

**RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS**

Thursday, February 7, 1990

7:00 p.m. Public Hearing - Additions and Amendments to Skagit County Code's Solid Waste Ordinance, Chapter 12.16, Regarding the Prohibition of Importation of Waste Generated Outside Skagit County. (Hearing Room A, County Administration Building)

The Skagit County Board of Commissioners met in regular session on Thursday, February 7, 1990, with Commissioners W. W. Vaux and Dave Rohrer present. It was announced that Chairman Wylie would arrive later in the meeting.

Commissioner Vaux, acting as Chairman, called the meeting to order. He waived the reading of the Notice of Public Hearing, as published in The Skagit Argus on January 23 and 30, 1990.

Commissioner Vaux explained that the public hearing had been scheduled for January 18, 1990, but due to confusion over the date, had to be cancelled. Commissioner Vaux stated that he met with a few citizens who did show up for the cancelled meeting to discuss procedural matters for subsequent hearings. It was agreed that at the first public hearing, testimony would be taken from the public. The public hearing would then be left open and the Board and their legal counsel would discuss any suggestions and recommendations identified from public testimony at a later meeting in the Board's Hearing Room. Following that discussion, the public hearing would again be continued to a night meeting where a second draft of the ordinance would be reviewed with the public. At a third meeting, the Board would meet to adopt the ordinance.

Commissioner Vaux invited Skagit County Prosecuting Attorney Mike Rickert to explain the proposed ordinance.

Mr. Rickert stated that as a result of a citizens' petition drive, which resulted in obtaining approximately 7,200 signatures on a petition requesting the prohibition of importation of solid or hazardous wastes from outside Skagit County, an ordinance was drafted. Several drafts were reviewed and amended by the Board of Commissioners to yield the final draft proposal.

Mr. Rickert explained that the first portion of the ordinance amends the current portion of the Skagit County Code, Subsection 13, of 12.16.020, to further define hazardous waste, as defined in State Law, RCW 70.105B.020, which is a very detailed definition. Subsection 36 of 12.16.020 is amended to include waste tires in the definition of solid wastes.

The second part of the ordinance, Mr. Rickert explained, is a new part. It prohibits the disposal of solid and hazardous wastes generated outside of Skagit County in Skagit County facilities, except under special circumstances, those being: 1) residential garbage already being accepted from a neighborhood in Newhalem which is isolated from Whatcom County, of which they are a part, 2) in the event of a public health hazard such as would result from a disaster, 3) under circumstances where there is a surplus capacity at a disposal site.

At this point, Commissioner Vaux invited Rusty Kuntze to begin the public testimony.

Mr. Kuntze, representing the Skagit Environmental Council, thanked the supporters of the petition. He made the following suggestions for improvements to the draft proposal:

- add to the "whereas" section a statement relating the hope for advancement of environmental health and objectives.
- add to the definition of solid waste "contaminated medical wastes" and "sewer sludge".
- define the term "generated" as it applies to this ordinance.
- address sites other than those owned by Skagit County to assure that no private corporation can construct a tire burner in Skagit County.
- regarding "special circumstances", the existence of a public health hazard is an acceptable special circumstance, but there is extreme concern regarding the "surplus capacity" condition. Mr. Kuntze pointed out that recycling may reduce the waste stream sufficiently to cause "surplus capacity". Should this occur, citizens would rather bear the costs of decreased incinerator use rather than to import garbage to bring the facility to capacity.

During Mr. Kuntze's presentation, he mentioned similar ordinances enacted in other counties. Commissioner Vaux requested a list of where these ordinances are in effect.

Chairman Wylie arrived and was present for the remainder of the meeting.

Don Bockelman, 2863 S. Skagit Highway, Day Creek, member of Citizen's Alert, provided a copy of his recommended changes to the Board. He recommended that the following be added to the proposed ordinance:

- under the "whereas" section: "Whereas, the random discharge into the air or waters which would significantly and negatively contaminate the air, water, earth or people of Skagit County;
- under Subsection 36, 12.16.020, definition of solid waste: add "contaminated medical waste" and "sewage sludge".
- to the new section change "delivered to or processed at any of the disposal sites owned and/or operated by Skagit County" to, "delivered to or permit to be processed at any site within Skagit County which utilizes random air or water discharge to dilute or reduce volume toxicity, or weight. No solid waste facility owned or operated by Skagit County, excepting the waste produced in Whatcom County in the general area of Newhalem, will accept any wastes generated or processed from any site utilizing random air and/or water discharge procedures to reduce volume, toxicity or weight."

Commissioner Vaux and Mr. Bockelman discussed the reasons for designating medical wastes as "contaminated".

Gordon Weiss, 1151 Bayview Edison Road, agreed with previous speakers. He declined to speak at this time.

Terry Knudsen, 998 Chuckanut Drive, Burlington, recommended that when adopting the ordinance, care should be taken to address the need to continue to export wastes we currently send out for processing. He explained that Skagit County currently exports large amounts of infectious wastes such as those generated at hospitals. Mr. Knudsen felt that human waste is a big problem in the waste stream. He stated that disposable diapers constitute a large part of the landfill currently.

The following people declined to speak at this time: Kathy Brown, Linda Speck and Ken Willis.

Mel Heynsten, 1848 Cook Road, stated that at his raspberry farm he has noted that sludge dust stops bees from pollinating his crop.

Anne Schwartz and Mike Brondi, 1219 E. Sauk Valley Road, Concrete, gave comments via letter, which was made a part of the official record.

Bekky Love, 126 N. 8th, Mount Vernon, cites concerns regarding sludge, medical waste and sewer wastes.

Ray Kelly, 1356 Janicki Road, Sedro Woolley, gave a statement in support of environmental awareness.

Tope Ryan, 1906 Grip Road, Sedro Woolley, felt there were loopholes in the current proposed ordinance, and that many points were left up to the discretion of the Board. He recommended that point b of subsection 2 of the new section be completely deleted from the ordinance. He also recommended that a change be made to identify all facilities in Skagit County, not just those owned by the County, as prohibiting imported wastes.

Zel Young, Box 433, Mount Vernon, told a story to illustrate the hazards of burning copper wastes. He was in favor of the ordinance.

Helen Day, 122 N. 4th, Mount Vernon, urged the Board to give attention to the points made by Mr. Bockelman and Mr. Kuntze. Her questions were answered by the Board. She was told that garbage collected from the Newhalem area in Whatcom County is residential waste only, containing no PCB's, and that medical wastes have been discussed in the past, but have not been a significant problem since most hospitals have their own incinerators for disposal of these wastes.

Mark Cukierski, Byron Bakker and John Kuguras declined to speak.

Ken Skeed, 843 Samish Island Road, reported that a company called TRC that is located in Whatcom County constructed an incinerator to burn Whatcom County wastes only. That incinerator now burns medical wastes from all around the country. Mr. Skeed stated that he has heard that dredging materials dumped off the coast of Cypress Island will be disposed of Skagit County. He felt dredging materials should be prohibited in Skagit County's disposal facilities. He felt that any surplus capacity at the landfills should be saved for future generations.

Tom Pickett, 208 N. 5th, Mount Vernon, agreed with the idea of the ordinance, but had been under the impression that the petition he signed was to block the construction of the tire burner.

Dennis Parent, 1141 Bayview-Edison Road, gave statements opposing a tire incinerator, importation of wastes to make up for a surplus capacity, and incineration of sludge.

Imogene Bowen, Box 1434, Mount Vernon, had the same concerns as those of Mr. Parent. She felt that people who signed the petition wanted all waste importation stopped. Anything else is not addressing what was requested.

Tim Demko, P.O. Box 523, LaConner, pointed out that any time a new landfill is opened, technically there is surplus capacity.

Chairman Wylie explained that if the Resource Recovery Facility is not burning at capacity, the energy recovered will not fund the bonds which were issued to build the incinerator. Payment for these bonds would then have to come from other County sources. If only household wastes are imported during these times, enough energy can be generated and sold to pay for the bonds.

Debbie Aldrich, 1451 A Bradley Road, Bow, agreed with Mr. Kuntze and Bockelman regarding the proposed new section to the Code. She felt that at all appropriate points, disposal facilities should be identified as "owned or operated or permitted by Skagit County. She voiced concerns regarding private disposal companies with unscrupulous practices.

Julia Hurd, 382 C Old 99 N., Burlington, thanked everyone for their efforts.

Peter Stroosma, 1777 W. Big Lake Blvd., Mount Vernon, an immigrant to the United States, said that this is a great demonstration of how democracy works.

Mark Backlund, 1423 Gibraltar Road, Anacortes, felt that if there is excess capacity at the incinerator, it is because of poor planning during the construction of the incinerator. He suggested that a fund from new industry taxes could make the incinerator bond payment.

Joe Bowen thought language should be added to prohibit disposal of imported garbage at all public and privately owned sites in Skagit County. If this legislation invites a constitutional or other challenge, he felt Skagit County should meet that challenge with all their legal muster.

Margaret Yoeman of Anacortes pointed out that the State of Washington claims pre-emption rights. She suggested that language that would prohibit private garbage disposal sites such as the tire incinerator be added to the Comprehensive Plan, perhaps via zoning ordinances.

Debbie Aldrich announced that a public hearing will be held on February 21, 1990, in the County Administration Building Hearing Rooms regarding the dredging dumping off of Cypress Island.

Rich Royston of Mount Vernon made a statement regarding air pollution.

Tope Ryan asked that the Board research Mrs. Yoeman's suggestions prior to the next meeting.

Glen Johnson of Fir Island made a statement regarding the public's responsibility for the environment.

Terry Knudsen stated that he serves on the County's recycling committee, along with Rebecca Voerman, County Recycling Coordinator. He stated that the committee sent a recycling questionnaire to 377 Skagit County residents, and has received back only 20 completed questionnaires. He urged the audience to contact Rebecca Voerman with their ideas, and to encourage other citizens to become involved in recycling efforts.

Phil Tovra of Barrel Springs Road, Ann Davis of LaConner, Bob Green and Margaret Crosspeck all made statements regarding recycling efforts in Skagit County.

Howard Mizuta urged that a strong ordinance be passed.

At this point, Mr. Rickert was called away on an emergency and left the room.

More discussion was held on recycling, with comments being made by Rita Stroosma, Danny Cameron and Sharon Dufka.

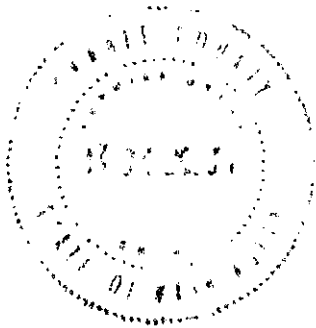
After all present had been allowed an opportunity to speak, Commissioner Vaux motioned to continue the public hearing to Monday, February 26, 1990, at 1:30 p.m., in the Commissioners' Hearing Room, 202A. At this meeting, the Board would review the suggestions made by the audience with the Prosecuting Attorney's Office, and set another date for an additional continuance, to be

held in the evening, to present a revised draft to the public. Commissioner Rohrer seconded Commissioner Vaux's motion. The motion passed unanimously.

ADJOURNMENT

Commissioner Vaux motioned to adjourn the proceedings. Commissioner Rohrer seconded the motion. The motion was carried unanimously.

BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



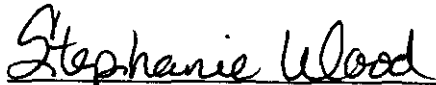


Ruth Wylie, Chairman

W. W. Vaux, Commissioner


Dave Rohrer, Commissioner

ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners