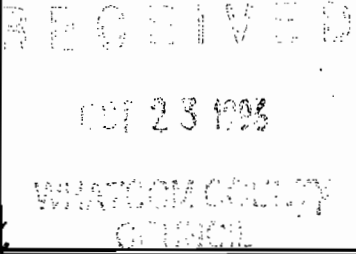


CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeff Monsen				10/29/96	Council Introduction
Division Head:				11/12/96	P & D / Council
Dept. Head: Jeff Monsen	JM	10/29/96			
Prosecutor: Randy Watts	RW	11/2/96			
Purchasing/Budget:					
Executive:	PR	10-21-96			

SUBJECT:

An Ordinance Amending Whatcom County Code 8.15, Solid Waste Disposal Sites, Regarding In-County Processing or Disposal of Solid Waste

ATTACHMENTS:

Ordinance

SUMMARY STATEMENT:

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

Related County contract #: N/A	Should Clerk schedule a hearing? NO / <u> </u> / YES / <u> </u> / Requested date:
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / <u> </u> / NO / <u> </u> / (Please explain below)
Budget line item number(s):	

This amendment incorporates language into the Whatcom County Code 8.15 (the Flow Control Ordinance) which is consistent with federal law.

ORIGINATOR'S RECOMMENDED ACTION:

Approval by Council

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

96-41 A 10/29/96: Introduced
 11/26/96: Adopted 5 - 2, Brenner & Brown opposed. Ord. #96-055

inance or Resolution Number (this item only):

Ord. # 96-055

SPONSORED BY: Consent

PROPOSED BY: Public Works

INTRODUCTION DATE: 10/29/96

ORDINANCE NO. 96-055

AN ORDINANCE AMENDING WHATCOM COUNTY CODE 8.15,
SOLID WASTE DISPOSAL SITES, REGARDING
IN-COUNTY PROCESSING OR DISPOSAL OF SOLID WASTE

WHEREAS, Whatcom County has adopted a Flow Control Ordinance governing the disposal of solid waste generated within Whatcom County which is codified as Whatcom County Code 8.15, and

WHEREAS, it is the County's intent to fully comply with all federal and state laws; and

WHEREAS, since the adoption of Whatcom County Code 8.15, the United States Supreme Court in Carbonne v. City of Clarkston has ruled that the processing and disposal of solid waste is an article of commerce subject to the strictures of the Commerce Clause; and

WHEREAS, Whatcom County has entered into disposal site agreements with certain designated disposal facilities which agreements specifically allow Whatcom County to make changes to the Ordinance to permit delivery of County Solid Waste to either a designated Disposal Site or a location outside of the State of Washington or changes which the County determines in good faith it must make in order to comply with federal and state law; and

WHEREAS, the County desires to clarify portions of the Flow Control Ordinance which are ambiguous or may arguably conflict with federal law;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following changes be made to Whatcom County Code 8.15:

A. The purpose of this Ordinance is to establish a comprehensive County-wide Solid Waste System for handling all Solid Waste generated in the unincorporated areas of the County and generated in Cities within the County. This system is intended, among other things to:

3. Prevent the in-County Processing or disposal of Solid Waste at locations other than designated Disposal Sites; . . .

Section .010.B:

The County has determined to implement aggressive programs to reduce the amount of Solid Waste that enters the waste stream; to reduce through Recycling and other approved methods, the amount of waste that must be disposed of; to use disposal

1 facilities with energy recovery prior to disposal facilities without energy recovery or
2 landfilling; and to ensure that facilities Process and dispose of Solid Waste in a manner
3 that will not create a health hazard and that will reduce environmental pollution. These
4 objectives require the County to direct the in-County Processing and disposal of all
5 Solid Waste generated within the unincorporated area of the County and generated
6 within Cities to the Disposal Site or Sites consistent with this Chapter and the Plan.

7 Section .010.D:

8 The County, pursuant to powers granted by law, hereby exercises its authority:

- 9 1. To control the in-County Processing and disposal of all Solid Waste generated
10 within the unincorporated areas of the County; . . .

11 Section .030.D:

12 Unless otherwise permitted by state law, authorized by the County Council, or exempt
13 under Section 8.15.070, it is unlawful for any Person to deliver to or dispose of any
14 County Solid Waste anywhere within the County except at a Disposal Site designated
15 by or pursuant to this Chapter, as amended from time to time. In addition, it is
16 unlawful for any Hauler to deliver or dispose of any County Solid Waste anywhere
17 outside the County except to a location in the United States outside of the State of
18 Washington unless otherwise approved by the Manager and consistent with the Plan.

19 Section .030.G:


20 Haulers and other Persons hauling Solid Waste to sites within Whatcom County shall
21 deliver County Solid Waste only to a Disposal Site named in subsection E of this
22 section that is authorized to Process or dispose of the particular type of County Solid
23 Waste being delivered. . .

24 ADOPTED this 26 day of November, 1996.

25 ATTEST:

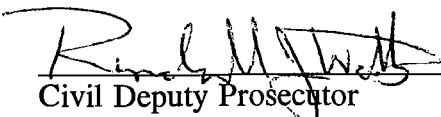
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

26 
27 Dana Brown-Davis, Council Clerk

28 
L. Ward Nelson, Council Chair

29 APPROVED AS TO FORM:

Approved Denied

30 
31 Civil Deputy Prosecutor

32 
Pete Kremen, County Executive

Date: 12-9-96