

**SWAC Advisory Committee Meeting**  
 April 21, 2023 - 9:30 a.m. to 11:30 a.m.  
 Virtual Meeting (Zoom)

<b>SWAC Members Present</b>		<b>King County Staff</b>	
Taylor Atkinson, Vice Chair, Citizen Representative		Nori Catabay, SWD staff	
April Atwood, Marketing and Education		Kinley Deller, SWD staff	
Jay Blazey, Manufacturer		Brian Halverson, SWD staff	
James Borsum, Labor Representative		Pat McLaughlin, SWD Director	
Robin Freedman, Waste Industry		Kathleen Petrie, SWD staff	
Phillippa Kassover, Local Elected Official		Amy Ockerlander, SWD Staff	
Brett Lohrman, Labor Representative		Terra Rose, King County Council	
Penny Sweet, Local Elected Official		Hannah Scholes, SWD staff	
Heather Trim, Recycling Industry		Terra Rose, King County Council	
Wendy Weiker, Chair, Waste Industry		Hannah Scholes, SWD staff	
		Isabelle Trujillo, SWD staff	
		Dorian Waller, SWD staff	
		John Walsh, SWD staff	
<b>Guests</b>			
Lacie Atkins, non-member citizen		Jeanette Jurgensen, Bin There Consulting	
Sandy Doughton, non-member citizen		Brad Lovaas, WA Refuse and Recycling Association	
Jon Gire, City of Bellevue		Kazia Mermel, Sound Cities Association	

**Call to Order and Introductions**  
 Chair Weiker called the meeting to order at 9:39 a.m.

**Meeting Minutes**  
 Sweet moved to approve the minutes. Weiker seconded. The minutes were approved unanimously.

**Public Comment**  
 No public comment.

**SWD Updates**  
 McLaughlin provided the SWD update.

**Residual materials ILA**  
 SWD and the City of Seattle have reached an agreement and are in the process of executing an interlocal agreement (ILA) concerning the disposition of residual materials sorted from source-separated recyclables from King County’s Solid Waste jurisdiction and processed at the two Material Recovery Facilities (MRF) within the City of Seattle. Both King County and the City of Seattle believe this agreement will benefit both parties and their ratepayers. The agreement will also preserve space at the King County Cedar Hills Regional Landfill. Per the agreement, none of the residuals from the MRF will come to Cedar Hills but we will be compensated per ton.

It must be approved by both the King County Council and City of Seattle Council. We expect this to be before council by the middle of Q2. Once the ILA is signed, the City of Seattle will also dismiss the lawsuit it filed in King County Superior Court against King County regarding the final disposal of residuals from recycled materials.

### **Re+ City Grant Program**

We are excited to launch the new Re+ City Grants program, a competitive funding opportunity to support cities in delivering projects that further Re+ and create a more circular economy. There is a total of \$300k available for this cycle. The application window for the 2023-24 cycle is from April 23-June 1. We anticipate awards will be announced in July. Cities that have signed the Re+ Pledge by June 30, 2023, will be eligible to apply. Cities can apply before they sign the pledge, but it will not be considered if the Re+ Pledge has not been signed by June 30. We encourage cities to collaborate and submit joint proposals. SWD engaged city staff at the December Recycling Coordinators meeting on the grant design. In February, SWD also held a focus group of city staff that provided feedback on the draft grant guidelines and supporting materials. This feedback helped shape the design of this grant opportunity. Please contact [circulargrants@kingcounty.gov](mailto:circulargrants@kingcounty.gov) with any questions.

SWD is nearing the Re+ City Grant program launch. This is the schedule:

- Application period: April 25-June 1
- Evaluation panel review and award recommendations: June
- Award notifications: July
- Contract negotiation: July

### **Kenworth EV Tractor**

The tractor has begun running from the Enumclaw Transfer Station to Cedar Hills Regional Landfill hauling garbage and occasional yard waste. The EV tractor runs four trips a day. To accomplish the daily trips, it needs to be charged multiple times during the day. We are working with Kenworth to work out some little issues.

### **Tonnage**

We are expecting to have a slight downturn in tonnage in comparison to last year by about 2%. This is representative of what is happening in our economy. As many of you know, garbage is a leading economic indicator. We will continue to monitor tonnage month by month. This downturn is not significantly problematic for the division as we have the new rate restructure which will give us a fixed base of revenue.

### **MSWAC/SWAC Update**

Sweet noted that MSWAC ended the meeting early and the committee did intermediary work that allowed them to get through the meeting quickly. Kassover added that it was an identical agenda with a lot of interest in the rate restructure.

### **Regional Code Collaboration**

Petrie and Deller presented this section.

Our permitting agencies currently enforce the 2018 Washington Building Code (commercial & multifamily buildings) and Residential Code (single family, duplex and townhomes) and will start enforcing the 2021 codes in July 2023. Permitting departments across the state are currently working on local amendments. The Strategic Climate Action Plan (SCAP) guides the green building being work being pursued by staff in SWD. To achieve the target goal of 85% Construction & Demolition (C&D) diversion rates across the county by 2025, the four SCAP directives SWD is following are:

- Propose strong green building codes in unincorporated King County
- Partner with King County cities on C&D recovery and reuse
- Propose strong C&D recycling codes
- Support the transition to a reusable wood market

Petrie facilitates a group called the Regional Code Collaboration (RCC) where jurisdictions across the Puget Sound Region work together to share resources and expertise to develop codes, policies, and tools supporting sustainable building practices that can be adopted/utilized locally. This last code cycle, we were able to get bits of text associated with C&D Management. If interested in participating, contact [kpetrie@kingcounty.gov](mailto:kpetrie@kingcounty.gov).

Codes developed by the RCC associated with C&D material management will be in the 2021 Washington Building and Residential Codes. These codes and appendices include:

- Building Code Appendix P & Residential Code Appendix Y – requires the submittal of a salvage assessment and waste diversion report for projects meeting certain conditions (Appendices must be adopted by ordinance)
  - Applies to any permitted project with a 750+ square foot work area of \$75,000 construction work value
  - Alterations or demolitions need a completed and submitted Salvage Assessment prior to permit issuance
  - All projects are required to submit a waste diversion report prior to permit finalization
- Residential Code Appendix Z (Building Deconstruction)– applies to single family buildings, duplexes or townhouses that are 750+ in square feet, 90 years or older and require a demolition permit
  - The requirement is that the building must be deconstructed in lieu of demolition
- Salvaged wood may be reused without the cost of grading if you assume certain design strengths (no need to adopt separately – this is an outright allowance)
  - If there's no grade stamp, salvaged dimensional lumber in good condition may be reused assuming the following species/grades
    - 2x6 or less = spruce-pine-fir stud grade
    - 2x8+, 4x+ = hem-fir No. 2 grade

These appendices are optional for jurisdictions to adopt.

Sweet wanted to know why the number of buildings having to comply for Kirkland was so high. Petrie replied that the year 2019 was a high and unique year of activity for Kirkland.

Atkinson asked why the number being analyzed for buildings was 90+ years. Deller replied that this was modeled on what Portland did and how they set their threshold on a year around 1916. Part of this 90+ number is looking at the construction companies at the time and the amount of work that will be generated with the demolitions. We basically did the same thing. There are about 3 companies that do deconstruction which leaves a fair amount of work for these companies per year. We will be doing additional deconstruction training to move the industry forward while doing our best to not overwhelm the system. We also need to make sure that there are markets for the materials. In Portland, for example, they were overwhelmed by the lumber despite their best efforts. Petrie added that when you look at the proposal from a state perspective, we need to be more conservative with the timeframe as we are dealing with other cities that have older buildings like Spokane.

Trim shared her support for this work and added that the whole reason to pass the ordinance was to get more deconstruction companies, so it should not be a barrier. In Portland, they had an older and younger timeframe. She wanted to know why King County can't have a younger timeframe, so people are more prepared for it. Deller responded that this is a good point, but this ordinance has already been sent to the building council and passed. There is a possibility that with the next code cycle, we could suggest a year change or suggest making the ordinance a requirement and not just an appendix. It would have been smart to add a younger timeframe. Deller was unsure how the 90 years will play out and is curious to see how it works out.

We are currently working the King County permitting department on figuring out what the exact process flow will be for them. It will be a little different for each permitting jurisdiction, but we are figuring out what all the steps are so we can help all the jurisdictions.

One of the big pieces for getting all the C&D ordinances in place is working with Green Halo (GH), an online cloud-based C&D reporting system. King County has contracted with GH to develop online forms and city specific portals. The County will pay the first year's GH registration for all the jurisdictions and the jurisdictions will work with GH to set up permitting software interface. GH has experience working with many of the platforms that jurisdictions use today. An applicant will register their project with GH and then fill out the documents online. Anybody who has clearance for a jurisdiction can go into GH and see how it is calculating forms. King County will develop an online coaching tool which will be available to all the jurisdictions. When a company fills out where their materials will be going, GH will give them a carbon footprint for getting that material to its destination, provide distances, and the diversion percentage for that facility. SWD will be working with GH to update all the information online. GH also keeps track of the facilities out there.

For the Waste Division Report Submittal, companies will have to record the weight/volume of the material, if the material was disposed or diverted, who the hauler was, what the receiving facility/location is, and the date of the diversion/disposal. We are working with facilities to see if we can get the automatic documentation as materials are brought to facilities.

King County has developed a multifamily onsite recycling waste collection code that provides guidance around receptable areas. The existing space allocation code requirement in Unincorporated King County (UKC) is insufficient for current and future needs, including the addition of organics. Currently, three jurisdictions have the multifamily onsite code – Seattle, Federal Way and Renton. This code supports King County Re+ effort. In 2016, King County had a consultant conduct an analysis on the solid waste collection area of high-diversion multifamily buildings. The consultant analyzed 22 buildings, with nine buildings having onsite organics. The findings showed:

- Average storage space allocated for recycling = 3.2 square feet (sf) per unit
- Average total solid waste storage space = 5.8 sf per unit
- Average total solid waste storage space for properties with organics collection = 6.6. sf per unit
- Among high-diversion properties, more than half (55%) of all solid waste collection capacity was dedicated to diversion

The proposed King County Zoning Code requirements specify that the storage space must have space for recyclables, compost, garbage, and other source-separated waste with at least 50% of that for recyclables. It must comply with this table requiring a minimum storage area based on number of units:

Land Use	Minimum Storage Space
Residential – multiple dwelling units	
2-8 dwelling units	84 sf
9-15 dwelling units	150 sf
16-25 dwelling units	225 sf
26-50 dwelling units	375 sf
51-100 dwelling units	375 sf + 4 sf for each additional unit above 50
More than 100 dwelling units	575 sf + sf for each additional unit above 100

These apply to mixed-use developments, and other highlights include:

- Collection point for every 30 units
  - If more than one building → collection points dispersed across the property
- Buildings with more than 30 units and more than two floors must have interior collection points on each floor
- Collection points located in/outside separate buildings shall be more than 200 feet from the residential common entrance
- Collection points to be identified by signs not exceeding six sf
- Outdoor collection points need to be enclosed by a six-foot wall/fence and have gate openings of at least 12 feet wide for haulers
  - If there's two containers side-by-side in a container, the collection point shall have opening of 18 feet in width

- The opening to collection points must have a vertical clearance of at least 12 feet
- The enclosure gates may not obstruct pedestrian/vehicle traffic or access to parking and must be designed so that the gate(s) swing or hauling vehicle do not project into the right-of-way
- Recyclables, garbage and other source-separated waste materials need to be protected by weather-proof containers or a roof over the storage area

We are happy to follow up with jurisdictions or citizens that want jurisdictions to follow these codes. This code will be updated and distributed to jurisdictions interested in local adoption (this code would reside in the local zoning code). Please contact Kinley Deller at [Kinley.deller@kingcounty.gov](mailto:Kinley.deller@kingcounty.gov) and Kathleen Petrie at [kpetrie@kingcounty.gov](mailto:kpetrie@kingcounty.gov) to answer any questions associated with this work and will meet with staff in aid in local adoption.

Deller added that it might be good for a city to look at these codes with the Re+ City Grants now live.

### **2023 Legislative Update**

Scholes provided the 2023 legislative update.

This is the last week in the legislative session, with two days left. Since last month, the cutoff date has passed to move bills through the opposite house. The Right to Repair bill did not make it past the cutoff to move out of the Senate Committee on Environment, Energy and Technology.

SB 5144 EPR for Batteries is still alive. This bill would establish a Battery Stewardship Program for batteries that requires battery producers to fund and organize the collection and recycling of batteries in Washington. It passed out of the house and both chambers. We are waiting for the Governor to sign it.

Another bill we are still tracking is HB 1033 Work Group on Compostable Products. It would establish a stakeholder committee force to make recommendations on the development of standards for managing compostable (plastic) products by organic management facilities. This bill passed hours before the cutoff time, and it was unanimous throughout the House. We are waiting for the Governor to sign it.

HB 1085 on Plastic Pollution Reduction is also still alive. This bill would require refill stations wherever drinking fountains are required in new buildings, phase out mini toiletries at hotels, and ban foam-filled docks and floats. It passed both chambers and was signed by the House Speaker and the Senate President. It has now been delivered to the Governor.

Lastly, SB 5287 concerning the study in the recycling of wind turbine blades passed out of both houses unanimously. It is awaiting the Governor's signature.

The newest bill that we are following is SB 5187/HB 1140 – Operating budget provisions. This bill would require Ecology to conduct activities that would inform the design and implementation of a producer responsibility program for consumer packaging and paper products. This would include conducting a recycling, reuse, and source reduction target study; and carry out community engagement about the state's recycling system. This will help us get more data about things like the WRAP Act and other types of proposals.

Trim added that the Battery Bill is the best in the nation. We hope other states will pass this version or a better one.

Sweet commented that this committee should get more information on where we are going with the WRAP Act and what can be done in the interim. Scholes responded that her and Adrian Tan will come back in June to debrief and talk about the interim.

### **Rate Restructure**

Halverson provided this section.

We have a quarterly hauler forum and some of that time was spent talking about the rate restructure. There was also a group meeting of cities organized by the cities that we were invited to participate in regarding the rate restructure. From these meetings, we heard that cities and haulers are expressing concern that negotiations are not moving fast enough and information is slow in moving back and forth. For any things that the County is involved in, we will do our best to move things forward as quickly as we can. People are also telling us that there is more complexity in the rate restructure than expected, and we clarified that we aren't changing the Fixed Annual Charge (FAC), so we are trying to shift the focus to what those implementation challenges are and help to overcome those challenges

There were a couple cities that worked with Epicenter services – SeaTac, Redmond, Kent and Maple Valley. SeaTac is contracted with Recology, and Recology prefers a volume-based allocation for dividing the FAC across their customers based on the amount of volume in each container. Redmond is contracted with Waste Management (WM) and WM is planning to use the Compound Commercial Rate (CCR) which divides and recombines the new, lower tipping fee and the FAC into an old version of the basic fee. This would have their contracts handle the pass through as if the FAC didn't exist. Kent is the city that we worked with for Republic, and they are still exploring a couple of options for how to allocate that FAC out to their customer base.

Halverson added that there was a recommendation that cities who share a hauler should meet and talk about their preferred allocation method in the city/hauler contract. This could potentially speed things up.

Waller sent out information for office hours if there are any questions.

During the meeting with the cities, the question how the true up was removed from the SWD restructure was brought up. As a reminder and for those who are new to the committee, in 2021 there used to be an idea of a true up, and we were going to base the FAC on the current data. This became a point of contention during the meeting, so we went back to see how the true up was proposed in 2021. The Oct. 2021 minutes state that "Halverson said the fixed charge option for the rate restructure was popular with both advisory committees. **SWD staff are working with cities and haulers about their concerns. He described the two options for the true-up process in briefing paper. Another new option avoids the true-up process altogether, wherein, city shares of the fixed-annual charge would be based on most recent year of complete data. So, the 2023 fixed charge rate would be based on the 2021 shares of tonnage.**

The 2023 Fixed Charge Rate would be based on tonnage from 2021 because the rates are set during 2022 and we can't use 2022 tons since we don't have the full year's tonnage yet. With the delay, 2022 tons will inform the 2024 split, making a true up unnecessary. There was support for the FAC in general but there were still issues to resolve in the true up process. We changed the language in the ordinance to represent this methodology. In the support letter, there is also language that states that cities were ok with the FAC but not with the true up. Since the true up was so universally not liked, we did not think a vote was needed to remove the true up process from the proposed legislation prior to submission in Nov. 2021.

As you may know, SWD has volunteered to develop language for a bill insert which will explain county changes. We are adding language specific to how it will be handled in different divisions. SWD will need collaboration from cities/haulers to help us draft how this FAC is being distributed to their customers. There should be at least three different versions of the piece and will be reaching out to haulers and cities for this. As these distribution methods become clear, we will develop language to reflect this.

On Friday, April 7, Waller sent out the FAC allocation data. This has information including instructions. If you have specific questions about your tonnage numbers, please send them to us.

The first tab of this document (FAC allocation tab) shows that we split up the FAC by billing entity. Whoever the County bills for tonnage is considered the billing entity. This is based on who comes across the scales and we know who comes across our scales. Next, we further subdivide them into service areas, often a city or unincorporated areas based on hauler

splits. Next, we further subdivide them into service areas, often a city or unincorporated areas based on hauler splits. Since each hauler uses the same methodology for all of their cities, how the splits are worked out should be uniform across the cities that hauler serves. We are going with the County data for the first split because we weighed them from our scales and some of the hauler data is extrapolated. When there are mixed city routes, there are ways of spreading out the differences and accounting for that separately.

Next, we will be reaching out to haulers to gather their reported data as this is the best source of information about how these tonnages should be allocated to each jurisdiction. The third step is where SWD will publish this for the cities and haulers to review. We are looking into how to deal with the open market tons from WM and will work to set a meeting with WM and cities served by WM to determine how their open market tons should apply to the FAC shares. Some of these tons probably belong in the FAC and some don't. We are currently on step three and are hoping to get feedback on this by May. We are shooting for step four to finalize and publish the final FAC splits for the coming year in June.

### **Member Comment**

Ockerlander added that there are still spots available for the JUNO tour in May. If you're interested in going, please fill out the link by today. For city representatives, if you are not able to go but know of someone who can and is interested, please let us know as soon as possible. The travel day is May 2, and the presentation and tour is on May 3 ending at about 3 p.m. You can travel home after that or travel back on May 4.

Trim noted that May 15 is the last day of the PreCycle Competition and there will be cool examples of reuse from several states and B.C. It will be on Zoom from 11 a.m. to 3:30 p.m. and you need to register. This will be recorded.

### **Adjourn**

Meeting adjourned at 10:28 a.m.