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Skagit County
Solid Waste Advisory Committee (SWAC)
Meeting Minutes
Wednesday, April 12, 2017

Members Present

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

Representing

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

Members Absent

Andy Hanson
Brian Dempsey
Tim Crosby
Todd Reynolds
Not Represented

Representing

representing Scott Sutherland/City of Mount Vernon
City of Burlington
Haulers
Skagit Steel & Recycling, Recyclers
District 3

Visitors

David Bader
Elena Pritchard
Rick Hlavka

Representing

Lautenbach Recycling
Skagit County Public Works/Solid Waste/recorder
Green Solutions

Call to Order

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

Introductions

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

Public Comments

There were no public comments.

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Review and Approve Minutes

Chair Koegel opened the floor to discuss the June 15, 2016 minutes.

A Motion was made by Vice-Chair Jacobs to approve the June 15, 2016 minutes as written. Torrey Lautenbach seconded the Motion. All voted in favor to approve the June 15, 2016 minutes as written.

Agenda Items

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

a. Review of Ecology's Comments on SWMP

Green Solutions, Memorandum, April 4, 2017

Mr. Hlavka congratulated everyone on reaching this stage of the Plan review. Following the review in June, it was hopeful that the review process would move along quickly. Unfortunately, it was discovered that the Governance Board should review the Plan first. The Department of Ecology was requested to put their review on hold. Then the Governance Board's permission was requested for their release of the Plan to Ecology. At that point, the Department of Ecology was asked to resume their review process. As a result, we did not receive a copy of the Department of Ecology's comments until just recently. See Memorandum dated April 4, 2017. The memo identifies and discusses the comments received from the DOE. The track-change draft of the Plan dated April, 2017 identify the actual revisions. The DOE comments were typical in the sense that they were divided into mandatory and optional. Some things need to be addressed in order for Plan approval by them later, and some things that are not required; or, are optional. The item below was moved to the optional Column:

Green Solutions, Memorandum, April 4, 2017

Procedural Items That Must Be Addressed Prior To Approval

2. Inclusion of letters

This item was moved to the Optional column.

Ms. Thomas asked if there were any comments in the letter from UTC and Department of Agriculture, and Mr. Hlavka confirmed that there were not comments from either.

Ms. Wadley commented that each provide a specific review. UTC looks at how it would impact rate payers, and DOA looks at whether it would affect the apple-maggot quarantine. Their response was that the Plan had no impact to those areas.

Mr. Doyle inquired of the November, 2016 was the last draft.

Mr. Hlavka commented that there were a few revisions in the Plan implemented by the County Attorney prior to sending to the Governance Board.

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Ms. Gillaspy commented that part of the delay in the review process was due to being unaware that the County Attorney is required to be part of the review process before anything goes before the Board of County Commissioners.

Ms. Tamara commented that the Committee has not been provided a copy of the Plan that includes those legal changes incorporated by the County Attorney.

SCSWMP, April, 2017 Final Draft

Chapter 10.8 Administration and Public Education Recommendations

A&PE3) If necessary, Skagit County and the cities and towns may consider revising and/or adopting applicable flow control enforcement provisions.

Mr. Lautenbach expressed his concern that the Committee was not given the opportunity to review and approve the Plan with the legal changes before it went to DOE. Some wording has changed, but the overall issue of concern is that changes were made and the Committee was not informed of those changes.

Mr. Hlavka commented and apologized on his oversight in not presenting the few changes made by Legal to the SWAC for review.

Ms. Gillaspy commented that the changes also had to be approved by the Governance Board and the Board of Commissioners and continues moving through a continuous circle.

Mr. Doyle and Ms. Thomas commented that that is the process it should go through.

Mr. Hlavka commented that the Committee needs to keep in mind that this is an advisory committee. The County and the Cities are the entities that need to adopt this County Plan. This is not a policy setting body and therefore cannot adopt a Plan, or require that changes be made in the Plan. Mr. Hlavka apologized for his oversight, but emphasized his understanding that no changes to the Plan will be undone once implemented by the County Attorney.

Ms. Thomas explained that it is her understanding that it is the SWAC's job and we are suppose to be preparing the document to send to the Governance Board. The written Plan is suppose to come out of SWAC first, and then go to the Governance Board.

Mr. Hlavka explained that it is the job of the Solid Waste Advisory Committee to advise the County.

Mr. Doyle commented that even though he does not disagree with the SWAC's role. The point is that the Committee cannot advise on something not seen or they are not aware of. When something goes from this Committee to the next level, in order for the Committee to perform its function, the Committee needs to see it.

Mr. Hlavka explained that the SWAC prepared the Plan for review by the public and the DOE, and partly into that process discovered that the Governance Board needed to

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review it first. As part of that process, an attorney reviewed it, made some changes. That copy was submitted to the Governance Board approved by them and then released to DOE for their review.

Mr. Lautenbach and Mr. Doyle commented that the Committee is being asked to review and advise, but without having the full document.

Mr. Hlavka suggested moving forward to review the Department of Ecology's comments. He will provide the Committee with the Plan draft including the track-changes that were resulting from the attorney's review, and include the changes from this meeting.

Ms. Thomas commented on the receipt of an e-mail from Ms. Gillaspay dated 7/29/16 regarding a public meeting and public comment period, and when those meetings would take place. Ms. Thomas asked if those meetings had taken place.

Mr. Hlavka commented that there was a public meeting as part of the public comment process for this Plan. Three written comments were received. No revisions were made as a result of the comments. A copy will be forwarded to the Committee prior to the next SWAC meeting.

Mr. Doyle commented that as a part of assistance to the Committee, it would be helpful if the Committee was made aware of those steps.

Mr. Lautenbach commented on the meeting minutes of 6/15/16 and how the last paragraph addresses the next process of a public comment period. Since July, the Committee has not seen any changes by the County or any comments by the public.

Ms. Gillaspay commented that the process did seem a little chaotic and dis-jointed, and apologized for the disorder. Starting the Plan review with the DOE and then stopping the process mid-way, made everything messy.

Mr. Lautenbach inquired as to whether Ms. Gillaspay's has sole responsibility in the Plan review process, and does the process change by County.

Mr. Hlavka commented that he was involved in assisting Ms. Gillaspay in the review process. The Governance Board's involvement is not a typical step and therefore caused some confusion.

SCSWMP, April, 2017 Final Draft

Chapter 6, Waste Collection

6.1 Background for Waste Collection

Chapter 36.58 RCW, Solid Waste Disposal, and 36.58A RCW, Solid Waste Collection Districts.

Ms. Dunton suggested adding *administration and* to the existing language, to read:
...administration and planning expenses that may be incurred by the county.

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Green Solutions, Memorandum, April 4, 2017
Procedural Items That Must Be Addressed Prior To Approval

4. Additional SWAC meeting required:

Ms. Thomas referred to a memo item that includes a revision of RCW(*in order to avoid a SWAC meeting*) that has carried through the Plan in a lot of different places. It appears that we are going in the wrong direction in terms of trying to be more inclusive with the public.

Mr. Hlavka pointed out that Ms. Wadley had been made aware of an existing clause in the State Law that requires plans to come back to this Advisory Committee after they've been adopted by the County and the Cities, and before they go to DOE. The language is archaic language and has to do with the initial development of the Solid Waste Plans discussing the waste reduction and recycling element of the Plan, the history dates back to the mid 1980's. This has not been a step in any of his Plans that he previously developed, and would submit that it is an unnecessary step that would take place after the County and Cities had adopted the Plan.

Mr. Doyle commented that it is not an approval issue, but for the Advisory Committee it is a calibration point for the final end product, and believes it to be a necessary meeting.

Mr. Doyle believes it not to be an archaic notion, but an assisted function of this group.

Ms. Thomas commented that this is the only place in the Plan where the Committee is telling the DOE that they need to change State Law because we don't like something about the way things are set up. It is going in the wrong direction from being open and transparent and including public input and exposure.

Mr. Hlavka commented that the DOE does periodically perform housekeeping and removes archaic and or redundant parts of State Law.

Mr. Jacobs asked for clarification if it is being suggested to have an extra meeting just for the sake of having an extra meeting to look at a document that has already been finished and approved by all entities just for the sake of only one public citizen in attendance in the SWAC meetings.

Ms. Thomas commented that it would be just for the sake of the public having another option to take a look at it.

Mr. Jacobs questioned the logic of having another meeting to just meet again. He stated that we received 3 public comments out of 65,000 people in Skagit County.

Ms. Thomas questioned how many of those knew it was happening if SWAC did not?

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

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Mr. Doyle commented that as someone who conducts these processes frequently, he understands the difficulty of getting the public engaged. As much public process outside the required publication requirements really assist the process better, since the legal notice activities don't encourage much public process.

Mr. Hlavka commented that an attendance of 3 people to review a Solid Waste Plan is a good return considering attendance for a SW Plan review is significantly low.

Ms. Gillaspay commented that another meeting was not considered necessary since the SWAC would not be able to implement any changes or updates.

Mr. Hlavka asked for a number count of how many of the Committee are in favor of adding the additional meeting. It was agreed that the additional recommendation would be removed.

Green Solutions, Memorandum, April 4, 2017

Highly Recommendation Changes

6. Urban vs. urban services:

Mr. Doyle requested a clarification on whether Hamilton/Lyman/Concrete is being considered as part of that scenario.

Mr. Hlavka responded that he will look into it. It is the hope that SWAC pursues the one recommendation where everyone gets curbside recycle.

Green Solutions, Memorandum, April 4, 2017

Other Comments

6. Styrofoam:

Mr. Doyle commented that this issue falls under the umbrella of the State mandated program, with legal issues relative to the State with regard to these type of terms. If there is the possibility that it does present a legal condition, the County Legal department should be consulted for its review before taking any action.

Table 10-1. Implementation Schedule for Recommendations

Mr. Hlavka proposed an additional change of moving the dates back one year due to the Plan reaching past the half way point of 2017 before the Plan is adopted.

The next SWAC meeting will address the Plan changes implemented by the attorney, and also public comments submitted.

Ms. Gillaspay commented that the next step will be to present it to the County of Commissioners for approval to route to the Governance Board for their review and voting process. It has to go through our internal approval process so they can approve on they want to vote so when it goes to the Governance Board, they can vote to approve the Plan. If the next SWAC is scheduled for May, the Governance Board meeting will hopefully be scheduled for a June date. Then hopefully send the Plan out in July will to the Cities for their approval, the County Commissioners in July, and back to SWAC in August. At that point, it will need to go to the DOE who will have 45 days for their approval process. At

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that point, the Plan will have been through its entire review process and will be considered final.

Ms. Dunton expressed her concern whether moving all Table activities back one year(2018-2023) would accommodate the preparation of the RFP for a new waste export (*Transfer and Disposal-DI*). Moving the entire table would affect the 6-Year Plan and would require additional changes throughout the Plan.

Mr. Hlavka asked for a consensus of the group to move all dates back a year or keep the Schedule as it is written. Commenting that by the time the Plan gets approved and adopted it will most likely be the year 2018.

Ms. Wadley commented that the end result that the DOE will be looking for what is the main six years covered by the Plan, and most specifically; to the construction and capital acquisition plan, which will guide when the 5-year review will need to be done. It is wise to consider this now, and if done carefully, the Table activity dates could be shifted to 2018, but will affect the 5-year review timeline.

Mr. Lautenbach voiced his suggestion that since some language was changed by the attorney, then other changes in language should be made in the Administration section of Table 10-1.

Mr. Bader commented the he met with administrations and presented several examples to show what situation was incorrectly taking place. Mr. Fallquist made it very clear that we have flow control and are permitted, based upon it, at the recycle yard. But when someone else demolishes a building owned by the county, such as the jail, and it is leaving the county, they don't have any mechanism to change it. Mr. Fallquist is absolutely wrong if he is implying that there are rules in place. He was told by Administration that there are not rules in place to take care of that. His concern with the attorney's changes, is whether the attorney brought both versions to the Commissioners and explained that SWAC prepared this language; and I recommend this language. Or did he provide only his language to the Commissioners. The attorney did not hear the group's discussions indicating that if the system has a leak in it like it does, it's going to fail. The group adopted flow control to be in effect all of the time. The language makes it clear that an ordinance must be in place. The concern is that the attorney did make recommendations from his perspective, without all the feedback from the group as to why we are insistent on the language reading a particular way.

Ms. Thomas made the suggestion that, in the future, the attorney present his recommendations to the group for discussion for a more transparent process.

Mr. Hlavka commented that the attorney involvement in the process is due to the unique situation of this County having a Governance Board.

Ms. Gillaspay inquired as to whether everyone in the Cities are routinely reviewing the Plan, and do they have the same legal review that needs to occur for each City.

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Ms. Thomas responded that a City representative is typically on this Board.

Ms. Gillaspay stated that she would speak with the County attorney prior to the next meeting, and will request a document explaining his editing choices and reasoning.

Mr. Hlavka will provide a track-change draft version (in pdf form) of the entire Plan document dated from July to present that should indicate any changes made by the county attorney. Another meeting will be scheduled to review those changes. Any requests in the new language by the attorney can be addressed with the attorney at that time. The Plan will then go to the County Board and then the Governance Board.

Mr. Hlavka confirmed the consensus that all years in the Table 10-1 should be shifted ahead, except for *D1) Prepare an RFP for a new waste export contract(Transfer and Disposal)*. Everyone was in agreement.

Announcements/New Business

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

Revision of Attachment "A", 2017 Skagit County SWAC Appointments, Member List

Ms. Gillaspay suggested a substitute of Andy Hanson/City of Mount Vernon, to replace Scott Sutherland.

Contact Tim Crosby for his interest in remaining on the Member List.

She also suggested that improvement is needed in the diversity of the SWAC Board, and therefore an Agriculture Representative should be added to the Voting Members section. A *Vacant* spot will be added, and a name revision will be added at a later date. Please provide her an e-mail with any suggestions of interested parties. It is also being considered to add a Master Composter Recycler to the Board as well.

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

All remaining Voting and Non-Voting Members were in agreement to remain on the Member List.

Public Comments

Chair Koegel, opened the floor to address any public comments.
There were none.

Unfinished Business

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

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Adjourn

Chair Koegel, made a Motion to Adjourn. The Motion was seconded by all in attendance. By a vote of the membership, the Motion passed unanimously. Chair Koegel thanked everyone for attending the meeting.
The meeting was adjourned at approximately 6:30 p.m.