

BOARD OF COUNTY COMMISSIONERS
COUNTY OF KITTITAS
STATE OF WASHINGTON

ORDINANCE No. 2023- 008

REVISIONS TO KCC TITLE 8.21 RECYCLING AND YARD WASTE SERVICE LEVEL

WHEREAS: The Kittitas County Board of County Commissioners adopted Ordinance 2022-15; and

WHEREAS: Kittitas County Solid Waste has been working with the Washington State Utilities and Transportation Commission permitted hauler for our County to implement the new ordinance as it was determined that more clarification was needed to KCC Title 8.21; and

WHEREAS: The Kittitas County Solid Waste Department has worked with the Prosecutor's Office to update and provide more clarification to KCC Title 8.21; and

WHEREAS: The Kittitas Board of County Commissioners did conduct a public hearing on December 19, 2023, to receive public testimony on the proposed code revisions to Kittitas County Code Title 8.21.

BE IT FURTHER ORDAINED that this ordinance as amended becomes effective upon the signature of the Board of County Commissioners.

ADOPTED this 19th day of December 2023.



Clerk of the Board – Julie Kjorsvik

Deputy Clerk of the Board – Mandy Buchholz

BOARD OF COUNTY COMMISSIONERS
KITTITAS COUNTY, WASHINGTON


Cory Wright, Chairman


Brett Wachsmith, Vice-Chairman


Laura Osiadacz, Commissioner

Chapter 8.21 Recycling and Yard Waste Service Level
Sections

8.21.005 Effective Date.

8.21.010 Purpose.

8.21.020 Definitions.

8.21.030 Residential curbside recycling and yard waste collection boundaries.

8.21.040 Minimum levels of curbside recycling and yard waste collection service.

8.21.050 Curbside recycling and yard waste collection rates.

8.21.060 County notification of WUTC tariff filings. 8.21.070 Program promotion and education requirements. 8.21.080 Reporting Requirements.

8.21.005 Effective date.

This ordinance shall take effect on January 1, 2024 (Ordinance 2023-008, 202__).

8.21.010 Purpose

To address increased demand from Kittitas County Residents for curbside recycling and yard waste collection.

8.21.020 Definitions.

1. Cart means a watertight heavy plastic receptacle with a rated capacity of approximately ninety-six (96) gallons, having a hinged, tight-fitting lid and two (2) wheels.

2. Container means a detachable container or drop-box container suitable for storage and collection of city solid waste. Detachable containers are watertight metal or plastic containers equipped with a tight-fitting cover, capable of being mechanically unloaded into a collection vehicle, and are not less than one (1) cubic yard or greater than eight (8) cubic yards in capacity; and (ii) drop-box containers are all-metal containers capacity of ten (10) cubic yards or more and that may be loaded onto a specialized collection vehicle.

3. Curb or Curbside means the area within five (5) feet of a public street where collection services occur. If safe access is difficult or if extraordinary circumstances preclude a particular location, curbside shall be considered a placement suitable for customers, convenient for contractor's equipment, and mutually agreed to by contractor and WUTC. Contractor will assess an additional fee for communities that have covenants that do not allow curbside

placement of carts or containers.

4. Compost Facility means any facility that is permitted to accept organic materials for processing as defined in WAC 173-350-100. For the purposes of this Ordinance, organic materials are limited to yard waste as defined below.

5. Curbside Recycling means the collection of recyclable materials as defined herein and hauling such materials to facilities equipped to return them to a remanufacturing cycle.

6. Curbside Yard Waste Collection means the collection of yard waste as defined herein and hauling such materials to facilities equipped to transform them into usable compost.

7. Division means the solid waste division of Kittitas County Department of Solid Waste.

8. Eligible Residence shall include:

(a) Any residence located within the Urban Growth Areas and/or Master Planned Resorts of Kittitas County which is required or elects to receive curbside garbage collection service from a solid waste company shall also receive and pay for curbside recycling service. The solid waste company must provide the level of service described in this Ordinance to all eligible residences who receive curbside recycling service pursuant to this subsection (a) and the customer must pay for curbside recycling service whether customer elects to use the service.

(b) Any residence located within the Urban Growth Areas or Master Planned Resorts of Kittitas County that is not required and does not elect to receive curbside garbage collection service from a solid waste company may elect to receive and pay for curbside recycling and/or yard waste collection service. The solid waste company must provide the level of service described in this Ordinance to all eligible residences who receive curbside recycling service pursuant to this subsection (b). For purposes of clarity, residences that become eligible residences pursuant to this subsection (b) shall not be additionally required to receive curbside garbage collection service from a solid waste company.

Notwithstanding anything else in this definition, "eligible residences" shall not include any residence located in municipalities which provide, or contract with a solid waste hauler to provide solid waste collection service within their boundaries.

9. Garbage for the purpose of this Ordinance means putrescible and nonputrescible solid and semisolid wastes including, but not limited to garbage, rubbish, refuse, small amounts of cold bagged ashes, and dead

small animals completely wrapped in plastic and weighing less than fifteen (15) pounds collected from Eligible Residences. Garbage shall not include recyclable materials, yard waste, or unacceptable waste.

10. Group Collection Site is a location established by the solid waste company to service carts from multiple accounts, where collection vehicle access is limited.

11. Master Planned Resorts means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor and outdoor recreational facilities. The locations and boundaries of the Master Planned Resorts shall be as depicted in the County's current Comprehensive Plan.

12. Material Recovery Facility means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling (WAC 173-350-100).

13. Multifamily Customer means the manager or owner of a multifamily residence.

14. Multifamily Residence means any structure housing five or more attached or unattached dwelling units that are billed collectively for solid waste collection services. "Multifamily Residence" shall not include any multifamily residence located in municipalities which provide, or contract with a solid waste hauler to provide, solid waste collection service within their boundaries.

15. Nonputrescible means not capable of being readily decomposed by microorganisms.

16. Putrescible means capable of being decomposed by microorganisms.

17. Recyclable Materials. For the purposes of this ordinance, "recyclable materials" are materials that are transported for recycling, reprocessing, reclamation, or for any process that extracts or modifies the commodity for reuse or another commercially valuable purpose (WAC 480-70-041) The following list of materials are collected by a solid waste company:

- A. Tin-coated steel cans.
- B. Aluminum cans
- C. Newspaper, including glossy advertisements and inserts that are delivered with the newspaper.
- D. Mixed paper, including mail, magazines, catalogs, phone books, paperback books, computer paper, white and colored ledger, file folders, file cards, and chipboard.

- E. Corrugated cardboard (cut into pieces no larger than 2'x2' to fit in Carts with lids closed),
- F. Plastic containers including bottles, jugs, and jars.
- G. Additional Recyclable Materials may be added as markets and processing capabilities become available.

18. Single Family Customer means a person or family living in an eligible residence, which is a residential unit designed exclusively for occupancy of one family living independently, that are billed individually for solid waste collection services and located on a public street or public road.

19. Solid Waste means putrescible and nonputrescible solid and semisolid wastes including, but not limited to garbage, rubbish, refuse, swill, ashes, industrial wastes, sewage sludge, demolition and construction wastes, abandoned vehicles or parts of abandoned vehicles, and source-separated recyclable materials and yard waste

20. Solid Waste Collection Company means every common carrier, including a contract carrier, who provides solid waste collection service. (WAC 480-70-041). This collection service occurs in Kittitas County as authorized by the Washington Utilities and Transportation Commission.

21. Unacceptable Waste means highly flammable substances and Hazardous Waste as defined in WAC 480.70.41, certain pathological and biological wastes, explosives, toxic materials, radioactive materials, material that the material recovery facility or compost facility, as applicable, is not authorized to receive and/or dispose of, and other materials deemed by federal, state, or local law, or in the reasonable discretion of the contractor, to be dangerous or threatening to health or the environment, or which cannot be legally accepted at the applicable material recovery facility or compost facility.

22. Urban Growth Areas means those areas designated by a county pursuant to RCW 36.70A.110 (RCW 36.70A.030(29)). Urban growth areas are suitable and desirable for urban densities as determined by the sponsoring city's ability to provide urban services. Urban growth areas are also those existing unincorporated areas which are established town sites or communities having at a minimum: a community water system; established residential, commercial, and industrial densities; and other vestiges of urban development, with defined boundaries established by the County shall be as defined and shown in the County's Comprehensive Plan. The locations and boundaries of the Master Planned Resorts shall be as depicted in the County's current Comprehensive Plan.

23. WUTC means the Washington Utilities and Transportation Commission ([Ord. 2022-017](#), 2022).

24. Yard Waste, a component of compostable organics, means plant material

commonly generated while maintaining yards and gardens, and through horticulture, gardening, landscaping, or similar activities. Yard waste includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, vegetable garden waste, tree prunings, and unflocked and undecorated holiday trees cut to less than six (6) feet in height are acceptable. Materials larger than four (4) inches in diameter or four (4) feet in length, or weighing more than 55 pounds, are excluded.

8.21.030 Residential Curbside Recycling and Yard Waste Collection Within Urban Growth Areas and Master Planned Resorts

A. Curbside Recycling collection service will be provided to all single-family customers in the Urban Growth areas and master planned resorts within the County except for municipalities which provide, or contract with, a solid waste hauler to provide solid waste collection service within their boundaries.

B. Yard waste collection service will be available upon request to all single-family customers and multifamily customers in the Urban Growth areas and master planned resorts within the County.

8.21.040 Minimum Levels of Curbside Recycling and Yard Waste Collection Service.

The minimum levels of service set forth in this chapter and the Washington Utilities and Transportation Commission's (WUTC) regulation of the solid waste company, pursuant to RCW Chapter 81.77 RCW, will continue from the effective date of the ordinance codified in this chapter unless terminated by the County. The solid waste company shall be allowed sufficient time to procure equipment, staff, and materials that are needed to provide curbside recycling and yard waste collection services. Phased implementation of these services across the service area shall be allowed to assist with these procurement activities. The minimum level of curbside recycling and yard waste collection service to be provided by the solid waste company must include the following:

1. Single Family Curbside Recycling.

A. Single Family customers receiving curbside garbage collection service will receive and pay for curbside recycling service.

B. Single Family customers not receiving curbside garbage collection service may contact the solid waste company to receive and be billed for curbside recycling service.

C. Recyclable Material Collected – Single Family Curbside Recycling.

i. The recyclable materials will be collected from single family customers

as specified herein.

- ii. The recyclable materials will be commingled in solid waste company-provided carts.

D. Collection Schedule.

The Recyclable Materials from Single Family Customers must be collected at least every other week.

E. Collection Carts and Containers – Single Family Curbside Recycling.

For Single Family Customers, the solid waste company shall provide a minimum of one 96-gallon blue cart (or cart with blue lid) to each single-family customer. Recyclables must be placed in a cart for collection. Single family customers who generate more recyclable materials than the cart will hold between collections have the following options:

- i. Hold recyclables over to the next collection week.
- ii. Request additional carts from the solid waste company. Additional carts shall be made available by the solid waste company. The solid waste collection company may charge for additional carts.
- iii. Haul extra recyclable materials to the nearest Kittitas County-owned recycling facility. There is no additional charge for using the recycling facility.

2. Multifamily Curbside Recycling.

A. Recyclable Materials Collected – Multifamily Curbside Recycling.

recyclable materials will be collected the by solid waste company from multifamily customers as specified herein.

Recyclable materials will be commingled in each recycling collection container.

Collection of recyclables for multifamily customers shall be by subscription only and not mandatory.

B. Collection Schedule.

The Recyclable Materials from Multifamily Customers must be collected at least every other week.

C. Collection Containers – Multifamily Curbside Recycling. A. Carts or containers must be placed at each garbage collection location where space for multiple carts or containers and access for recycling trucks is available. Every effort must be made by the customer, in coordination with the solid waste company, to provide adequate space to accommodate 0.1 cubic yards of recycling capacity per unit, per week.

3. Optional Curbside Yard Waste Collection.

- A.** Curbside yard waste collection will be available to all single family and multifamily customers within the Urban Growth area and Master Planned Resorts within the County when such areas do not already provide **or contract for** solid waste collection service within their boundaries.
- B.** Single Family and multifamily customers will receive and pay for curbside yard waste collection only if they subscribe to this service.
- C.** Materials eligible for collection as yard waste are defined in Section 8.21.020(25) Yard Waste.
- D.** Collection Containers. The solid waste company will provide one (1), ninety-six (96)-gallon cart for yard waste collection per customer subscription. The solid waste company may charge for additional yard waste carts requested by the customer. Yard waste must be placed in a cart for collection.

4. Additional Service Provisions. The following provisions apply to the collection services described in this chapter:

- A.** All carts must be standardized throughout the County. The solid waste company will provide blue carts for recycling and green carts for yard waste to remain consistent throughout.
- B.** The solid waste company is not obligated to collect contaminated carts or containers. For purposes of this ordinance, a cart or container is contaminated when, based on physical and/or electronic visual inspection it is determined that (i) a recyclables cart or container contains non-recyclables (pursuant to the list of materials set forth in Section 8.21.020(18), recyclable materials , (ii) a yard waste cart or Container contains material other than yard waste as set for the in Section 8.21.020(24), and/or (iii) any cart or container contains any unacceptable waste as set forth in Section 8.21.020(22) Unacceptable Waste.
- C.** If the solid waste company elects not to collect a contaminated cart or container, solid waste company shall notify the customer explaining why. Such notice may be provided by container tag, email, or other method of communication. The customer will have the choice to remove the contaminated materials from the cart or container or to ask the solid waste company to dispose of the material as garbage on their next scheduled pick-up date.
- D.** The solid waste company will not knowingly collect a contaminated cart or container if contamination is visible by the driver prior to collection. If the solid waste company services a container, and subsequently discovers contamination in the truck hopper at the stop, solid waste company may

charge the customer a contamination charge, pursuant to the rates. Such contamination charge may be included in the customer's regular invoice or billed separately.

- E. The solid waste company must clean up any material spilled by their employees or equipment. If solid waste company fails to clean up any spill within twenty-four (24) hours (or one (1) business day) after receipt of notification from the County or a customer, the County may cause the work to be done and the solid waste company shall fully reimburse the County for any such expenses incurred, or the Kittitas County Public Health District may impose a fine.
- F. The solid waste company will not dispose of curbside recyclable material or yard waste by landfilling, incineration, or other means without the written consent of the Division. The Division will not withhold consent unreasonably in the case of contaminated loads that are unmarketable or do not meet the acceptance standards of the material recovery facility or compost facility, as applicable. When consent is granted, the solid waste company must report the type of material, the nature of contamination, the weight and volume of material disposed, and date and method of disposal to the division within two business days.
- G. The Division and the solid waste company will discuss any proposed changes to the list of recyclable materials or yard waste to be collected or to the service boundaries. the Division will not unreasonably oppose any changes to the list of recyclable materials or yard waste proposed by the solid waste company. Changes in service area boundaries are subject to approval of the County in consultation with the solid waste company.
- H. Additional areas outside the Urban Growth area and Master Planned Resorts, in which the solid waste collection company and the County have agreed that adequate demand and route density exist, may be given access to collection services.

8.21.050 Curbside Recycling and Yard Waste Collection Rates.

The solid waste company must use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70A.205.010.
(need to list ordinance here)

8.21.060 County Notification of WUTC Tariff Filings.

Pursuant to WAC 480-70-271, the solid waste company must notify the Division when filing a tariff revision for garbage, curbside recycling, or yard waste collection rates with the WUTC. The solid waste company must notify the Division, within two (2) business days of scheduled times and dates of any open meetings or public hearings before the WUTC for proposals by the solid waste company for which the

solid waste company is required to provide notifications pursuant to WAC 480-70-271(4).

8.21.070 Program Promotion and Education Requirements.

- A.** The solid waste company will prepare and publish promotional and educational materials that encourage the use of curbside recycling, yard Waste and Garbage collection services. The Division may direct the solid waste company to distribute educational materials to customers. Distribution methods may include publishing materials on the solid waste company's website, mailings, emails, and cart tagging programs as appropriate.
- B.** The solid waste company must distribute educational materials to new customers.
- C.** The solid waste company must prepare and distribute calendars of collection dates to all customers. The calendar must list the solid waste company's phone number and the WUTC's consumer affairs toll free phone number.
- D.** The solid waste company will coordinate the review and approval of promotional or educational materials with the Division prior to distribution to the customer.

8.21.080 Reporting Requirements.

- A.** On a quarterly basis, the solid waste company must submit garbage, curbside recycling, and yard waste collection data to the Division in a format approved by the Division. These reports must also include contamination rates and material composition of commingled recyclables from MRF audits, and number of residential recycling accounts charged for contamination.
- B.** The solid waste company must annually provide a summary report to the Division of all multifamily facility service levels, including garbage, recycling, and yard waste carts and containers and service frequency.