

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Ravyn Whitewolf	RW	11/7/97	<b>RECEIVED</b>  NOV 12 1997  WHATCOM COUNTY COUNCIL	11/18/97	Introduction
Division Head:				12/9/97	Hearing
Dept. Head: Jeffrey M. Monsen	JM	11/7/97			
Prosecutor: Randy Watts	RW	11/6/97			
Purchasing/Budget:	JW	11/7/97			
Executive: Pete Kremen	PK	11-10-97			

**SUBJECT:**

Ordinance amending Whatcom County Code 8.10 Solid Waste and Residential Recycling Collection

**ATTACHMENTS:**

Cover memorandum  
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 / <input type="checkbox"/> / YES / <input checked="" 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):	

The Solid Waste Advisory Committee has reviewed the Service Level Ordinance, and their recommended amendments are included. In addition, the effective date is extended.

**ORIGINATOR'S RECOMMENDED ACTION:**

Adoption by the Council

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

1997 - 382 11/18/97: Introduced  
12/9/97: Amended & Adopted 5 - 2, Brenner & Brown opposed.  
Ord. #97-067

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

Ord. 97-067

November 6, 1997

SPONSORED BY: Consent

PROPOSED BY: Public Works

INTRODUCTION DATE: 11/18/97

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ORDINANCE NO. 97-067

AMENDING WHATCOM COUNTY CODE 8.10,  
SOLID WASTE AND RESIDENTIAL RECYCLING COLLECTION

WHEREAS, the Whatcom County Council adopted Ordinance No. 90-95, the Service Level Ordinance, on October 9, 1990 and amended said ordinance on January 11, 1991; again on July 23, 1991, and again on September 19, 1995; and

WHEREAS, the Solid Waste Advisory Committee (SWAC) reviewed and recommends further amendments to the Service Level Ordinance; and


WHEREAS, the current ordinance expires on December 31, 1997;


NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Section 8.10 of the Whatcom County Code is hereby amended in accordance with Exhibit "A".

ADOPTED this 9 day of December, 1997

ATTEST:

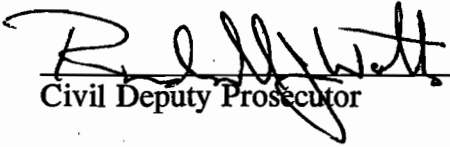
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

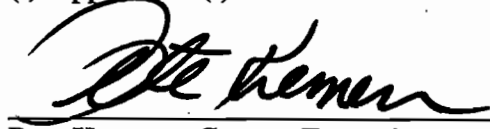
  
Dana Brown-Davis, County Clerk

  
L. Ward Nelson, Council Chair

APPROVED AS TO FORM:

Approved  Denied

  
Civil Deputy Prosecutor

  
Pete Kremen, County Executive  
Date: 12-31-97

**Exhibit "A"**

**Chapter 8.10**

**SOLID WASTE AND RESIDENTIAL RECYCLING COLLECTION**

**Sections:**

- 8.10.010 Purpose.
- 8.10.020 Findings.
- 8.10.030 Definitions.
- 8.10.040 Single-family residential garbage collection.
- 8.10.050 Residential recycling collection.
- 8.10.060 Nonresidential and multifamily garbage collection.
  
- 8.10.070 Submittal of documents and notices.
- 8.10.080 Notice to Utilities and Transportation Commission.
- 8.10.090 Modification of collection schedules.
- 8.10.100 Severability.

**8.10.010 Purpose.**

A. Policies expressed in Whatcom County's 1990 Comprehensive Solid Waste Management Plan Update ("plan") make waste reduction and recycling the preferred methods of handling solid waste. The purpose of this chapter is to specify service levels and rate structures for recycling and solid waste collection that encourage recycling and waste reduction, that protect the public health and safety, and to ensure that, to the maximum extent practicable, only the remainder after separation should be incinerated or landfilled.

B. Certain service levels and rate structures for solid waste and recycling collection are hereby established in Whatcom County to further the objectives of the plan, including a high level of waste reduction and recycling; to ensure the provision of such solid waste collection and disposal systems and services as are in the public interest; and to secure a healthful environment for all citizens of Whatcom County.

**8.10.020 Findings.**

The county council, in establishing service levels and rate structure principles, determines and finds:

A. Waste reduction and recycling measures contemplated by the

plan promote the health, safety, and welfare of residents by encouraging the reuse of products and reducing the use of incineration and landfill facilities.

B. State and federal laws and regulations have increased the responsibility of local governments to manage solid waste systems in a manner that protects public health and safety.

C. The state and the county have set waste reduction and recycling as the highest priorities in managing solid waste. In order to make programs for waste reduction, curbside recycling and other source separation feasible, rate structures must make it cost-effective for residents and businesses who generate small amounts of waste to participate in such programs, and all nonresidential accounts must be offered the option of subscribing to recycling service.

D. It is the policy of the county that collected recyclable materials be processed locally whenever practicable and that they be utilized according to the following priorities: (1) reuse intact materials in their original form for their original purposes; (2) recycle materials back into their original form for their original purpose; (3) recycle materials for other uses and preserve the future ease of recyclability; and (4) reuse materials for single end uses that do not allow or that inhibit further recycling.

E. Adoption of the ordinance codified in this chapter is necessary for the protection of natural resources and the environment, the immediate preservation of the public health and welfare and the support of governmental activities.

#### **8.10.030 Definitions.**

As used in this chapter:

A. "Carrier" means a common, contract or private carrier as defined by RCW 81.80.010.

B. "Certificated hauler" means a solid waste collection company as defined by RCW Chapter 81.77 and certificated to operate in Whatcom County. Certificated haulers are Sanitary Services Company (WUTC No. G-14); Nooksack Valley Disposal, Inc. (WUTC No. G-166); Blaine-Bay Refuse, Inc. (WUTC No. G-145); ~~Washington Waste Hauling and Recycling, Inc. (WUTC No. G-237);~~ and Point Distributors, Inc. (WUTC No. G-155). ~~For purposes of this chapter, North Cascade Disposal is not a certificated hauler.~~

C. "Executive committee" means the group of seven mayors and the county executive as established and governed by interlocal agreements between the county and cities in July 1989.

D. "Multifamily dwelling" means a residential dwelling containing five or more units on one lot or parcel.

E. "Nonresidential account" means a building or facility that is not occupied as a permanent residence including, but not limited to, commercial and industrial businesses, schools, hospitals, government buildings, recreation facilities, and transportation facilities.

F. "Recyclables" and "Recyclable materials" mean those solid wastes that are separated for recycling or reuse as identified in this chapter.

G. "Single-family residence" means a residential dwelling containing four or fewer dwelling units on one lot or parcel. Where two, three, or four units are on one lot or parcel, each unit shall be considered as an individual single-family residence.

H. "Solid waste" shall have the meaning given to it by RCW 70.95.030.

#### **8.10.040 Single-family residential garbage collection.**

A. Certificated haulers shall perform collection and hauling of garbage from single-family residences that request collection service in unincorporated portions of Whatcom County. Service to single-family residences shall be provided on a schedule of either weekly, every-other-week or monthly collection.

B. Garbage containers provided by and for single-family residences shall be 30 to 32 gallons and 15 to 20 gallons. Haulers may also offer 60 or 90-gallon containers. A specific size within the 15 to 20-gallon "mini-can" range shall be approved by the hauler and shall be consistent within the certificated area. Ninety-gallon can service shall be available only on a weekly or every-other-week basis. The design of all containers shall be subject to approval by the hauler.

C. Collection rate structures shall be designed to encourage waste reduction and recycling and to comply with the plan. The rate per gallon for large containers shall be no less than for smaller

containers. The per gallon rate for multiple containers shall be no less than for a single container.

D. Certificated haulers shall bill each customer at least once every three months. The rate printed on the bill shall be a separated figure representing the garbage collection rate, the Whatcom County Excise Tax, and the recycling collection rate.

#### **8.10.050 Residential recycling collection.**

A. Certificated haulers shall collect source separated recyclables from all residences in unincorporated portions of Whatcom County that receive garbage collection, except as provided in subsection K of this section. All single-family residences shall be provided with recycling collection at least every other week and on the same day of the week as garbage collection. Service to multifamily residences shall be provided at least every other week. The hauler shall provide residents, who have completed the garbage exemption process, the opportunity to subscribe to recycling-only collection service, without subscribing to garbage collection. Recycling-only customers will be charged the full cost of recycling collection service, plus an appropriate administrative/billing fee.

B. The hauler shall provide recycling containers to each residence at the customer's request. Container design and use shall be subject to the prior approval of the county. The cost to the hauler of the initial container set for each dwelling unit, of damaged containers, and of containers for new customers as necessary, shall be a cost incorporated into the collection rate. The cost of lost or stolen containers shall be borne by the customer. The hauler shall deliver all containers to the dwelling unit unless otherwise directed by the county.

C. 1. Haulers shall collect, and recycling containers shall be designed to hold, the following materials:

- a. Newspaper;
- b. Mixed waste paper;
- c. Aluminum containers;
- d. Tin-plated steel containers;
- e. Glass containers;
- f. All plastic bottles; all remaining plastic containers are eligible as approved by the County and the hauler.
- g. Yard Waste - Collection of this material is deferred pending further amendments to this chapter, no later than December 31, 1999.

2. The following materials shall also be collected when placed adjacent to set-out containers:

- a. Corrugated cardboard;
- b. Scrap metal no longer than 24 inches in any dimension or heavier than 35 pounds per piece;
- c. Lead-acid ~~and household batteries~~ that show no signs of leakage;
- d. Used motor oil in sealed containers;
- e. Other source separated materials designated by the county and the hauler and approved by the county council.

D. Materials shall be collected on the improved public road nearest to the residence (or mutually agreed upon location) when properly set out on the designated collection day. The hauler is not required to collect materials at any particular hour. The collector is not required to enter private property to collect material while an animal considered or feared to be vicious is loose. The resident shall confine such an animal on collection day.

E. In case of missed collection, the hauler shall investigate and, if the missed collection is verified, shall arrange for the collection of the uncollected recyclable material within one business day after the complaint is received, unless otherwise agreed by the hauler and customer. All haulers shall add staff as needed to answer questions and respond to complaints from 8:00 a.m. to 5:00 p.m. on collection days.

F. Each hauler shall charge the same recycling collection rates to each residential dwelling unit that receives garbage collection service from that hauler. Revenues from such rates shall be designed to cover all projected collection, marketing, promotional, and administrative costs reasonably and necessarily incurred to provide residential recycling collection. However, only costs directly associated with recycling service may be allocated to recycling rates. Revenues/costs associated with the sale of recyclable materials are included in the WUTC rate structure.

G. Haulers and recycling companies shall take reasonable actions in marketing recyclable materials to implement the county's policies regarding local processing and priorities of use. All materials collected shall be processed and marketed such that no recyclable material is landfilled, incinerated, or disposed of in any way other than recycling. Haulers shall adopt collection procedures and technologies to minimize the cross-contamination or nonrecyclability of collected materials.

H. The county, in consultation with certificated haulers and purchasers of recyclable materials, shall establish promotional strategies by which the haulers shall inform the public about recycling collection service. The costs to certificated haulers of implementing such strategies shall be covered by their rates for residential recycling service. The County may adopt, and pay for, additional promotional strategies if they wish. Any hauler that wishes to adopt additional promotional strategies shall obtain the prior approval from the county. Requirements imposed by the WUTC are not promotional strategies for purposes of this section.

I. It is unlawful for any person, other than the collectors as authorized by this chapter, to collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to this section without first obtaining the consent of the occupant or owner of the premises. Any violation of this subsection shall constitute a misdemeanor and, upon conviction, violators shall be punished by a fine of not less than \$500.00. Each day of such violation and violation at each dwelling unit, shall be deemed a separate and independent offense.

J. The business name and telephone number of the collector shall be clearly visible on each side of each vehicle used to provide residential recycling service. The collector shall contain, tie, or enclose all collected materials to prevent leaking, spilling, or littering.

K. The election made by this chapter pursuant to RCW 36.58.040, notifying the WUTC to carry out the plan rather than awarding a contract, shall continue ~~to December 31, 2002~~, except as provided in this subsection. If the county executive determines that a certificated hauler has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the hauler with a written notice specifying the noncompliance and affording the hauler 60 days to cure the noncompliance; provided, however, that the hauler shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the hauler's control. At the discretion of the county executive, the period for cure may be extended. If the hauler fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the hauler.

L. Should the County or the hauler determine that there is no reasonable market for a material and/or the cost of recycling that material is unreasonable, they can petition the Executive to

eliminate the requirement for that material to be collected as a recyclable. The Executive has full discretion whether to accept or deny the request. The Executive must state the period of time the exemption will be allowed.

**8.10.060 Nonresidential and multifamily garbage collection.**

A. Certificated haulers shall perform collection and hauling of garbage from nonresidential and multifamily accounts in Whatcom County.

B. Container sizes for nonresidential and multifamily accounts shall be approved by the hauler.

C. Rate structures for nonresidential and multifamily garbage collection shall be designed to encourage waste reduction and recycling and to comply with the plan. On a per-gallon, per-yard or per-ton basis, rates for larger containers shall be no less than rates for smaller containers, and rates for multiple containers shall be no less than rates for a single container excluding the recycling charge and the billing charge.

D. Certificated haulers shall bill each customer at least once every three months.

**8.10.070 Submittal of documents and notices.**

A. Whenever a certificated hauler files a proposed tariff revision with the WUTC, the hauler shall simultaneously provide the county with copies of the proposed tariff and all nonproprietary supporting materials submitted to the WUTC at any time prior to approval of the tariff. Such materials include but are not limited to any correspondence or other information concerning rate calculation parameters and details, tariff sheet application and adjustments, and annual reports.

B. 1. All certificated haulers, recycling collectors and processors, transfer facilities, and disposal facilities shall provide the county with the following quarterly information on April 20, July 20, October 20, and January 20 for each of the previous three months and, where appropriate and practical, separately listed for each city and unincorporated area of the county:

a. Daily disposal tonnages to and from: municipal

disposal facilities for each primary disposal or processing method, transfer stations, and convenience centers;

b. Monthly disposal tonnages from industrial and other private landfills;

c. Monthly recycling tonnages per material from all recycling collectors and processors;

d. Solid waste collection, disposal, and recycling collection and processing service contracts and amendments within incorporated and unincorporated areas of the county; and

e. A log of all customer complaints about recycling, specifying the date, nature of complaint and resolution for each complaint.

2. In addition, all certificated haulers shall provide the County with the following information regarding residential recycling and, where appropriate and practical, separately listed for single family and multi-family residences broken out by city/county:

a. Monthly tonnages and, if available, volumes of materials collected by type of material collected, and revenues/costs by type of material;

b. Number of eligible customers and number of set outs per month.

#### **8.10.080 Notice to Utilities and Transportation Commission.**

The Whatcom County council, pursuant to RCW 81.77.030(5) and 81.77.040, hereby notifies and requests the Washington Utilities and Transportation Commission to carry out and implement the policies and programs specified in this chapter and in the plan in coordination with certificated haulers and common carriers through the Commission's rate setting and oversight authority.

#### **8.10.090 Modification of collection schedules.**

The provisions of this chapter concerning (1) the frequency of collection of recyclable materials and garbage; (2) service levels in rural areas in the event that mandatory collection is not adopted; and (3) rate structures in the event that the WUTC issues

an inconsistent order may be modified by agreement of the county executive and all certificated haulers, subject to approval by the county council.

**8.10.100 Severability.**

If any portion or section of the chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the section to other persons or circumstances is not affected.

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