

# BOCC AGENDA ITEM SUMMARY

**Resolution:**

**BOCC Meeting Date:** Nov. 8, 2022

**Suggested Wording for Agenda Item:**

**Agenda Type:** Legal Notice

Notice of hearing regarding Ordinance 1339, which would expand Curbside Recycling Countywide and amend Ordinances 1136, 1136a, 1136b, 1157, and 1196

**Contact:** Rocky Lyon

**Phone:** 3607401403

**Department:** PW - Public Works

## **Description:**

Notice of Hearing Regarding Ordinance 1339, which would expand Curbside Recycling Countywide and amend Ordinances 1136, 1136a, 1136b, 1157, and 1196.

## **Approvals:**

<b>User</b>	<b>Status</b>
Josh Metcalf	Pending
PA's Office	Pending

## **Publication Requirements:**

### **Publications:**

The Chronicle: November 8 and 15

The East County Journal: November 9 and 16

## **Additional Copies:**

Tina Hemphill  
Teri Lopez

## **Cover Letter To:**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
LEWIS COUNTY, WASHINGTON**

**IN THE MATTER OF:**

RESOLUTION NO. XX-XXX

NOTICE OF HEARING REGARDING ORDINANCE  
1339, WHICH WOULD EXPAND CURBSIDE  
RECYCLING COUNTYWIDE AND AMEND  
ORDINANCES 1136, 1136A, 1136B, 1157, AND  
1196

**WHEREAS**, the Board of County Commissioners (BOCC) has the authority to develop and implement a system of solid waste management for the county under RCW 36.58 and 70A.205.005; and

**WHEREAS**, solid waste management strategies and services are identified in the Comprehensive Solid and Hazardous Waste Management Plan (CSHWMP) that undergo public participation and review by the Lewis County Solid Waste Advisory Committee (SWAC); and

**WHEREAS**, the BOCC adopted Ordinance 1196 on October 1, 2007, to implement curbside recycling in an area identified as Recycling Service Area 1 (RSA-1), which extends from the town of Pe Ell to the city of Morton; and

**WHEREAS**, community members living east of Morton have expressed an interest to the BOCC in curbside recycling services. A survey was prepared, distributed and tallied, as reflected in the Solid Waste staff report; and

**WHEREAS**, it appears to the BOCC that an expansion of curbside recycling collection service, to be offered by the certificated hauler, requires an amendment to existing RSA-1; and

**WHEREAS**, the BOCC will hold a public hearing to take public testimony, the hearing will take place at or after 10 a.m. November 29, 2022, in the Commissioners' Hearing Room on the second floor of the historic courthouse at 351 NW North Street in Chehalis.

**NOW THEREFORE BE IT RESOLVED** that the BOCC will hold a public hearing in the Commissioners' Hearing Room on the second floor of the historic courthouse at 351 NW North Street in Chehalis at or after 10 a.m. November 29, 2022, to consider and take public testimony about proposed Ordinance 1339, which would expand curbside recycling and amend Chapter 8.10 to Lewis County Code; and

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Clerk of the Board is hereby instructed to proceed with all appropriate and necessary notifications, postings, and publications as required by law.

DONE IN OPEN SESSION this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**NOTICE OF PUBLIC HEARING BEFORE THE  
LEWIS COUNTY BOARD OF COUNTY COMMISSIONERS  
AND INTENT TO ADOPT**

**NOTICE IS HEREBY GIVEN** that the **LEWIS COUNTY, WASHINGTON, BOARD OF COUNTY COMMISSIONERS** will hold a public hearing to adopt Ordinance 1339. The hearing will take place at or after 10 a.m. on November 29, 2022, in the Commissioners' Hearing Room on the second floor of the Historic Courthouse in Chehalis, Washington. Interested parties are encouraged to check the Commissioners' Business Meeting agenda for the Zoom log-in details. The agenda will be posted at least 24 hours in advance of the meeting at:

<https://lewiscountywa.gov/offices/commissioners/agendas-calendar/>

The public hearing will consider Ordinance 1339, which updates the Lewis County Code (LCC) Chapter 8.10, relating to Recycling Service Areas (RSA-1). The ordinance would expand the service area to include all of Lewis County.

During the hearing, individuals will be invited to speak and/or provide written statements regarding the proposed changes. All individuals wishing to speak are encouraged to attend. Written comments may be submitted in advance of the hearing by emailing [SWU@lewiscountywa.gov](mailto:SWU@lewiscountywa.gov) at least 48 hours in advance of the hearing date -- please indicate "Recycling Service Area (RSA-1) Ordinance" in the subject line of the email.

Details about the proposal will be available online at the agenda link provided above. The draft is subject to change before or at the hearing. If you wish to receive a paper copy of the proposals, contact Rieva Lester at [Rieva.Lester@lewiscountywa.gov](mailto:Rieva.Lester@lewiscountywa.gov) or 360-740-1419 and a copy will be mailed to you.

Title VI Notice to Public

It is the policy of Lewis County that no person shall, on the basis of race, color, or national origin, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protections have been violated may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our nondiscrimination obligations, please contact Lewis County's Title VI Coordinator at (360) 740-2612.

*The meeting site is barrier free. People needing special assistance or accommodations should contact Rieva Lester at 360-740-1419 at least 72 hours in advance of the meeting.*

Publish in The Chronicle / November 8 and 15

Publish in The East County Journal / November 9 and 16

## Chapter 8.10 RECYCLING SERVICE AREA

Sections:

### Article I. Recycling Service Area

- 8.10.010 Recycling service area identified.
- 8.10.020 Curbside recycling program for RSA-1 adopted.

### Article II. Program Design

- 8.10.030 RSA-1 defined.
- 8.10.040 Eligibility for service.
- 8.10.050 Participation.
- 8.10.060 Customer notification.
- 8.10.070 Collection bins.
- 8.10.080 Collection frequency.
- 8.10.090 Recyclables collected.
- 8.10.100 Incentives for participation.
- 8.10.110 Rates.
- 8.10.120 Program monitoring.
- 8.10.130 Curbside recycling program - Review.

### Article I. Recycling Service Area

#### **8.10.010 Recycling service area identified.**

Recycling Service Areas 1, 2a, 2b, 2c and 2d as set forth in the adopted 1993 Lewis County Comprehensive Solid Waste Management Plan (hereafter CSWMP) and as identified in Exhibit A to the ordinance codified in this chapter was amended to Recycling Service Areas 1 and 2 (RSA-1 and RSA-2) in 2008, A new RSA-1, as shown in Exhibit A, to include all of unincorporated Lewis County is now adopted and defined in LCC 8.10.030.

#### **8.10.020 Curbside recycling program for RSA-1 adopted.**

The program design for a curbside recycling program for RSA-1 as set forth in the adopted 1993 Lewis County CSWMP Update, adopted by Lewis County Resolution No. 93-505, and the 2000 Lewis County Solid and Moderate Risk Waste Management Plan (hereafter SMRWMP) Update, adopted by Lewis County Resolution No. 00-266, and as identified in Article II is hereby adopted and implemented.

### Article II. Program Design

#### **8.10.030 RSA-1 defined.**

(1) RSA-1 is defined as all unincorporated areas of Lewis County.

#### **8.10.040 Eligibility for service.**

### **8.10.070 Collection bins.**

- (1) One 95-gallon rolling recycling container will be provided to each participant in the program by the hauler. The hauler will recoup the capital investment through the rates established by the WUTC.
- (2) The containers will remain the property of the hauler and upon withdrawing from the program, participants will surrender the container to the hauler.
- (3) The hauler will be expected to file any and all rates as required by the WUTC to ensure that additional containers may be made available to consumers on an as-needed basis, and in conformance with the state tariffing requirements.

### **8.10.080 Collection frequency.**

Recyclables will be collected every other week. Upon signing up for the program, the hauler will provide the participant with written information about the recyclables to be collected, proper preparation of the materials, responsibilities of the participant, and a calendar indicating the pickup dates. In addition, written materials will also include the contact numbers of the hauler and the Lewis County solid waste utility in order for participants to comment on the program.

### **8.10.090 Recyclables collected.**

- (1) The following commodities will be collected:

- (a) Newspaper;
- (b) Cardboard;
- (c) Aluminum cans;
- (d) Magazines;
- (e) Paperboard;
- (f) Tin cans;
- (g) Plastic bottles and jugs; and
- (h) Mixed waste paper.

- (2) Participants will be notified by the hauler of the acceptable methods of preparing recyclables and use of the containers.

- (3) Modifications may occur to the list of acceptable recyclables if deemed appropriate by the county and the hauler. At least 30 days' prior written notice in the form of either a can tag or bill insert will be produced and distributed to the affected participants by the hauler.

### **8.10.100 Incentives for participation.**

The expanded commingled curbside recycling program in RSA-1 will officially commence on the date that the rates for the new service, established by the WUTC in accordance with Chapter 81.77 RCW, take effect. The Lewis County curbside recycling program shall be subject to continuing review and evaluation by the county. At least every five years, the county and the Lewis County Solid Waste Advisory Committee shall take action to review and, if needed, revise, rescind or expand the curbside recycling program. Any revision of the curbside recycling program shall be consistent with the current Lewis County CSHWMP.