get cheaper” so putting off purchasing or building will mean that the cost will increase. She also said that “immediately” means something different in government terms.

Garber said the City of Kirkland has identified some sites. There may be an opportunity for a confluence of circumstances regarding siting. She said she hadn’t heard anything that made her want to rescind this motion. All the motion says it to look at options in the same site specific detail to be able to make the best choice.

Eggen said, “If you wait until you have all the info you need you’ll never do anything.” He noted it would be useful to identify locations perhaps purchasing a site that is bigger than what the county believes will be required. The land price will be relatively small in comparison with the

build price. He reminded the committee that the motion communicates directly to the Council and not to the division.

Bunzendahl recommended siting and planning for station that includes flexibility allowing the facility change to another purpose. Planning the facility in a way that could be adapted to processing method doesn't prevent siting.

In response to Bunzendahl's question, Marzolf said that when asked, Councilmember Lambert had not identified additional considerations on the subject.

McLaughlin noted that a recycling and transfer station is expected to be an approximately \$100M facility. It could be made more or less expensive based on what is needed. The division would need to explain the need for a facility to Council and not being certain of its purpose would make it more difficult. Explaining the search for a facility to a community during the siting process would be even more problematic when its need has not been determined. When the fundamental policy decisions have not been made about things like waste to energy, early export, anaerobic digestion and other options it would be very difficult to receive authority and to site a facility.

Bunzendahl asked if there were particular things related specifically to a NE station of which SWAC should be aware. She asked if there are vocal Council members driving part of this decision. McLaughlin replied that the division has engaged consultants that have provided viable options to making the capital investment in a NE station. He noted that the division's budget reflects the Council direction.

Garber noted that the Enumclaw station was sited with a checklist. Other sites have been approved based on an expanded environmental checklist particularly if there is a willing host city. If the earliest opportunity to ask for funding is at the next rate increase, that will work within this motion. She noted the northeast King County is a centroid of waste generation.

Garber asked the committee for a motion to rescind. No motion was made.

Comp Plan Waste Prevention/Recycling: Presentation

Gaisford said that the [document](#) sent out with the agenda lays out three policy choices. Noting the time remaining he asked that SWAC members read the document before the next meeting to inform continued dialogue.

The three choices in the document are:

- a. Immediate implementation of the road map to 70% - all cities and the county implement mandatory separation at the curb. The County requires self-haul customers to recycle all materials that can be separated at transfer stations.
- b. Jurisdictional self-determination – cities choose their own paths toward 70% recycling with a menu of options. There are consequences if goals aren't reached. There are also incentives for achieving goals.
- c. Regional push forward with County leading – The County leads by example with unincorporated area customers. The County requires self-haul customers to recycle all materials that can be separated at transfer stations. Also the County and all cities implement a three year educational cart tagging program, implementing best practices to make recycling at multi-family complexes more convenient, increase food scrap collection from business, schools and other institutions, and use existing and new grant funds to support effective efforts.

In response to Bunzendahl's question he said that some parts of these options are possible within the existing budget and others will require additional resources.

Open Forum

- Livingston had comments on two topics: Waste to energy and the dynamic differences between MSWMAC and SWAC. Both topics are discussed in detail in the paper provided to SWAC. (Paper is included at the end of the minutes.)
 - Waste to energy has been in place for many years. I bring it forward as a counterpoint of information. When we hear the European examples, we don't know their regulatory environment. Economically WTE may or may not be in our best interest. All of us are able to do research and should talk long and hard about how this works as a system. It's a complicated set of processes and I can't get married to something until I understand how it is integrated into the whole processes. I'm here to provide our best recommendation of the county as a whole.
 - The paper provides background of SWAC and how it is different from MSWMAC. Both groups have different purposes, but the goal is to come up with the best alternatives for the county.
- Schmidt-Pathmann shared the following:
 - The current edition of ecoprog's Waste-to-Energy study says that there are more active waste incineration plants than ever and more facilities under construction and ever. Forecasts have improved especially for markets in India, Thailand and Australia. Today more than 2200 waste incineration plants are operational throughout the world. Another 550 plants are planned for the next ten years.
 - Barnes Johnson, the director of the EPA's Office of Resource Conservation and Recovery, gave a keynote address at the inaugural Wast360 Recycling Summit. Johnson reflected on the passage of the Resource Conservation and Recovery

Act as it approaches its 40th anniversary. He talked about the importance of the hierarchy and even noted proudly that waste-to-energy plants generate 14.5 million megawatt hours annually from waste that would otherwise be landfilled. He talked about challenges facing recycling including volatility in commodities markets and prices and pressure from customers demanding higher quality.

Our August 21st meeting in my opinion had several discussions that represented the diversity of thought that the Solid Waste Advisory Committee (SWAC) was intended to provide. One of the discussions or recurring discussions occurred during open forum and focused on a member's interest in waste to energy. I respect the right of all members of SWAC to share their opinions and to believe their vision and operational service preference will produce an outcome in the best interest of the County.

But as a member of SWAC, I expect when disposal options come before the SWAC for consideration they will be properly researched by County staff for pros, cons, myths as well as cost analyzed. Landfilling of waste and waste to energy (WTE) are two options the County needs to discuss and understand. They both have negative legacies, have evolved in their state of the art technology to where they are today and both are likely to continue improving.

It is worth noting that two cities in this country, Detroit, Michigan and Harrisburg, Pennsylvania have gone bankrupt (Detroit – they had many other problems as well) or nearly bankrupt (Harrisburg) because of choosing waste to energy as their waste disposal option. Neither city could manage repayment on their investment and the continuing need to upgrade their facilities to current air quality standards.

An incinerator or in current format a WTE facility requires a steady volume of BTU rich material to operate efficiently. Since the initial investment is substantial and operating overhead is often higher than other forms of disposal, being cost competitive can be problematic. The suppliers of waste necessary to feed Harrisburg's facility ultimately chose less expensive disposal options. In Detroit a shrinking population base, mismanagement and multiple other issues were part of their demise.

We have heard often about WTE in the European Union and how their technology would and could be the best long-term solution for King County and its waste disposal operation. Please understand that European countries that have highly effective recycling rates are obtaining some of the waste they need to burn from other countries where recycling programs or markets are less effective.

To make WTE facilities profitable and efficient requires a guaranteed minimum daily volume of waste to burn. This necessitates a guaranteed volume of the waste stream from the entities of a defined service area to send their waste to said facility. In my opinion the need for a constant flow of burnable material may act as a disincentive for the County and ILA cities as they work together to meet the State's goal of 70% diversion. And when WTE facilities are not profitable they require a tax subsidy.

It also needs to be understood that if the costs of building and operating a WTE facility exceed those of other options available, the cities that have ILA agreements with the County are less likely to be in favor of the higher cost disposal option. The ILA cities' residents and businesses that are paying the cost for disposal may object to paying for a higher cost option if they do not perceive they are receiving a significant benefit from the higher cost option versus potential less expensive options.

Each of these disposal options, landfilling or WTE, have proponents and detractors. The ideal solution is to minimize the volume that either option would receive and base the decision outcome for the County's future disposal option on comparative analysis and ultimately what works best for the actual customers, supporting ILA constituencies, regulatory authorities, and environmental and health concerns for all participants in concert with King County's capability to manage disposal efficiently within the most favorable cost structure.

The other discussion of interest dealt with the motion recommending approval by the Executive and Council of the Transfer Plan Part 2 Final Report and the desire to also begin the process of securing a site, if feasible, for a Northeast Transfer station. A motion was passed at the meeting recommending approval of the study and requesting the County begin the process of site acquisition for a future transfer station. During the discussion it became apparent to those present the unique difference between Metropolitan Solid Waste Management Advisory Council and (MSWMAC) and Solid Waste Advisory Council (SWAC). MSWMAC's representatives to SWAC wanted to SWAC to delay action until a decision could be reached by MSWMAC.

I share my thoughts on the uniqueness of the two review bodies because the purpose of MSWMAC and SWAC are intertwined but not the same. Also because the difference between the two was not explained to me as a new member and it took a while to understand the dynamic of the two bodies within the County's advisory structure. I realize that MSWMAC is a political conglomeration that by necessity leans toward representing the parochial interests of each city that has signed an Inter-local Agreement (ILA) with King County. MSWMAC was created by King County and the ILA cities in 2004 to improve communication and service continuity between the County and ILA cities.

The SWAC has a much longer history and its genesis can be traced to the Code of Federal Regulations Title 40. The Environmental Protection Agency's (EPA) intent was to create a diverse public review body comprised of citizens, representatives of the waste-recycling industry, labor and political interests for jurisdictions managing solid waste disposal facilities. Each state generally codifies the federal regulations into their state code and the requirements for establishing a SWAC can be found in Washington state's Revised Code (RCW). King County amended its Code in 1984 to establish the SWAC.

In writing these comments I am providing only a personal perspective on SWAC and MSWMAC. However, I am also sharing the observation that SWAC due to its diversity and conforming to the EPA's intent and mirroring the RCW's defined structure could potentially have greater weight in state and federal level legal reviews of solid waste needs for King County. Within King County Code the SWAC and MSWMAC are treated and managed equally.

Solid waste services are very challenging to deliver, manage and change. It is a system that has to coordinate and manage the behavior of customers, haulers, cities, waste stream options, recycling versus disposal considerations, markets, costs, regulations from federal, state, county and municipalities, achievable economies of scale, size of the waste stream, traffic, equipment choices as well as delivery methodologies used to accomplish each task. Multiple challenges and perspectives are required to accomplish what is a never-ending public health function.

If SWAC is going to perform its service to the County properly it has to keep an open mind and view this challenge from the perspective of what is in the best interest of **all** customers being served by the County's solid waste service delivery system. This challenge requires taking the time to understand the system in its present form, the regulatory controls, defined waste minimization goals, size and scope of operational needs, population trends, customer behaviors

and needs, ever-transitioning markets for recyclable materials as well as the disposal options for waste. All of this has to be done with an understanding of present operations while considering transitional challenges over a long-term planning and service horizon.

MSWMAC philosophically shares the same objective but their decisions will be processed first by the political constraints and filters of the entities they represent. The County needs SWAC's and MSWMAC's opinion to fully understand how to best proceed with its decision process but SWAC and MSWMAC are not the same and should not be expected or required to operate in concert with one another even though both are simultaneously processing the same information.

Article Sources – Waste to Energy:

Incineration Versus Recycling: In Europe, A Debate Over Trash by Nate Seltnerich:
Yale Environment 360

Link =

http://e360.yale.edu/feature/incineration_versus_recycling__in_europe_a_debate__over_trash/2686/ - .Vdvr_tHOuSQ.email

Incineration and Incinerators-in-Disguise: Energy Justice Network

Link = <http://www.energyjustice.net/incineration>

THE MONEY PIT: The Real Reason Harrisburg Pennsylvania Went Bankrupt

Link=

<http://www.businessinsider.com/the-money-pit-the-real-reason-harrisburg-pennsylvania-went-bankrupt-2011-10#ixzz3k88m1RMp>

Detroit's Waste Incinerator, USA: Environmental Justice Atlas

Link =

<https://ejatlas.org/conflict/detroits-waste-incinerator-usa>

Detroit's incinerator has folks calling for action: Detroit Metro Times

Link=

<http://www.metrotimes.com/detroit/detroits-incinerator-has-folks-calling-for-action/Content?oid=2202722>

Regulatory Sources – Solid Waste Advisory Committee:

CFR Title 40 > Chapter I > Subchapter I > Part 256.65 > Subpart G
Recommendations for public participation.

CFR Title 40 > Chapter I > Subchapter A > Part 25 > Section 25.7
Advisory groups.

RCWs > Title 70 > Chapter 70.95 > Section 70.95.165

King County Code > 10.25.10 - Metropolitan Solid Waste Management Advisory
Committee

King County Code > 10.28 - Solid Waste Advisory Committee

King County Ordinance 14971, July 27, 2004 – Establishing MSWMAC

King County Ordinance 6862, July 12 1984 – Establishing SWAC

Prepared by: Keith Livingston
King County Solid Waste Advisory Committee Member
Interested Citizen, City of Federal Way
September 10, 2015