



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Report

File Number: AB2024-166

File ID:	AB2024-166	Version:	1	Status:	Adopted
File Created:	02/22/2024	Entered by:	CMcglath@co.whatcom.wa.us		
Department:	Health Department	File Type:	Ordinance Requiring a Public Hearing		
Assigned to:	Council Public Works & Health Committee			Final Action:	04/23/2024
Agenda Date:	04/23/2024			Enactment #:	ORD 2024-030
Related Files:					

Primary Contact Email: jhayden@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Whatcom County Code 8.10, Solid Waste and Residential Recycling Collection, specifies a service level for curbside solid waste and residential recycling services that encourage recycling and waste reduction services. The service provider has modified its collection method within the City of Bellingham from source-separated recycling to a single-stream recycling system. Current code requires source separated recyclables and is not consistent with current industry practice. Whatcom County Code 8.10 is being amended to reflect the City of Bellingham collection process.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
03/05/2024	Council	INTRODUCED FOR PUBLIC HEARING Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler Nay: 0	Council
03/19/2024	Council	HEARD PUBLIC TESTIMONY AND REFERRED TO COMMITTEE Aye: 7 Buchanan, Byrd, Donovan, Elenbaas, Galloway, Scanlon, and Stremler Nay: 0	Council Public Works & Health Committee

Agenda Bill Report Continued (AB2024-166)

04/09/2024	Council Public Works & Health Committee	DISCUSSED
04/09/2024	Council	WITHDRAWN
04/23/2024	Council Public Works & Health Committee	RECOMMENDED FOR ADOPTION
	Aye: 2	Scanlon, and Stremler
	Nay: 1	Galloway
04/23/2024	Council	ADOPTED
	Aye: 4	Byrd, Elenbaas, Scanlon, and Stremler
	Nay: 2	Donovan, and Galloway
	Absent: 1	Buchanan

Attachments: Staff Memo, Substitute Proposed Ordinance, Health Department response to public comment for 4.9.2024, Weimer Comments for 4.23.2024

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

PROPOSED BY: ____Health and Community Services____
INTRODUCTION DATE: _____

ORDINANCE NO. 2024-030

**Amending Whatcom County Code 8.10, Solid Waste and Residential Recycling
Collection to reflect the City of Bellingham collection process and to remove
duplicate requirements**

WHEREAS, Chapter 70A.205 of the Revised Code of Washington directs the County to establish a service level for residential waste generators in its local solid waste management plan; and

WHEREAS, Whatcom County code 8.10, Solid Waste and Residential Recycling Collection, specifies a service level for curbside solid waste and residential recycling services that encourage recycling and waste reduction services; and

WHEREAS, the service provider has modified its collection method within the City of Bellingham from three-bin source-separated recycling to a single-stream recycling system; and

WHEREAS, the current code requires source separated recyclables and is not consistent with current industry practice; and

WHEREAS, several of the reporting requirements named in the code duplicate already established permitting reporting requirements;


1 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
2 Whatcom County Code Chapter 8.10 is amended to reflect the City of Bellingham
3 collection process and to remove duplicate requirements, as attached Exhibit A

4
5 **ADOPTED** this 23rd day of April, 2024.

6
7
8
9 ATTEST:

10 
11 Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

12 
13 Barry Buchanan, Council Chair

14
15 WHATCOM COUNTY EXECUTIVE
16 APPROVED AS TO FORM:

17 _____
18 /s/ Royce Buckingham

19
20 Royce Buckingham, Civil Deputy Prosecutor

WHATCOM COUNTY, WASHINGTON

21 
22 Satpal Sidhu, County Executive

23 (X) Approved () Denied

24 Date Signed: 4/29/24
25

EXHIBIT A

Chapter 8.10

SOLID WASTE AND RESIDENTIAL RECYCLING COLLECTION¹

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. This chapter is adopted under the authority of Chapter 36.58 RCW – Solid Waste Disposal, Chapter 70A.205 RCW – Solid Waste Management – Reduction and Recycling, which directs local governments to define levels of service for solid waste management.

B. Policies expressed in Whatcom County's 2022-2027 Comprehensive Solid and Hazardous Waste Management Plan ("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.

C. 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. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.020 Findings.

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

A. Waste reduction and recycling principles 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

EXHIBIT A

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. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

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 solid waste collection companies.

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. "Material recovery facility" means any facility that receives, compacts, repackages, or sorts source separated solid waste for the purpose of recycling.

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

F. "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.

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

H. "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 lot or parcel shall be considered as an individual single-family residence.

I. "Solid waste" shall have the meaning given to it by RCW 70.205.015.

J. "Solid waste collection companies" means those entities defined by Chapter 81.77 RCW and certified by the UTC to operate in Whatcom County. Solid waste collection companies are Sanitary Services Company (UTC No. G-14); Nooksack Valley Disposal, Inc. (UTC No. G-166); Waste Management of Washington, Inc. (No. G-237); and Freedom 2000 LLC, dba Cando Recycling and Disposal (UTC G063819). (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.040 Single-family residential garbage collection.

EXHIBIT A

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

4 B. Garbage containers provided by and for single-family residences shall be 30 to 32 gallons and 15 to 20 gallons.
5 Solid waste collection companies may also offer 60- or 90-gallon containers. A specific size within the 15- to 20-
6 gallon "mini-can" range shall be approved by each company and shall be consistent within its certified service area.
7 Ninety-gallon can service shall be available only on a weekly or every-other-week basis. The design of all containers
8 within each service area shall be subject to approval by the solid waste collection company certified for that area.

9 C. Collection rate structures shall be designed to encourage waste reduction and recycling and to comply with the
10 plan.

11 D. Effective January 1, 2019, single-family residences located in Point Roberts, with on-site sewage systems, shall
12 no longer be exempt from mandatory curbside collection services. As a minimum level of service, the minimum
13 required curbside collection service shall be 26 annual pickups, to occur at the discretion of the customer on any day
14 of the approved every other week garbage collection schedule, of a 32-gallon can, and source separated recyclables.
15 The cost of the minimum level of service, as per the approved UTC tariff, shall be billed as an annual fee on the
16 property tax bill, at the rate of one minimum level of service per single-family residence. Service levels above the
17 minimum level of service, as may be requested of the service provider, for larger cans, increased frequency of
18 pickup, carry out or other services, will be invoiced directly by the service provider as per the approved UTC tariff.
19 (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-
20 045).

21 **8.10.050 Residential recycling collection.**

22 A. Solid waste collection companies shall collect source separated recyclables from all residences in unincorporated
23 portions of Whatcom County that receive regularly scheduled garbage collection. All single-family residences shall be
24 provided with recycling collection at least every other week and on the same day of the week as garbage collection.
25 Service to multifamily residences shall be provided at least every other week. The solid waste collection company
26 shall provide residents who have completed the garbage exemption process the opportunity to subscribe to
27 recycling-only collection service without subscribing to garbage collection. Recycling-only customers will be charged
28 the full cost of recycling collection service plus an appropriate administrative/billing fee.

29 B. The solid waste collection company shall provide recycling containers to each residence at the customer's
30 request. Container design and use shall be subject to the prior administrative approval of the county. The Utilities and
31 Transportation Commission, by law, will establish fair, just, reasonable, and sufficient rates for solid waste collection
32 companies under Chapter 81.77 RCW. The company shall deliver all containers to the dwelling unit unless otherwise
33 directed by the county.

34 C. 1. Solid waste collection companies shall collect, and recycling containers shall be designed to hold, the following
35 materials:

36 a. Newspaper;

37 b. Mixed waste paper;

38 c. Aluminum containers;

EXHIBIT A

- 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 solid waste collection company;
- g. Yard Waste. Collection of this material is deferred pending further amendments to this chapter.

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 batteries that show no signs of leakage;
- d. Used motor oil in sealed containers;

e. Nothing in this section shall prohibit the solid waste collection company from picking up additional items at the company's discretion.

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 solid waste collection company 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 solid waste collection company 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 company and customer. All solid waste collection companies 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. A solid waste collection company subject to regulation by the UTC as to rates and service shall not charge, demand, collect, or receive a different compensation from its customers than the applicable UTC-established rates (Chapter 81.28 RCW).

G. Solid waste collection companies 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. The companies shall adopt collection procedures and technologies to minimize the cross-contamination or non-recyclability of collected materials.

H. The county, in consultation with solid waste collection companies and purchasers of recyclable materials, shall establish promotional strategies by which the companies shall inform the public about recycling collection service. The county may adopt, and pay for, additional promotional strategies if they wish. Requirements imposed by the UTC are not promotional strategies for purposes of this section.

EXHIBIT A

I. It is unlawful for any person, other than the solid waste collection companies 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. RCW 70A.205.190J. 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. If the county executive determines that a solid waste collection company has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the company with a written notice specifying the noncompliance and affording the company 60 days to cure the noncompliance; provided, however, that the solid waste collection company 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 company's control. At the discretion of the county executive, the period for cure may be extended. If the solid waste collection company 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 company.

L. Should the county or the solid waste collection company 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. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.060 Nonresidential and multifamily garbage collection.

A. Solid waste collection companies 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 solid waste collection company.

C. Rate structures for multifamily garbage collection shall be designed to encourage waste reduction and recycling and to comply with the plan.

D. Solid waste collection companies shall bill each customer at least once every three months. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.070 Submittal of documents and notices.

A. Whenever a solid waste collection company files a proposed tariff revision with the UTC, the company shall simultaneously provide the county with copies of the proposed tariff and all nonproprietary supporting materials submitted to the UTC 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 solid waste collection companies, material recovery facilities, and transfer stations, shall provide the county with the following quarterly information on April 20th, July 20th, October 20th, and January 20th for the previous quarter and, where appropriate and practical, separately listed for each city and unincorporated area of the county:

EXHIBIT A

- a. Quarterly disposal tonnages to landfills for each transfer station, drop-box facilities, and each disposal or processing method;
- c. Quarterly recycling tonnages per material from all material recovery facilities from curbside collection programs by solid waste collection companies;
- d. Public service contracts and amendments within incorporated and unincorporated areas of the county for all solid waste collection, disposal, and recycling collection and processing; 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 solid waste collection companies shall provide the county with the following information regarding residential recycling and, where appropriate and practical, separately listed for single-family and multifamily residences broken out by city/county:

- a. Quarterly 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. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.080 Notice to Utilities and Transportation Commission.

The Whatcom County council, pursuant to RCW 36.58.040, hereby notifies and requests the Utilities and Transportation Commission to carry out and implement the policies and programs specified in this chapter and in the plan in coordination with solid waste collection companies and common carriers through the Commission's rate setting and oversight authority. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.090 Modification of collection schedules.

The provisions of this chapter concerning (A) the frequency of collection of recyclable materials and garbage; (B) service levels in rural areas; and (C) rate structures in the event that the UTC issues an inconsistent order may be modified by agreement of the county executive and all solid waste collection companies, subject to approval by the county council. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.100 Severability.

If any portion or section of this 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. (Ord. 2018-031 Exh. B; Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).