

**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO. 1996 - 154 A**

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:Public Works		6/11/96		6/11/96	Council Introduction
Division Head:				7/9/96	Public Hearing
Dept. Head:				9/17/96	Council
Prosecutor:	DG	10/1/96			
Purchasing/Budget:					
Executive:					

**SUBJECT:**

Ordinance amending WCC 8.15 solid waste disposal sites exempt construction waste

**ATTACHMENTS**

Ordinance

**SUMMARY STATEMENT:** Please complete sections of the box as appropriate & explain the item below:

Related County Contract #:	Should the Clerk schedule a hearing? (Y/N) Y	Requested Date: 7/9/96
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Ordinance amending Whatcom County Code 8.15, solid waste disposal sites, exempting the processing and disposal of construction and demolition waste.

**RECOMMENDED MOTION (for final action):**

**COUNCIL ACTION TAKEN**

1996 - 154 A 6/11/96: Introduced  
 7/9/96: Public Hearing. Tabled until completion of RDS litigation.  
 8/6/96: Held in Council until 9/17/96  
 9/17/96: Adopted 6 - 1, Brenner opposed. Ord. #96-037

**Related File Numbers:**

**Ordinance or Resolution Number (this item only):**

Ord. # 96-037

SPONSORED BY: Consent

PROPOSED BY: Public Works

INTRODUCTION DATE: 6/11/96

ORDINANCE NO. 96-037

AN ORDINANCE AMENDING WHATCOM COUNTY CODE 8.15,  
SOLID WASTE DISPOSAL SITES, EXEMPTING THE PROCESSING AND  
DISPOSAL OF CONSTRUCTION AND DEMOLITION WASTE

**WHEREAS**, Ordinance No. 91-041 is an ordinance relating to the disposal of solid waste generated within Whatcom County, commonly referred to as the "Flow Control Ordinance", which is codified as Whatcom County Code 8.15, and

**WHEREAS**, the disposal of Construction and Demolition waste is within the coverage and designation requirements of the Flow Control Ordinance, and

**WHEREAS**, Resolution No. 96-002 passed by the County Council January 2, 1996, clarifying the Flow Control Ordinance, requested the Solid Waste Executive Committee to review the Flow Control Ordinance relative to the exemption of construction and demolition waste, and

**WHEREAS**, following separate review, the Solid Waste Executive Committee recommends that Construction and Demolition Waste be exempted from the Flow Control Ordinance and the Solid Waste Advisory Committee recommends that Construction and Demolition Waste not be exempted from the Flow Control Ordinance, and

**WHEREAS**, Whatcom County has entered into disposal site agreements with certain designated disposal facilities which agreements specifically allows Whatcom County to exempt construction and demolition waste from said ordinance, and

**WHEREAS**, the County Council believes that the management of construction and demolition waste within the Flow Control Ordinance is not necessary in order to protect public health, safety and welfare of Whatcom County.

**NOW, THEREFORE, BE IT ORDAINED**, that the following amendments be made to Whatcom County Code 8.15:

1 Section .020

2 Add the following definition for Construction and Demolition Waste which references WCC  
3 24.08, Demolition and Inert Landfill Regulations:

4 “Construction and Demolition Waste” shall have the same meaning as “Demolition  
5 waste” contained in WCC 24.08.040, as amended from time to time.

6 Add the following definition for Woodwaste consistent with WAC 173-304, Minimum  
7 Functional Standards for Solid Waste Handling:

8 “Woodwaste” means solid waste consisting of wood pieces or particles generated  
9 as a by-product or waste from the manufacturing of wood products, handling and  
10 storage of raw materials and trees and stumps. This includes but is not limited to  
11 sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not  
12 include wood pieces or particles containing chemical preservatives such as creosote,  
13 pentachlorophenol, or copper-chrome arsenate.

14 Section .030(E)

15 Delete all references to Construction and Demolition Waste in sub-sections designating  
16 various facilities, as follows:

17 2. Olivine Corporation, 928 Thomas Road, Bellingham (Authorized to  
18 recycle and/or incinerate, with or without energy recovery, ~~construction and~~  
19 ~~demolition debris and land clearing byproducts only unless otherwise approved by~~  
20 ~~the manager.~~ The handling of separated solid waste is covered under subdivision 1  
21 of this subsection E, and Section 8.15.070A.7;

22 3. ~~Cedarville (Authorized to receive county solid waste for landfilling, but~~  
23 ~~only under emergency conditions;~~

24 4. ~~County Construction Recyclers, 1902 Hemmi Road, Everson (Authorized~~  
25 ~~to recycle and/or landfill construction and demolition debris only);~~

26 5. ~~Point Roberts Disposal, Point Roberts (Authorized to recycle and/or~~  
27 ~~landfill construction and demolition debris only.)~~

28 Section .060(A)(4)

29 Delete language referencing Construction and Demolition Waste, while amending language  
30 to provide for 10% surcharge fee to be collected for any solid waste approved to be received  
31 by a disposal facility based on volume rather than weight, as follows:

1  
2 4. A private owner or operator of the disposal site shall have entered into an  
3 agreement with the county specifying the rates to be charged by such owner or  
4 operator for processing or disposal of county solid waste at such disposal site. The  
5 rates shall include payment to the county of \$9.00 per ton of all Solid Waste  
6 processed or disposed of at such sites, except in the case of those disposal sites  
7 authorized to receive ~~only construction and demolition debris and land clearing~~  
8 ~~byproducts~~ Solid Waste for a disposal rate based on the volume of waste received  
9 for which the fee shall be 10 percent of the gross fees charged by the operator of such  
10 sites for processing or disposal of such ~~debris and byproducts~~ Solid Waste. The  
11 agreements shall include such other terms as the manager deems necessary to protect  
12 the public health, safety, welfare, and for other regulatory purposes.


13 Section .070(A)(11)

14 Amend language to exempt the receipt, processing and disposal of Construction and  
15 Demolition Waste from Flow Control requirements (Construction and Demolition Waste  
16 handling will be limited to State and local health regulations):


17 11. ~~Processing of construction and demolition waste at recycling facilities~~  
18 ~~to recover all possible materials, including metals, wood, concrete, asphalt and~~  
19 ~~bricks. Nonrecyclable residue shall be disposed of at a designated disposal site~~  
20 ~~which disposal shall be subject to the fee established pursuant to Section 8.15.060A.4~~  
21 Processing and disposal of Construction and Demolition waste:

22 ADOPTED this 17 day of September, 1995.

23  
24 ATTEST:

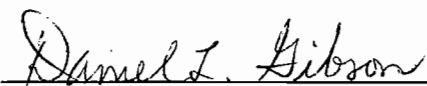
25   
26 Dana Brown Davis, Council Clerk

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

25   
26 Ward Nelson, Council Chair

27  
28 APPROVED AS TO FORM:

Approved       Denied

29   
30 Civil Deputy Prosecuting Atty.

30   
31 Pete Kremen, County Executive

Date: 10-3-96