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Skagit County
Solid Waste Advisory Committee (SWAC)
Microsoft Teams Meeting Minutes
Skagit County Conference Room, 1800 Continental Place, Mount Vernon, WA
Wednesday, January 11, 2023

Members Present

Andy Hanson
Leo Jacobs
Marcella Manibusan
Margo Gillaspay
Matt Koegel
Nick Harbert
Olivia Carros
Tamara Thomas
Todd Reynolds
Torrey Lautenbach

Representing

City of Mount Vernon
City of Sedro-Woolley, SWAC Vice-Chair
Waste Management, Hauler/Public Sector, Manager
Skagit County Public Works/Solid Waste Division, ex-officio
City of Anacortes, SWAC Chair
Waste Management, Hauler
Department of Ecology, Regional Planner & Grant Manager
District 2 Citizens
Skagit Steel & Recycling, Recyclers
Lautenbach Recycling, District 1 Citizen

Members Absent

Brian Dempsey
Britt Pfaff-Dunton
Robert Rutledge
Scott Thomas
Not Represented
Not Represented

Representing

City of Burlington
Skagit County Health Department, ex-officio
Waste Management, Hauler
Town of La Conner
District 3 Citizens
Agriculture Representative

Visitors

Carolyn Moulton
Chery Sullivan

Dale Patrick
Elizabeth Court
Heather Lopes
Jennifer Johnson
Kate Smith
Pinky Vargas

Representing

Lautenbach Recycling
Department of Ecology Solid Waste Management Program,
Policy Section Manager

Environmental Public Health, Skagit County Public Works
Department of Ecology, Environmental Planner-Organics
Environmental Public Health, Skagit County Public Works
Public Works Natural Resources Division Manager
WSU Skagit Extension
Republic Services, Municipal Relations,
Skagit County Account Manager

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Introductions

Margo Gillaspay, requested introductions of all in attendance. Names and business titles were offered by each attendee prior to addressing agenda items.

Call to Order

Ms. Gillaspay, called the meeting to order at 2:00 p.m. at the Skagit Conference Room, Mount Vernon, Washington.

Public Comments

Ms. Gillaspay, opened the floor for public comments.

There were no Public Comments.

Review and Approve Minutes

Ms. Gillaspay opened the floor to discuss the November 8, 2022 minutes.

Ms. Gillaspay, requested a Motion to Approve the November 8, 2022 minutes as written.

A Motion to Approve was made by Torrey Lautenbach, District Citizen 1 to approve the minutes as written. The Motion to Approve was seconded by Matt Koegel, City of Anacortes. By a vote of the Membership, the Motion was unanimously passed. Ms. Gillaspay, declared the minutes of November 8, 2022 to be approved as written.

Agenda Items

A Solid Waste Advisory Committee meeting, open to the public, was held on January 11, 2023 for anyone to speak on any topic on the agenda, or items not listed on the agenda:

a. **Organics Management Presentation**

The Organics Management Law that passed in the 2022 Legislative Session added a ton of different Sections to different parts of different Laws. Many parts of the Law are associated with Implementation that will occur at the Department of Ecology and the local Government level. In the Law, in its many different parts, it does discuss the strategies that are needed to manage organic material. Those strategies are *Prevention, Collection, Processing* and *Markets*. All of those strategies have to work together to achieve the Purpose and the Goals of the Law.

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The Purpose of the Law is to reduce methane emissions by diverting organic materials from the landfills. To support that Purpose, the Law establishes new organic material and rescue goals and diversion goals based on the 2015 disposal levels. By 2025, rescue 20% of previously disposed edible food for human consumption. That adds to an existing food waste goal that was developed in the “*Use Food Well Washington*” Plan. The Law also sets a goal that by the year 2030 we divert 75% of previously disposed organic materials from the landfills.

Compost Procurement Ordinances

The CPO addresses a market strategy. The Law requires Jurisdictions that meet specific population and service level requirements to adopt a Compost Procurement Ordinance. A lot of questions have been raised regarding the interpretation of the “*and*” that’s in there. The bottom line is that Jurisdictions with 25,000 people or more, “*and*” Jurisdictions that provide curbside organics collection, regardless of the size of the Jurisdiction, must adopt a CPO by January 1, 2023. Maybe 17 Jurisdictions have adopted Compost Procurement so far. It is estimated that there are approximately 180 Jurisdictions that would qualify or be required to adopt a Compost Procurement Ordinance. The CPO requirement lives at the Department of Enterprise Services. The Law that was amended is implemented by the Department of Enterprise Services.

The Department of Ecology has a role. The Department of Ecology is creating a reporting format for Jurisdictions with a CPO to report on:

1. Total tons of organic material diverted each year.
2. The volume of compost purchased each year.
3. The source of the compost purchased each year, and the cost.

The reports for the Organic Material Diversion and Compost Procurement for 2023 are due December 31, 2024 and every even year after that.

There are options for the Compost Procurement Ordinance for Jurisdictions such as adopt their own unique Ordinance. Those with Recycle Procurement Ordinances could amend that Ordinance to include compost or mirror an Ordinance from another Jurisdiction.

Some Jurisdictions that have adopted CPO’s are in a box account that is available and viewable to other Jurisdictions.

Collection/Processing Strategy

There are requirements for businesses to arrange for collection service beginning in 2024. Prior to that, the Department of Ecology must determine and post to our website which Jurisdictions have organics collection available to businesses and must identify which organic management facilities have capacity to accept more volume. This determination will be made with the help of affected Jurisdictions, and we will post the list by July 1, 2023, and update annually. This will help track progress on where businesses have access to curbside organics and food waste collection. The requirements that are phased in from 2024 to 2026, with a note that in 2026 the requirements shift from businesses generating a specific volume of organic material to businesses that generate a specific volume of solid waste.

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Definition of “business” and what exemptions may apply.

The definition of business includes profit and non-profit entities such as schools and hospitals but does not include multi-family residential entities.

Exemptions

Businesses may be exempt if there are no Haulers in a jurisdiction that provide collection service for organic materials and food waste, or if there is no additional capacity at the organics management facility that processes material from a specific Jurisdiction. It would have to process both organic material and food waste globally.

A Jurisdiction may submit a letter to the Department of Ecology explaining how the exemptions apply to them thereby excluding businesses in their Jurisdictions from collection requirements.

Businesses that must meet the requirement of the Law do have some options. They do not have to arrange for curbside collection service if they manage materials on-site, self-haul to an Organics Management Facility, or send organics to another facility that will use the material for growing food or fiber.

Solid Waste Finance Study

Its condition of the Law is essentially telling the Department of Ecology to help Jurisdictions understand how new Laws and Policies may impact the way that they finance Solid Waste Management.

A study is being conducted by RRS. They are evaluating the existing service levels program gaps and funding needs to implement the core Solid Waste service model. They are looking closely at 12 counties across Washington. The study is due to be completed and posted on July 1, 2023.

Establishment of Washington Center for Sustainability Food Management (Food Center). The Food Center will touch on all 4 of the Strategies, Prevention, Collection, Processing, Markets needed to meet the purpose of the Law. By 2024, the Food Center will be totally staffed and will serve as a hub to implement the “*Use Food Well Washington*” Plan which was finalized in 2021. The Plan was co-developed by DOE, OSPI, The Department of Commerce, Department of Health, Department of Agriculture and over 100 different subject matter experts that resulted in 30 recommendations needed to meet the Food Waste Reduction goals identified in the Plan.

The Organic Management Law that was just passed in 2022 ties directly to at least 4 of the “*Use Food Well Washington*” Plan recommendations. The Law established a Food Center that will serve as a hub to implement the Plan.

Improved Regulatory Certainty for Organics Management Facilities

It created markets for compost and requiring both updated Solid Waste Management Plan and Comprehensive Management Plans to allow for the Organic Management Facility Site.

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Two different Sections of the Law address Facility Site. Recognizing the capacity for processing organic materials whether its composting, vermi-composting, we recognize the capacity to process all of these materials that we anticipate collection to get to our 2030 goals, that capacity doesn't exist.

The Department of Ecology Planners will be working with local governments to help incorporate Organic Management Facility Site requirements into Solid Waste Management Plans and Comprehensive Management Plans. Considerations for a site include not locating facilities in over-burdened communities.

Prior to identifying Facility Site Plans, Jurisdictions must determine how much organic material is generated in the Region and if they have an existing Organic Management Facility, what capacity is needed above and beyond what that Facility provides.

Product Degradability Labeling

The Amendments address Collection and Processing strategies. This Law has the ability to affect processors who accept compostable food service ware and plastic film such as compostable plastic gags.

Compostable plastics lead to a lot of consumer confusion about what is recyclable versus what is compostable versus what goes in the trash. When people see the word compostable, they have access to a outside curb-side compost bin, 9 times of of 10, its going to go into the bin. This leads to excessive and expensive contamination at many compost facilities. This revision of the Law seeks to reduce consumer confusion by improving, by requiring degradable plastic service ware by requiring to meet specific ASTM standards criteria and labeling standards.

The Law does not establish requirements for compost facilities to accept compostable food service ware and film. Beginning in 2027, the Law will require Jurisdictions that implement a SWMP, to provide a curb-side service to residential customers with no cap on organic material generation, and to non-residential customers generating .25 yards of organic waste. This particular type of criteria include just about everyone, however, there are exceptions. If the Jurisdiction disposed of less than 5,000 tons of solid waste in the previous year, and has less than 25,000 people, or its economically infeasible to collect organic material, which could include organic material, which could include excessive distance to a organics management facility with capacity, or no capacity at the existing organics management facility. Tis is one of the areas where it was found necessary to develop rule making necessary to develop waivers to provide exemptions. Their intention is to work with interested parties to develop waivers prior to 2027. Rule writing has the potential to touch on all of the strategies to help us meet the purpose of the Law, including the prevention, collection, processing and Markets. There are 4 different areas throughout the Law where we can write rules but prefer not to write rules. We prefer to work with interested parties and stake holders on the implementation understanding of the Law and avoid costly law making and additional requirements.

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Some of the Sections of the Law were not addressed at today's meeting, such as the Good Samaritan Act that changed to provide a little more confidence and security for people donating food, or the piece of the Law that covered created a Compost Purchasing Reimbursement Program for farmers.

Curb-side Service

The language in the Law says that by 2027, Jurisdictions that implement a SWMP, must provide service to all residents and non-residential customers. The non-residential customers wraps in the businesses that were previously required to have service. The business requirement is 2024, 2025, 2026. In 2027, businesses are in, some residents are in, now everybody is in. The service must be provided by Law, but it is not required by residents to sign up for it. Some Jurisdictions could choose to make it mandatory for resident to have the service. The DOE would not do anything to prevent a Jurisdiction from making it a mandatory service for residents.

Currently, in Skagit County, anyone residing west of Highway 9 can choose to get curb-side composting. East of Highway 9, the service is not provided due to the lower density(population). With this rule, it would not necessarily need to be provided throughout the entire Jurisdiction. Some of the exemptions in the 2027 requirement include population density. In un-incorporated areas for Jurisdictions planning under RCW, if there is a population density of less than 75 people per square mile, Jurisdictions are not required to provide or offer service. If the Jurisdictions itself has less than 25,000 people, the service is not required.

The service frequency requirement allows for 26 times per year, or every other week. If a resident does sign up for the optional service, there is currently no financial State support available that would off-set the cost to a resident.

There is nothing explicit in the Law that talks about incentives to local Jurisdictions. It does clarify that the Jurisdictions have the authority to charge for service.

The UTC regulates collection outside of Municipalities that are not regulated to set the rates. The UTC generally does not like one class of customer subsidizing another which would be required if you give one entity a reduced rate, someone has to pay somewhere.

The UTC does make the decision on how the rates are made and structured. The UTC works with counties based on their Plan for Service offerings. The Hauler then has to provide/furnish the cost to provide and then works with the UTC to provide that rate in the unincorporated parts of the State.

There are no incentives for businesses specified in the Law.

Mount Vernon collections for recycling and garbage services is weekly and mandatory. Organics are subscription based. A yard waste facility is also offered. The incentive to recycle more is offered in organic recycling by choosing a 35 gallon versus 65 or 95 gallon, or a 32 or 21 gallon. The smaller the can the lower the rate is. A senior income

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based 20 gallon can is offered, income verified by the County, to receive a low income senior based can. Mount Vernon residents pay for garbage and recycling. The organics is subscription based, sign up directly with Waste Management. Waste Management is the provider for curb-side recycling. In the new contract extension, the billing is directly through Waste Management with recycling and incorporate those residents that had organics. The residents only see the utility portion of solid waste through the City.

There is a contamination concern with compostable plastics if there is too much entering the recycling. Traditional plastics that enter the yard waste bins are contaminates as well. Education is extremely important so they don't end up in the wrong tin.

If a business wishes to opt-in, it is unknown at this time as to who does the outreach and works with the business in instructing them when to start diverting.

The Department of Ecology has an inkling that they may need to provide a tool kit or some additional educational outreach for Jurisdictions to use when they reach out to their businesses. This hasn't been developed yet and don't know exactly what that's going to look like. Jurisdictions are going to need some additional resources than what they have now. One of the biggest question is how do we know how much organics waste a business is producing. Big organic waste producers are schools, restaurants, correctional facilities, etc., hence, the requirement for organic and food waste that needs to be collected. By virtue of having both organic and food waste being a requirement for collection, it will take out a lot of businesses and Jurisdictions because that service is not provided in many areas where you have both organics and food waste.

Food Waste collection, where it is offered now, is open market generally. It's not part of the UTC regulations. If we set into having requirements, there are people providing that service that are not part of the normal collection system. The DOE is recommending waste audits to schools interested in learning how much they produce. Meet with your team or environmental club and work with your local solid waste or public works folks for assistance, or possibly through the WSU Extension that might have tools to help a school do a waste audit.

Because business collection is not regulated by UTC, DOE hopes that some of the service providers will step up and offer a deal and cost for those who meet the criteria for organic waste collection.

Enforcement Mechanisms

For the business collection that starts in 2024, local Jurisdictions may have enforcement authority.

There are exemptions for businesses/schools who want to start their own small operation: If businesses manage organic material on the site, that is one of the exemptions since they do not have to arrange for a collection service.

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If businesses self-hauls, they do not have to arrange for a collection service. If businesses send their organic materials to another business that produces food crops or fiber, they do not have to arrange for a collection service.

Composting Branding

The Product Degradability Labeling Law specifically addresses food service products and plastic film that might be used to collect organic materials, or compostable plastics. The addition to that Law requires those compostable plastics to meet one of two different ASTM standards, that do set specific requirements for how quickly the product breaks down. Currently, the one of the ASTM standards that the compostable product must meet is 180 days of processing in an organics management facility, which doesn't meet our needs in Washington State. Most of the organic compost facilities in Washington State do not process organics for 180 days. It is a standard guideline that every product must meet.

The other piece of the product degradability labeling includes a specific color that must be on all products that are compostable and a specific stripes and language that is suppose to help reduce consumer confusion about what is compostable.

The biggest hurdle is still going to be if the facility does not take compostable plastics, getting, that message out to the public or restaurants that purchase these products or restaurants using them thinking they are doing the right thing, those are still garbage.

De-Certify/Complaint Form Mechanism

The Law says that DOE will establish a "Complaint Form" similar to the single-use service ware, for the product degradability labeling.

There is some enforcement authority associated with this Law, where we and Jurisdictions and Cities can go back on the producer of the product and say stop, you can't sell this in Washington State anymore. If they meet all of the criteria, that is established in the Law then they can sell into Washington State. If those products are not degradable at a compost facility, then the facility can make a complaint, but the DOE cannot pursue the producer that sold the product into the State, because they are indeed meeting the State criteria.

We can say that we need more education to make sure people are not putting them in their compost bin.

The composter can refuse anything in order to protect their market and maintain a good product they have, to know that what they are taking is going to be composted and reduce contamination. It is your prerogative to process materials at your facility that are unique to your facility. Not all technologies will process all the different materials.

Funding

Currently, there is no funding to create new compost facilities through this current management Law. The State broadly has an emphasis on improving the capacity for

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organics management facilities. The Washington State Department of Commerce has a symbiosis Project. There are a number of different State and Federal entities that are supporting more organic management facility development.

The Law does state that Jurisdictions with a SWMP, when updating, amending or drafting a new one, you have to write into your plan, the siting guidelines the organics facilities where those facilities are going to go within their Jurisdiction. There is no funding that comes with that requirement, except for the normal funding that comes from the Department of Ecology to support Jurisdictions updating their SWMP.

Exemptions have nothing to do with population for businesses. Those exemptions are tied to what kind of service is offered in the Jurisdiction. If the Jurisdiction is offering both organic material collection , food waste collection and there has to be the capacity to accept the materials.

If there is an area with less than 25,000 population and they don't have collection service, then a business located there would not have to comply with the collection requirement. If there is a Jurisdiction with 50,000 people or 100,000 and no service is provided would also not be required to arrange for service.

The business collection that starts in 2024, has nothing to do with population. From an operation standpoint, we are very limited from an operation currently on site on most businesses with garbage and recycle dumpsters. It will really affect the development services side of municipalities when asking someone to potentially put 3 4-yard dumpsters or 3 6-yard dumpsters, it becomes a space issue. It could affect the Mount Vernon service downtown area serviced through the alleys.

Waste Management does not offer food service for commercial or businesses at this point. Compostable and Biodegradable are two different terms. A specific set of criteria is developed for Compostable and must have that word on the packaging.

b. Compost Procurement Ordinance

The Skagit County is moving forward with sending the Ordinance through Legal review and re-writing the Ordinance so it can be adopted into the Skagit County Code. The next step is to write the Resolution to bring it forward to the Public Hearing process.

c. 2023 Budget

The update was released in December, 2022 and advertised on the 22nd and 29th. Questions are due at the end of January. Packets are due at the end of February and from there the review process will begin at that time.

d. Committee Members

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Tamara Thomas, District 2 Citizen representative has submitted her resignation from the SWAC based on her retirement. Advertisement will begin for a District 2 replacement for Ms. Thomas, as well as a District 3 candidate.

There may be opportunity to apply for Membership. The By-Laws refer to an approval process, but the process itself is not explained in the By-Laws. All of the terms appear to expire in the end of April. The Resolution is signed by the Board of Commissioners to move forward for another year.

WSU Skagit Extension – Ms. Kate Smith

Ms. Kate Smith works with under-served farmers providing technical assistance. Also, State-wide with the Food Service Program along with Agricultural Program. This is a new and exciting time to serve the community and to explore solutions for the Organics Management. There are roles that the WSU Extension can play in education to residents and businesses. WSU works with farmers across the County, along with a Food Sense Program in schools.

Law went into effect in 2018 to have a Agricultural Representative on the SWAC Board. It would be exciting to have an agricultural representative on board.

Ms. Smith is a National Produce Safety Alliance educator which has a compost component involved when farms are doing composting. Anyone can apply and win.

Though the food systems programs, there is a network of researchers and extension agents, faculty and staff who are experts at composting. They also address animal/livestock mortality composting.

Ms. Smith's education background includes a degree in Biology, and a Masters Degree in Environment Science.

Announcements/New Business

The next Skagit County Solid Waste Governance Board meeting is scheduled for January 24th, to be held in the Skagit Conference Room, and over Teams. Topics to be discussed will be the Long-Haul RFP, the Organics Management, and the Transfer Station Operations.

Leo Jacobs, City of Sedro-Woolley extended congratulations and thanks to the Transfer Station staff and to Republic Service for their efforts in providing a smooth running Facility.

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Public Comments

Ms. Gillaspy, opened the floor to address any public comments.

There were no public comments.

Unfinished Business

Ms. Gillaspy, opened the floor to address any unfinished business.

There was no Unfinished Business.

Adjourn

Ms. Gillaspy, thanked everyone and called the meeting to an end.

The meeting adjourned at approximately 3:20 p.m.