

Metropolitan Solid Waste Management Advisory Committee

September 11, 2009
11:15 a.m. to 1:30 p.m.
King Street Center 8th Floor Conference Room
Meeting Minutes

Members in Attendance

Name	Agency	Title
Jeff Viney	City of Algona	Councilmember
Bill Peloza	City of Auburn	Councilmember
Joan Clark	City of Auburn	Recycling Coordinator
Susan Fife-Ferris	City of Bellevue	Conservation and Outreach Manager
Tom Spille	City of Bellevue	Solid Waste Program Administrator
Barre Seibert	City of Clyde Hill	Councilmember
Rob Van Orsow	City of Federal Way	Solid Waste and Recycling Coordinator
Gina Hungerford	City of Kent	Conservation Coordinator
Jessica Greenway	City of Kirkland	Councilmember
John MacGillivray	City of Kirkland	Solid Waste Coordinator
Don Fiene	City of Lake Forest Park	Councilmember
Jean Garber	City of Newcastle	Councilmember
Linda Knight	City of Renton	Solid Waste Coordinator
Tom Gut	City of SeaTac	Public Works Director
Chris Eggen	City of Shoreline	Councilmember
Frank Iriarte	City of Tukwila	Assistant Public Works Director

Others in Attendance

Pam Badger, Special Waste Supervisor
Jeff Gaisford, Recycling and Environmental Services Manager
Tami Litras, SWD Staff
Kevin Kiernan, Division Director
Wendy Walkky, SWD Staff
Diane Yates, Intergovernmental Liaison

Guests

Margaret Shield, Policy Liaison, King County Water Land Resources Division,
Local Hazardous Waste Management Program

1 **Call to Order and Introductions**

2 MSWMAC Chair Jean Garber of Newcastle called the meeting to order at
3 11:25 a.m.

4
5 Everyone in attendance introduced themselves.

6

7 **Approval of April Minutes**

8 MSWMAC member Chris Eggen of Shoreline moved to approve the April 2009
9 MSWMAC minutes.

10

11 *The minutes were unanimously approved.*

12

13 **Updates: SWD/SWAC/Other**

14 Kevin Kiernan, Solid Waste Division Director, said that no city had accepted the
15 division's offer to participate on the selection panel for the consultants who would
16 work on siting the two new transfer stations.

17

18 **Updates: SWAC**

19 Kiernan said SWAC had met in July. They received a brief update on the
20 division's financial plan; tonnage remains low with a 15 percent decline from
21 peak tonnage in 2007. The division continues to make adjustments in order to
22 operate within the lower revenues. However, there will be impacts to programs
23 and projects. MSWMAC will receive a more in depth presentation in October,
24 after the 2010 budget is transmitted to the King County Council in late
25 September.

26

27 **Updates: Cedar Hills Site Development Plan**

28 Preliminary draft of the EIS will be released shortly. MSWMAC will be briefed on
29 it at the October meeting.

30

31 In response to questions, Kiernan said garbage tonnage is an economic
32 indicator. The division is projecting flat tonnage levels over the next two years.
33 The division has both fixed and variable costs. Many of the division's truck
34 drivers are Regular Part Time employees. They are not guaranteed more than 20
35 hours/week. Diesel use is down since fewer trucks are needed to haul garbage
36 from the transfer stations to the landfill. Also, in order to operate within current
37 revenues the division has deferred some projects, cut consultants and left vacant
38 positions unfilled. This will be discussed in more detail at the October meeting.

39

40 Updates: Comprehensive Solid Waste Management Plan

41 The preliminary draft of the plan is now in graphics and will be released on
42 October 8th. An email with a link to the plan will be sent to you on the 8th. A
43 limited number of copies will be printed. Let us know if you want a hard copy.

44

45 Previously, SWAC and MSWMAC had discussed having a joint meeting to
46 discuss the plan. Since the plan won't be released in time for SWAC and
47 MSWMAC to discuss it at the October meetings, a joint meeting could be
48 scheduled for November. With the National League of Cities' annual conference
49 falling on the week of MSWMAC's November 13th meeting, a joint meeting could
50 take place at SWAC's meeting on November 20th. The division can suggest that
51 SWAC shift its meeting time from 9:30 to 10:30 to accommodate MSWMAC, if
52 MSWMAC members can meet on November 20th. If this works for MSWMAC the
53 division will ask SWAC if this works for them at its meeting next week and then
54 send MSWMAC an email about the November meeting.

55

56 Updates: Gas-to-Energy Facility

57 Kiernan said the facility is still in start-up mode. Adjustments are still being made
58 but gas is being sold into the pipeline.

59

60 Chair Garber asked what some of the start-up issues have been. Kiernan said
61 that there is a lot of sequencing in the process. Temperatures and pressures

62 have needed to be adjusted. At one point, hydrochloric acid was being produced
63 in a stainless steel vessel, which is problematic.

64

65 Updates: Bow Lake Transfer Station

66 Kiernan said that phase 1 construction, which is primarily earthwork, has been
67 going very well and is ahead of schedule. Contract provisions for control of
68 contaminated water were efficiently implemented for the first time after last
69 weekend's heavy rains when the water needed to be hauled off site.

70

71 The contract for phase 2 of construction will be a negotiated procurement, which
72 is very different from a conventional low bid contract. The division will keep
73 MSWMAC updated on that process.

74

75 Updates: Direct Billing Cities

76 Kiernan said he was asked to address the division's concerns about direct billing
77 cities for the disposal portion of collection fees. He said there are a number of
78 considerations:

- 79 • historically, the disposal fee is charged to the entity physically bringing the
80 waste to a solid waste facility;
- 81 • the division has taken enforcement action against haulers and we've
82 levied fines against them for bringing in loads that don't meet waste
83 acceptance policies. Accountability has always been clear;
- 84 • city contracts include clauses that the hauler is not an agent, employee or
85 representative of the city. That could change if the county starts billing
86 cities directly;
- 87 • the hauler has told cities that this is a means to reduce their Business and
88 Occupation tax liability. The division can't give an opinion on that, but we
89 encourage cities to look into this with the state Department of Revenue;
- 90 • in order to have a charge account, current county code allows the division
91 to require that haulers post a performance bond and pay late fees.

92 However, county code explicitly does not allow the division to require
93 governmental agencies to post a performance bond or pay late fees.

94

95 MSWMAC member Rob Van Orsow of Federal Way said the billing issue is of
96 interest to the cities. He said cities think they can deal with the issues
97 contractually and should be able to come to terms. He said he talked to Waste
98 Management's accountants and they said interfund corporate transactions are
99 now nontaxable so the state is okay with that.

100

101 MSWMAC member Linda Knight of Renton said the waste collected by the
102 hauler is Renton's waste. The city is responsible for it. The city has contracted
103 with King County to deliver waste to county. There's also precedence since the
104 division bills the city directly for its special events. Knight said there is benefit to
105 cities to have control over the disposal portion of the rate; it helps with policy
106 making. For residential service and frontload containers, there's an industry
107 standard for weights that are assumed to be generated, which may or may not be
108 generated. So, by not paying the hauler for disposal, we have more control over
109 that cost. Disposal costs have been hidden. The hauler makes profit on the
110 disposal portion of the fee. Seeing these costs could help policy makers in
111 making program decisions. The city would have financial incentive to support
112 waste reduction recycling programs and would save ratepayers money.

113

114 Kiernan said there are other ways to ascertain weights.

115

116 MSWMAC member Tom Spille of Bellevue said Bellevue hasn't allowed their
117 hauler to charge profit on the disposal portion of the collection fee since 1994. He
118 said their contract has a separate disposal fee section mostly related to roll off
119 containers. They split out all disposal costs when calculating rate increases.

120

121 MSWMAC member Susan Fife-Ferris of Bellevue said Bellevue is not interested
122 in direct billing.

123 Knight said that Renton's contract doesn't state that they can take profit but it's
124 still in the rates.

125

126 Garber said she would have to ask her city if it has any interest in this.

127

128 Kiernan said collection trucks are used on different routes. The division gives the
129 haulers charge cards for each of their service areas. The hauler's truck drivers
130 do give the wrong card to the scalehouse operator periodically. The division
131 doesn't want to get caught in the middle of tonnage disputes between the haulers
132 and the cities.

133

134 Knight said she understands, but thinks there's room for discussion to see if
135 there are ways to work together on this.

136

137 Van Orsow said the City of Federal Way doesn't do the billing for collection
138 services, but is also interested in this. Waste Management said they would act as
139 the city's billing agent. Waste Management won't have to pay Business and
140 Occupation taxes or include profit margin on incremental cost. The city is trying
141 to cut costs and provide incentives for its waste prevention recycling program.

142

143 MSWMAC member Don Fiene of Lake Forest Park said he thinks Lake Forest
144 Park may be interested in continued discussion on this issue. MSWMAC
145 members Frank Iriarte of Tukwila, John MacGillivray of Kirkland, and Eggen
146 agreed that their cities might also be interested in further discussion.

147

148 Kiernan said there could be an increase in the division's administrative costs if
149 we were to direct bill cities and that would result in rate impacts.

150

151 Garber discussed possible next steps. In response to a question, Kiernan said
152 the division would want to be involved in further discussions, but does not want to
153 take lead.

154 Garber said cities who are interested should continue to discuss this issue, but it
155 seems to be sideline to MSWMAC's mission and work program. She suggested
156 interested cities put issue in writing and address why goal couldn't be
157 accomplished another way.

158

159 In response to a question from Fiene, Knight said the issue is structure of
160 contract.

161

162 Knight said Renton is now paying the division directly for disposal but county is
163 sending the bill to Waste Management. She said the city is paying on time and
164 there haven't been any problems. Kiernan said the bill includes both the City's
165 and Waste Management's name.

166

167 Knight said in meeting with county, they didn't expressed interest in further
168 discussion. Kiernan said the division believed it had been responsive by adding
169 Renton's name to the bill. He said the division will respond if it receives a letter.

170

171 Knight said this issue came up because of potential significant rate increases and
172 this was one way we could get some control over costs. Renton is trying to think
173 outside the box and we feel like we're not being responded to. The division has
174 put up a wall.

175

176 Cedar Hills Landfill Area 7

177 MSWAMC member Bill Pelozza of Auburn asked about Cedar Hills Landfill
178 Area 7. Kiernan said construction of the new cell is nearing completion. With the
179 tonnage decline, we won't need to start using the area until sometime in 2010.

180

181 Mattress Recycling

182 Pelozza asked about efforts to recycle mattresses.

183

184 Jeff Gaisford, SWD Manager of the Recycling and Environmental Services
185 Section, said the division has been working with the state Correctional Industries
186 and St. Vincent de Paul. The Correctional Industries is siting a facility in Tacoma
187 and will start taking mattresses for recycling. The division will wait to see how
188 effective their program is before considering restricting mattresses at the landfill.
189 Correctional Industries also won't have capacity for all mattresses immediately.
190 He said cities may want to consider taking mattresses at their recycling collection
191 events. The division has emailed information about the facility in Tacoma to the
192 city recycling coordinators and Federal Way is working with Correctional
193 Industries to take mattresses at the city's September 19 recycling collection
194 event.

195

196 Kiernan said the division would provide updates about this as new information is
197 available.

198

199 In response to a question from Eggen, Kiernan said the division currently takes
200 up to six mattresses per residential customer per day at the transfer stations.
201 Mattresses from businesses are not accepted at the transfer stations.

202

203 **Transfer Station Hours**

204 Kiernan said that per King County Code the division is required to provide
205 minimum hours at the transfer stations. The urban stations are required to be
206 open at least from 9 a.m. to 4 p.m. 7 days/week. In some cases, hours are
207 longer than standard work shifts and the division pays overtime. With tonnage
208 down fifteen percent, the division needs to look at adjusting hours. We will let
209 you know more in the next month.

210

211 **Utilities Audit**

212 Kiernan said he had intended to do a detailed review of the audit report with the
213 committee today, but since the release of the audit was delayed from

214 September 4th until next Monday, the 14th, he will have to wait until MSWMAC's
215 October meeting to do so. The county has significant issues with the report and
216 its response will be included with it. A link to the report will be emailed to you
217 once it's released. If members have any questions after it's released, they should
218 call him (296-4385).

219

220 In response to a question, Kiernan said that the audit included both the division
221 and the Wastewater Treatment Division.

222

223 **Disaster Debris Management Plan**

224 Wendy Walkky, division staff, introduced herself and said she has assumed
225 Gemma Alexander's role on the Seattle Urban Area Strategic Initiative (UASI) – a
226 Homeland Security project - in developing King County's disaster debris
227 management plan. The Seattle UASI includes the City of Seattle, King, Pierce
228 and Snohomish Counties. All King County cities are also included in this UASI.

229

230 Alexander attended MSWMAC's meeting in September 2008 to describe the
231 UASI process and the need to identify potential sites for storing disaster debris.
232 Since Alexander's presentation there's been a staffing change, the UASI
233 template has been distributed and King County has experienced two presidential
234 level FEMA qualifying disasters – last year's ice storm and the January 2009
235 flood event - which resulted in damage to the Howard Hanson Dam in south King
236 County.

237

238 In order to meet federal requirements, work is taking place under a federal grant
239 and a contract with CH2MHill to develop a template for the plan. Cities can
240 adopt the plan prepared by the UASI or modify it for themselves. The next
241 meeting, which all cities have been invited to, will be on September 28.

242

243 Last season's storm events presented the division with tangible experiences for
244 disaster planning. In particular, the division decided to prepare contracts for
245 anticipated emergency services.

246

247 The division has been working with the four cities on the Green River in south
248 King County to prepare for debris management in event of major flooding this
249 storm season. The county has provided a number of resources for these cities,
250 including:

- 251 • maps developed by King County's GIS office showing populated areas in
252 potential flood areas,
- 253 • the offer of tailored debris monitoring training for city staff, which is
254 required for FEMA reimbursement,
- 255 • contract scope of work and other management consulting from CH2Mhill,
256 • drop box operations training and coordination of consistent Green River
257 post-flood debris instructions for the media.

258

259 Kiernan said that preparation for Green River flooding is the Executive office's
260 highest priority right now. One impact on the division's work is that, with I-405
261 and Highway 18 potentially cut off, transfer trucks from south King County would
262 have to use alternative routes to get to and from the landfill. This rerouting of
263 transfer trucks would need to occur at the same time as a major disruption of the
264 region's passenger and freight transportation system. For example, the primary
265 fuel source for SeaTac Airport is in the potential flood area, as well as
266 manufacturing and distribution centers.

267

268 Walkky said that training is available to help local jurisdictions identify flood-
269 generated debris, a requirement for FEMA reimbursement. At a recent meeting,
270 the south King County cities received a presentation from the City of Snoqualmie
271 describing their experiences dealing with flood debris last year; what worked and
272 what didn't.

273

274 In event of significant flooding in south county, most impacted properties will be
275 within incorporated areas. The county's GIS office has determined that there are
276 only 78 residential parcels in unincorporated King County and many of those are
277 undeveloped.

278

279 In response to a question, Walkky said there are approximately 2550 residences
280 in the incorporated areas. However, the problem with this information is that
281 FEMA calculations do not have consistent sources for apartment buildings and
282 condominium information, so the actual number of residences that might be
283 damaged by Green River flooding is not currently known.

284

285 Because of the relatively few residential properties in unincorporated King
286 County and the scattered location of these properties, we are encouraging
287 residents to take their residential flood debris to the closest transfer station and
288 then submit a reimbursement claim to their insurance company. The county is
289 encouraging all residents of the potential flood area to take out flood insurance
290 so they can be reimbursed for flood damage which is not covered by most
291 standard homeowner insurance policies.

292

293 Walkky said there is a meeting next week with the major haulers. The division
294 does not yet know how the companies plan to deal with the flooding and
295 transportation could be a major bottleneck. Kiernan said there will also be a
296 meeting next week at the county's Emergency Operations Center that many
297 cities will be attending. Preparation is ongoing.

298

299 Walkky went on to explain the development of the UASI plan. She said the
300 federal government has asked that 100 acre sites be identified for debris storage
301 and sorting; however, few jurisdictions have that kind of undeveloped land
302 available. It appears that the county will be hosting cities for most of the large
303 debris storage sites.

304

305 Kiernan said that, historically, the division has waived disposal fees after storm
306 events. However, an event of the magnitude of this season's potential flooding
307 could have significant impacts on future rates. Because waiving disposal fees for
308 flood debris disposal results in the cost of debris disposal being borne by the
309 system's ratepayers, it would be more prudent for cities to qualify for FEMA
310 debris disposal reimbursement, and to encourage residents to obtain flood
311 insurance to cover flood losses, including debris disposal costs.

312

313 Kiernan went on to discuss the storm debris voucher ordinance adopted by
314 council this week. The ordinance is available at:

315 <http://kingcounty.legistar.com/custom/king/calendar.htm>

316 Kiernan said the division will be working with cities to develop policies through
317 the UASI process. MSWMAC will receive updates on that work.

318

319 **Pharmaceuticals: Pilot Project and Product Stewardship Legislation**

320 Margaret Shield, Local Hazardous Waste Management Program (LHWMP) staff
321 presented information concerning the safe disposal of unwanted prescription and
322 over the counter (OTC) medicines.

323

324 The Local Hazardous Waste Management Program's initial interest in the safe
325 disposal of unwanted medicines was to prevent them from getting into the
326 environment where they are an emerging contaminant of concern in water and
327 sediments. Though much of the pharmaceutical contamination in the
328 environment comes from medicines that pass through the human body, properly
329 disposing of unwanted medicines is a fairly simple and important source
330 reduction measure. Estimates on the amount of unwanted medicines vary,
331 but they could be 25-30 percent of medicines sold.

332

333 LHWMP discovered that this is also a critical public safety and health issue
334 because extra medicines in our homes increase risk of drug diversion or
335 accidental poisonings. Abuse of prescription drugs is a growing problem in our

336 communities and studies show most abusers get the drugs from a friend or
337 relative for free. Easy access to narcotics in our homes may lead to
338 development of a serious addiction problem. More than half of the calls to the
339 WA Poison Center in 2008 were about prescription and over-the-counter
340 medicines.

341

342 People need a safe way to dispose of their leftover and expired medicines.
343 Flushing medicines is the worst option as wastewater treatment plants cannot
344 remove the chemicals and they are released into the environment. The "don't
345 flush" message is getting out there, but pharmaceutical companies and others
346 are now promoting disposal of medicines into the trash.

347

348 Disposing of unwanted medicines in the trash is not secure. That is a particular
349 concern for controlled substances. Trash disposal also does not fully resolve the
350 problem of environmental contamination because medicines put into landfills can
351 eventually end up in landfill leachate, which is commonly pumped to wastewater
352 treatment facilities that cannot remove all pharmaceuticals in the treatment
353 process. Recommendations for disposing of medicines in the trash usually
354 include crushing up the pills and mixing them with kitty litter or coffee grounds,
355 then hiding them in the trash can. People may not be willing to do this. But if
356 they do, crushing and manipulating the pills may result in greater exposure to the
357 active compounds inside the tablets. Solid waste workers are also more at risk
358 of being exposed to crushed pills.

359

360 Currently, the preferred disposal method for unwanted drugs is high-temperature
361 incineration because it destroys biological activity of the drugs and prevents any
362 possibility of reclamation for illicit use. Because many waste medicines are
363 designated as hazardous waste under federal law, hazardous waste incineration
364 is most appropriate.

365

366 Shield discussed the positive results of the medicine take back program pilot
367 called PH:ARM. The pilot successfully collected medicines at thirty seven
368 pharmacies and at two boarding homes for seniors. Group Health and Bartells
369 have been the pharmacy partners for this pilot and have collected 22,000 pounds
370 of waste medicines as of March 2009. The pilot program has not been
371 extensively advertized because of its limited capacity. The pilot program officially
372 ended in October 2008, but Bartells and Group Health are continuing to collect
373 medicines with their own funds for at least the rest of this year. They see this as
374 a really important service that their customers want and appreciate. The program
375 is operating at all Group Health clinics, but only at some Bartells stores. See
376 www.medicinereturn.com for a list of participating pharmacies. This pharmacy-
377 based collection program was modeled on British Columbia's medicine return
378 program which was mandated by regulation more than ten years ago and is
379 funded and operated by drug producers.

380

381 In response to a question, Shield explained that Group Health and Bartell Drugs
382 cannot currently accept return of legally prescribed controlled substances
383 because current federal law and Drug Enforcement Agency (DEA) rules mandate
384 that they can only be collected by law enforcement officials. Efforts to amend
385 the Controlled Substances Act are underway, including a bill proposed by
386 Representative Jay Inslee that LHWMP and King County support. The PH:ARM
387 pilot was designed with full security to be safe enough to collect controlled
388 substances when that becomes possible. There are many challenging regulatory
389 hurdles in the medicine return arena, including federal DOT regulations that
390 make transport of loose pills more difficult; therefore it's best to leave pills in their
391 containers for disposal.

392

393 To respond to the problem of prescription drug abuse, some police and sheriff's
394 offices are collecting controlled substances. The cities of Sammamish and Fife
395 have programs. Snohomish County is working to start a program in October at
396 25 police and sheriffs stations. The state of Maine also has a pilot program

397 where residents can return medicines by mail to a drug enforcement agency. A
398 key need is sustainable funding to support these law enforcement efforts.

399

400 LHWMP has been working with Washington State Representative Dawn Morrell
401 on legislation to provide funding for a statewide drug take-back program. The
402 Secure Medicine Return bill would require that producers of medicines sold in
403 Washington create and fund a product stewardship program to collect unwanted
404 medicines from consumers and appropriately dispose of them at a hazardous
405 waste facility. Despite the focus on the budget in 2009, the bill had strong support
406 but did not get to a floor vote before the session adjourned. The bill will be
407 brought back to the legislature in 2010. The bill was strongly opposed by the
408 pharmaceutical industry. 2009 supporters of the bill included the Washington
409 Association of Sheriffs and Police Chiefs and the Washington Council of Police
410 and Sheriffs (WACOPS), as well as many health, children's and environmental
411 organizations. The bill will be reconsidered in the 2010 session and support for
412 this bill from cities and counties and solid waste professionals would be greatly
413 appreciated.

414 In response to a question, Shield suggested taking unused medications to a
415 Group Health facility and placing them in a drop box in the lobby.

416 Garber asked for definition of a controlled substance. Shield said that the U.S.
417 Drug Enforcement Agency has five schedules of drugs classified as controlled
418 substances and doesn't know all of them, but Oxycontin and Ritalin are just two
419 examples. She said that controlled substances account for eleven percent of all
420 prescriptions.

421

422 In response to a request, Shield agreed to provide members with a one page
423 executive summary about the bill and a draft resolution for cities to consider. She
424 will email the information to Diane Yates to email to members.

425

426 **Adjourn**

427 The meeting was adjourned at 1:30

428 The next meeting is scheduled for October 9, 2009

429

430 Submitted by:

431 Diane Yates, SWD Staff

432