

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Jeff Monsen	Jm	3/13/96		03/19/96	Public Works/Council
Division Head:					
Dept. Head:	Jm	3/13			
Prosecutor: Randall J. Watts					
Purchasing/Budget:					
Executive:					

SUBJECT:

Amendments to Resolution No. 96-002 Clarifying the Flow Control Ordinance

ATTACHMENTS:

Resolution

SUMMARY STATEMENT:

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

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

Amendments to the Resolution No. 96-002 Clarifying the Flow Control Ordinance are required to include revisions approved as part of the generic disposal site agreement.

ORIGINATOR'S RECOMMENDED ACTION:

Approval by Council

COMMITTEE ACTION TAKEN:

COUNCIL ACTION TAKEN:

1996-14-A
3/19/96: Amended and approved 6-0 Resolution #96-013

Related File Numbers:

Ordinance or Resolution Number (this item only):

am Res. 96-013

SPONSORED BY: Consent

PROPOSED BY: Public Works

INTRODUCTION DATE: 3/19/96

1 RESOLUTION NO. 96-013

2 AMENDING RESOLUTION 96-002 AND
3 CLARIFYING THE INTENT OF
4 WHATCOM COUNTY CODE 8.15, SOLID WASTE DISPOSAL SITES,
5 OTHERWISE KNOWN AS THE FLOW CONTROL ORDINANCE,
6 AND ESTABLISHING SOLID WASTE HANDLING PERFORMANCE STANDARDS
7 FOR MIXED SOLID WASTES

8 WHEREAS, the Whatcom County Code (WCC) Chapter 8.15, Solid Waste Disposal
9 Sites, hereafter referred to as the Flow Control Ordinance, was adopted in June, 1991; and,

10 WHEREAS, in order to improve the County's ability to perform solid waste related
11 administrative functions, it is necessary to clarify the intent of certain elements of the Flow
12 Control Ordinance; and,

13 WHEREAS, it is necessary to recognize relevant solid waste handling performance
14 standards for those disposal sites designated under the requirements of the Flow Control
15 Ordinance that are appropriate for current industry conditions and which are consistent with the
16 purpose of the Flow Control Ordinance; and,

17 WHEREAS, for the sake of consistency, stability, and flexibility, it is deemed most
18 advantageous to have the term of all disposal site agreements linked to the same cycle, and to
19 have that cycle linked to regularly scheduled updates to the Comprehensive Solid Waste
20 Management Plan; and,

21 WHEREAS, it is vital to the long term success of a solid waste management program,
22 which engages the services of the private sector, to provide for trustworthy means of enforcing
23 the Flow Control Ordinance, as clarified herein, for the benefit and protection of the public as
24 well as to achieve fairness for competing disposal sites.

25 WHEREAS, following review and consideration of a Generic Disposal Site Agreement,
26 Resolution 96-002 is no longer valid and must be amended for the administration of the Flow
27 Control Ordinance.

1 NOW, THEREFORE, BE IT RESOLVED that the following clarifying language and
2 performance standards be utilized by administrative staff in preparing, negotiating, and enforcing
3 disposal site agreements with all designated disposal sites:

4 A. The following is intended to supplement definition language contained in WCC
5 8.15.020, Definitions, in order to provide clarity and performance standards:

6 Process - "Process" or "Processing" means an operation to convert a solid
7 waste into a useful product or to prepare it for disposal (as stated in WAC
8 173-304-100(62), Minimum Functional Standards).

9 Recyclable Materials - Includes , but is not limited to, papers, metals, and
10 glass (70.95.030 RCW) and compostables (WCC 8.15.030 G.1&2).

11 Separated Waste - The term "practical to remove" contained within WCC
12 8.15.030.G.2 is interpreted to mean the recovery of Recyclable Materials
13 in accordance with the standard specified below with respect to Priority
14 Levels 3 through 5.

15 Unseparated Waste - Unseparated Waste is the Solid Waste delivered to a
16 designated Disposal Site, regardless of the amount of Recyclable Material
17 recovery that has occurred prior to being delivered.

18 B. The following is intended to supplement language contained in WCC 8.15.030
19 (G), System of Solid Waste Handling, Waste Handling Priority Levels, in order to
20 provide clarity and performance standards:

21 General -

22 The Flow Control Ordinance requires delivery of County Solid Waste to
23 the Disposal Site that has the technical capability and available capacity to
24 Process or dispose of County Solid Waste utilizing the highest priority
25 means available. Each designated Disposal Site's priority level technical
26 capability and available capacity to Process and dispose of County Solid
27 Waste at each priority level, together with the system's cumulative Solid
28 Waste handling capacity at each priority level will be utilized by the
29 County to enforce the provisions of the Flow Control Ordinance.

30 The required delivery of County solid Waste is intended to be to a waste
31 handling priority level, not a specific Disposal Site.

1 Priority Level 1 - Recycling ... source separated recyclable materials, ...

2 In order to maintain designation status, all designated Disposal Sites shall
3 provide recycling opportunities for receipt of Source Separated Recyclable
4 Materials as well as implement activities that encourage the reduction of
5 Solid Waste being received in its unseparated form.

6 WCC 8.15.070 exempts facilities that receive, process, and market Source
7 Separated Recyclable Materials. Therefore, no Disposal Site shall be
8 granted a Level 1 site designation for purposes of required delivery of
9 County Solid Waste.

10 Priority Level 2 - Processing of recyclable materials, ...

11 In order to maintain a Priority Level 2 site designation, a Disposal Site
12 shall Process the Unseparated County Solid Waste delivered to the
13 Disposal Site and recover and recycle a minimum of 20% by weight and
14 dispose of a maximum of 80% by weight of the total Unseparated County
15 Solid Waste delivered to the site. Any technology or system that recovers
16 and recycles at least 20% by weight of the Unseparated County Solid
17 Waste delivered to the Disposal Site shall qualify as a Priority Level 2
18 disposal site.

19 The minimum 20% recovery / maximum 80% disposal requirement
20 applies to the sum of all Unseparated County Solid Wastes received at the
21 Disposal Site, excluding the following materials:

- 22 1. Source Separated Recyclable Materials, to be listed below.
- 23 2. Recyclable Materials which are removed at the Disposal
24 Site by the Person delivering the Solid Waste, to be listed below.
- 25 3. Any Solid Waste delivered to the Disposal Site and
26 processed in a manner that would otherwise be exempt from
27 Disposal Site designation requirements under WCC 8.15.070.A.
- 28 4. Any Solid Waste from which recovery of Recyclable
29 Materials is precluded by federal, state, or local law, regulation, or
30 order.
- 31 5. Any Solid Waste delivered to the Disposal Site and
32 received through payment of a disposal fee that varies from that
33 approved by the County.

1 Priority Levels 3 through 5 - Disposal of Separated Waste

2 In order to maintain a Priority Level 3, 4, or 5 site designation, a Disposal
3 Site shall Process the Unseparated County Solid Waste delivered to the
4 site and recover and recycle a minimum of 7% by weight and dispose of a
5 maximum of 93% by weight of the total Unseparated County Solid Waste
6 delivered to the Disposal Site. The minimum 7% recovery / maximum
7 93% disposal requirement applies to the sum of all Unseparated County
8 Solid Wastes received at the Disposal Site, excluding the following
9 materials:

- 10 1. Source Separated Recyclable Materials, to be listed below.
- 11 2. Recyclable Materials which are removed at the Disposal
12 Site by the Person delivering the Solid Waste, to be listed below.
- 13 3. Any Solid Waste delivered to the Disposal Site and
14 processed in a manner that would otherwise be exempt from
15 Disposal Site designation requirements under WCC 8.15.070.A.
- 16 4. Any Solid Waste from which recovery of Recyclable
17 Materials is precluded by federal, state, or local law, regulation, or
18 order.
- 19 5. Any Solid Waste delivered to the Disposal Site and
20 received through payment of a disposal fee that varies from that
21 approved by the County.

22 The following Recyclable Materials are determined to have adequate local
23 recycling opportunities and therefore any processing and recycling of these
24 materials delivered to the Operator as Source Separated will not be credited
25 towards satisfaction of Standards:

26 (The list of Source Separated Recyclable Materials to be excluded will be
27 recommended by SWAC and approved by the County Council. Until such
28 time as this list of recyclable material types is compiled and approved, all
29 Source Separated Recyclable Materials shall be excluded.)

30 All Recyclable Materials recovered from the Unseparated County Solid Waste
31 together with all Source Separated Recyclable Materials not listed above that are
32 processed and recycled through the efforts of the Operator will be counted toward
33 the satisfaction of Standards.

1 C. The Processing of Construction and Demolition Debris and Land Clearing
2 Byproducts (CDL) at recycling facilities for the recovery of recyclable material is
3 an exempt activity (WCC 8.15.070.A.11) and does not require site designation
4 under the Flow Control Ordinance. However, at the time the Flow Control
5 Ordinance was originally adopted, WCC 8.15.030 specifically identified disposal
6 sites allowed to receive CDL for disposal purposes.

7 Therefore, CDL is considered a special waste and delivery of CDL must be to a
8 designated Disposal Site specifically approved to receive such material for
9 disposal and may be delivered to a designated Disposal site specifically approved
10 to receive such material regardless of the Disposal Site's designated priority level.
11

12 BE IT FURTHER RESOLVED that all disposal site agreements executed by the County
13 prior to May 31, 2000 shall terminate on or before December 31, 2010. All disposal site
14 agreements executed by the County prior to May 31, 2000 shall be in the form of the Generic
15 Disposal Site Agreement approved by the County Council on March 5, 1996. Additional terms
16 to those set out in the standard form may be negotiated between the parties, so long as they do
17 not confer an advantage on one disposal site over another.

18 BE IT FURTHER RESOLVED that all disposal site agreements contain consistent terms
9 providing for enforcement of the Flow Control Ordinance, associated resolutions, and the terms
20 of the agreements themselves, and the resolution of disputes regarding the same; and,

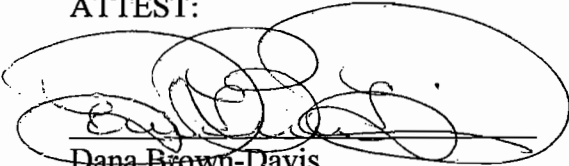
21 BE IT FURTHER RESOLVED that review of the Flow Control Ordinance, of associated
22 resolutions, and all administrative guidelines utilized to create or enforce disposal site
23 agreements shall occur at least during all updates to the Comprehensive Solid Waste
24 Management Plan and, therefore, the County maintains the right to add to, amend, or delete
25 elements of WCC Chapter 8.15, clarifying language or performance standards contained in this
26 resolution, or with associated resolutions, with the first review intended to be completed by May
27 31, 2000 ; and,

1 BE IT FURTHER RESOLVED that Resolution 96-002 is hereby repealed and replaced
2 by this resolution.

3 APPROVED this 19 day of March, 1996.

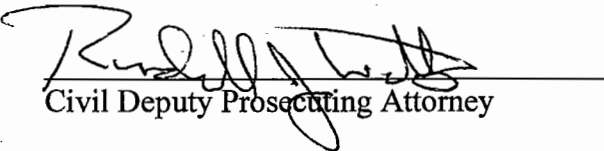
4
5 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

6 
7 Dana Brown-Davis,
8 Clerk of the Council


Ward Nelson, Council Chair

9 APPROVED AS TO FORM:

10 
11 Civil Deputy Prosecuting Attorney

12 M:\USERS\JEFFM\WPFILES\FCORES.DF8