

RESOLUTION NO 11-038

A RESOLUTION OF THE CITY OF ROSLYN, WASHINGTON, DECLARING CONCURRENCE WITH THE KITTITAS COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE

WHEREAS, the Washington state Legislature, pursuant to the provisions of RCW 70.95 enacted legislation, the purpose of which is to establish a comprehensive statewide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state; and

WHEREAS, pursuant to the provisions of RCW 70.95.080, each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan; and

WHEREAS, pursuant to the provisions of RCW 70.95 and the Joint Solid Waste Disposal System Interlocal Agreement between the Cities, Town, and County, the following governmental entities have already agreed among themselves by actions of the governing authorities of the respective parties that there should be only one solid waste management plan to encompass the entirety of Kittitas County

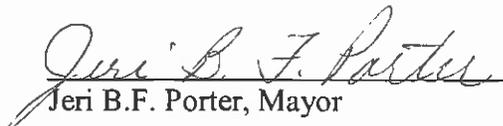
1. City of Ellensburg, a municipal corporation
2. City of Roslyn, a municipal corporation
3. City of Cle Elum, a municipal corporation
4. Town of South Cle Elum, a municipal corporation
5. City of Kittitas, a municipal corporation; and

WHEREAS, pursuant to RCW 70.95 the Kittitas County Solid Waste Advisory Committee and Solid Waste staff have revised the Kittitas County Solid Waste Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSLYN, WASHINGTON, AS FOLLOWS:

Section 1. The Mayor is hereby authorized to sign the attached Solid Waste Interlocal Agreement (Joint Solid Waste Disposal System).

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THE 8TH DAY OF NOVEMBER, 2011.

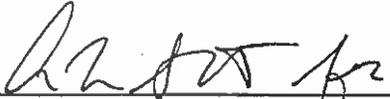

Jeri B.F. Porter, Mayor

ATTEST:



Amber Shallow, Clerk-Treasurer

Approved as to form:



Margaret J. King, City Attorney



AUG 25 2011

Kittitas County Solid Waste Programs

925 Industrial Way, Ellensburg, WA 98926

Telephone: (509) 962-7542

Fax: (509) 962-7087

August 23, 2011

Jeri B.F. Porter, Mayor
City of Roslyn
P.O. Box 451
Roslyn, WA 98941

Subject: 2009 Solid Waste Plan Update – Interlocal Agreement

Dear Mayor Porter,

The Kittitas County Solid Waste Advisory Committee (SWAC) along with the Kittitas County Solid Waste Office (KCSW) have worked diligently the past two years to revise and up-date the Kittitas County Solid Waste Plan (The Plan) in accordance with the Revised Code of Washington Chapter 70.95 and “best management practices” of the Washington State Department of Ecology.

The Plan is to be the guide for managing solid waste in the County, to provide decision-makers with tools for the development of programs and policies in a coordinated, regional approach to solid waste management; while assuring adequate protection of the environment and public health.

In accordance with RCW 70.95 the Plan has undergone extensive reviews by the Central Regional Office of The Washington Department of Ecology and the Washington Utilities and Transportation Commission, their comments have been incorporated into the Plan and the revised sections are hereto attached to be included in the Plan that was delivered to your City earlier this year.

In addition, we are enclosing a Solid Waste Interlocal Agreement for your review and subsequent concurrence. To that end, and for assistance, we are enclosing a sample resolution of concurrence with the updated Kittitas County Solid Waste Plan.

In the event that your city representative is unable to answer all your questions, or attend the meeting at which you consider the Plan, a SWAC member, a representative from the Central Regional Office of the Department of Ecology and the County Solid Waste Staff would be happy to attend and to answer any questions you might have. You may contact me at 962-7070 or Lisa Lawrence, of my staff, to coordinate the schedule.

We anticipate completing the approval process within the next few months. This will require receipt of the Interlocal Agreement in the Solid Waste Office no later than September 15th, 2011 if at all possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Patti Johnson", is written over a horizontal line.

Patti Johnson
Director
Enc.

Solid Waste Interlocal Agreement

Joint Solid Waste Disposal System

This Agreement, made and entered into on this day of August , 2011, is by and between Kittitas County (hereinafter referred to as "COUNTY") and the following additional governmental entities (hereinafter referred to as "CITIES"):

1. City of Ellensburg, a municipal corporation
2. City of Roslyn, a municipal corporation
3. City of Cle Elum, a municipal corporation
4. Town of South Cle Elum, a municipal corporation
5. City of Kittitas, a municipal corporation

WHEREAS, the parties hereto recognize the mandate imposed by Chapter 70.95 of the Revised Code of Washington requiring the parties individually or collectively to prepare and adopt a solid waste management plan for the proper and appropriate collection and disposal of solid wastes of every description; and

WHEREAS, the parties hereto have already agreed among themselves by action of the governing authorities of the respective parties that there should be only one solid waste management plan to encompass the entirety of Kittitas County; and

WHEREAS, the Board of County Commissioners acting for Kittitas County desires and is willing to provide for, operate and maintain such a solid waste disposal system in accordance with applicable state laws and regulation.

NOW, THEREFORE, in consideration of the premises and in further consideration of the mutual agreements and covenants herein contained, the parties agree as follows:

Section 1. AUTHORITY

The parties to this Agreement jointly have and possess the power and authorization under Chapter 39.34 of the laws of the State of Washington, being entitled the "Interlocal Corporation Act," to acquire or lease land for solid waste disposal purposes; to acquire and construct facilities, and to operate and maintain such facilities for the collection and disposal of solid wastes and do jointly agree that a countywide solid waste management system can best be achieved by cooperative action of the parties to this Agreement operating through authorization bestowed by said Chapter 39.34, Revised Code of Washington.

Section 2. PURPOSE

The purpose of this intergovernmental agreement is to provide for the economic and sanitary disposal of solid wastes produced or generated within each member municipality and within the unincorporated areas of the COUNTY.

Section 3. POWERS

The parties hereto delegate, and the COUNTY hereby assumes both the power and obligation to do each of the following:

- a. To provide solid waste disposal facilities and service to all participating parties hereto.
- b. To establish a schedule of fees to be collected from all users of the disposal facilities to cover current operating expenses, equipment and facility rental expense, provided, however, that any such future

rates shall not be set for revenues used for the purpose of satisfying any indebtedness incurred prior to the effective date of this agreement.

- c. To purchase, lease, receive as gifts or donations or otherwise acquire all land, buildings, equipment or supplies needed to provide a solid waste disposal system.
- d. To make or cause to be made studies and surveys necessary to carry out the functions of countywide solid waste management.
- e. To propose and recommend to participating parties to this agreement such local ordinances governing collection and disposal of solid waste as might be deemed desirable.
- f. To provide for a system of budgeting, accounting and auditing of all funds associated with the solid waste system.
- g. To accept grants or loans of money or property from the United States, the State of Washington or any person and to enter into any agreement in connection therewith, and to hold, use and dispose of such money or property in accordance with the terms of the gift, loan or grant.
- h. To do such other things that are reasonable necessary to accomplish the purpose as stated in Section 2 of this Agreement.

Section 4. ORGANIZATION

- a. The Commissioners or their designated agent shall be in charge of managing the solid waste disposal operation for the benefit of all citizens residing in Kittitas County.
- b. The COUNTY shall require any solid waste contractor to operate the solid waste disposal facilities in accordance with such Joint Solid Waste Management Plan as shall be approved by all parties hereto and by the Washington State Department of Ecology.
- c. The Kittitas County Health Officer or his/her designated agent shall have the responsibility on behalf of the parties hereto to enforce appropriate health regulations with respect to solid waste and to issue to qualified parties such permits and licenses as might be necessary and it is further agreed that this responsibility shall be exercised for the benefit of all citizens residing in Kittitas County.
- d. Each of the cities shall adopt as soon as practicable an ordinance which shall require a private collector of solid waste to obtain a permit to collect said solid waste within the city. Said ordinance and the permit issued thereunder shall provide that all solid waste collected by and permittee shall be deposited only at a disposal site to be designated by a Joint Solid Waste Management Plan of the County and Cities herein.
- e. The City of Cle Elum presently contracts with a private solid waste collector to provide for the collection of solid waste in the City of Cle Elum at city expense. It is understood that the City of Cle Elum, or any other city contracting with a private collector, instead of adopting an ordinance as above provided, shall provide in the contract with its private collector, that said collector shall deposit all solid waste collected under said contract only at a disposal site to be designated by a Joint Solid Waste Management Plan of the County and Cities herein.
- f. The CITIES agree that they each have the power to, and shall as soon as practicable, amend their own respective permits and contracts to provide that the present private collector within their respective cities shall deposit all solid waste collected under said existing permits or existing contracts only at a disposal site to be designated by a Joint Solid Waste Management Plan of the County and Cities herein.

Section 5. FINANCING

- a. The COUNTY shall be solely responsible for providing and paying for capital facilities and equipment acquired by the County for the Countywide system.

Section 6. ACCOUNTING AND AUDITS

- a. The COUNTY shall maintain books of account for the solid waste disposal operation in accordance with the requirements of the Washington State Auditor.
- b. Authorized representatives of any party hereto shall have the right to inspect said books of account at any time.

Section 7. PROPERTY RIGHTS

- a. CITIES will retain their financial share in the existing capital facilities and each shall be reimbursed for their respective shares of the then current value of any cooperatively funded asset when and in the event it is sold.
- b. In the event of termination of this Agreement, the facilities and any funds in the possession of the COUNTY at such time shall be distributed in kind or sold, as may be agreed upon by the parties, and the proceeds thereof distributed to the parties as their interests appear on the books of the COUNTY.

Section 8. TERM

This Agreement shall continue until rescinded, or terminated as herein provided.

Section 9. RESCISSION OR TERMINATION

This Agreement may be rescinded and all obligations herein terminated only by written consent of all the parties hereto. This Agreement hereby replaces and supercedes all previous agreements between the named parties on the subject of solid waste.

Section 10. ADMISSION OF NEW PARTIES

- a. It is recognized that public entities other than the original parties hereto may wish to hereafter join in this Agreement.
- b. Additional public entities may be added upon such terms and conditions as the then participating parties shall unanimously agree upon.
- c. The terms and conditions upon the admission of such additional parties shall be evidenced by a written addendum to this Agreement signed by the then participating parties and the additional party.

Section 11. AMENDMENTS

Amendments to this Agreement shall only be made by written agreement of all the parties hereto.

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized governing authorities as of the day and year first above written.

(1) ATTEST:

CITY OF ELLENSBURG

Town Clerk

Mayor

ATTEST:

KITITAS COUNTY

Clerk of the Board

Commissioner

Commissioner

Commissioner

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized governing authorities as of the day and year first above written.

(2) ATTEST:

CITY OF ROSLYN

Town Clerk

Mayor

ATTEST:

KITTITAS COUNTY

Clerk of the Board

Commissioner

Commissioner

Commissioner

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized governing authorities as of the day and year first above written.

(3) ATTEST:

CITY OF CLE ELUM

Town Clerk

Mayor

ATTEST:

KITITAS COUNTY

Clerk of the Board

Commissioner

Commissioner

Commissioner

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized governing authorities as of the day and year first above written.

(4) ATTEST:

TOWN OF SOUTH CLE ELUM

Town Clerk

Mayor

ATTEST:

KITITAS COUNTY

Clerk of the Board

Commissioner

Commissioner

Commissioner

IN TESTIMONY WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized governing authorities as of the day and year first above written.

(5) ATTEST:

CITY OF KITTITAS

Town Clerk

Mayor

ATTEST:

KITTITAS COUNTY

Clerk of the Board

Commissioner

Commissioner

Commissioner

RESOLUTION NO. _____

A RESOLUTION declaring concurrence with the Kittitas County Solid Waste Management Plan Update 2009.

WHEREAS, the Washington state Legislature, pursuant to the provisions of RCW 70.95, enacted legislation, the purpose of which, is to establish a comprehensive statewide program for solid waste handling, and solid waste recovery and/or recycling which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state; and

WHEREAS, pursuant to the provisions of RCW 70.95.080, each county within the state, in cooperation with the various cities located within such county, shall prepare a coordinated, comprehensive solid waste management plan; and

WHEREAS, pursuant to the provisions of RCW 70.95 of the Revised Code of Washington and the Joint Solid Waste Disposal System Interlocal Agreement between the Cities, Town, and County, the following governmental entities have already agreed among themselves by actions of the governing authorities of the respective parties that there should be only one solid waste management plan to encompass the entirety of Kittitas County;

1. City of Ellensburg, a municipal corporation
2. City of Roslyn, a municipal corporation
3. City of Cle Elum, a municipal corporation
4. Town of South Cle Elum, a municipal corporation
5. City of Kittitas, a municipal corporation and,

WHEREAS, pursuant to RCW 70.95 the Kittitas County Solid Waste Advisory Committee and Solid Waste staff have revised the Kittitas County Solid Waste Plan.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY (TOWN) OF _____, WASHINGTON:

In consideration of the premises and in further consideration of mutual agreements and covenants does hereby concur with the 2009 Revision of the Kittitas County Solid Waste Plan for the management of solid waste for the County.

ADOPTED by the City Council of the City (Town) of _____ Washington this _____ day of _____, 2011.

Mayor

Attest:

City Clerk



SUMMARY

REVISIONS TO PRELIMINARY DRAFT 2010 KITTITAS COUNTY SOLID WASTE AND MODERATE RISK WASTE MANAGEMENT PLAN UPDATE

Comments were received from Ecology on the Preliminary Draft Plan. The Preliminary Draft Plan has been revised to incorporate the comments from Ecology. Each comment is provided below, followed by the response and/or modification that will be incorporated into the Final Draft.

PROCEDURAL ITEMS

Comment 1.

Since this is a joint plan, Solid Waste and Moderate Risk Waste, the letter of transmittal requesting review should reflect that the county is requesting review of both plans. The title page of the plan should also state that it is the county's solid waste and moderate risk waste management plan

Response

The title of the plan has been revised to "2010 Solid Waste and Moderate Risk Waste Management Plan Update."

WUTC COMMENTS

Comment 2.

Section 1.3.1 *Transporter of Hazardous Waste*: Staff suggests that you add the following: "All transporters of hazardous waste require a common carrier permit issued by the Commission under RCW 81.80."

Response

The statement has been added to section 7.2.5 of the Final Draft.

Comment 3.

Section 4.2.3 Municipal Authority, bullet 3: The statement should clarify that all requirements contained in RCW 35.01.160 apply when contracting for solid waste collection service.

Response

Bullet 3 has been modified to read: "The city may award contracts to private companies for garbage collection in all or part of the city. The contract hauler does not need to hold a WUTC certificate for that area. Usually contracts are awarded on a competitive basis to the lowest bidder. All requirements contained in RCW 35.01.160 apply when contracting for solid waste collection services."



PLAN ELEMENT ITEMS THAT MUST BE ADDRESSED PRIOR TO PLAN APPROVAL

Comment 4.

Page ES-2, *ES.1.1 Plan Requirements*: This section should include “Recycling” in the list of Planning solid waste infrastructure and operations or as a separate bulleted item.

Response

“Waste recycling” is now listed on a separate line.

Comment 5.

Page 1-2, numbers: 5, 6, 7, 8 should be 1, 2, 3, and 4 respectively.
Page 1-3, number 9 should be 5.

Response

Numbering has been updated to start at 1.

Comment 6.

Page 3-8, *last paragraph*, “*or burning tires for energy production may become feasible recycling opportunities.*” At this time, Ecology does not consider burning materials for energy recovery a recycling activity.

Response

The second sentence of the last paragraph has been modified to read “For example, converting organic materials for biodiesel production may become economically feasible recycling opportunities.”

Comment 7.

Page 3-10, *Figure 13*: At its current scale and with the large number of color shadings used, this map isn’t very useful to a reader.

Response

Figure 13 has been enlarged to 11”x17”, oriented horizontally.

Comment 8.

Page 7-4, *7.2.2 Hazardous Waste*: RCW 70.105.225 requires that MRW Plans identify eligible zones within the jurisdiction for the management of hazardous waste. For instance, this activity might be allowed in the current industrial zone of your county. RCW 70.105.220 (1)(e) describes these requirements in detail. This section of your plan seems the best place to include this required description.

Response

Section 7.2.2 now includes a listing of eligible zones for each jurisdiction in the County.

Comment 9.

Page 115 [of PDF, not in document], WAC 173-350 is entitled “Solid Waste Handling Standards”, not MSWLF.



Response

The title for WAC-173-350 has been updated.

Comment 10.

Some typos:

- Page 7-7, first paragraph should read "...and regulations under RCW, rather than "RCS 70.95"
- Page 7-10, *MRW.6. Enforcement Efforts* should read ... "and hazardous waste at residences and ..." rather than "residents."
- Page 8-7, *8.2.3 Permitting*, second paragraph should read "significant adverse impacts on the quality of the environment.
- Page 9-2, *9.3 SWAC Recommended Actions*. It appears a computer program reference error made it into your printout.

Response

The typos have been corrected.

OTHER COMMENTS

Comment 11.

Page ES-9, *ES.6 Implementation Budget*: Why are Composting: Existing Programs; & Transfer and Disposal: Existing Programs increasing by nearly \$100,000? Why is Administration and Enforcement seeing such a large increase. These kinds of significant changes in budget deserve a narrative explanation, don't you think?

Response

A note has been added at the bottom of page ES-9 and 9-6 to explain the cause of the increase (shift from capital to operational expense).

Comment 12.

Page 1-4, *1.3 Plans related to solid waste management*: Does the county have disaster debris management plan? If so, it should be referenced here.

Response

The County's disaster debris management plan is under development and is so noted in Section 1.3.5 Emergency Management Plan.

Comment 13.

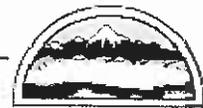
Page 2-1, "Wenatchee Landfill" should be Greater Wenatchee Regional Landfill.

Response

The name of the landfill has been updated where noted, as well as on page 5-5.

Comment 14.

Pages 3-4 to 3-6: *3.2.4 OPTIONS -- WRRC.WR.1* is very similar to *WRRC.WR.5 & WRRC.WR.6* – consider highlighting differences.

**Response**

Option WRRC.WR.1. has been modified to reflect the target audience of government agencies only. Option WRRC.WR.5. has been modified to reflect the broader nature of the option to encourage all stakeholders to adopt procurement policies. Option WRRC.WR.6. has not been modified, as its target is to merely provide a forum or resources to the community at large. Revised options are:

WRRC.WR.1. Government

Encourage government agencies within the County to adopt procurement policies that encourage their operations to purchase products made from recycled-content materials and set targets by which implementation can be measured. Also encourage government agencies to incorporate source reduction efforts at all levels and develop a system to track progress, based on reductions in waste generation and a certain material list.

WRRC.WR.2. Purchasing

On a broader basis, work with agencies, retailers, and consumers to develop procurement policies as well as outreach and assistance programs to promote smart consumer purchasing options.

The rest of the option remains unchanged, with the exception of Comment 14.

Comment 15.

Page 3-5, *Presentations*—Ecology no longer supports the “Away with Waste” curriculum. Is the “conduct teacher workshops on...” a reference to this defunct Ecology program or has Kittitas County continued this program on its own?

Response

The line has been modified to read: “Conduct teacher workshops to introduce an environmental curriculum.”

Comment 16.

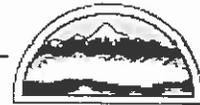
Page 3-20, 3.3.6 *Selected Options*: It appears that *WRRC.REC.9.* is not included in the Selected Options. Unless this is an oversight, it would be a good idea to explain why the SWAC concluded that formal working relationships expressed in interlocal agreements and memoranda of understanding are not necessary.

Response

Option WRRC.REC.9. was not originally selected by the SWAC, but upon conferring with staff, it has been moved to a selected option. The implementation schedule and budget have been updated to reflect this change.

Comment 17.

Page 3-20, 3.4.2 *Existing Conditions*: Shouldn’t you describe availability of the system to the public, days open, seasons open, hours of operation?



Response

The availability of the composting facility for drop-off has been added to page 3-21.

Comment 18.

Page 3-24, *WRRC.COMP.5. Commercial Collection of Organics*: Is the county intending to conduct a feasibility study & develop a plan before implementing WRRC.COMP.5?

Response

The second paragraph of this option has been modified to read: "This option would be phased in after the permit is expanded for the existing composting facility to accept post-consumer food waste. A feasibility study and plan would be conducted prior to obtaining the expanded permit to gauge the impact to the County's recycling rate due to the expanded material list, and would be based on available funding. As part of this option, the County could provide generators with technical assistance to educate generators' staff on proper separation techniques to ensure a clean/contaminant-free feedstock for the composting facility."

Comment 19.

Page 4-6, *4.7 Selected Options*: Why would you not want to review collection contracts periodically? How does eliminating this review serve the public interest? You might want to consider leaving this option in the mix.

Response

Option COLL.3. was not originally selected by the SWAC, but upon conferring with staff, it has been moved to a selected option. The implementation schedule and budget have been updated to reflect this change.

Comment 20.

Page 5-3, *Selected Options*: Why was TRD.XFER.4, Self-Haul Users dropped if residents are satisfied with it?

Response

Option TRD.XFER.4. is somewhat duplicated in Option TRD.XFER.2. The County does not intend to discontinue self-haul at the transfer stations. To clarify this, Option TRD.XFER.2. has been modified to read: "The County, through its transfer stations operations contract, should continue to provide for all collected MSW to be routed through the County-owned transfer stations, or private transfer stations in the County, and/or assure collection of program fees for all MSW generated within the County, including acceptance of self-hauled material."

Comment 21.

Page 5-4, Caton (ID) appears in spreadsheet with no description on page 5-5.

Response

A description of the Caton Limited Purpose Landfill has been included on page 5-6. The spreadsheet on page 5-4 has also been updated to reflect the correct facility name.



Comment 22.

Page 6-17, *SPC.PCS.4 Import PCS*: Is the intended use of the imported PCS alternative daily cover? Where would they be importing from, and is that a viable option for the health of the soil surrounding ryegrass?

Response

This option is included so that the County, with available funding, can explore their options in importing PCS and evaluating potential opportunities, which would answer the questions posed in the comment. As noted, the intent of this option would be to determine if PCS could be used as cover material at the Ryegrass Landfill.

No change to this option was made.

Comment 23.

Page 6-17, 6.7.5 *Selected Options*. Why was SPC.PCS.3, *Feasibility Study for PCS Management* dropped? It seems like this would be the smart thing to do to limit potential liability down the road.

Response

Option SPC.PCS.3. was not originally selected by the SWAC due to funding constraints, but upon conferring with staff, it has been moved to a selected option with modified text. The implementation schedule and budget have been updated to reflect this change.

The option has been modified to read: "Study the feasibility of other options to effectively handle PCS, based on available funding."

Comment 24.

Page 8-3, *Table 31. Solid Waste Advisory Committee*. In terms of regulatory compliance, it would be useful to indicate what segment of the population each SWAC member represents, rather than employers. For instance, how would a reader determine that public interest groups or general businesses were represented on the SWAC from this list? It would be useful to add a column to this table indicating which of the interests described in RCW 70.95.165 are represented by each SWAC member.

Response

Table 31 has been modified to reflect the segment of the population the SWAC members represent. The affiliation has been removed.

Comment 25.

Page 8-3, *Table 32. Advisors to the SWAC*. Please consider using titles instead of actual names, i.e., Ecology Representative, Environmental Health Representative (Chris Piercy is listed in the DRAFT Plan, although he has left the agency).

Response

Table 32 has been modified to reflect the position and not the person who held the position at the time the document was prepared.