

**MSWAC/SWAC Advisory Committee Meeting**

Dec. 8, 2023 - 9:30 a.m. to 11:30 a.m.

Virtual Meeting (Zoom)

<b><u>SWAC Members Present</u></b>	
April Atwood, Marketing and Education	
James Borsum, Labor Representative	
Robin Freedman, Waste Industry	
Amy Lam, Local Elected Official	
Brett Lohrman, Labor Representative	
Bill Louie, Citizen Representative	
Laura Mork, Local Elected Official	
Penny Sweet, Local Elected Official	
Leah Tischler, Public Interest Group	
Heather Trim, Zero Waste WA	
Wendy Weiker, Chair, Waste Industry	
Phillippa Kassover, Local Elected Official	
<b><u>MSWAC Members Present</u></b>	
Troy Linnell	Algona
Joan Nelson	Auburn
Jon Gire	Bellevue
Emily Warnock	Bothell
Chris Searcy	Enumclaw
Rebecca Kovar	Federal Way
Rob Van Orsow	Federal Way
Tony Donati	Kent
Jenna McInnis	Kirkland
Penny Sweet, Chair	Kirkland
Phillippa Kassover	Lake Forrest Park
Amy Shaw	Maple Valley
Jeff Brauns	Newcastle
Micah Bonkowski	Redmond
Aaron Moldver	Redmond
Amy Tsai	Redmond
Meara Heubach	Renton
Linda Knight, Vice Chair	Renton
Genvieve Rubinelli	Sammamish
Mason Giem	SeaTac
Paige Scheid	Shoreline
Collen Minion	Tukwila

<b><u>King County Staff</u></b>	
Nathaniel Bennet, DNRP staff	
Eyasu Ayalew, Public Health Seattle/King County	
Monica Ayers, Haz Waste program	
Alex Berg, SWD staff	
Kalyn Brady, SWD staff	
Sylvaine Bucher, SWD staff	
Joy Carpine-Cazzanti, Haz Waste program	
Lauren Cole, SWD staff	
Jerome Cruz, Public Health Seattle/King County	
Elka Peterson Horner, PSB	
Hilary Leonard, SWD staff	
Patty Liu, SWD staff	
Laila McClinton, SWD staff	
Pat McLaughlin, SWD Director	
Amy Ockerlander, SWD staff	
Yolanda Pon, Haz Waste program	
Hannah Scholes, SWD staff	
Andy Smith, SWD staff	
Elly Trinh, SWD staff	
John Walsh, SWD staff	
<b><u>Guests</u></b>	
Dylan Brown	
Joe Camero	
Erin Gagnon, DTG Recycling	
Jeanette Jurgensen, Epicenter Services	
Brad Lovaas, WRRRA	
Robert McConnell, Georgia Pacific	
Laura Moser, Waste Management	
Andie Parnell, SCA	
Tyler Pichette, Pacific Public Affairs	
Robin Tislzey	
Ricky Vahl, Waste Connections	
Diana Wadley, Dept of Ecology	
Kaylie Wallin, Republic Services	

**Call to Order and Introductions**

MSWAC Chair Sweet called the meeting to order at 11:33 a.m.

## **Meeting Minutes**

Heubach suggested a few clerical corrections to the October MSWAC minutes. Knight moved to approve the minutes with edits to the clerical errors. Van Orsow seconded. The minutes passed unanimously.

Sweet moved to approve the October SWAC minutes. Trim seconded. The minutes passed unanimously.

## **Public Comment**

Wadley shared updates beginning with the Seattle Solid Waste Advisory Committee wrote a letter of support for the electronics and batteries disposal ban. [NextCycle Washington](#) is currently accepting applications for the circular accelerator program through January 26, 2024. NextCycle is seeking applicants who are working on either upstream or downstream projects and could benefit from consulting and technical support to develop their business plan, refine their project pitch, as well as identify partners and potential funding. Lastly, the national online recycling directory for plastic bags and plastic films has been taken offline, six months after an [ABC News investigation](#). The former site now refers visitors to the [NexTrex site](#).

Carpine-Cazzanti commented that the [Management Coordination Committee](#) that oversees the Hazardous Waste Management Program is looking for someone to fill the alternate position for the city seat. The deadline to apply has been extended to Monday. Reach out directly if interested.

## **SWD Updates**

McLaughlin provided the SWD update.

### **SWD staffing updates**

Dorian Waller is no longer with King County. Amy Ockerlander will be staffing the advisory committees until SWD hires a replacement.

We're excited to share a couple promotions. Amy Ockerlander has been promoted to a new role leading our government relations and community engagement work. Her focus will be on improving our internal and external work towards partner relations, legislative strategy, and community messaging. Andy Smith is now our full-time Recycling and Environmental Services Manager after serving 18-months in the interim role. We're also in the final phase of hiring a new Deputy Director.

Christy True, DNRP Director has announced her January retirement. King County launched a national candidate search and will start conducting interviews next week.

### **Ecology public comment for landfill emissions rules**

The Department of Ecology is currently undergoing a rule making process for methane emissions at landfills. They held a public hearing on December 6. SWD staff have been evaluating the proposed rules and will be submitting public comment before the December 13 deadline. We're happy to share our comments with the committees once they are complete. We won't know the full impact of the rules until they are adopted, but it doesn't look like the proposed rule will impact our rates. The rules may have operational impacts for our open flare.

### **Draft NERTS EIS**

Our project team is hard at work on the Northeast Recycling and Transfer Station project. We expect the draft environmental impact study will be released in early 2024.

### **Long term disposal update**

Tetra Tech is studying five long term disposal options, including waste-to-energy and waste export by rail. The final study will be ready in March and we're planning to present the findings to both committees in May. It's a very complex issue that intersects disposal options, policies laid out in our Comprehensive Plan and the makeup of our regional waste system. Discussions on these decisions will make up much of the 2024 advisory committee workplans.

Trim commented that she is concerned about all the options, except waste export by rail and asked about the criteria for the study. Walsh agreed to send out more details on the criteria and to share the report once it's available.

### **Local glass recycling**

We have been informed that the local glass recycler Strategic Materials Inc. (SMI) has filed for bankruptcy to restructure their debt. SMI sorts and processes glass containers for Argdagh Glass. SMI intends to continue to operate without disruption, but we are interested in understanding if this will have any impact on business operations related to glass recycling in King County.

### **Re+ update**

We reached our goal of 25 cities signing the Re+ Pledge by the end of 2023. Sammamish became the 25th city to join the effort in mid-November. Cities that have not yet pledged are welcome to sign-on at any time.

### **King 5 News story**

In mid-November, SWD proactively sent out information to our customers and employees in anticipation of a negative news story about potential harmful impacts from operating the gas flares at Cedar Hills Landfill. Since the King 5 story aired, we've been taking more actions to communicate with employees and have proactively reached out to our regulators.

For more than a decade, we've had a productive public-private partnership with Bio Energy Washington (BEW) that captured and converted gas generated at the landfill into clean renewable energy, cutting greenhouse gas emissions. But we're currently unable to achieve that because BEW has ceased its conversion plant operations in violation of the contract they signed with King County.

When we discovered wastewater from BEW's process contained higher levels of arsenic than allowed by environmental regulations, we demanded that BEW dispose of the arsenic-laden wastewater at an approved treatment facility. We've offered BEW the opportunity to continue operating while we share the costs of safely disposing of the Plant Condensate to ensure compliance with environmental regulations, but they have so far refused our offer. BEW refused to responsibly dispose of the arsenic contaminated wastewater. Worse, BEW has escalated the problem by closing down its conversion plant despite our offers to cover costs associated with proper disposal of the wastewater while the dispute between the parties is worked out.

A lawsuit is ongoing, and we are exploring ways to get the conversion plant back up and running in the quickest timeframe possible. A restart of the plant would be the best environmental outcome. In the meantime, King County is flaring gas that would normally be handled by the BEW plant, which is required by our Clean Air Act Permits. Although King County would much rather see this methane converted to natural gas in an operational BEW plant, flaring is the only available option following BEW's unfortunate and precipitous decision to cease operations.

We upgraded the flare system earlier this year and it's operating as designed within our permitting. Out of an abundance of caution, we reached out to regulators to explore whether there are additional actions we can take beyond regulations to ensure the safety of our employees. We're currently conducting air monitoring to determine any potential arsenic-related risks to employees. We've done this type of monitoring before and there weren't any arsenic-related risks detected. We believe that will be the case again.

Lam asked whether other landfills experience issues with arsenic and if SWD has any plans to remove the arsenic. McLaughlin shared that while arsenic is a common issue for landfills, we have unique environmental conditions in the Pacific Northwest that exacerbate the issue. We have higher rainfall and naturally occurring arsenic in our soil. The concentrations of arsenic in our landfill wastewater are typically well below allowable levels. However, heavy rains increase the concentration of arsenic by total volume because we must pump the leachate ponds to the treatment plants

in Renton to prevent overflow. It's very difficult to remove arsenic. We've been looking into technology to pre-treat the wastewater discharge to remove arsenic, but it's a new technology.

Moldver asked for an update on tonnage. McLaughlin responded that tonnage is down 3-4% below forecast. Our new January rate restructure will help mitigate the soft tonnage. We predict the economic conditions driving the reduction in tonnage will continue into 2024. Our most recent waste characterization study showed that the percentage of resources going to the landfill is at 67%, down from 72% in 2019.

Knight commented that tonnage going down is a good thing regardless of the driver. We should consider coordinating a public campaign to celebrate and encourage the public to continue reducing waste and overall consumption.

### **Hauler Enforcement to Waste Acceptance Rules Enforcement**

Alex Berg presented.

All SWD waste enforcement actions are carried out in accordance with Title 10 and Title 23 of the King County code. Title 10 authorizes us to enforce our Waste Acceptance Rule. When unacceptable loads or items are disposed at our facilities, we document the disposal and collect evidence for enforcement follow-up. Evidence includes photos, videos, notes, employee reports, and statements from drivers. We may ask a driver to provide a pickup address or customer contact for follow-up. SWD staff refuse unacceptable waste if they spot it before it's dumped. If a driver still dumps it demonstrates a willful violation and triggers enforcement.

A typical email follow-up to a hauler provides a description of the violation and the date, time, and location of the violation. A truck number and/or license plate number is provided to haulers and photos of the incident, when available. In a typical enforcement follow-up, SWD may ask a hauler to provide pick-up locations, waste generator contact info, or other information about waste delivered to our facility. This is the hauler's opportunity to provide SWD notice of extenuating circumstances that may have led to improper disposals. This is also the hauler's opportunity to provide waste generator information in cases where a hauler could not reasonably have known what was placed in a dumpster.

When issuing a citation, we consider factors such as any potential or actual damage to our facilities, risk to employees, violations of laws and regulations, environmental harm, frequency of the violation, and costs associated with clean up. Citations and fines can be imposed on both haulers and generators. We follow the Title 23 penalty process for hauler fine escalation notification. First there's a warning for education, then we issue a \$100 citation, the second violation is a \$500, and doubling from then on. If the fine reaches the \$1000 mark our Government Relations team is looped in to communicate with the hauler and increase coordination. The penalty schedule starts over if the hauler goes twelve months without a violation.

Weiker commented that the earlier haulers are notified about an investigation prior to enforcement the easier it is for them to partner with King County. More frequent check-ins with haulers would be helpful. Berg noted that he's working with SWD's Operations staff to receive reports in a timelier fashion. SWD created standard work that directs onsite staff to immediately notify his team about serious incidents and submit a report within two days for less serious incidents. Reports can range from minor things like a tv or computer to something that requires a cleanup such as hazardous materials. Smith added that ensuring waste stream integrity is a SWD work priority for 2024. His team is updating King County's Waste Acceptance Rule and planning to increase customer awareness and outreach. SWD also received approval from Council to hire a new onsite position to help with customer education and flow control issues.

Trim asked whether the material restrictions outlined in King County's Waste Acceptance Rule apply to residential bins. Berg responded that contracts between cities and haulers outline the accepted residential materials. Weiker added that construction and demolition (C&D) materials pose a significant challenge to drivers. Drivers can only partly see what's in the C&D boxes when they're tipped. There is a lot of contamination when construction sites don't monitor each box. Smith added that we treat commercial and self-haul transfer station customers slightly differently under the current Waste Acceptance Rule. SWD is looking to simplify what can and can't come into our system when we update the rule in 2024.

We'll continue to engage with the committees to review and update our policies, especially around food waste and organics.

Lam asked whether load checks are consistent or random at SWD facilities. Berg responded that SWD Operations staff are expected to look for unacceptable waste, but it doesn't happen as consistently as we would like. Our Waste Inspectors, who are only onsite a portion of the time, file most of the reports.

Lam asked when the penalties were last updated and if there is potential to increase the fine amount. Berg responded that SWD has some discretion to jump a few steps in the Title 23 code procedure, but the \$100 is practical for the smaller offences from individuals. Smith added that the intent of the progressive citation model is not to cite customers, but to have compliance. SWD would like to partner with haulers to co-create customer communications to help spread awareness and encourage prevention.

Kassover requested that SWD provide the committee with more data such as the number of violations, percentage of loads checked, and the number of fines received in the last few years. Data would help illustrate the magnitude of the issue. Berg shared that they track reports produced by SWD staff and have inspection data going back decades. Smith added that SWD's approach is changing, and we're working to restructure and equip our staff to do more focused customer engagement in the coming year.

### **Legislative Preview**

Adrian Tan and Hannah Scholes presented.

The 2024 legislative session is a short session this year - only sixty days beginning on January 8, 2024. While it is still too early in most cases for the specific bill language, these are topics and bills we anticipate will be part of the session:

- Improving Recycling
- DRS for Beverage Containers
- Organics Management (HB1799 Part II)
- Right to Repair
- Electric Vehicle (EV) Battery Recycling
- Wind Turbine Blades
- Mercury-containing Lights (HB1185)
- Hydrofluorocarbon (HFC) Refrigerant Gases Recycling (HB1164)

### **WRAP Act – extended producer responsibility (EPR) for packaging & paper products**

The WRAP Act is a continuation of work from the last several years. Companies that make consumer products would be required to fund the recycling system and ensure that their packaging and paper products get recycled. Residents, local governments and waste management companies would still play important roles. Compared to the 2023 bill, this year's bill eliminates provisions addressing a deposit-return program for beverage containers. It also amends Ecology's duties and enforcement authority, among other changes.

Washington's recycling rate for packaging hasn't advanced much in the last ten years. Many valuable materials are still going to the landfill and Material Recovery Facilities are struggling with contamination. We need to work to increase our rate of recycling.

A survey of Washington residents shows that while residents want to recycle, they're concerned about whether recycling works. There's high public interest in having access to convenient recycling options and making the process less confusing. At the same time the average cost of recycling is increasing for residents. There are many contributing factors including inflation and China National Sword. The cost of recycling has increased 40% for King County unincorporated customers.

The Northwest Product Stewardship Council (NWPSC) is hosting two virtual informational events about the WRAP Act (EPR for Packaging & Paper Products), DRS for Beverage Containers and other recycling-related bills:

- Dec. 15., 2023 for local government (city & county) staff
- Jan. 5, 2024 for anyone interested (e.g., elected officials, waste management companies, environmental NGOs, etc.) – for more information, [sign up here](#).

### **Improving Recycling in Washington**

HB1900 has been pre-filed and is supported by the Washington Refuse & Recycling Association (WRRRA). Similar to the WRAP Act, it includes Ecology developing lists of recyclable materials suitable for curbside collection and drop-off, a statewide needs assessment, truth in labeling and Post-Consumer Recycled Content (PCRF) Requirements for certain plastic packaging. But this does not provide funding for reuse or recycling services and does not expand access to service (not EPR). The intent is the funding will come from the Climate Commitment Act.

### **Deposit Return System for Beverage Containers**

The deposit return system was separated from the WRAP Act but will be presented as a package. Consumers would pay a deposit that they get back when they return the beverage container. This would include aluminum cans, milk jugs, and glass bottles.

The Washington State Recycling Association (WSRA) is holding a [policy forum on December 12](#). There will also be educational sessions for local government staff on December 15 and January 5. Please reach out if you're interested in joining.

Lam asked about HB1085. Tan responded that HB 1085 doesn't ban plastic bottles but makes it easier to use refillable bottles. It bans mini toiletries for use in hotels and would require water refill stations in certain types of buildings.

### **Organics management law – HB1799 Part II**

HB1799 Part II is a huge bill around organics management including collection, processing, procurement, and program funding. It will improve how we manage organics across Washington. Ecology has taken on a lot with implementing HB 1799 and there's still a lot of work for improvement in part II. Not sure yet what all will be covered with this session, but it could address requiring residential collection, food rescue, zoning for processing facilities, how we fund programs for contamination reduction and outreach, how schools manage their organics, and address compost procurement issues. Funding could be tied to the Climate Commitment Act, but we're not sure yet.

C+C has facilitated several informative stakeholder meetings that were recorded and are now available on the [workgroup website](#). Contact Samantha Kwok to join the workgroup: [skwok@cplusc.com](mailto:skwok@cplusc.com)

### **Right to repair – HB1392**

HB1392 would require manufactures of digital products to provide independent repair businesses access to tools. This would make products easier to repair to extend their utility. Similar laws recently passed in New York and California, and we're excited there may be some momentum. In Washington there may be additional products added, such as medical devices.

Trim commented that the bill will also include larger appliances, wheelchairs, and tractors inspired by separate bills from other states.

### **Electric Vehicle (EV) battery recycling**

In 2023, the Washington State Legislature passed a law creating a comprehensive battery stewardship program. As part of this law, Ecology researched and [created a preliminary report on the management of electric vehicle batteries](#). We'll likely see a bill on electric vehicle battery management this year but are still waiting on bill language. We anticipate more EV batteries will enter the waste stream with increased electrification. There are two upcoming stakeholder meetings in January:

- **Thursday, January 4, 2024, 10 – 11:45 am PST: Stakeholder Meeting #1**

- The first meeting will focus on developing preliminary policy recommendations from pinch points in the current EV battery management system. [Register for Stakeholder Meeting #1](#)
- **Wednesday, January 31, 2024, 10 – 11:45 am PST: Stakeholder Meeting #2**
  - The second meeting will focus on confirming and finalizing policy recommendations for inclusion in the final legislative report. [Register for Stakeholder Meeting #2](#)

### **Wind turbines blades**

A study bill on recycling wind turbine blades passed last year. We received the report, and we expect there may be a bill this year. While King County doesn't have wind turbines we rely on renewable energy from other parts of the state. We're interested in end-of-life management for these materials.

### **Mercury-containing lights**

The Washington Mercury-Containing Lights Stewardship Law requires producers to fund a statewide stewardship program for collection and recycling of fluorescent tubes, CFLs, and HIDs from households. It passed in 2010 and is due to sunset in 2025. While sales of these products are decreasing with more LED lights, they're still out there. We want safe and responsible collection to continue and need to extend the collection program.

### **Hydrofluorocarbon (HFC) refrigerant gases recycling**

Hydrofluorocarbon (HFC) are commonly used in refrigeration and air conditioning equipment and are potent greenhouse gasses. We're transitioning away from using these chemicals in products and equipment and looking at end of life recycling options.

Heubach asked about the status of SB5605 from last year that sought to reduce lead in cookware. Carpine-Cazzanti responded that it was left off last session due to a clerical error but is expected to move forward this session.

### **Member Comment**

Smith commented that SWD is working with the City of Seattle and PSCA to insert waste and consumption into the criteria for the EPA's [Climate Pollution Reduction Grants](#). Please reach out to us directly if you're interested in being part of the conversation around food waste reduction and regional markets for compost. We're talking with Seattle about putting together a food waste proposal for the grant.

Heubach asked if cities are eligible for the funding if they didn't receive funding on the previous Climate Action Plan. Smith commented that the grants were rolled out quickly and there are many questions still being worked out. If you're a K4C city you're potentially eligible. ILA partners should also be able to partner for grant funding.

Sweet and Ockerlander celebrated Kassover on her final SWAC meeting and thanked her for all her work.

Moldver commented that Redmond held a citywide event where Waste Management hosted a table for swapping old holiday decorations. The table was a hit and relatively easy to facilitate.

### **Adjourn**

Meeting adjourned at 1:12pm