

KING COUNTY METROPOLITAN SOLID WASTE MANAGEMENT ADVISORY COMMITTEE

May 9, 2008

11:45 – 2:30 p.m.

King Street Center, 8th Floor Conference Center

Meeting Minutes

Members in Attendance

<u>Name</u>	<u>Agency</u>	<u>Title</u>
Jeff Viney	City of Algona	Councilmember
Bill Peloza	City of Auburn	Councilmember
Susan Fife-Ferris	City of Bellevue	Conservation & Outreach Program Manager
Joyce Nichols	City of Bellevue	Utilities Policy Advisor
Sabrina Combs	City of Bothell	Special Projects Administrator
Rob Van Orsow	City of Federal Way	Solid Waste & Recycling Coordinator
Erin Leonhart	City of Kirkland	Public Works Maintenance Supervisor
Jean Garber	City of Newcastle	Councilmember
Jon Spangler	City of Redmond	Natural Resources Division Manager
Chris Eggen	City of Shoreline	Councilmember
Kirsten Weinmeister	City of Snoqualmie	Recycling Coordinator
Frank Iriarte	City of Tukwila	Deputy Public Works Director

Others in Attendance

Solid Waste Division

Gemma Alexander, SWD Staff

Kevin Kiernan, Division Director

Jane Gateley, SWD Staff

Josh Marx, SWD Staff

Bill Reed, SWD Staff

Thea Severn, Interim Lead Planner

Diane Yates, Intergovernmental Relations Liaison

Cities

Tim Henry, City of Auburn

Barre Seibert, Councilmember, City of Clyde Hill

Matt Larson, Mayor, City of Snoqualmie

Sabrina Kang, Suburban Cities Association

1 **Call to Order**

2 MSWMAC Chair Jean Garber called the meeting to order at 12:00 p.m. Everyone
3 present introduced themselves.

4
5 **Approval of March and April Meeting Minutes**

6 **MSWMAC member Bill Peloza moved to approve the March minutes.**

7 MSWMAC member Chris Eggen asked to verify whether MSWMAC member Mark
8 Relph, whose name was not listed in the attendance, was accidentally omitted.

9 (NOTE: SWD staff checked the sign-in sheets and Mark Relph had not signed in at the
10 meeting.)

11 *The March minutes were approved by consensus.*

12
13 **Eggen moved to approve the April joint committees minutes.**

14 *The April minutes were approved by consensus.*

15
16 **Updates: SWD/SWAC/Other Updates**

17 **SWD:**

18 Division Director Kevin Kiernan reported that the division will send letters to cities that
19 do not participate in MSWMAC, offering to provide briefings on the update of the Comp
20 Plan. MSWMAC member cities can also have briefings and should contact
21 Intergovernmental Relations Liaison Diane Yates if they are interested in scheduling one.
22 Briefings can be general or can be tailored to focus on specific issues of interest to the
23 city.

24
25 Financial policies will be on MSWMAC's June agenda. Kiernan asked members to
26 provide the division with specific thoughts on financial policies in advance of the
27 meeting so that those thoughts can be incorporated into the presentation.

28
29 The SEPA public comment period for the landfill gas project is nearly over. So far the
30 division has received no substantive comments, although there have been requests for
31 clarification. The project is expected to be operational by early 2009.

33 Peloza asked if an executive summary of the landfill gas project could be provided to
34 MSWMAC members. Kiernan replied that a fact sheet has been prepared as part of the
35 SEPA process, and will be made available to MSWMAC.

36

37 Kiernan noted that members may have heard about a debris management planning
38 process by the Urban Area Security Initiative (UASI) that is being funded by FEMA. He
39 said that the division is active in this process. Division staff Gemma Alexander is the
40 division's representative to Phase Two of the project. Emergency management will be
41 included in the Comp Plan, and there may be a presentation to MSWMAC on the subject.

42

43 Kiernan reported that the Ordinance 14971 Business Plan that MSWMAC previously
44 reviewed is on the Regional Policy Committee agenda for May 14.

45

46 The division continues to monitor tonnage, which is 6% below 2007 levels. The decrease
47 in tonnage has not been offset by increased recycling and is consistent throughout the
48 west coast, including Seattle, Snohomish County and San Diego, where tonnage is down
49 13% from last year. This is attributable to economic slowdown. The division is revising
50 its 2009 budget and revenue forecasts accordingly.

51

52 Peloza suggested that the director's update should be available as a one page handout.

53 Kiernan agreed to provide a handout in the future.

54

55 SWAC:

56 Garber reported that there is no SWAC update this month because SWAC's last meeting
57 was held jointly with MSWMAC.

58

59 Other Updates:

60 Garber said that a representative of German incineration testified before the governor's
61 Climate Advisory Team that their brand of incineration greatly lowers greenhouse gas
62 emissions compared to landfilling. She said she has drafted a letter to counter such
63 misstatements with facts from the RW Beck report, which looked specifically at local

64 conditions. MSWMAC members had no objections to the letter. A signed copy will be
65 sent to members by email.

66

67 Pelozo suggested changing the meeting time to 10:45-1:00 to avoid Friday afternoon
68 traffic. Intergovernmental Staff Liaison Diane Yates said the conference room is
69 available during that time if MSWMAC chooses to change the meeting time. Eggen
70 noted that a break for lunch would have to be built into the agenda if the meeting began
71 earlier. There was no objection to changing the meeting time. Garber said she would
72 notify all cities immediately.

73

74 Garber asked if there was any objection to taking a group photo at the June meeting for
75 inclusion in the Comp Plan. There was none.

76

77 Garber introduced the new MSWMAC letterhead, which now lists the names of member
78 cities. The letterhead allows new cities to be added without changing the overall look of
79 the design. The new letterhead was approved by consensus.

80

81 Interim Lead Planner Thea Severn reported that there are no significant changes to the
82 master schedule.

83

84 **Open Public Meetings**

85 Garber said that there is some feeling that MSWMAC may be subject to the Open Public
86 Meetings Act, and MSWMAC may be open to legal challenge on that point. She said
87 that although she believes the Act does not apply to MSWMAC, she prefers to err on the
88 side of disclosure. This topic is very timely, as last week a consultant requested access to
89 all MSWMAC materials.

90

91 Pelozo argued that MSWMAC is subject to the Act, saying that MSWMAC does act on
92 behalf of a governing body, conducting hearings and taking testimony. As an elected
93 official, he could be subject to fines for participating in closed meetings. He pointed out
94 that closed executive sessions are permitted even for open public meetings.

95

96 Garber said that she does not believe MSWMAC to be a governing body, as it makes no
97 binding decisions. She pointed out that the Foster Pepper white paper on the subject
98 identifies an Assistant Attorney General's advisory opinion which does not favor closed
99 meetings for advisory boards.

100

101 MSWMAC member Susan Fife-Ferris asked why the meetings were closed in the first
102 place. Yates said MSWMAC voted to be closed at their first meeting in January, 2005.
103 Garber responded that in the beginning, it was felt that MSWMAC functioned much like
104 a city caucus and closed meetings would allow a more free exchange among members.
105 She added that she did not know what level of interest the meetings would generate, but
106 consultants and haulers would potentially be interested.

107

108 Fife-Ferris said she did not believe that MSWMAC was legally required to open its
109 meetings, but that a legal context was not required for this discussion. In the absence of a
110 compelling reason to keep the meetings closed, MSWMAC should be open to the public.

111

112 Eggen said that he personally hates closed meetings and strongly endorses an open and
113 transparent process.

114

115 MSWMAC member Erin Leonhart said that she knew Vice Chair Jessica Greenway
116 supports open meetings, and asked what the threshold would be for MSWMAC going
117 into a closed caucus.

118

119 Fife-Ferris said because MSWMAC was choosing to be open, rather than legally required
120 to be open, the requirements of the Open Public Meetings Act would not have to be met.

121 Garber added that in the past, MSWMAC has only caucused to discuss governance
122 issues, which would meet Open Public Meetings Act requirements anyway.

123

124 Kiernan said the division will support whichever decision MSWMAC makes, but noted
125 that if the meetings are opened, there will be additional administrative concerns. He
126 asked for members' help in maintaining controls on the distribution of parking validation
127 and reserving lunches for members only.

128

129 **Peloza moved that effectively immediately, MSWMAC preside over open meetings.**

130

131 MSWMAC member Jon Spangler said MSWMAC does not want to state that it is a
132 governing body. He said MSWMAC is opening its meetings voluntarily, outside of any
133 legal context.

134

135 *The motion passed unanimously.*

136

137 Garber then asked for a discussion of whether and how MSWMAC would provide for
138 public comment at future meetings.

139

140 Fife-Ferris suggested that MSWMAC meetings are working meetings and should not be
141 opened to full public participation.

142

143 Peloza stated that all public meetings include some form of public comment.

144

145 Garber said public comment in city council format would be too time-consuming.

146

147 Yates said that during SWAC meetings, which are open to the public, it is at the Chair's
148 discretion to recognize guests during the body of the meeting. The agenda always
149 includes five to ten minutes at the close of the meeting for open forum, in which guests
150 may speak.

151

152 Fife-Ferris said she liked the SWAC model, which allows guests to weigh in while still
153 maintaining control of the agenda.

154

155 MSWMAC member Joyce Nichols said that whatever method is chosen, MSWMAC
156 should remain flexible so that the process can be changed if it doesn't work.

157

158 Spangler said he would prefer not to have guests recognized before the comment period
159 because members need to make full use of the meeting time. Garber agreed, noting that

160 MSWMAC is a working group. MSWMAC agreed by consensus to allow public
161 comment at the end of each meeting only.

162

163 Yates asked how MSWMAC materials should be handled in the future. Garber said that
164 MSWMAC information can now be published on the public web page. ITSG, as a staff
165 group, will continue to have closed meetings.

166

167 **ITSG Report with WPR Goals and Recommendations Discussion**

168 MSWMAC and ITSG member Rob Van Orsow gave the ITSG update. He said that
169 SWD staff has developed a fact sheet on organics recycling. Based on existing programs,
170 ITSG continues to doubt the plausibility of a 40% organics recycling goal. ITSG
171 discussed the fact that measurement tools for organics recycling are inadequate and need
172 improvement. ITSG worked on defining alternatives for mandatory recycling. There is a
173 new handout that outlines all of the WPR goals and highlights waste prevention goals.

174

175 Severn said there was a lot of discussion about waste prevention, and the fact that it is
176 hard to measure what didn't happen. It may be possible to measure prevention of specific
177 materials, like phone books. Some cities do report waste prevention statistics, but they
178 are not based on very solid data.

179

180 Garber said that MSWMAC is to make a general motion on the recommendations today,
181 but the specific numbers can still be updated or changed in the actual Comp Plan.

182

183 Severn said the draft goals handout has been updated based on input. Percentage goals
184 have been converted into per capita pounds per year. In response to a question, Severn
185 said the numbers do not reflect the revised tonnage projections.

186

187 Fife-Ferris clarified that the ban in recommendation SF1 would not apply to cities that
188 meet the single family residential recycling goal.

189

190 Pelosa asked why wait until 2016 to enforce a ban. He suggested 2012 instead. Severn
191 replied that cities need time to put voluntary programs into place, and to renegotiate their

192 collection contracts. She added that there is no obstacle to any city pursuing more
193 aggressive goals that exceed Comp Plan requirements.

194

195 Kiernan said it is important to keep in mind that cities are responsible for implementing
196 these goals. The division supports cities in being as aggressive as they are ready and
197 willing to be, but does not want to push cities where they are not able to go. Yates said
198 that some cities are currently 15% or more below the target and must be given an
199 opportunity to improve before being required to implement a ban. Leonhart added that
200 for those cities, there is also a financial burden added to contractual issues because they
201 will need to find additional staff and budget for recycling programs. Garber added that
202 the Comp Plan will not be adopted and take effect until late next year, which leaves very
203 little time for implementation before 2012.

204

205 Eggen asked how many cities have contracts that extend beyond 2012. MSWMAC
206 member Frank Iriarte said Tukwila's contract expires in 2012. He said Tukwila would
207 also need to supplement its one staff person who works on solid waste issues in order to
208 do the necessary education, but Tukwila would be able to comply with a ban in 2012.

209

210 Garber said that Newcastle does not even have a collection contract yet, and will not have
211 fulfilled the requirement for seven years' notice to the Washington Utilities and
212 Transportation Commission (WUTC) and the hauler before implementing a contract in
213 2012. She said she is wary of being too aggressive, especially when any city that wants
214 to can be more aggressive in its own contracts without causing problems for other cities
215 that face more challenges.

216

217 Fife-Ferris said she supports ITSG's conclusion that any goals adopted for the Comp Plan
218 must be measurable and achievable within the plan period.

219

220 Spangler said he does not have any problem with the dates presented by the division. He
221 did, however, question the use of a percentage goal, which would not recognize the
222 greater impact of reduced waste generation.

223

224 Severn said that while in theory it is possible for a percentage goal to penalize cities with
225 lower waste generation rates, in practice it is usually the case that cities improve
226 recycling rates and waste generation rates at the same time. She suggested rewording the
227 goal to say, “In 2016, implement a ban on disposal of curbside recyclables in cities and
228 unincorporated areas unable to achieve the 45% through voluntary measures, except for
229 those cities and unincorporated areas that have achieved the waste generation and waste
230 disposal goals.”

231

232 Spangler agreed with the change, adding that some guidance would be required on how
233 performance would be calculated.

234

235 Severn said the recommended strategies are based on what is necessary to achieve the
236 goals. If the strategies are rejected, the goals must be revised. The strategies follow a
237 general pattern of voluntary actions with a deadline or check-in date. MF1 is an
238 exception, where immediate action is recommended because previous voluntary efforts
239 have been unsuccessful.

240

241 Fife-Ferris said the strategy requiring space for recycling in multifamily buildings should
242 be extended to all relevant categories. She said that in Bellevue, all multifamily service
243 is handled as a commercial account. She added that the plan is not recognizing the
244 evolution of business, and suggested that a mixed-use category should be added.

245

246 Fife-Ferris noted that many big companies, like Coca Cola, handle their own recycling,
247 and only participate in the solid waste system for their garbage. As a result, the cities
248 only see their garbage generation and do not have a way to track their recycling or total
249 waste generation. Division staff Bill Reed said that that data is captured by the
250 Department of Ecology, but is not available at the city level.

251

252 Pelozza asked what is being done about big companies that are taking recyclables directly
253 to Cedar Hills for disposal. Kiernan responded that under the current Comp Plan, the

254 division does not have the authority to mandate recycling, but the disposal bans
255 recommended for the next Comp Plan would address that.

256

257 Fife-Ferris said that she does not have guidance from her council on these
258 recommendations, and does not feel comfortable formally approving them.

259

260 Kiernan said that the Comp Plan is required to undergo environmental review and cost
261 analysis, and that it is inappropriate to adopt anything before that review is performed.
262 What the division would like from MSWMAC is agreement on what should be subjected
263 to environmental review and cost analysis.

264

265 Pelozza said there is a lot of material to absorb in one meeting, and suggested that
266 members take the recommendations under consideration until the next meeting.

267

268 Garber said that this is not the first time MSWMAC has seen these recommendations.
269 She said MSWMAC needs to reach a point where it can say whether they agree with
270 putting them into the draft plan. She said MSWMAC would postpone action to the June
271 meeting to give members a chance to go to their councils. She asked the division to
272 email the draft recommendations, the multipage WPR goal summary and the cities'
273 current recycling rates. She asked members to email the division their comments on the
274 goals and strategies by June 2 so that MSWMAC can take action without extensive
275 discussion at its meeting in June. Garber reminded everyone present that there will be
276 another opportunity to comment on the actual draft plan.

277

278 **Governance Committee**

279 Division staff left the room while MSWMAC members caucused for their discussion of
280 governance issues.

281

282 **Direction from MSWMAC to ITSG**

283 MSWMAC did not have any direction for ITSG. Yates said she would notify ITSG
284 members that there will not be an ITSG meeting in May.

285

286 **Adjourn**

287 The meeting adjourned at 2:20 p.m.

288

289 Submitted by:

290 Gemma Alexander, SWD Staff