

APPROVED

Skagit County
Solid Waste Advisory Committee (SWAC)
Meeting Minutes
Wednesday, May 3, 2017

Members Present

Andy Hanson
Britt Pfaff-Dunton
John Doyle
Leo Jacobs
Margo Gillaspay
Matt Koegel
Tamara Thomas
Torrey Lautenbach

Representing

City of Mount Vernon
Skagit County Health Department, ex-officio
Town of La Conner
City of Sedro-Woolley, SWAC Vice-Chair
Skagit County Public Works/Solid Waste Division, ex-officio
City of Anacortes, Chair
District 2 Citizens
Lautenbach Recycling, District 1 Citizen

Members Absent

Brian Dempsey
Todd Reynolds
Not Represented
Not Represented
Not Represented

Representing

City of Burlington
Skagit Steel & Recycling, Recyclers
District 3
Haulers
Agriculture Representative

Visitors

Dan Berentson
David Bader
Diana Wadley
Elena Pritchard
Rick Hlavka

Representing

Skagit County Public Works, Director
Lautenbach Recycling
Department of Ecology, ex-officio, *present by phone conference*
Skagit County Public Works/Solid Waste, recorder
Green Solutions

Call to Order

Matt Koegel, Chair, called the meeting to order at 5:05 p.m. at the Continental Building Crane Room at 1800 Continental Place, Mount Vernon.

Introductions

Chair Koegel, requested introductions of all in attendance. Names and business title introductions were offered by each attendee prior to addressing agenda items.

Public Comments

There were no public comments.

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Review and Approve Minutes

Chair Koegel opened the floor to discuss the April 12, 2017 minutes.

Chair Koegel asked for a Motion to Approve the April 12, 2017 minutes as written.

Ms. Dunton suggested the following corrections:

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Mr. Jacobs replied that it was a *SEPA* process that was posted in the newspaper.

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Ms. Wadley offered suggestions to fulfill the Agriculture requirement, such as a farmer, someone from the *Skagit* Conservation District, State or Federal Agriculture Staff, or Cooperative Extension bodies.

Chair Koegel asked for a Motion to Approve the April 12, 2017 minutes with corrections.

Vice-Chair Jacobs made the Motion to Approve the April 12, 2017 minutes with noted corrections. Mr. Lautenbach seconded the Motion to Approve. Chair Koegel asked for an all-in-favor vote to approve the April 12, 2017 minutes with corrections. All voted unanimously in favor of approving the April 12, 2017 minutes with *noted* corrections.

Agenda Items

Chair Koegel moved forward to begin discussion of agenda item(s):

a. CSWMP Draft (track changes)

Mr. Hlavka commented that a copy of the Solid Waste Plan showing edits and highlighting was forwarded to Members and Interested Parties as requested, and asked for any comments.

Ms. Dunton had a question regarding shifting dates in the Table 10.1(Implementation Schedule for Recommendations) and its effect in the document. The changes struck out 2020 and inserted 2021 repeatedly. Was this an error from previous edits?

Mr. Hlavka commented that it was one of the edits that came out of the Legal review and should have been highlighted. In discussions with the attorney, it was decided to push that date back since it would not require as much time. He will look into whether an error was unintentionally propagated into the chart and will provide a response as to the source of the error.

Vice-Chair Jacobs inquired as to the expiration date of the Long Haul contract.

Mr. Hlavka confirmed that the due date is September 30, 2023.

Vice-Chair Jacobs inquired as to the Interlocal expiration date with the Cities.

Ms. Dunton commented that the last update took place in the year 2010.

Mr. Hlavka commented that the expiration date appears to be on December 31, 2030.

A&PE3

(Executive Summary for the Skagit County Solid Waste Management Plan

Special Waste Recommendations

Administration and Public Education Recommendations)

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Mr. Lautenbach commented that the language in the A&PE3 was changed by Legal. He said that the group was expecting comments for the reasoning behind the change, and inquired as to whether that feedback had been provided since the last SWAC meeting. Mr. Hlavka commented that it was discussed in the last SWAC meeting that a request would be made by Ms. Gillaspay to the attorney to provide a letter or comments addressing the changes. The attorney instead provided verbal comments to Ms. Gillaspay to the effect that he considered the changes as a factual correction. He did not think that Flow Control enforcement provisions need to be adopted, since they are there already. A lot of the revisions that are shown and highlighted, came from the attorney, and are what he considers to be corrections to reflect what the law actually states.

Ms. Gillaspay indicated that the attorney felt that the language in the Plan revision submitted by SWAC was an inaccuracy because there is Flow Control language in the Code; it currently exists. He felt it was not quite right stating that there wasn't that Code or that it needed to be adopted. That was his reasoning to soften that language.

Mr. Doyle commented that one of the issues that the attorney raises for the committee is that it is a high priority recommendation. As such, it is now no longer a recommendation hardly at all. It is suggestive that it is something that you may want to consider. It takes it out of the context that it should be in at this point in the document. It should be stated as a high priority item.

Mr. Hlavka commented that it was stated as such at one point when it was thought that there was a larger problem.

Mr. Lautenbach inquired as to whether it is no longer a large problem with controlling or enforcing flow control.

Mr. Hlavka responded that there is not a larger problem in the sense that more provisions need to be adopted.

Ms. Gillaspay commented that more needs to be done for Flow Control. The Counties perspective is that we want to take a closer look at this as this is the time to start education. That has not been done in Skagit County as Planning and Public Works departments are not aware that this provision exists. County departments should ensure that demolition permits are updated and the contractors are made aware at permitting time. Education and Outreach should be the next step for the County. We may or may not need to look at revising the Flow Control Code in order to do that.

Mr. Hlavka commented that there were some public bids that did not recognize that there was flow control. This is where the education process comes in. It is not a question of enforcement.

Ms. Thomas commented that it is the hope that Legal documents generated by the Planning Department are issued in accordance with the Code.

Mr. Doyle commented that the new language is suggestive that it can be a secondary thought as opposed to a primary objective. Enhanced enforcement should be a stated priority instead of equivocating what we forgot.

Mr. Lautenbach commented that the way the Code was originally written, and what we all agreed on, we are not asking to change the law or the flow control, we are saying that we need to adopt control enforcement as a high priority.

Ms. Dunton commented that the key word is implementation. The attorney indicated that it is not necessary to write a new Flow Control ordinance with enforcement tools in it

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because there are enforcement tools in the existing Code. The shortfall is the implementation of those pre-existing Codes. When an ordinance is adopted, the first step is to educate the Cities and their Planning and Building departments, and their attorneys. The County Public Works and Planning Departments must be made aware that this must be required in the bid specs. This Plan wants to put in place that the Public Works Solid Waste Division needs to take an aggressive role in getting the information out to all those involved.

Vice-Chair Jacobs indicated that the City of Sedro-Woolley has a sound process in place. What is needed is an economic means to penalize violators. His City Code has an enforcement provision, but it dictates following the County's Flow Control rules. But if it doesn't say violators can be penalized a dollar amount per incident, then it is not allowable.

Mr. Berentson asked what particular check and balance process does he have in place.

Vice-Chair Jacobs replied that he generates letter notification.

Mr. Doyle commented that whether it be the County or local jurisdictions, we look to our Code to determine if we have adequate enforcement provision to implement and enforce this. Then it is up to us to make sure that we adopt it, but we have to set the clear priority here. The attorney thinks that the adoption of the Code is not the priority because it is primarily adopted. Since enforcement is not happening, the Committee's priority is that we need implementation and enforcement.

Mr. Lautenbach commented that the vagueness of the comments, *if necessary* and *may consider*, is disturbing to the Committee.

Mr. Lautenbach circulated a typed handout, to submit for a possible Motion; that included suggested options to consider in revising the A&PE3 language.

Mr. Hlavka suggested that the most he is able to commit to at this point is to review this with the attorney for his approval. Approval from the attorney is required before it goes any further in the approval process.

Ms. Gillaspay commented that the next step in the review process is to present the revision to the County Commissioners for review, they sign a Resolution indicating how they want to vote, then from there it goes to the Governance Board. In the Commissioner's review process, the Plan has full review by everyone internally. A Motion to revise is not necessary. We can only ask the attorney to consider changing the language again.

Mr. Doyle inquired about the advisory process. Do we advise by proposing amended language for what SWAC has seen so far, only just now seeing the language for the first time since it was amended. What is the process by which the SWAC's recommendations actually go forward to the next step.

Mr. Hlavka advised that a consensus from the group is required for the revised language before it is presented to the attorney. Ms. Gillaspay will then share the new alternative language with the attorney for his approval. Code enforcement mechanisms are already in place, but they could potentially need more at a later time.

Mr. Berentson stated his understanding of the recommendation. If the recommendation is not to write Code or re-write Code, then the recommendation would be to more aggressively enforce the Code. The strategy would be to implement awareness first and then have a mechanism in place to enforce, and edit Code if necessary after that.

Mr. Hlavka asked for the SWAC consensus on the actual language proposed to re-submit to the attorney. All was in agreement with the following language:

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Skagit County and the Cities and Towns will implement and enforce Flow Control provisions of the County Code.

Mr. Lautenbach inquired as to what would happen next if the attorney is not in agreement with the new language submitted. Will it not go forward to the Commissioners? Would the next course of action require a descending opinion argument, if agreed upon by the SWAC majority, to see it forward past the attorney to the Board of Commissioner's?

Mr. Hlavka suggested writing a letter to the Board of Commissioner's instead.

Mr. Berentson suggested that the attorney is providing Legal advice only and not making all the decisions. The issue could be elevated by calling an Executive Session with the Board of Commissioner's for further discussion; if there is some back and forth regarding language, or intent.

Mr. Lautenbach inquired as to what that mechanism would be that is needed to give SWAC the opportunity to move the new language forward.

Mr. Berentson offered that potentially he and Ms. Gillaspy would meet with attorney Steve Fallquist, which is a common process for all matters, and discuss SWAC's concern. If needed, a Executive Session could be scheduled.

Mr. Hlavka suggested that it is important for the attorney to be aware that the City of Sedro-Woolley cannot enforce the Code currently, which is problematic.

Chapter 1, Introduction

1.7 Process For Updating The SWMP / Bullet 5

Mr. Doyle commented that *coincidental* should be changed to *concurrent*.

Mr. Hlavka was in agreement to change that language as suggested.

b. Public Comment Memo dated April 17, 2017

Mr. Hlavka began discussion of the Memo addressing interesting comments that were submitted by two members of the public. Although no changes were made as a result of those comments, their efforts were appreciated.

Ms. Wadley appreciated that the full comments that came directly from the public had been made available to read. A copy of the commentary from Ms. Meadows providing historical landfill information on Solid Waste Facilities was provided to the landfill engineer. An electronic pdf version will also be forwarded to the engineer.

It was suggested that an appreciation letter be sent out in the future in response to any public comments provided.

c. Use of term "Styrofoam" Memo dated April 14, 2017

Mr. Hlavka requested any comment or suggestions.

Mr. Doyle suggested a review of the document with the county attorney since there was a comment submitted from the State concerning liability issues, unless Mr. Hlavka is comfortable in not doing so.

Approval Process:

Ms. Gillaspy touched on the next steps for the approval process. A new Plan draft will be put together based on today's meeting. Ms. Gillaspy and Mr. Berentson will meet with the county attorney for his review and approval on the changes. Ms. Gillaspy will e-mail

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the group with feedback from the outcome of the meeting with the attorney. The draft will then go to the Governance Board.

Mr. Berentson commented that the Board of Commissioner's hold a briefing with Department heads every Monday. He and Ms. Gillaspay will attend the next briefing to give an update on Solid Waste's current status.

They will also provide an update on what to expect regarding the Plans current review status and the next steps in the review process.

From there, the remaining steps are:

- A new meeting will be scheduled with the Governance Board to review the current Plan draft.
- An internal meeting will be scheduled with Department Heads.
- A meeting will be scheduled with the Governance Board to review the final Plan.
- A Public Hearing will be scheduled.
- The final Plan's adoption by the Board of Commissioners.
- The Plan will go to the Cities and Towns for adoption.
- A meeting will be schedule with the Solid Waste Advisory Committee for presentation of the Final Skagit County Solid Waste Management Plan.
- Final draft to the Department of Ecology for final 45 day review and approval period.

Ms. Gillaspay will notify SWAC with the specific date of the Public Hearing. The timeline could potentially be a June meeting with the Governance Board. Scheduling time for the Public Hearing is unknown. City and Town length of adoption period is unknown. A SWAC meeting will follow as available. The Department of Ecology will review their comments in the Formal Comments section in the preliminary draft, plus any significant changes since then. The DOE has a 45 day window to respond. If there is no response in 45 days, the Plan is approved.

Skagit County Solid Waste Management Plan

Preliminary Draft/May 2017

Chapter 4 / Recycling / 4.2 Existing Recycling Programs

Urban Rural Designation / Page 4-7

Ms. Wadley referenced this section and posed the following question:

How is Concrete, Hamilton, Lyman receiving recycling services and could you point this out in the Plan? How is it being addressed?

Mr. Hlavka responded that they are not receiving recycling services. Focusing on urban growth areas (UGAs), he totally missed the point that there were actual urban areas, not just UGAs, that are east of Highway 9, and hence do not get recycling. It is addressed by the same Recommendation that basically everyone in the county should have access to curbside recycling. There are a couple of ways to approach this. Service should be available to people who want it, or it could be bundled with garbage service so everybody who gets garbage also gets recycling. If a customer *chooses* to subscribe to garbage service, recycling automatically comes with the package. The cost for lower population densities east of Highway 9 will be expensive if they just add recycling and make it

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available. If you take this route, everybody gets it, everybody is paying for it, the rate will be more reasonable for everybody.

Mr. Berentson inquired about unincorporated areas of Skagit County. What percentage of the customers served by Waste Management pay an extra fee for recycling?

Mr. Hlavka's most recent data available from 2011, shows that there was 9,640 residential garbage customers in unincorporated Skagit County, and 3,440 recycling customers. Also, 260 yard waste customers.

Announcements/New Business

Chair Koegel, opened the floor to address any announcements or new business.

Ms. Gillaspy shared that the SWAC does not necessarily need to meet again until the Final Plan comes back after adoption. We will take this document and move forward with the language adoption. The group will be e-mailed with on the results, and based on that outcome, the comfort level at that time will determine if another SWAC meeting is necessary. This could be the last SWAC meeting to see the Plan before it starts the final process as it goes to the Governance Board.

Public Comments

Chair Koegel, opened the floor to address any public comments.

Mr. Bader suggested that it may be beneficial for Ms. Gillaspy or Mr. Berentson to contact the small cities other than Sedro-Woolley, as to whether they have rules in place to enforce Code before meeting with the Steve Falquist. The attorney should be made aware that potentially other cities may not have tools in place.

Mr. Bader suggested that if the county attorney reviews the language that was proposed, meaning that the small cities are going to enforce county Code, it will probably be likely that they are not able to, and would need small city codes. The attorney should be aware of this in order to prevent a stumbling block from accepting the idea in the revised language prepared by Mr. Lautenbach and the SWAC.

Unfinished Business

Chair Koegel, opened the floor to address any unfinished business.
There was no unfinished business.

Adjourn

Chair Koegel, opened the floor for a Motion to Adjourn the meeting. The Motion was made by Mr. Hanson to adjourn the meeting. The Motion was seconded by Ms. Thomas. By a vote of the membership, the Motion passed unanimously. Chair Koegel thanked everyone for attending the meeting.

The meeting was adjourned at approximately 6:00 p.m.