

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Council		9/6		9/6/94	Council
Division Head:				9/27/94	Council
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

SUBJECT:

Request for Solid Waste Advisory Committee's recommended changes to the flow control ordinance

ATTACHMENTS:

SUMMARY STATEMENT:

Please complete sections of box as appropriate & explain the item below.

Related County contract #:	Should Clerk schedule a hearing? NO / / YES / / Requested date:
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CLERK'S RECOMMENDED MOTION (for final action):

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

9/6: "Henderson moved to request that the SWAC committee forward its recommended changes to the flow control ordinance, by 10 a.m. Wednesday September 21 for consideration by the Council on September 27." Motion carried unanimously.

9/27: Council Approved Resolution 7-0

SPONSORED BY: Consent

PROPOSED BY: Henderson

INTRODUCTION DATE: 9/27/94

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RESOLUTION NO. 94-04 8
WHATCOM COUNTY RESOLUTION CLARIFYING THE INTENT OF FLOW
CONTROL

WHEREAS, the County flow control ordinance currently in effect was adopted in
June 1991; and

WHEREAS, the methods of handling garbage is a dynamic industry with changing
technologies; and

WHEREAS, legal analysis of the Carbone decision supports the conclusion that our
flow control ordinance remains essentially valid; and

WHEREAS, the flow control ordinance does not currently address costs as they
relate to the hierarchy; and

WHEREAS, the flow control ordinance does not address the addition of new
technologies as they become available;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the
Council recognizes and affirms the essential validity of the 1991 flow control ordinance; and

BE IT FURTHER RESOLVED by the Council that cost is a legitimate limiting
factor in determining the viability of any garbage disposal system and concludes that a per-
ton tipping cost shall be capped at the rate negotiated with a disposal company at the time
of contract signing. Any increases in rate for whatever reason will require approval from
the County Council; and

1 BE IT FURTHER RESOLVED that the County shall impose a surcharge or penalty
2 for companies not performing at higher levels in the hierarchy. A penalty shall be assessed
3 for materials sent to landfill. The penalties shall follow the following schedule:

- 4 ● Processing of waste to recover and market recyclable material (no penalty)
- 5 ● Transformation of waste into energy or other usable form (\$2.00/ton penalty)
- 6 ● Volume reduction of waste (\$5.00/ton penalty)
- 7 ● Disposal with volume reduction only (\$10.00/ton penalty)
- 8 ● Land-filling unseparated waste (\$20.00/ton penalty)

9 BE IT FURTHER RESOLVED that the current flow control hierarchies shall
10 be categorized as follows:

- 11 1. Recycling of separated waste:
12 Processing No penalty
- 13 2. Processing of unseparated wastes including compostables:
14 Process No penalty
- 15 3. Incineration with energy recovery of separated waste:
16 Transformation \$2.00/ton penalty for land-filled ash
- 17 4. Incineration without energy recovery of separated waste:
18 Reduction \$5.00/ton penalty for land-filled ash
- 19 5. Land-filling of separated waste:
20 Reduction \$5.00/ton penalty for land-filled waste
- 21 6. Incineration with energy recovery of unseparated waste:
22 Volume reduction \$10.00/ton penalty for land-filled ash

1 7. Incineration without energy recovery of unseparated waste:

2 Volume Reduction \$10.00/ton penalty for land-filled ash

3 8. Land-filling of unseparated waste:

4 Disposal \$20.00/ton penalty for land-filled waste

5 BE IT FURTHER RESOLVED that contracts between the County and designated
6 disposal sites shall embody, as appropriate, clarifications herein above set forth; and

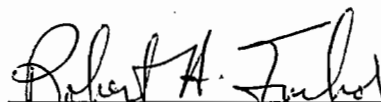
7 BE IT FINALLY RESOLVED that the County shall direct the solid waste manager
8 or other public official to place the above stated provision into any contract and make the
9 above stated provisions a part of facility designation.

10 APPROVED this 29th day of Sept, 1994.

11 ATTEST:

12 WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

13 
14 Ramona Reeves, Council Clerk

13 
14 Robert A. Imhof, Council Chair

15 APPROVED AS TO FORM:

16 _____
17 Civil Deputy Prosecuting Atty.