

RECORD OF THE PROCEEDINGS
SKAGIT COUNTY BOARD OF COMMISSIONERS

Wednesday, March 21, 1990

1:30 p.m. Continuation of 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.

The Skagit County Board of Commissioners met in regular session on Wednesday, March 21, 1990, with Commissioners Ruth Wylie, W. W. Vaux and Dave Rohrer present.

CONTINUATION OF 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.

Commissioner Vaux opened the discussion. He stated that at the last session of the public hearing regarding this subject, the board heard the Skagit County Prosecuting Attorney's legal opinion on the suggestions made by citizens at the first of a series of public hearings.

Commissioner Vaux stated that he has no objection to subsection #1 of the new section which allows the County to accept waste from an area located in the general area of Newhalem, as has historically been allowed. Regarding subsection 2b, a special circumstance for which acceptance of imported waste can be allowed in the event of surplus capacity, Commissioner Vaux stated that he asked Mark Spahr, Public Works Department Director, to provide a summary of the present capacity at the Resource Recovery Facility. The summary appeared to indicate that the facility is nearing capacity, and is continuing to come closer to capacity as the county grows.

Commissioner Vaux also stated that during the past week, the Board received an emergency request to accept out-of-county wastes, which they denied.

The floor was then opened up for public comment.

Doug Grant, 1513 Dunbar, Mount Vernon, made inquires and received information from Chief Civil Deputy John Moffat on the County's ability to deny importation of solid or hazardous waste at all disposal facilities in Skagit County. Mr. Moffat explained that there is case law that suggests that Skagit County can only regulate its own public facilities, and not those belonging to private individuals. There are no private facilities in Skagit County.

Chairman Wylie pointed out that if Skagit County unconditionally denies acceptance of waste from other areas, we may close the door on our exporting of hazardous wastes. She further stated that we must assure that our Resource Recovery Facility operates at a capacity sufficient to meet our power output contracts.

Mr. Grant felt that Skagit County should reserve the right to discontinue acceptance of waste at any time.

Zel Young of Mount Vernon stated he did not want Skagit County to become a dumping ground for other jurisdictions' surplus garbage. Also, he stated, if a number of other counties are given permission to use Skagit County's disposal facilities, others may claim that a precedent has been set allowing them to do so as well.

Don Bockelman of Day Creek gave arguments that the petition which instigated this ordinance was written by himself and was not intended to regulate intrastate commerce, but to avoid contamination of Skagit County's environment by prohibiting random dispersal technology. He maintained that the Prosecuting Attorney's Office has shifted the focus of the petition to solid waste importation.

The Board read the statement contained in the petition and discussed with Mr. Bockelman the lack of supporting documentation contained in the petition statement for his arguments.

Mr. Bockelman explained that random dispersal means any disposal method which contaminates the air, water or land resources of Skagit County, stating that the emphasis of the petition is on the contamination process, not the importation process.

Mr. Spahr stated that his interpretation of the petition is that it requests that all importation be banned, both public and private.

A discussion then ensued on compactor sites.

Terry Knudsen of Rural Sanitation stated that he feels the County has good control of the solid waste situation now. He felt the Boards' hands should not be tied by an ordinance that would make them unable to negotiate with other counties.

Mr. Bockelman again argued that it is easier to stop the process than it is to prohibit importation of solid waste. He made reference to a proposal commonly known as the tire burner.

Commissioner Rohrer stated that he has inquired of the Planning Department and found no evidence of a permit request for a tire burner in Skagit County.

Mr. Bockelman argued that a request was made and rejected for lack of information.

Chairman Wylie brought the meeting back to order.

Zel Young gave a statement regarding the disbursement of metals into the environment through combustion.

Seeing no further public comment at this time, Commissioner Rohrer motioned to continue the public hearing to March 27, 1990, at 7:00 p.m., in Hearing Rooms B and C of the County Administration Building.

ADJOURNMENT

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

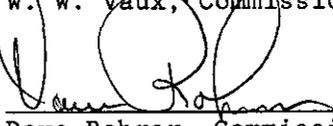
BOARD OF COUNTY COMMISSIONERS
SKAGIT COUNTY, WASHINGTON



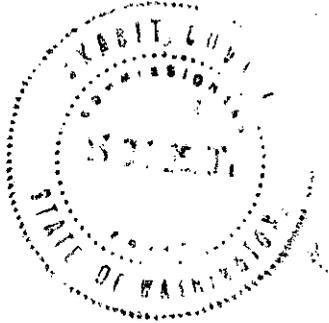
Ruth Wylie, Chairman



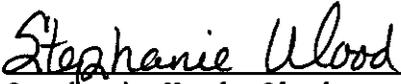
W. W. Vaux, Commissioner



Dave Rohrer, Commissioner



ATTEST:



Stephanie Wood, Clerk
Skagit County Board of Commissioners