

RESOLUTION 2017-P

A RESOLUTION OF THE TOWN OF EATONVILLE, WASHINGTON ADOPTING THE 2016 SUPPLEMENT TO THE 2000 TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN AND RECOMMITTING THE TOWN TO ITS PARTNERSHIP WITH PIERCE COUNTY

WHEREAS, Chapter 70.95 RCW requires Counties, in coordination with their Cities and Towns, to adopt comprehensive solid waste plans for the management, handling, and disposal of solid waste for twenty years, and to review and amend or revise the plans every five years, as necessary; and

WHEREAS, pursuant to Chapter 70.95 RCW, the County Executive entered into Interlocal Agreements with the Cities and Towns within Pierce County wherein the County agreed to serve as the lead planning agency to maintain the Solid Waste Management Plan and draft revisions as necessary, and to provide a draft of these revisions to the Cities and Towns prior to scheduled County Council public hearing dates; and

WHEREAS, the County, in coordination with the Pierce County Solid Waste Advisory Committee (SWAC) developed the 2016 Supplement to the 2000 Tacoma-Pierce County Solid Waste Management Plan to replace the 2008 Supplement; and

WHEREAS, the SWAC held 11 public meetings and conducted one public hearing, giving the community multiple opportunities to be involved in the drafting and reviewing of the 2016 Supplement; and

WHEREAS, the 2016 Supplement to the 2000 Tacoma-Pierce County Solid Waste Management Plan is a strategic document, identifying goals, objectives and actions necessary to achieve a community vision; and

WHEREAS, the County submitted a draft supplement to the Cities and Towns for review and comment in April 2016; and

WHEREAS, the Pierce County Council adopted the 2016 Supplement by Ordinance 2016-83 on March 23, 2017; and

WHEREAS, the Town desires to adopt 2016 Supplement as an amendment to its comprehensive solid waste management plan; and

WHEREAS, the Town also desires to recommit itself to a partnership with the County to coordinate on the implementation of the goals, policies, recommendations, and disposal methods as set forth in the 2000 Tacoma-Pierce County Solid Waste Management Plan and the goals and objectives set forth in the 2016 Supplement; **NOW THEREFORE**

**THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON,
HEREBY RESOLVES AS FOLLOWS**

THAT: The 2016 Supplement is hereby adopted in its entirety to amend the 2000 Tacoma-Pierce County Solid Waste Management Plan as the comprehensive solid waste management plan for the Town of Eatonville.

FURTHER THAT; The Town recommits to a partnership with the County to implement the goals, policies, recommendations, and disposal methods set forth in the 2000 Tacoma-Pierce County Solid Waste Management Plan and the goals and objectives set forth in the 2016 Supplement.

PASSED by the Town Council of Town of Eatonville and attested by the Town Clerk in authentication of such passage this 12th day of June 2017.

Mike Schaub, Mayor

ATTEST:

Kathy Linnemeyer, Town Clerk

ADDENDUM
to the
Programmatic Final Environmental Impact Statement (FEIS)
for the **2015 Supplement**
to the
Year 2000
Tacoma-Pierce County Solid Waste Management Plan

May 13, 2016

Pierce County Public Works Department
Sustainable Resources Division
2702 South 42nd Street, Suite 201
Tacoma, Washington 98409
(253) 798-2179

INTRODUCTION

The purpose of this addendum is to describe the information provided in the *2015 Supplement to the Tacoma-Pierce County Solid Waste Management Plan*. The 2015 Supplement will amend, not replace, the Solid Waste Plan. New information has been included within the Supplement in order to meet the State requirements that a solid waste plan be kept updated or “current.” The new information does not change the analysis of likely significant impacts or alternatives described in the Solid Waste Management Plan or in the *Programmatic Final Environmental Impact Statement* adopted in July 1989.

BACKGROUND

Pierce County

Code Chapter 8.28:

- On December 12, 2000, Pierce County adopted the *Tacoma-Pierce County Solid Waste Management Plan* which updated the previous solid waste plan adopted in 1992. The County issued an Addendum on October 4, 1999 to the Programmatic Final Environmental Impact Statement (FEIS) which was first adopted in July 1989 and re-adopted in 1992.
- On November 18, 2008, Pierce County adopted the *2008 Supplement to the Tacoma-Pierce County Solid Waste Management Plan* which updated the 2000 Plan. The County issued an Addendum to the Programmatic FEIS on February 28, 2008.
- All cities and towns adopted the Solid Waste Plan and signed new Interlocal Agreements with the County in 2001. In 2009, the cities and towns either re-adopted the 2008 Supplement or issued letters of concurrence.
- The Washington Department of Ecology approved the Year 2000 Tacoma-Pierce County Solid Waste Management Plan on August 22, 2001, and the 2008 Supplement on September 4, 2009.

State regulations:

Chapter 70.95 Revised Code of Washington (RCW) requires counties, in coordination with their cities and towns, to adopt comprehensive solid waste plans for the management, handling, and disposal of solid waste, and to keep those plans in a ‘current’ status through periodic review and update. State law specifies the required contents of a comprehensive solid waste plan. Among the many requirements are: estimated needs for solid waste handling facilities for 20 years of disposal capacity; a six-year construction and capital acquisition program; a comprehensive waste reduction and recycling element; and an assessment of the plan’s impact on the costs of solid waste collection prepared in conformance with the guidelines established by the Washington Utilities and Transportation Commission (WUTC).

FEIS:

The County's 1989 Programmatic Final Environmental Impact Statement (FEIS) evaluates a complex series of alternatives for waste handling, recycling, and disposal, plus alternatives for handling special wastes, such as wood waste, land clearing, and construction debris. The FEIS was re-adopted in 1992 (Ord. #92-130). Addenda were issued October 4, 1999 and February 29, 2008.

Since 1989, Pierce County has been pursuing the FEIS's MMSW Alternative 3 which focuses on tripling waste reduction and recycling rates; disposing of remaining MSW in a landfill; and recycling of wood waste, construction debris, and land clearing debris. Alternative 3 targets a 60% or greater recycling and waste reduction rate. Among the waste reduction and recycling measures discussed within Alternative 3 are: the need to develop food waste and other organic diversion or composting programs and facility capacity; a need to develop model product purchasing programs; and a need to work with businesses to implement comprehensive waste reduction and recycling collection. These are in addition to education and outreach programs and, residential recycling and yard waste curbside collection services.

To implement state regulations and the Solid Waste Management Plan, the Public Works Department offers an extensive range of public education and outreach programs about waste reduction and recycling. The County adopted minimum levels of services to provide residential curbside recycling and yard waste services, built a yard waste composting facility, and maintains the contract for meeting long-term disposal and other waste handling facility capacity. The Public Works Department provides funding support for the enforcement actions and regulatory activities of the Tacoma-Pierce County Health Department which administers the State's solid waste permit regulations, WAC 173-350 and WAC 1173-351.

To carry out the Year 2000 Plan's direction about illegal dumping problems, the Public Works Department created and funded programs to address illegal dumping and nuisance vehicle issues, and to cleanup illegal dump sites. In 2009, the Public Works Department absorbed into its functions and operations the enforcement of additional public nuisances and certain violations of the County's Development Regulations, Shorelines Regulations, and Sign Code.

Resolution
R2016-14s

On March 22, 2016, the Pierce County Council adopted Resolution R2016-14s to send the 2015 Supplement for public review and comment to the Pierce County Solid Waste Advisory Committee, the Pierce County Planning Commission, cities and towns, the Washington Department of Ecology, and the Washington Utilities and Transportation Commission.

Prior to Council considering the resolution, the Solid Waste Advisory Committee met in eleven regular meetings in 2014 and 2015 to help prepare the 2015 Supplement. To maximize opportunities to gather public comment and to give the public a greater role in drafting the 2015 Supplement, each Solid Waste Advisory Committee meeting dedicated the bulk of its agenda to a “Community Conversation”. In the Community Conversation all attending members of the public were invited to join Solid Waste Advisory Committee members around the table to discuss and provide feedback on elements of the 2015 Supplement.

SUPPLEMENT CONTENT

Proposal: The 2015 Supplement amends, but does not replace, the *Tacoma-Pierce County Solid Waste Management Plan* adopted by the Pierce County Council in 2000 and amended in 2008.

Structure: Where the 2000 Plan focused attention on individual aspects of the solid waste system (e.g. recycling, processing, landfilling, etc.) and the 2008 Supplement examined “courses of action” that could support multiple aspects of the system with a variety of outcomes, the 2015 Supplement was written specifically as a strategic document. The 2015 document proposes a community vision and identifies goals, objectives, and actions necessary to achieve that vision, but does not make policy pronouncements.

Vision: At least since the late 1980s, waste reduction has been the preferred method for the collection, handling, and management of solid waste (RCW 70.95.010(8)(a)). With the 2015 Supplement, Pierce County proposes a clear vision for its future:

VISION: People, businesses and agencies work together to reuse resources and waste little.

Goals: Goals in four interconnected and interdependent areas provide foundational support for the vision:

SYSTEM: We support and expand opportunities to minimize waste

CULTURE: We are a community of invested, active participants working together to reduce waste

DECISIONS: Decisions are practical, understandable and transparent, providing opportunities for innovation while balancing economic, environmental, and social impacts.

MEASUREMENT: Actions, programs, and services are measured and evaluated for effectiveness and efficiency.

Objectives: Each goal will be reached through specific and measurable objectives (seventeen in total) that, with accompanying action steps, can be achieved between 2016 and 2020.

The *System* objectives (S-1 through S-4) call on Pierce County and the City of Tacoma to provide services that meet basic recycling, composting, and disposal needs with waste reduction as an increasing area of focus. Specific attention is placed on standardizing services and funding, making transfer stations a hub for waste diversion, and helping residents more effectively recycle away from home.

S-1: Pierce County evaluates the feasibility of standardized recycling, yard waste, and garbage collection in all sectors of the county.

S-2: Pierce County identifies sustainable funding for waste reduction, recycling, environmental education, and code enforcement programs which maintains a reasonable fund balance, satisfies operational and capital obligations, and aligns with sources of funds.

S-3: Pierce County and the City of Tacoma implement strategies to expand the variety of materials targeted for diversion at transfer stations, where feasible.

S-4: In Pierce County, people can recycle away from home as easily as they can at home.

In the *Culture* objectives (C-1 through C-6), consumers, businesses, and households – as individuals and working together – will play a key role in achieving the vision. Core actions focus on simplifying communication and outreach strategies, emphasizing waste reduction messages around food waste and single-use items, and following up with the community to see how much behavior has changed.

C-1: Materials management service providers use consistent language and key messages in interactions with stakeholders and customers.

C-2: Pierce County has a formalized framework to guide selection of strategies used to engage residents and stakeholders in decision-making.

C-3: Wasted food is reduced, meeting targets established by annual waste audits.

C-4: The quantity of targeted single-use items in the waste stream is reduced.

C-5: The quality of participation in garbage, recycling, and organics collection services increases annually in targeted customer types.

C-6: Our community demonstrates an increased working knowledge of how individual behaviors and choices affect the system and the world around us.

Agencies need to think about how *Decisions* (objectives D-1 through D-4) made in the present can influence future outcomes. The objectives in this section are designed to provide a framework for a successful future by guiding the selection of external partner agencies, being clear about what parts of the waste stream are targeted for reduction and recycling, and overcoming organizational and institutional barriers.

D-1: Pierce County and the City of Tacoma develop and implement formal partnership strategies designed to strengthen connections with agencies, for-profit companies, and not-for-profit organizations that share in the goals and vision established in this plan (e.g., partnering with the Pierce Conservation District).

D-2: Pierce County and the City of Tacoma develop, document, and implement strategies for deciding what materials are diverted and how they move through the materials management system.

D-3: Pierce County and the City of Tacoma develop, document, and implement strategies for deciding what materials are targeted for reduction.

D-4: Pierce County Public Works evaluates whether there are barriers to designing and locating the materials management infrastructure required to implement the Solid Waste Management Plan.

The last group of objectives (M1 through M-3) direct us to *Measure* more, document better, and then improve based on what we learn.

M-1: Significant materials management practices are evaluated for sustainability.

M-2: Pierce County and the City of Tacoma have established waste diversion targets based on recycling stream and other relevant data.

M-3: Pierce County and the City of Tacoma have established waste reduction targets based on waste trends analysis and other relevant data.

System Performance

Target:

The 2015 Supplement retains the performance target adopted in the 2008 Supplement: reduce the amount of waste disposed to 1.09 pounds per person per day. Even with the proposal, to advance the date on which the system would achieve this target to 2040 (from 2032), the 2015 Supplement maintains the intent to achieve (and exceed) the 60% recycling and reduction rate of the FEIS Alternative 3.

Systems and
Other Issues:

The 2015 Supplement provides a high-level overview of the operational aspects of the Pierce County and Tacoma solid waste systems. The information in this section supplements that found in the 2000 Plan. Some topics, which have seen more significant shifts in approach, such as the recycling of household electronics and the advent of product stewardship programs, are called out for special attention.

Retained Policies:

The 2000 Plan included over 160 direction statements labeled as “goals”, “policies”, “policy support recommendations” or “program actions.” The 2008 Supplement, as adopted, incorporated most of the directions remaining from the 2000 Plan into the seven “integrated courses of action” which made up the bulk of that document. Five recycling policy support guidelines and 32 policy support recommendations were identified as “retained policies” and included in a separate section of the 2008 Supplement for readers’ easy reference. The 2015 Supplement continues this practice, with the current draft retaining the same language.

Cost Assessment:

RCW 70.95.090(8) requires each solid waste plan to include an “assessment of the plan’s impact on the costs of solid waste collection” with special emphasis on the rates charged by garbage haulers regulated by the Washington Utilities and Transportation Commission. The 2015 Supplement includes the Cost Assessment in Appendix C and reports four primary findings:

1. The 2015 Supplement does not propose policies or programs which will directly or immediately impact regulated services or rates.
2. The 2015 Supplement proposes efforts to dramatically decrease per capita waste disposal needs.
3. Solid Waste system fees (which are not regulated by the Commission) will increase as the overall waste stream shrinks; but the 2015 Supplement anticipates flat or declining per capita costs relative to inflation for those households and businesses that choose to reduce and recycle waste.
4. County government funding is designed to “live within our means” with the impact as measured on a per capita basis remaining below the rate of inflation.

Capital Facilities:

A discussion of capital facilities is a state-required element of a Solid Waste Plan. None of the objectives, nor related actions, contained in the 2015 Supplement require immediate planning or implementation of new capital projects. Two objectives could require capital improvements in 2018 or later and one could require improvements outside the time frame for the plan. Along with the discussion in Appendix D, the 2015 Supplement cross-references the most recent capital facilities plans adopted by Pierce County and the City of Tacoma.

Disposal Need and
Landfill Capacity:

The 2015 Supplement forecasts Pierce County's (including Tacoma, Ruston and Joint Base Lewis McChord) need for solid waste disposal and the ability of the privately owned and operated LRI Landfill to continue meeting that need.

Successful implementation of the objectives and actions contained in the 2015 Supplement, and assuming that similar programs continue past 2020, will require 9.5 million tons of disposal capacity through 2040 which can be met by the LRI Landfill. Work to achieve the target of 1.09 pounds per person per day would allow the landfill to remain available until 2042.

Under a worst-case scenario in which waste disposal returns to and stays at the historic high of 4.5 pounds per person per day (20 percent more than today), the LRI Landfill would be insufficient to contain the estimated 15.7 million tons of waste needing disposal over the next 20 years. The landfill would be expected to close in 2030. The 2015 Supplement recognizes the availability of landfills outside Pierce County to meet continuing need.

CONCLUSIONS

- ▶ The additional information does not change analysis of likely significant impacts or alternatives in the 1989 Programmatic FEIS. The alternatives and mitigations remain the same as summarized in the FEIS.
- ▶ The 2015 Supplement has been presented for review pursuant to Pierce County Council Resolution R2016-14s passed on March 22, 2016.
- ▶ The 2015 Supplement contains the State's required information to update a solid waste plan including: status updates about all programs; priority actions to take for the next five years; a six-year capital facility plan; and a WUTC Cost Assessment which analyzes the plan's impact on the costs of solid waste collection.
- ▶ No additional significant adverse impacts have been identified from expansion of the waste reduction and recycling outreach and education programs and continued use of existing private sector collection and processing capacity.
- ▶ The 2015 Supplement continues to support diversion of recyclables through established curbside collection programs, drop-off centers, buy-back and recycling processing businesses, and compost facilities; and through diversion alternatives at existing transfer stations.
- ▶ No new need for solid waste disposal or transfer station facility capacity has been identified.

AVAILABILITY

Consistent with the plan's vision, the 2015 Supplement is published online at www.piercecountywa.org/swplan. Paper copies, or copies on flash drives, may be obtained by contacting the Public Works Department at (253) 798-2179.

Anyone wishing to review the 1989 Programmatic Final Environmental Impact Statement may contact the Public Works Department at (253) 798-2179.

RESOLUTION 2001-H

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, WASHINGTON ADOPTING THE YEAR 2000 TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN AND AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH PIERCE COUNTY COMMITTING THE CITY TO THE GOALS, POLICIES, RECOMMENDATIONS, AND DISPOSAL METHODS SET FORTH IN THE YEAR 2000 PLAN.

WHEREAS, Chapter 70.95 RCW requires Counties, in coordination with their Cities and Towns, to adopt comprehensive solid waste plans for the management, handling, and disposal of solid waste for twenty years, and to review and amend or revise the plans every five years, as necessary; and

WHEREAS, pursuant to Chapter 70.95 RCW, the County Executive, in 1993, entered into Interlocal Agreements with the Cities and Towns within Pierce County wherein the County agreed to serve as the lead planning agency to maintain the Plan and draft revisions as necessary and to provide a draft of these revisions to the Cities and Towns prior to scheduled County Council public hearing dates; and

WHEREAS, the County in coordination with the Pierce County Solid Waste Advisory Committee developed a Preliminary Draft Plan and Draft Goals and Recommendations and provided the Preliminary Draft Plan and the Draft Goals and Recommendations to the Cities and Towns, conducted an extensive public review process, and incorporated the comments from Cities and Towns and citizens into the Year 2000 Plan; and

WHEREAS, the Pierce County Council adopted the Year 2000 Tacoma-Pierce County Solid Waste Management Plan by Ordinance 2000 - 47S on December 12, 2000; and

WHEREAS, the Pierce County Council authorized the County Executive to execute Solid Waste Interlocal Agreements with each City and Town by Resolution R2001-4 on February 6, 2001; and

WHEREAS, the Town desires to adopt the Year 2000 Tacoma-Pierce County Solid Waste Management Plan as its comprehensive solid waste management plan; and

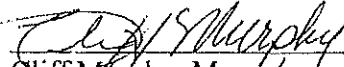
WHEREAS, the Town also desires to enter into a new Interlocal Agreement with Pierce County committing itself to a partnership with the County to coordinate on the implementation of the goals, policies, recommendations, and disposal methods set forth in the Year 2000 Tacoma-Pierce County Solid Waste Management Plan;

NOW THEREFORE, BE IT RESOLVED by the Council of the Town of Eatonville:

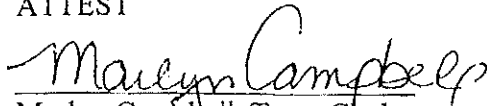
Section 1. The Year 2000 Tacoma-Pierce County Solid Waste Management Plan is hereby adopted in its entirety as the comprehensive solid waste management plan for the Town of Eatonville.

Section 2. The Mayor is hereby authorized to execute a Solid Waste Interlocal Agreement between the Town of Eatonville and Pierce County to commit the Town to a partnership with the County to implement the goals, policies, recommendations, and disposal methods set forth in the Year 2000 Tacoma-Pierce County Solid Waste Management Plan.

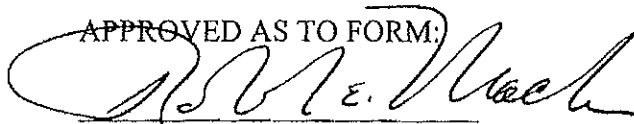
PASSED this 12th day of March, 2001.


Cliff Murphy, Mayor

ATTEST


Marlyn Campbell, Town Clerk

APPROVED AS TO FORM:


Robert E. Mack, Town Attorney

SOLID WASTE INTERLOCAL AGREEMENT

THIS AGREEMENT is entered into between Pierce County, a political subdivision of the State of Washington ("County"), and the Town of Eatonville, a municipal corporation of the State of Washington ("Town"). This Agreement has been authorized by the legislative body of each of the Parties as designated below:

Pierce County Ordinance No. 2000-47S.
Pierce County Resolution No. R2001-4
Town of Eatonville Resolution No. 2001-H

WHEREAS, pursuant to Pierce County Ordinance No. 92-130 and Town of Eatonville Resolution No. 93-A, the County and the Town entered into an Interlocal Agreement for the purpose of implementing the 1992 Tacoma-Pierce County Solid Waste Management Plan (the 1992 Plan); and

WHEREAS, the Pierce County Council has now revised the 1992 Tacoma-Pierce County Solid Waste Management Plan and has adopted the Year 2000 Tacoma-Pierce County Solid Waste Management Plan (the Plan); and

WHEREAS, the County has asked each city and town to adopt the Plan in recognition of the mutual benefits of working cooperatively to plan and implement a solid waste management system that serves all of the residents of Pierce County; and

WHEREAS, Chapter 39.34 RCW allows jurisdictions to work cooperatively and enter into Interlocal Agreements;

NOW THEREFORE, IN CONSIDERATION OF THE MUTUAL BENEFITS AND COVENANTS DESCRIBED HEREIN, THE PARTIES ENTER INTO AN INTERLOCAL AGREEMENT FOR THE PURPOSE OF IMPLEMENTING THE YEAR 2000 TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLAN.

Section 1. PURPOSE

This Agreement shall:

- 1.1 Reestablish the respective responsibilities of the Parties to cooperatively carry out the policy recommendations contained within the Tacoma-Pierce County Solid Waste Management Plan, plan for future needs, and effect orderly revisions or amendments to the Plan;
- 1.2 Rededicate the Parties' efforts to develop and implement environmentally-sound and cost-effective solid waste management programs including waste reduction and recycling programs (described in detail in the Plan) that divert the maximum amount possible from the disposed waste stream;

- 1.1 Recommit the Parties to adopt, maintain, and enforce minimum levels of service for residential source separation and collection of recyclables, including residential curbside recycling programs, multi-family residential recycling programs, and residential yardwaste collection programs; and
- 1.2 Recommit the Parties to a coordinated system for the management and disposal of solid waste in Pierce County.

Section 2. STATUTORY AUTHORITY

- 2.1 RCW 70.95.080, requires each county within the state, in cooperation with the various cities located within each county, to prepare a coordinated, comprehensive solid waste management plan. RCW 70.95.080 further allows each city to choose whether it will prepare its own plan, prepare a joint-plan with the county, or authorize the county to prepare a plan for the city.
- 2.2 Chapter 39.34 RCW permits local governments to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage.
 - 2.2.1 Pursuant to the Interlocal Agreement entered into between the Parties in 1993, the Town designated Pierce County as the lead agency for preparing future revisions or amendments to plans developed in accordance with Chapter 70.95 RCW.
- 2.3 RCW Chapters 36.58 and 70.95 direct the counties to establish solid waste handling systems and permit the counties to designate solid waste disposal sites to collect revenues to fund compliance with comprehensive solid waste management plans.

Section 3. THE TACOMA-PIERCE COUNTY SOLID WASTE MANAGEMENT PLANS

- 3.1 Pursuant to County Ordinance No. 87-196 and resolutions passed by each city and town, the Tacoma-Pierce County Solid Waste Management Plan was adopted in 1989 as the comprehensive solid waste management plan for all of Pierce County. The Washington Department of Ecology approved this Plan in 1990 with the provision that amendments be made to the waste reduction and recycling elements pursuant to state legislation.
- 3.2 Pursuant to County Ordinance No. 92-130 and resolutions passed by each city and town, the Tacoma-Pierce County Solid Waste Management Plan was amended and re-adopted in 1992 as the comprehensive solid waste management plan for all of Pierce County. The Washington Department of Ecology gave final approval to this Plan in 1993.
- 3.3 Pursuant to County Ordinance No. 2000-47S, the Pierce County Council amended the 1992 Plan and adopted the 2000 Tacoma-Pierce County Solid Waste Management Plan. The 2000 Plan contains descriptions and policy recommendations relating to comprehensive solid waste management within Pierce County. The County provides

solid waste management services for unincorporated Pierce County and for nineteen (19) of the cities and towns. The City of Tacoma, Town of Ruston, and Fort Lewis/McChord Air Force Base maintain their own separate management, collection, and disposal systems and their own separate waste reduction and recycling programs as described in the Plan.

- 3.4 All three editions of the Tacoma-Pierce County Solid Waste Management Plan (1989, 1992, and 2000) adhere to the same basic philosophy, that waste should be managed in accordance with the priorities established in RCW 70.95.010:
- Waste reduction;
 - Recycling;
 - Energy recovery, incineration, or landfilling of separated wastes; and
 - Energy recovery, incineration or landfilling of mixed wastes.
- These priorities should be followed so that Pierce County can maintain at least a 50 percent recycling rate.

Section 4. DEFINITIONS

Terms used throughout this Agreement have the same definitions as in Appendix B and C of the Tacoma-Pierce County Solid Waste Management Plan.

Section 5. OBLIGATIONS OF PARTIES – INTERLOCAL MATTERS

- 5.1 The respective powers and duties of the Parties shall be exercised individually by each Party. No joint County-City agency is formed pursuant to this Agreement.
- 5.2 At least annually, Pierce County shall prepare a report on solid waste issues for the Town. This report may be delivered in writing or as a presentation at a meeting of the Town Council.
- 5.3 Upon adoption of this Agreement, Pierce County shall contact the Town to identify whether Town officials responsible for waste management are interested in participating in a group of Pierce County solid waste professionals who would meet periodically to discuss issues of mutual concern and work towards the Parties' mutual goals.
- 5.4 Pursuant to Chapter 2.92 of the Pierce County Code, one position on the Pierce County Solid Waste Advisory Committee is designated as the representative of the city and town governments (other than Tacoma). The Parties shall work cooperatively to propose to the County Executive candidates to fill this position.

Section 6. OBLIGATIONS OF PARTIES – SOLID WASTE PLANNING

- 6.1 This Agreement shall serve as the designation of the County as lead solid waste planning agency pursuant to RCW 70.95.080(3). Pierce County accepts this designation and shall serve as the solid waste planning agency for the Parties to this Agreement, but shall not

be responsible for planning for hazardous or dangerous waste, or any other planning responsibility that is specifically designated by State or Federal statute.

- 6.2 Pierce County will prepare, and maintain in a current condition, the Solid Waste Management Plan required by Chapter 70.95 RCW.
- 6.3 Each Party shall notify the other if it has any knowledge which it believes may impact the current condition of the Plan.
- 6.4 Either party may propose revisions or amendments to the Plan so as to keep the Plan in a current condition. Following the procedures outlined in this section, the County shall be responsible for conducting the amendment and revision process. Further, the County shall review and revise the Plan, as necessary, at least once every five (5) years as required by RCW 70.95.110.
- 6.4.1 Minor Amendments. A Minor Amendment is a change to the Plan that: a) does not result from a significant change in solid waste stream quantities or characteristics; b) does not occur as the result of a new legal requirement; c) does not occur as a result of, or is not contemplated to result in, any change in the roles and responsibilities of the Parties as established in this Agreement or in the Plan; or d) does not occur as a result of, or is not contemplated to result in, any redefinition of the vision for local solid waste management. A Minor Amendment shall be conducted as follows:
- (a) The amendment is introduced at a County Council meeting.
 - (b) The County Council schedules a public hearing date and sends the proposed amendment for review and comment to all cities and towns, Pierce County Solid Waste Advisory Committee (SWAC), Pierce County Planning Commission, the Tacoma-Pierce County Health Department, the Washington Department of Ecology and other interested agencies.
 - (c) The County Council holds a public hearing receiving comment from the public as well as from the aforementioned agencies.
 - (d) After the amendment is adopted by the County Council, it is sent to the cities and towns for approval either by adopting the amendment or through a letter of concurrence. The County shall conclude that any city or town which does not adopt the amendment or send a letter of concurrence within 90 days of the Council's adoption is no longer a participant in the Plan. In this case, the city or town shall adopt its own solid waste management plan as required by RCW 70.95.080 and 70.95.110 and provide for its own disposal system.
 - (e) After completion of the 90 day approval period, the amendment will be sent to the Washington Department of Ecology.

6.4.2 Major Revisions. A Major Revision is a change to the Plan that: a) is required by a significant change in solid waste stream quantities or characteristics; b) occurs as the result of a new legal requirement; c) occurs as a result of, or is contemplated to result in, any change in the roles and responsibilities of the Parties as established in this Agreement or in the Plan; or d) occurs as a result of, or is contemplated to result in, any redefinition of the vision for local solid waste management. At a minimum, these steps will include:

- (a) A “scoping” period during which the tasks are identified and jurisdictional involvement is solicited.
 - (1) Any decision to change the procedures for preparing revisions to the Plan may be made by the County Council as a result of public input received during the “scoping” process.
 - (2) Within 90 days of the start of the “scoping” period, each city and town shall signify, in writing, its willingness to participate in the revision. The County shall conclude that any city or town which does not signify its willingness to participate as making the choice to no longer participate in the Plan upon the conclusion of the Revision process. In this case, the city or town shall adopt its own solid waste management plan as required by RCW 70.95.080 and 70.95.110 and provide for its own disposal system.
- (b) Development of a Preliminary Draft Plan and SEPA documents with the help of the Pierce County Solid Waste Advisory Committee.
- (c) A public review of the Preliminary Draft Plan with a minimum 30-day comment period, and at least one public hearing by the County Council.
- (d) Revisions to the Preliminary Draft Plan and submittal to the Washington Department of Ecology for a Preliminary Review.
- (e) Revisions, where appropriate, to the draft Plan to address the comments received from the Washington Department of Ecology’s Preliminary Review.
- (f) Adoption of the revised Draft Plan by the County Council followed by adoption of the Plan by the cities and towns. Cities and towns have 90 days to approve the revision by passing a resolution to adopt. The County shall conclude that any city or town which does not adopt the revision within 90 days of the Council’s adoption is no longer a participant in the Plan. In this case, the city or town shall adopt its own solid waste management plan as required by RCW 70.95.080 and 70.95.110 and provide for its own disposal system.

- (g) Submittal of the adopted revised Plan to the Washington Department of Ecology for a Final Plan Review and Approval, at which time the Plan shall be considered adopted.
- 6.5 The County will coordinate planning activities with the City of Tacoma, Town of Ruston, and Fort Lewis/McChord Air Force Base and shall include materials submitted by these jurisdictions into the Plan prepared by the County.
- 6.6 The cost of preparing and maintaining the Solid Waste Management Plan will be borne by the County, financed out of the annual budget approved for the Solid Waste Division by the Pierce County Council.

Section 7. OBLIGATIONS OF THE COUNTY

In furtherance of a county-wide solid waste management system, Pierce County assumes the following obligations:

- 7.1 Management. Pierce County agrees to provide solid waste management services for waste generated and collected within all jurisdictions which enter into Agreements with the County. The County is responsible for implementing an integrated solid waste management system, which includes programs for waste reduction and recycling, as well as planning for the twenty (20) year disposal of solid waste.
- 7.2 Solid Waste Disposal. The County agrees to designate disposal sites for all solid waste generated and/or collected within the corporate limits of the Town which will then be delivered to the Pierce County disposal system in accordance with all applicable federal, state, and local environmental health laws, rules, or regulations.
- 7.3 Operations. Pierce County shall be, or shall designate or authorize, the operating authority for transfer, processing or disposal facilities owned by the County. All real property acquired by Pierce County for solid waste management system purposes shall be the property of Pierce County.
- 7.4 Financial Assurance for Closed Facilities. Pierce County shall oversee post-closure responsibilities for the closed Anderson Island, Key Center and Purdy Landfills, and shall serve as post-closure trustee for the Hidden Valley Landfill, all of which entered closure prior to January 1, 1999.
- 7.5 Waste Reduction and Recycling. Pierce County will provide support and technical assistance to the Town to establish a waste reduction and recycling program compatible with the County's programs. Pierce County will continue county-wide public information, outreach, and educational programs about waste reduction and recycling activities. The County will be responsible for designing model waste reduction and recycling programs, and for providing information about such programs. The County will provide technical assistance to private companies which seek to establish waste reduction and recycling programs.

- 7.6 Collection. Pursuant to Chapters 36.58 RCW and 81.77 RCW, Pierce County assumes no responsibility for the regulation of solid waste collection operations either in unincorporated Pierce County nor in the Town. The County shall, upon request, provide technical assistance to the Town on collection matters.
- 7.7 Data Collection/Monitoring/Forecasting. The County will maintain a Data Collection system to monitor recycling and disposal activity to determine the effects of recycling and waste reduction programs and to forecast trends. Annually, the County will calculate and publicize a county-wide recycling rate. Additional reports can be prepared and provided upon request.
- 7.8 Educational Materials. The County shall develop educational materials related to waste reduction and recycling and strategies for maximizing the usefulness of the materials and make these available to the Town. Pierce County intends to continue to move forward aggressively to continue and expand waste reduction and recycling programs and to assist the Town with its programs in an advising and consulting capacity. The County will be responsible for designing model educational and public outreach programs, and for providing information about such programs.
- 7.9 Enforcement. With respect to the obligations in this Section, and to the extent allowed by law, it shall be the responsibility of the County to ensure the compliance of contractors and the residents of, and companies doing business within, unincorporated Pierce County. Nothing in this Agreement, however, shall affect the enforcement responsibilities and obligations of the Tacoma-Pierce County Health Department or the Washington Utilities and Transportation Commission.
- 7.10 Tipping Fees. When entering into contracts for solid waste disposal service, the County shall propose contract terms and rates necessary to recover all costs of operation including: the costs of handling, processing, and disposal; enforcement and fulfillment of the obligations set out in this Agreement, the Plan, and any ordinances adopted to implement the Plan; defense and payment of claims; capital or operational improvements; and landfill closure and post-closure maintenance. The County shall continue to advise the Town of the portion of the tipping fees applied to each of the foregoing obligations, including any portion dedicated to pay long term obligations.
- 7.11 Budget. The Pierce County Solid Waste Division shall propose a budget which funds the obligations set out in this Agreement.
- 7.12 Grants. Pierce County shall research grant opportunities and shall submit coordinated grant applications on behalf of the Parties. The proceeds from grants shall be used in the furtherance of the obligations set out in this Agreement and the Plan.

Section 8. OBLIGATIONS OF THE TOWN

In furtherance of a county-wide solid waste management system, The Town of Eatonville assumes the following obligations:

- 8.1 Disposal. Through this Agreement, the Town adopts the County disposal system for the disposal of all solid waste collected within the corporate limits of the Town and shall authorize the County to designate disposal sites for the disposal of all solid waste collected within the corporate limits of the Town. No solid waste collected within the Town may be diverted from the designated disposal sites, or from other elements of the County solid waste system, without prior written County approval.
- 8.2 Collection. The Town, an entity designated by the Town as authorized by state law, or a collection company operating under the authority and regulation of the Washington Utilities and Transportation Commission, shall serve as operating authority for solid waste collection services provided within the Town. The Town shall take all necessary steps to ensure that non-recycled waste collected within its corporate limits is delivered to the County disposal system. The Town will not enter into solid waste collection contracts that would allow waste to be diverted from the County disposal system without prior written County approval.
- 8.3 Waste Reduction And Recycling. The Town shall implement and continue to operate programs for waste reduction and recycling in accordance with the Tacoma-Pierce County Solid Waste Management Plan, including, at a minimum, (1) single family recycling collection programs, (2) multi-family recycling collection programs, and (3) yard waste collection programs. The Town shall coordinate activities with the County in furtherance of county-wide public outreach and educational programs and messages.
- 8.4 Data Collection and Monitoring. The Town shall work with the County to monitor and to report to the County's Data Collection System about recycling tonnages removed from the waste stream which are not otherwise reported through the County's established information gathering system.
- 8.5 Planning. Pursuant to RCW 70.95.080 (3), the Town designates the County as lead solid waste planning agency and shall participate in the solid waste planning process described in Section 6 of this Agreement.
- 8.6 Enforcement. With respect to the obligations in this Section, and to the extent allowed by law, it shall be the responsibility of the Town to ensure the compliance of contractors and residents of, and companies doing business within the corporate limits of the Town. Nothing in this Agreement, however, shall affect the enforcement responsibilities and obligations of the Tacoma-Pierce County Health Department or the Washington Utilities and Transportation Commission.
- 8.7 Financing. The Town shall propose a budget which funds its obligations under this Agreement, but may request assistance from the County for those programs that are of mutual benefit.

Section 9. DISPUTES

- 9.1 Should there be any dispute between the Parties concerning compliance with this Agreement, the Parties shall continue performance of their respective obligations under this Agreement and shall attempt to resolve such dispute in a cooperative manner. To this effect, they shall consult and negotiate with each other in good faith and, recognizing their mutual interests, attempt to reach a just and equitable solution parties. If they do not reach such solution within a period of 60 days, then upon notice by either party to the other, the dispute shall be finally settled by arbitration administered by the American Arbitration Association in accordance with the provisions of its Commercial Arbitration Rules, or other agreed upon local alternative dispute resolution organization.
- 9.2 Within fifteen (15) days after agreement to arbitration has been reached, each party shall submit the name of its own arbitrator and the two arbitrators shall select a third arbitrator from such panel within fifteen (15) days thereafter, or in case of a disagreement concerning the appointment of the third arbitrator, the third arbitrator shall be appointed from such panel by the presiding judge of the Pierce County Superior Court. During such time that the arbitrators are being selected or appointed, the parties shall continue to negotiate in good faith to resolve their dispute in a cooperative manner.
- 9.3 The arbitrators shall apply applicable provisions of Washington law in reaching their determination. The determination by the arbitrators shall be final and binding on the Parties, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.
- 9.4 The Parties shall use their best efforts to conclude all arbitration proceedings within thirty (30) days following the commencement of such arbitration proceedings.
- 9.5 The costs of arbitration shall be shared equally by the Parties, except that the arbitrators may, in their discretion, award to the prevailing party its reasonable attorneys' fees and expert and non-expert costs incurred in connection with the proceedings.
- 9.6 If arbitration is requested, the arbitration panel shall make its decision retroactive to the date of request for arbitration, if applicable.

Section 10. DURATION

- 10.1 Effective Date. This Agreement shall become effective immediately upon Pierce County receiving notice from the Washington Department of Ecology that the Department has issued Final Approval of the Plan.
- 10.2 Term. Except as noted in Section 11, this Agreement shall remain in effect for a period of twenty (20) years as set forth in the Plan. The County shall use the 20 year time frame to cost-effectively plan for, design, and/or site disposal facilities. Disposal capacity shall be based upon the Plan's projected needs to meet the twenty (20) year population base of the County and all parties to this Agreement.

which it shall fulfill its obligations as detailed in Section 7 of this Agreement. Except as provided herein, if the County, through acts of negligence or misfeasance, fails to carry out any of its assigned responsibilities, and such results in a claim against the Town, the County shall indemnify and hold harmless the Town and shall have the right and duty to defend the Town through the County's attorneys. Costs incurred by the County thereby are system costs which must be satisfied from disposal fees received by the County. In providing such defense of the Town, the County shall exercise good faith in such defense or settlement so as to protect the Town's interest.

- 13.2 If the County is not negligent, the Town shall hold harmless, indemnify and defend the County for any property damages or personal injury solely caused by the Town's negligent failure to comply with the provisions of Section 13.5.
- 13.3 In the event the County acts to defend the Town against a claim, the Town shall cooperate with the County. In the event the Town acts to defend the County, the County shall cooperate with the Town.
- 13.4 For purposes of this section, references to Town or County shall be deemed to include the officers, employees and agents of either party, acting within the scope of their authority.
- 13.5 All waste generated or collected from within the corporate limits of the Town which is delivered to the system for disposal shall be in compliance with the Resource Conservation and Recovery Act, as amended (42 U.S.C. § 9601 *et seq.*), Chapter 70.95 RCW, and all other applicable federal, state, and local environmental health statutes, ordinances, resolutions, rules, or regulations. The Town shall be deemed to have complied with the requirements of this section if it has adopted an ordinance requiring solid waste delivered to the system for disposal to meet such laws, rules, or regulations, and by written agreement has authorized Pierce County to enforce the same for waste originating within the corporate limits of the Town.
- 13.6 The County shall provide the Town with written notice of any violation of this provision. Upon such notice, the Town shall take immediate steps to remedy the violation and prevent similar future violations to the reasonable satisfaction of Pierce County which may include but not be limited to removing the waste and disposing of it to an approved facility. If, in good faith, the Town disagrees with the county regarding the violation, such dispute shall be resolved in accordance with the dispute resolution procedures found in Section 9 of this Agreement. Each party shall be responsible for its own attorney's fees and costs. Failure of the Town to take the steps requested by the County pending resolution shall not be deemed a violation of this Agreement; provided, however, that this shall not release the Town from damages or loss to the County arising out of the failure to take such steps if the Arbiter finds that the Town violated the requirements to comply with applicable laws set forth in this section.
- 13.7 The Town is not held harmless or indemnified with regard to any liability arising under 42 U.S.C. § 9601-9675 (CERCLA) as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA) (42 U.S.C. § 9601 *et seq.*) or as hereafter amended

or pursuant to any state legislation imposing liability for cleanup of contaminated property, pollutants or hazardous or dangerous substances.

Section 14. FORCE MAJEURE

The Parties are not liable when failure to perform pursuant to the terms of this Agreement is caused by "force majeure". As used herein, the term "force majeure" means: acts of God including landslides, lightning, forest fires, storms, floods, freezing or earthquakes; civil disturbances, strikes, lockouts or other industrial disturbances; acts of the public enemy, wars, blockades, or public riots; breakage, explosions, accident to machinery, equipment or materials, or unavailability of required materials or disposal site; government restrictions or restraint imposed by law or by rule, regulation or order of superior government authority; and other cause which is beyond the reasonable control of the party affected in which, by the exercise of reasonable diligence, such party is unable to prevent. The Party claiming Force Majeure shall promptly notify the other when it learns of the existence of a Force Majeure condition and shall promptly notify the other when the Force Majeure condition has terminated.

Section 15. MERGER

This Agreement merges and supersedes all prior negotiations, representations and/or agreements between the parties relating to the subject matter of this Agreement – specifically the 1993 Interlocal Agreement between Pierce County and the Town – and constitutes the entire contract between the parties

Section 16. WAIVER

No waiver by either party of any term or condition of this Agreement shall be deemed or construed to constitute a waiver of any other term or condition or of any subsequent breach, whether of the same or a different provision of this Agreement.

Section 17. THIRD PARTY BENEFICIARY

This Agreement is not entered into with the intent that it shall benefit any other entity or person except those expressly described herein, and no other such person or entity shall be entitled to be treated as a third party beneficiary of this Agreement.

Section 18. SEVERABILITY

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect.

Section 19. NOTICE

All notices pertaining to this Agreement shall be in writing, and delivered in person or mailed to the parties or officers at the following address:

For the Town:
Mayor

TOWN OF EATONVILLE
P.O. Box 309
EATONVILLE, WA 98328

For the County:
Solid Waste Administrator

Pierce County Department
of Public Works and Utilities
9116 Gravelly Lake Drive SW
Lakewood, WA 98499-3190

IN WITNESS WHEREOF this Agreement has been executed by each party on the date set forth below:

TOWN OF EATONVILLE

[Signature]
Mayor

Date: 3/13/01

Pursuant to Resolution
No. 2001-H

ATTEST:
[Signature]

APPROVED AS TO FORM:

[Signature]
Town Attorney

Date: 12 March 2001

PIERCE COUNTY

[Signature]
Pierce County Executive

Date: 6/13/01

Pursuant to Ordinance No. 2000-47S
and Resolution R2001-4

ATTEST:

APPROVED AS TO FORM:

[Signature]
Pierce County Deputy
Prosecuting Attorney

Date: 05/15/01