



Revised 5-6-2024: Replaced Pages 39 & 40

City Council Regular Meeting Agenda

May 7, 2024 at 6:30 PM

City Hall Council Chambers - 210 W 6th Ave and Virtual

Meetings are broadcast live at <https://www.go2kennewick.com/CouncilMeetingBroadcasts>.
Public comment registration and instructions are available at <https://www.go2kennewick.com/PublicComments>.

1. CALL TO ORDER

Roll Call/Pledge of Allegiance/Welcome/Invocation

- Oath of Office: Erin Erdman, City Manager

HONORS & RECOGNITIONS

- Proclamation: Building Safety Month
- Proclamation: Professional Municipal Clerks Week
- Proclamation: Public Service Recognition Week
- Proclamation: National Police Week

2. VISITORS

This is an opportunity for visitors to share their perspective regarding any item on the agenda, except for topics listed under the public hearing (item 6). Comments may not exceed three minutes.

3. APPROVAL OF AGENDA

4. CONSENT AGENDA

All matters listed within the Consent Agenda have been distributed to each member of the Kennewick City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion.

- Meeting Minutes: April 16, 2024, Regular Meeting
Motion to approve the minutes of the April 16, 2024, meeting as presented.
- Meeting Minutes: April 23, 2024, Workshop Meeting
Motion to approve the minutes of the April 23, 2024, meeting as presented.
- Claims Roster: Columbia Park Golf Course Account
Motion to approve the Claims Roster for the Columbia Park Golf Course Account for March 2024 in the amount of \$34,999.44, comprised of check numbers 2806-2809 in the amount of \$6,122.20 and electronic transfers in the amount of \$28,877.24.
- Payroll Roster: For the Pay Period Ending 04/15/2024
Motion to approve the Payroll Roster for the pay period ending 4/15/2024.

To assure disabled persons the opportunity to participate in or benefit from City services, please provide twenty-four (24) hour advance notice for additional arrangements to reasonably accommodate special needs. Please be advised that all Kennewick City Council Meetings are Audio And Video Taped.

- e. Contract: Fire Training Center Live Fire Training Prop - DGR Grant Construction, Inc.
Motion to authorize the City Manager to sign the contract with DGR Grant Construction, Inc. for the amount of \$364,266.62.
- f. Waterline Easement Deed: 10611 W Clearwater Ave
Motion to authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 10611 W Clearwater Ave
- g. Waterline Easement Deed: 6018 W Clearwater Ave
Motion to authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 6018 Clearwater Ave.
- h. Resolution: Authorized Signatories
Motion to adopt a resolution authorizing Dan Legard, Michele Hamada, and Meg Coleman as signatories for executing financial transactions for the City of Kennewick.
- i. Fire Apparatus Replacement Purchases
Motion to approve amending the fleet replacement budget by \$6,050,000 and authorize the purchase of three pumpers and one aerial from Hughes Fire Equipment in the amount of \$6,012,895.05.

5. ORDINANCES/RESOLUTIONS

- a. Resolution: Adoption of the 2024-2029 Benton County Solid Waste and Hazardous Waste Management Plan

6. PUBLIC HEARINGS/MEETINGS

- a. Revised CDBG 2024 Annual Action Plan
- b. Ordinance: Annexation AZ-2023-0002 Kapsi - 1215 S Cedar
 - 1) Ordinance: Garbage Franchise with Basin Disposal for 1215 S Cedar - AZ-2023-0002 - Kapsi

7. NEW BUSINESS

- a. Interlocal Agreement: Opioid Settlement Memorandum of Understanding with Benton County
- b. Contract: River of Fire Fireworks Agreement

8. UNFINISHED BUSINESS

9. VISITORS

This is an opportunity for visitors to share their perspective regarding topics of a general nature. Comments may not exceed three minutes.

10. COUNCIL COMMENTS/DISCUSSION

11. ADJOURNMENT



Proclamation

WHEREAS Kennewick is committed to recognizing that our growth and strength depends on the safety and essential role our homes, buildings and infrastructure play, both in everyday life and when disasters strike, and;

WHEREAS our confidence in the resilience of these buildings that make up our community is achieved through the devotion of vigilant guardians—building safety and fire prevention officials, architects, engineers, builders, tradespeople, design professionals, laborers, plumbers and others in the construction industry—who work year-round to ensure the safe construction of buildings, and;

WHEREAS these guardians are dedicated members of the International Code Council, a nonprofit that brings together local, state, territorial, tribal and federal officials who are experts in the built environment to create and implement the highest-quality codes to protect us in the buildings where we live, learn, work and play, and;

WHEREAS these modern building codes include safeguards to protect the public from hazards, and;

WHEREAS Building Safety Month is sponsored by the International Code Council to remind the public about the critical role of our communities' largely unknown protectors of public safety—our local code officials—who assure us of safe, sustainable and affordable buildings that are essential to our prosperity, and;

WHEREAS each year, in observance of Building Safety Month, people are asked to consider the commitment to improve building safety, resilience and economic investment at home and in the community, and to acknowledge the essential service provided to all of us by local and state building departments, fire prevention bureaus and federal agencies in protecting lives and property; NOW, THEREFORE,

I, GRETIL CRAWFORD, Mayor of the City of Kennewick, do hereby proclaim May 2024, as

BUILDING SAFETY MONTH IN KENNEWICK

Accordingly, I encourage our citizens to join us as we participate in Building Safety Month activities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Kennewick to be hereunto affixed this 7th day of May 2024.

SIGNED


GRETIL J. CRAWFORD,
Mayor

ATTEST


KRYSTAL TOWNSEND,
City Clerk



Proclamation

WHEREAS, the office of the municipal clerk, is a time-honored and vital position in local government, which exists throughout the world; and

WHEREAS, the office of the City Clerk holds the distinction of being the oldest amongst public servants; and

WHEREAS, the City Clerk serves as the community's historian, as they hold the responsibility for preserving the entire recorded history of Kennewick and its residents; and

WHEREAS, the office of the City Clerk serves as the professional connection between the citizens, local governing bodies, and government agencies at different levels; and

WHEREAS, professional City Clerks have committed to always maintain their neutrality and impartiality, providing equal service to everyone; and

WHEREAS, the City Clerk serves as the information center on functions of local government and community; and

WHEREAS, City Clerks are dedicated to enhancing the management of their professional municipal clerk office by engaging in educational programs, seminars, workshops, and attending annual meetings held by their state, provincial, county, and international professional associations; and

WHEREAS, it is most appropriate that we recognize the accomplishments of the City Clerk's Office;

NOW, THEREFORE, I, GRETLE CRAWFORD, Mayor of the City of Kennewick, do hereby proclaim May 5 through 11, 2024, as

PROFESSIONAL MUNICIPAL CLERK WEEK IN KENNEWICK

Accordingly, I extend appreciation to our City Clerk Krystal Townsend and Deputy City Clerk, Brandi Ralston, for the vital services they perform and their exemplary dedication to our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Kennewick to be hereunto affixed this 7th day of May 2024.

SIGNED


GRETLE J. CRAWFORD,
Mayor

ATTEST


LISA BEATON,
Interim City Manager



Proclamation

WHEREAS, every day, residents of Kennewick, and visitors to the City directly benefit from the dedication and commitment of City of Kennewick employees, those public servants and unsung heroes that keep Kennewick Running; and

WHEREAS, City of Kennewick employees represent numerous occupations and trades, possess a broad array of skills and expertise and put these to use with efficiency and integrity for everyone in our City; and

WHEREAS, while elected officials come and go, the consistency and institutional knowledge of City of Kennewick employees offers continuity of service across years and election cycles and is essential to the smooth functioning of our City over time; and

WHEREAS, many City of Kennewick employees, including our police officers and firefighters, risk their safety and in some cases their lives in service of the people of the City of Kennewick; and

WHEREAS, we all owe a substantial debt of gratitude to City of Kennewick employees; NOW THEREFORE,

I, GRETJ CRAWFORD, Mayor of the City of Kennewick, do hereby proclaim May 5 – 11, 2024, as

PUBLIC SERVICE RECOGNITION WEEK

in the City of Kennewick. I urge all residents to join us in showing appreciation of the achievements and contributions of Kennewick city employees and to take time to recognize the value we all gain from their dedicated service.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Kennewick to be hereunto affixed this 7th day of May 2024.

SIGNED


GRETJ J. CRAWFORD,
Mayor

ATTEST


KRISTAL TOWNSEND,
City Clerk



Proclamation

WHEREAS, the Congress and President Kennedy of the United States, proclaimed May 15th as National Peace Officers Memorial Day, and the week in which it falls as National Police Week; and

WHEREAS, the members of the Kennewick Police Department are our guardians of life and property, defenders of the individual right to be free people, warriors in the war against crime, and dedicated to the preservation of life, liberty, and the pursuit of happiness; and

WHEREAS, it is important that all citizens know and understand the duties and responsibilities of their police department, and that members of our police department recognize their duty to serve the people by safeguarding life and property by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the police department of Kennewick has grown to be a modern and scientific law enforcement agency which unceasingly provides a vital public service, NOW, THEREFORE,

I, GRETJ CRAWFORD, Mayor of the City of Kennewick, do hereby proclaim May 12 – 18, 2024, as

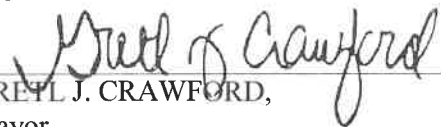
NATIONAL POLICE WEEK

with appropriate ceremonies in which all of our people may join in commemorating police officers, past and present, who by their faithful devotion to their responsibilities have rendered a dedicated service to their communities.

I further call upon all citizens of Kennewick to make every effort to honor those peace officers, who through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Kennewick to be hereunto affixed this 7th day of May 2024.

SIGNED


GRETJ J. CRAWFORD,
Mayor

ATTEST


KRISTAL TOWNSEND,
City Clerk

Council Agenda Coversheet	Agenda Item Number: 4.a. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: General Business Item Subject: Meeting Minutes: April 16, 2024, Regular Meeting Department: Management Services	
<u>Recommendation</u> Staff recommends Council approve the meeting minutes as presented. <u>Motion for Consideration</u> Motion to approve the minutes of the April 16, 2024, meeting as presented. <u>Summary</u> The City Clerk has prepared action-format meeting minutes for City Council's consideration. <u>Alternatives</u> The City Council may make corrections to errors and approve the meeting minutes as amended. <u>Fiscal Impact</u> None.		
Attachments: 1. Minutes Draft		

**CITY OF KENNEWICK
CITY COUNCIL REGULAR MEETING
APRIL 16, 2024**

1. CALL TO ORDER

Mayor Crawford called the meeting to order at 6:30 p.m.

City Council and Staff Present:

Loren Anderson	Lisa Beaton	Dan Legard
Brad Beauchamp	Anthony Muai	Krystal Townsend
Gretl Crawford	Christina Palmer	Evelyn Lusignan
Jason McShane	Laurencio Sanguino	Michael Heffner
Jim Millbauer	Cary Roe	Paul Clements
John Trumbo	Chris Guerrero	Chad Crouch
Chuck Torelli (<i>remote</i>)	Chad Michael	John Cowling
	Nick Lagunas	Jeremy Lustig

Jason McShane led the Pledge of Allegiance.

No one was present to provide an invocation.

Honors & Recognition: Proclamations

Proclamation: Arbor Day: Councilmember Anderson read the proclamation into the record and presented it to Paul Clements, Parks Crew Lead. Mr. Clements thanked the Council and spoke to the benefit of trees in our community.

Proclamation: Youth Week: Councilmember Millbauer read the proclamation into the record and presented it to John Kristofzski, Exalted Leader, Elks Lodge #2755. Mr. Kristofzski thanked the Council and spoke about the importance of supporting the youth in our community and the number of programs and scholarships the Elks provide to benefit youth.

Proclamation: International Firefighters Day: Mayor Crawford read the proclamation into the record and presented it to Michael Heffner, Deputy Fire Chief, Kennewick Fire Department. Chief Heffner thanked the Council and spoke about ways the community can show support to fire personnel to include the wearing of red and blue ribbons and lighting their home and businesses in red.

Honors & Recognition: Retiree Service Recognition

Mayor Crawford provided a plaque recognizing Evelyn Lusignan's 30 years of service. Ms. Lusignan spoke positively of her time as a city employee and her childhood growing up in Kennewick. Ms. Lusignan commented on her appreciation of city leaders and staff.

Mayor Crawford provided a plaque recognizing Kevin Reiland's 44 years of service. Mr. Reiland remarked on his appreciation for his team.

At 6:46 p.m. Mayor Crawford adjourned the meeting for a brief recess to honor the combined 74 years of service Ms. Lusignan and Mr. Reiland have provided. The meeting was called back to order at 6:57 p.m.

2. VISITORS: None

3. APPROVAL OF AGENDA

Councilmember Millbauer asked to move item 4.h. to New Business. *[Pursuant to Council rules, this action does not require a motion; the item was moved.]*

MOTION:	Councilmember Millbauer moved, seconded by Councilmember Beauchamp to approve the agenda as amended.
DISCUSSION:	None.
VOTE:	The motion passed unanimously (7-0).

4. CONSENT AGENDA

- a. Meeting Minutes: April 2, 2024, City Council Regular Meeting**
Motion to approve the minutes of the April 2, 2024, meeting as presented.
- b. Meeting Minutes: April 9, 2024, City Council Workshop Meeting**
Motion to approve the meeting minutes of the April 9, 2024, workshop meeting, as presented.
- c. Claims Roster: March 2024**
Motion to approve the Claims Roster for February 2024 in the amount of \$4,766,277.72, comprised of electronic payments and check numbers 313465-313868.
- d. Claims Roster: Toyota Center Operations and Box Office Accounts**
Motion to approve the Claims Rosters for the Toyota Center Operations and Box Office Accounts for February 2024 in the amount of \$817,707.00 comprised of check numbers 27080-27175 in the amount of \$402,244.21 and electronic transfers in the amount of \$415,462.79.
- e. Payroll Roster: Approval for Pay Period Ending 3/31/2024**
Motion to approve the Payroll Roster for the pay period ending 3/31/2024.
- f. Contract: Park Hills Drive Storm Rehabilitation Project**
Motion to award Contract P2307 Park Hills Drive Storm Rehabilitation Project to Ellison Earthworks LLC in the amount of \$924,351.05 plus a 10% contingency amount of \$92,435.11, for a total amount of \$1,016,786.16 and authorize the City Manager to execute the contract.
- g. Final Plat: Sherman Heights Phase 3, SUB-2024-0004**
Motion to authorize the Mayor (or in her absence, the Mayor Pro Tem) to sign the Final Plat of Sherman Heights Phase 3, contingent upon payment of fees and bonding for incomplete sidewalk and landscape work.
- ~~h. Grant: Lawrence Scott Park Softball Complex YAF Grant Application Authorization~~**
*~~Motion to approve the application to the Washington State Recreation and Conservation Office: Youth Athletic Facilities (YAF) Program Grant for use at the Lawrence Scott Park Softball Complex and designate the Parks, Recreation, and Facilities Director to execute the Grant application and any related documentation.~~ **This item was moved to New Business.***

i. Contract: Amending the Light Industrial Area Utilities Extensions Design Contract with J-U-B Engineers, Inc.

Motion to authorize the City Manager to sign the Supplemental Agreement No. 3 with J-U-B Engineers, Inc., for the design of the Light Industrial Area Utilities Extensions project.

MOTION:	Councilmember Anderson moved, seconded by Councilmember Beauchamp to approve the consent agenda as amended [moving Item 4.h. under new business].
VOTE:	The motion passed unanimously (7-0).

5. ORDINANCES/RESOLUTIONS: None

6. PUBLIC HEARING:

a. Resolution: Vacation of a Varying Width Slope Drainage Easement Located at 8920 W Clearwater Ave

John Cowling, Deputy Public Works Director, provided a staff report and responded to Council questions.

Mayor Crawford opened the public hearing at 7:04 p.m.

No member of the public came forward to provide testimony in favor of or opposition to the proposed action.

Mayor Crawford closed the public hearing at 7:04 p.m.

City Clerk Krystal Townsend read the resolution title into the record:

RESOLUTION NO. 24-05

A RESOLUTION OF THE CITY OF KENNEWICK DECLARING SURPLUS A PORTION OF A VARYING WIDTH SLOPE DRAIN EASEMENT WITHIN 8920 WEST CLEARWATER AVENUE

MOTION:	Councilmember Anderson moved, seconded by Councilmember McShane, to adopt the resolution as presented and authorize the Mayor to execute all necessary documents.
DISCUSSION:	None.
VOTE:	The motion passed unanimously (7-0).

7. NEW BUSINESS:

a. Bid: Bonnie & Belfair Lift Station Replacement Project

Jeremy Lustig, Utility Services Capital Project Engineer, provided a staff report and answered Council's questions.

MOTION:	Councilmember Millbauer moved, seconded by Councilmember Anderson, to reject all bids received for the Bonnie & Belfair Lift Station Replacement project.
DISCUSSION:	None.
VOTE:	The motion passed unanimously (7-0).

4.h. Grant: Lawrence Scott Park Softball Complex YAF Grant Application Authorization *This item was moved from Consent.*

Councilmember Millbauer raised issues about the height of the light poles and suggested their replacement if feasible. In response, Nick Lagunas, Superintendent of Parks & Planning, provided insights into the concerns raised by the Council and explained the details of the planned project and the existing infrastructure and lighting conditions at the park.

The Councilmembers urged staff to keep exploring enhancements for the park.

MOTION:	Councilmember Anderson moved, seconded by Councilmember Millbauer, to approve the application to the Washington State Recreation and Conservation Office (RCO): Youth Athletic Facilities (YAF) Program Grant for use at the Lawrence Scott Park Softball Complex and designate the Parks, Recreation, and Facilities Director to execute the Grant application and any related documentation.
DISCUSSION:	None.
VOTE:	The motion passed unanimously (7-0).

8. UNFINISHED BUSINESS: None

9. VISITORS:

Tina Gregory emphasized the significance of community volunteers leading the invocation, mentioned her intention to register for future invocations, extended an invitation to the community for an upcoming event, and concluded with a prayer.

10. COUNCIL COMMENTS/DISCUSSION:

Councilmembers reported on their respective activities and expressed gratitude to Ms. Beaton for her willingness to serve as Interim City Manager. Council also spoke of their anticipation for the May arrival of Erin Erdman, City Manager.

Interim City Manager Lisa Beaton provided a brief update and voiced appreciation for the support of Council during her time as Interim City Manager.

11. ADJOURNMENT: Mayor Crawford concluded the meeting at 7:41 p.m.

DRAFT

Krystal Townsend, CMC, CPRO
City Clerk

At the time of publishing these minutes, the City Council meeting recording is available at:

<https://kennewickwa.new.swagit.com/videos/302970>

Council Agenda Coversheet	Agenda Item Number: 4.b. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: General Business Item Subject: Meeting Minutes: April 23, 2024 Workshop Meeting Department: Management Services	
<u>Recommendation</u> Staff recommends Council approve the meeting minutes as presented. <u>Motion for Consideration</u> Motion to approve the minutes of the April 23, 2024, meeting as presented. <u>Summary</u> The Deputy City Clerk has prepared action-format meeting minutes for City Council's consideration. <u>Alternatives</u> The City Council may make corrections to errors and approve the meeting minutes as amended. <u>Fiscal Impact</u> Not applicable.		
Attachments: 1. Minutes Draft		

CITY OF KENNEWICK
CITY COUNCIL
Workshop
April 23, 2024

1. **CALL TO ORDER**

Mayor Crawford called the meeting to order at 6:31 p.m.

City Council and Staff Present:

Loren Anderson	Lisa Beaton	Chad Michael
Brad Beauchamp	Anthony Muai	Dan Legard
Gretl Crawford	Laurencio Sanguino	Nick Farline
Jim Millbauer	Cary Roe	Martin Nelson
Chuck Torelli	Brandon Lange	Brandi Ralston
John Trumbo	Chris Guerrero	

Councilmember Trumbo appeared via Zoom.

2. **COURSECO ANNUAL REVIEW.** Nick Farline introduced guest panelist Michael Sharp. Mr Sharp presented an update and answered Council questions. **No action taken.**
3. **RECREATION CENTER FEASIBILITY STUDY.** Nick Farline introduced guest panelists from CSL & Studio CKA. The Guest panelists presented an update and answered Council questions. **No action taken.**
4. **ADOPTION OF THE 2024-2029 BENTON COUNTY SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT PLAN.** Martin Nelson provided a staff report and answered Council questions. **No action taken.**
5. **SWIMMING POOL SAFETY CODE REQUIREMENTS.** Anthony Muai provided a staff report and answered Council questions. **No action taken.**
6. **ADJOURNMENT**

Mayor Crawford concluded the meeting at 9:01 p.m.

DRAFT

Brandi Ralston, CPRO
Deputy City Clerk

Council Agenda Coversheet	Agenda Item Number: 4.c. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: General Business Item Subject: Claims Roster: Columbia Park Golf Course Account Department: Finance	
<u>Recommendation</u> Staff recommends Council approve the Claims Roster for the Columbia Park Golf Course Account for March 2024. <u>Motion for Consideration</u> Motion to approve the Claims Roster for the Columbia Park Golf Course Account for March 2024 in the amount of \$34,999.44, comprised of check numbers 2806-2809 in the amount of \$6,122.20 and electronic transfers in the amount of \$28,877.24. <u>Summary</u> None. <u>Alternatives</u> None. <u>Fiscal Impact</u> \$34,999.44.		
<u>Attachments:</u> 1. Claims Roster		

COLUMBIA PARK GOLF COURSE FUND
CHECK REGISTER
MARCH 2024

Check Number	Vendor Check Name	Check Date	Amount	Type
2806	COLUMBIA POINT GOLF COURSE	3/11/2024	\$384.60	Check
2807	KENNEWICK GOLF CORPORATION	3/11/2024	\$5,259.60	Check
2808	TOTAL E INTEGRATED INC.	3/11/2024	\$438.00	Check
2809	YELP	3/11/2024	\$40.00	Check
ADPTS 3314955	ADP TOTAL SOURCE (AUTOPAY)	3/11/2024	\$4,133.47	EFT
NATIONWIDE 364179395	NATIONWIDE	3/2/2024	\$515.16	EFT
WA DOR 0039111067	WASHINGTON STATE DEPARTMENT OF REVENUE	3/25/2024	\$1,917.96	EFT
491816	SQUEAKY CLEAN JANITORIAL	3/4/2024	\$75.00	EFT
491790	TRACER GOLF ACCESSORIES	3/4/2024	\$417.37	EFT
491808	WAMBEKE WINDOW WASHING	3/4/2024	\$125.00	EFT
Paid by ACH	CINTAS CORPORATION #608	3/4/2024	\$90.11	EFT
Paid by ACH	GT GOLF SUPPLIES	3/4/2024	\$391.05	EFT
492832	CO-ENERGY	3/18/2024	\$444.34	EFT
492881	R&R PRODUCTS	3/18/2024	\$1,347.93	EFT
Paid by ACH	PEPSI COLA BOTTLING CO. OF PASCO	3/18/2024	\$253.57	EFT
Paid by ACH	COLEMAN OIL COMPANY	3/22/2024	\$119.82	EFT
Paid by ACH	CINTAS CORPORATION #608	3/22/2024	\$107.02	EFT
Paid by ACH	PEPSI COLA BOTTLING CO. OF PASCO	3/22/2024	\$56.75	EFT
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	3/8/2024	\$6,408.59	EFT
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	3/22/2024	\$7,562.05	EFT
Paid by ACH	ELAN (MONTHLY CREDIT CARD CHGS)	3/31/2024	\$4,256.99	EFT
Bank Deduction	MERCHANT SERVICES	3/1/2024	\$616.87	EFT
Bank Deduction	US Bank	3/14/2024	\$38.19	EFT
			<u>\$34,999.44</u>	

I, Dan Legard, Finance Director, do hereby certify that the merchandise or services hereinbefore specified have been received, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation and that the vouchers listed above are approved for payment this day.



Dan Legard, Finance Director

The payments on this claims roster are comprised of the following:

Check numbers 2806-2809	\$ 6,122.20
Electronic transfers	28,877.24
Total	<u>\$ 34,999.44</u>

Exceptions:

Check Number	Vendor Check Name	Check Dated	Amount	Debit	Credit
2806	COLUMBIA POINT GOLF COURSE PAY PURCH PURCH	3/11/2024 20005-000-244-00 50100-060-244-00 50100-080-244-00	\$384.60 ACCOUNTS PAYABLE - GP SALARIES SALARIES	 \$192.30 \$192.30	\$384.60
2807	KENNEWICK GOLF CORPORATION PAY PURCH PURCH	3/11/2024 20005-000-244-00 59600-080-244-00 59610-080-244-00	\$5,259.60 ACCOUNTS PAYABLE - GP ACCOUNTING FEES MANAGEMENT FEE	 \$1,315.52 \$3,944.08	\$5,259.60
2808	TOTAL E INTEGRATED INC. PAY PURCH	3/11/2024 20005-000-244-00 51900-050-244-00	\$438.00 ACCOUNTS PAYABLE - GP CONTRACT SERVICES	 \$438.00	\$438.00
2809	YELP PAY PURCH	3/11/2024 20005-000-244-00 53100-080-244-00	\$40.00 ACCOUNTS PAYABLE - GP ADVERTISING & MARKETING	 \$40.00	\$40.00
ADPTS 3314955	ADP TOTAL SOURCE (AUTOPAY) PAY PURCH PURCH	3/11/2024 20005-000-244-00 50800-050-244-00 50800-060-244-00	\$4,133.47 ACCOUNTS PAYABLE - GP HEALTH BENEFITS HEALTH BENEFITS	 \$2,069.97 \$2,063.50	\$4,133.47
NATIONWIDE 364179395	NATIONWIDE PAY PURCH	3/2/2024 20005-000-244-00 18400-000-244-00	\$515.16 ACCOUNTS PAYABLE - GP PREPAID GEN LIAB INS	 \$515.16	\$515.16
WA DOR 0039111067	WASHINGTON STATE DEPARTMENT OF REVENUE PAY PURCH PURCH	3/25/2024 20005-000-244-00 20300-000-244-00 91101-000-244-00	\$1,917.96 ACCOUNTS PAYABLE - GP SALES TAX PAYABLE OTHER STATE TAX	 \$1,034.66 \$883.30	\$1,917.96
491816	SQUEAKY CLEAN JANITORIAL PAY PURCH	3/4/2024 20006-000-244-00 51900-080-244-00	\$75.00 ACCOUNTS PAYABLE - GP CONTRACT SERVICES	 \$75.00	\$75.00
491790	TRACER GOLF ACCESSORIES PAY PURCH	3/4/2024 20006-000-244-00 47150-050-244-00	\$417.37 ACCOUNTS PAYABLE - GP COGS - MERCHANDISE	 \$417.37	\$417.37
491808	WAMBEKE WINDOW WASHING PAY PURCH	3/4/2024 20006-000-244-00 51900-050-244-00	\$125.00 ACCOUNTS PAYABLE - GP CONTRACT SERVICES	 \$125.00	\$125.00
Paid by ACH	CINTAS CORPORATION #608 PAY PURCH PURCH	3/4/2024 20006-000-244-00 51900-060-244-00 51900-080-244-00	\$90.11 ACCOUNTS PAYABLE - GP CONTRACT SERVICES CONTRACT SERVICES	 \$40.24 \$49.87	\$90.11
Paid by ACH	GT GOLF SUPPLIES PAY PURCH	3/4/2024 20006-000-244-00 47150-050-244-00	\$391.05 ACCOUNTS PAYABLE - GP COGS - MERCHANDISE	 \$391.05	\$391.05
492832	CO-ENERGY PAY PURCH	3/18/2024 20006-000-244-00 58300-060-244-000	\$444.34 ACCOUNTS PAYABLE - GP FUEL & OIL MAINTENANCE	 \$444.34	\$444.34
492881	R&R PRODUCTS INC. PAY PURCH	3/18/2024 20006-000-244-00 55850-060-244-00	\$1,347.93 ACCOUNTS PAYABLE - GP COURSE ACCESSORIES MAINT	 \$1,347.93	\$1,347.93
Paid by ACH	PEPSI COLA BOTTLING CO. OF PASCO PAY PURCH PURCH PURCH	3/18/2024 20006-000-244-00 49150-070-244-00 49200-070-244-00 51900-060-244-00	\$253.57 ACCOUNTS PAYABLE - GP COGS - PACKAGED FOOD COGS - SOFT BEVERAGE CONTRACT SERVICES	 \$18.85 \$225.47 \$9.25	\$253.57
Paid by ACH	COLEMAN OIL COMPANY PAY PURCH PURCH	3/22/2024 20006-000-244-00 58300-050-244-00 58300-060-244-00	\$119.82 ACCOUNTS PAYABLE - GP FUEL & OIL MAINTENANCE FUEL & OIL MAINTENANCE	 \$65.20 \$54.62	\$119.82

Check Number	Vendor Check Name	Check Dated	Amount	Debit	Credit
Paid by ACH	CINTAS CORPORATION #608	3/22/2024	\$107.02		
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$107.02
	PURCH	51900-060-244-00	CONTRACT SERVICES	\$40.24	
	PURCH	51900-080-244-00	CONTRACT SERVICES	\$66.78	
Paid by ACH	PEPSI COLA BOTTLING CO. OF PASCO	3/22/2024	\$56.75		
	PAY	20006-000-244-00	ACCOUNTS PAYABLE - GP		\$56.75
	PURCH	49200-070-244-00	COGS - SOFT BEVERAGE	\$56.75	
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	3/8/2024	\$6,408.59		
	PAY	50000-000-244-00	TEMPORARY ACCT		\$6,408.59
	PURCH	50200-050-244-00	HOURLY WAGES	\$3,293.46	
	PURCH	50200-060-244-00	HOURLY WAGES	\$2,680.43	
	PURCH	50200-060-244-00	SICK	\$135.96	
	PURCH	50800-050-244-00	HEALTH BENEFITS		\$406.21
	PURCH	50800-060-244-00	HEALTH BENEFITS		\$403.22
	PURCH	50950-050-244-00	COMBINED ADMIN, TAXES, W/C	\$594.06	
	PURCH	50950-060-244-00	COMBINED ADMIN, TAXES, W/C	\$431.58	
	PURCH	50950-080-244-00	COMBINED ADMIN, TAXES, W/C	\$54.83	
	PURCH	52100-050-244-00	CELL PHONE	\$27.70	
Paid by ACH	ADP TOTAL SOURCE (AUTOPAY)	3/22/2024	\$7,562.05		
	PAY	50000-000-244-00	TEMPORARY ACCT		\$7,562.05
	PURCH	50200-050-244-00	HOURLY WAGES	\$4,241.35	
	PURCH	50200-060-244-00	HOURLY WAGES	\$2,877.33	
	PURCH	50800-050-244-00	HEALTH BENEFITS		\$406.21
	PURCH	50800-060-244-00	HEALTH BENEFITS		\$403.22
	PURCH	50950-050-244-00	COMBINED ADMIN, TAXES, W/C	\$761.77	
	PURCH	50950-060-244-00	COMBINED ADMIN, TAXES, W/C	\$435.78	
	PURCH	50950-080-244-00	COMBINED ADMIN, TAXES, W/C	\$27.55	
	PURCH	52100-050-244-00	CELL PHONE	\$27.70	
Paid by ACH	ELAN (MONTHLY CREDIT CARD CHGS)	3/31/2024	\$4,256.99		
	PURCH	50000-000-244-00	TEMPORARY ACCT		\$4,256.99
	PURCH	49150-070-244-00	COGS - PACKAGED FOOD	\$47.95	
	PURCH	49200-070-244-00	COGS - SOFT BEVERAGE	\$83.16	
	PURCH	51500-060-244-00	TRAVEL LODGING & ENT	\$921.33	
	PURCH	51500-080-244-00	TRAVEL LODGING & ENT	\$1,152.22	
	PURCH	51900-050-244-00	CONTRACT SERVICES	\$49.00	
	PURCH	52100-060-244-00	TELECOMMUNICATIONS	\$153.29	
	PURCH	52300-060-244-00	GARBAGE & DEBRIS REMOVAL	\$126.50	
	PURCH	52400-080-244-00	JANITORIAL SUPPLIES	\$42.95	
	PURCH	52500-080-244-00	OFFICE SUPPLIES	\$67.37	
	PURCH	52800-080-244-00	SUBSCRIPTIONS & PUBLICATIONS	\$9.26	
	PURCH	52900-080-244-00	PRINTING	\$68.46	
	PURCH	53100-080-244-00	ADVERTISING & MARKETING	\$106.34	
	PURCH	53300-050-244-00	DECORATIONS	\$31.18	
	PURCH	55150-050-244-00	GOLF CART SUPPLIES	\$123.74	
	PURCH	55800-060-244-00	OTHER DEPT SUPPLIES	\$98.61	
	PURCH	55850-050-244-00	COURSE ACCESSORIES GOLF	\$161.50	
	PURCH	58100-060-244-00	EQUIPMENT PARTS	\$214.13	
	PURCH	58500-060-244-00	EQUIPMENT SHOP SUPPLIES	\$800.00	
Bank Deduction	MERCHANT SERVICES	3/1/2024	\$616.87		
	PAY	10420-000-244-00	OPERATING CHECKING ACCT - US Bank		\$616.87
	PURCH	54000-080-244-00	BANK CHARGES	\$616.87	
Bank Deduction	US Bank	3/14/2024	\$38.19		
	PAY	10420-000-244-00	OPERATING CHECKING ACCT - US Bank		\$38.19
	PURCH	54000-080-244-00	BANK CHARGES	\$38.19	

Council Agenda Coversheet	Agenda Item Number: 4.d. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: General Business Item Subject: Payroll Roster: For the Pay Period Ending 04/15/2024 Department: Finance	
<u>Recommendation</u> Staff recommends that Council approve the Payroll Roster as presented. <u>Motion for Consideration</u> Motion to approve the Payroll Roster for the pay period ending 4/15/2024. <u>Summary</u> None. <u>Alternatives</u> None. <u>Fiscal Impact</u> Total: \$2,688,099.52.		
<u>Attachments:</u> 1. Roster		

Payroll Roster for Pay Period Ending 04/15/2024

All Departments:

City Attorney	26,070.75
City Council	5,202.50
City Manager	3,132.76
Civil Service	3,035.95
Community Planning	19,194.49
Economic Development	4,227.47
Engineering	59,941.64
Finance	71,617.20
Fire	121,014.92
Human Resources	14,203.17
Management Services	99,788.36
Non-Departmental	3,791.35
Parks, Recreation & Facilities	141,422.68
Police	546,446.00

Subtotal - General Fund 1,119,089.24

BI-PIN	11,764.72
Building Safety	50,051.28
Community Development	3,274.99
Criminal Justice	80,459.30
Equipment Rental	14,134.37
Medical Services	419,868.94
Risk Management	4,102.07
Stormwater	23,039.28
Street	36,178.63
Water & Sewer	152,885.68

Subtotal - Other Funds 795,759.26

Total Salaries and Wages 1,914,848.50

Benefits

Dental Insurance	23,709.13
DRS Retirement	133,819.73
Employee Assistance Program	52.30
Life Insurance	5,112.05
Long-Term Disability Insurance	5,836.08
Medical Expense Reimbursement Plan	3,300.00
Medical Insurance	338,722.11
Medicare	27,131.05
MissionSquare Deferred Compensation	81,323.09
Social Security (OASDI)	86,362.96
Vision Insurance	3,428.57
WA Paid Family & Medical Leave	3,902.92
Worker's Compensation Insurance	60,551.03

Total Benefits 773,251.02

Grand Total \$2,688,099.52

I, Dan Legard, Finance Director, at the direction of the Council, do hereby certify that the Payroll hereinabove specified is approved for payment in the amount of \$2,688,099.52 comprised of check numbers 77226 through 77232 and direct deposit numbers 223346 through 223786.

Approved for payment:



Dan Legard, Finance Director

Council Agenda Coversheet	Agenda Item Number: 4.e. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: Contract/Agreement/Lease Subject: Contract: Fire Training Center Live Fire Training Prop - DGR Grant Construction, Inc. Department: Fire Department Ord/Reso # Project #	Contract # 24014 Permit #
<u>Recommendation</u> Staff recommends that Council authorize the City Manager to sign the contract with DGR Grant Construction, Inc. the amount of \$364,266.62. <u>Motion for Consideration</u> Motion to authorize the City Manager to sign the contract with DGR Grant Construction, Inc. for the amount of \$364,266.62. <u>Summary</u> In 2022, the Kennewick Fire Department requested \$177,000.00 dollars in American Rescue Plan Act (ARPA) funding to install a propane fueled burner system in the Fire Training Center burn tower owned in partnership with Benton County Fire District #1. The \$177,000.00 in ARPA funding, along with funding from the Fire Training Center's operating budget, covers the City of Kennewick's portion of the cost of the system and all ancillary work that needs to be completed to make the system operational. <u>Alternatives</u> No alternatives are recommended for this project. <u>Fiscal Impact</u> The total fiscal impact for this project is \$177,000.00 in American Rescue Plan Act (ARPA) funding that has already been allocated for the project, and the additional balance of the City's half of the project coming out of the Fire Training Center's annual operating budget.		
<u>Attachments:</u> 1. Contract		

City of Kennewick

Contract 24-014
PUBLIC WORK CONTRACT
Page 1 of 3

Project Name:
Fire Training Center Structural Fire Trainers

Project Number:
RFB 24-003

THIS CONTRACT is made and entered into by and between the City of Kennewick (Owner), and DGR Grant Construction, Inc., a Washington Corporation, (Contractor). Contractor and Owner may hereinafter be referred to as "Parties." This Contract shall be effective on the last date set forth on the signature page. This Contract shall be the agreed basis of performing the Work identified and defined in the Contract Documents.

FIRST: The Contractor agrees to furnish all material, labor, tools, equipment, apparatus, facilities, etc. necessary to perform and complete in a workmanship like manner the Work called for in the Contract Documents for the Project noted above, according to the terms of this Contract and the Contract Documents, which documents are incorporated herein by reference, as if set forth herein in full. The Contractor, for himself, and for his heirs, executors, administrators, successors, and assigns, does hereby agree to the full performance of all the covenants contained in the Contract Documents.

The Contract Documents shall include this Public Works Contract, Request for Bids, Instructions to Bidders, completed Bid Form, Payment Bond, Performance Bond, City of Kennewick Standard Specifications and the following Specifications and Addenda:

Specifications dated: 02/11/2024

Addendum No. 1 Dated: 02/22/2024 Addendum No. 2 Dated: 02/27/2024
Addendum No. 3 Dated: 03/01/2024

SECOND: Time for Completion: The Work to be performed under this Contract shall commence as soon as the Contractor has been officially notified to proceed and shall be substantially complete within 140 working days of the Notice to Proceed.

The Contractor further agrees that, from the compensation otherwise to be paid, the Owner may retain the sum of \$175.00 for each work day thereafter that the Work remains uncompleted, which sum is agreed upon as the liquidated damages, and the Parties agree this sum is not to be construed as in any sense a penalty.

THIRD: The Contractor shall provide and bear all expenses of any sort whatsoever that may be required for constructing and completing the Work provided for in the Contract Documents, except such as are mentioned in the Contract Documents as being the responsibility of the Owner or other parties. Owner hereby agrees to pay the Contractor the Contract Award Amount indicated below, as consideration for the agreements set forth above, including but not limited to, Contractor's completion of all Work, in strict accord with the Contract Documents, as follows:

City of Kennewick

Contract 24-014
PUBLIC WORK CONTRACT
 Page 2 of 3

CONTRACT AMOUNT				
BID ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	TOTAL PRICE Dollars/Cents
1	BASE BID: REQUIRED BUILDING MODIFICATIONS, ELECTRICAL WIRING, LPG SUPPLY PIPING AND CONNECTION, AND PROVIDE AND INSTALL ITEM 1 INTERCHANEABLE PROP FIRE SIMULATOR, ITEM 2 FLASHOVER-ROLLER EFFECT FIRE SIMULATOR AND ITEM 3 CENTRALIZED SMOKE MACHINE, PER SPECIFICATIONS (LUMP SUM)	LUMP SUM	LS	\$335,111.89
Contract Award Subtotal				\$335,111.89
8.7% Sales Tax				\$29,154.73
CONTRACT AWARD GRAND TOTAL				\$364,266.62

No liability shall attach to the Owner by reason of entering into this Contract, except as expressly provided herein. The Owner will not be responsible for Contractor's failure to perform the Work in accordance with the Contract Documents.

FOURTH: The parties to this Contract understand and acknowledge that the City is subject to the Public Records Act, RCW 42.56 et seq. If the City receives a public records request for this Contract and/or for documents and/or materials provided to the City under this Contract, generally such information will be a public record and must be disclosed to the public records requester. However, if the Contractor identified any portions of their proposal exempt from disclosure under the provisions of RCW 42.56 et seq, the City agrees to notify the Contractor if it receives such a public records request and the date the City plans to release the records. If the Contractor fails to obtain a protective order from the applicable court prior to the time the City releases the records to the public records requester, the Contractor shall be deemed to have given the City full authority to release the records on the date specified, and the Contractor understands it has thereby given up all rights to challenge the disclosure in any forum.

This Contract shall be construed and governed by the laws and statutes of the State of Washington.

If any portion of this Contract is found to be invalid by the Superior Court of Benton County, such invalidation of such portion shall not invalidate the remaining portions of the Contract, and they shall remain in full force and effect as written.

IN WITNESS WHEREOF, the Parties hereto have executed this Contract by having their authorized representatives affix their signatures below. This Contract may be executed in two or more counterparts, each of which shall be deemed an original, but all of

City of Kennewick

Contract 24-014
PUBLIC WORK CONTRACT
Page 3 of 3

which together shall constitute one and the same instrument. This Contract may be delivered by electronic means and those signatures shall be treated as original signatures for all applicable purposes.

OWNER:
City of Kennewick

CONTRACTOR:
DGR Grant Construction, Inc.

DocuSigned by:
Matt Fredrickson
32D708B7823E40E...

City Manager

Signature

Date Signed: _____

Date Signed: 4/24/2024

ATTEST:

Matt Fredrickson President

Printed Name & Title

502 Stevens Dr

Krystal Townsend
City Clerk

Address

Date Signed: _____

Richland, WA 99352

City, State Zip

APPROVED AS TO FORM:

Laurencio Sanguino
Interim City Attorney

Date Signed: _____

Council Agenda Coversheet	Agenda Item Number: 4.f. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: Contract/Agreement/Lease Subject: Waterline Easement Deed: 10611 W Clearwater Ave Department: Public Works	
<u>Recommendation</u> Authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 10611 W. Clearwater Ave. <u>Motion for Consideration</u> Motion to authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 10611 W Clearwater Ave <u>Summary</u> The Deed for Waterline Easement and Release of Easement provides for a new 10' wide waterline easement for newly installed City-maintained water infrastructure located at 10611 W Clearwater Ave and removes a portion of existing 10' wide waterline easement where City-maintained water infrastructure has been removed. With Public Works approval, Calvary Chapel of Tri-Cities (the property owner at 10611 W. Clearwater Ave) has relocated a portion of the City's maintained water infrastructure for the purpose of constructing an addition to their current building. <u>Alternatives</u> None recommended. <u>Fiscal Impact</u> None.		
<u>Attachments:</u> 1. Deed 2. Map		

Return to:
City Clerk's Office
City of Kennewick
PO Box 6108
Kennewick, WA 99336

DEED for WATERLINE EASEMENT AND RELEASE OF EASEMENT

Grantor(s): CALVARY CHAPEL OF TRI-CITIES

Grantee: CITY OF KENNEWICK, A WASHINGTON MUNICIPAL CORPORATION

Legal Description (abbreviated): PORTION OF LOT 1 OF BSP 3762, LYING IN THE SOUTH ½ OF SECTION , T. 8 N., R. 29 E., W.M.(COMPLETE LEGAL DESCRIPTION SEE EXHIBIT A, PAGE 4)
Assessor's Tax Parcel ID No.: 1-0188-4BP-3762-002
Reference Nos. 2008-020342

THIS DEED for WATERLINE EASEMENT and RELEASE of EASEMENT is entered into by and between the CALVARY CHAPEL OF TRI-CITIES ("Grantor"), and the CITY OF KENNEWICK, a Washington municipal corporation ("Grantee") may be referred to collectively as the "Parties".

RECITALS

WHEREAS, Grantor is the sole owner of certain real property located in Benton County, Washington, which is legally described in Exhibit A which is attached hereto; and

WHEREAS, in 2008 Grantor conveyed a Former Easement Auditor File Number 2008-020342 to Grantee for the construction and maintenance of WATERLINES on the Property; and

WHEREAS, Grantor desires to extinguish a portion of the Former Easement Auditor File Number 2008-020342 described in Exhibit B and grant to THE GRANTEE, THE CITY OF KENNEWICK, a Washington municipal corporation, its successors and assigns, a permanent New Easement over, under and across the real property described in Exhibit C and depicted in Exhibit C-1 herewith attached and made a part hereof, situated in Benton County, State of Washington.

TERMS AND CONDITIONS

1. **Recitals.** The above recitals are a part of this Deed for Easement and the Parties represent and warrant that they are true and correct.
2. **Relinquishment and Replacement.** The portion of Former Easement Auditor File Number 2008-020342 described in Exhibit B is hereby relinquished by Grantee and replaced by the grant of easement noted below.
3. **Grant of Easement.** Grantor hereby grants to Grantee a permanent New Waterline Easement over, under and across the real property described in Exhibit C and depicted in Exhibit C-1 herewith attached and made a part hereof, situated in Benton County, State of Washington.
4. **Easement Purposes.** Grantee shall have the right to enter the property to inspect, design, construct, reconstruct, operate, maintain, repair, replace, and remove waterlines and associated

infrastructure, and may remove landscaping and other obstructions which interfere with the Grantee's designated use of the New Easement. Grantor shall not construct buildings or structures on the New Easement but may make use of the New Easement for any purposes that do not interfere with Grantee's rights provided.

5. **Running Covenants.** The Easement granted herein shall run with the land and is binding upon all subsequent owners thereof.
6. **No Termination Upon Breach.** No breach of the terms contained in this Deed for Easement shall entitle either Party to cancel, rescind or otherwise terminate the easement; provided, however, that this provision shall not limit or otherwise affect any other right or remedy which such party may have hereunder by reason of any breach..

DATED THIS _____ day of _____, 20____, for Grantor

GRANTOR:

CALVARY CHAPEL OF TRI-CITIES

STEVEN B. WHINERY
President of Calvary Chapel of Tri-Cities

DATED THIS _____ day of _____, 20____, for **CITY OF KENNEWICK**

GRETL J. CRAWFORD,
Mayor

Attest:

Approved as to Form:

KRYSTAL TOWNSEND
City Clerk

LISA BEATON,
City Attorney

EXHIBIT A

Benton County Parcel #1-0188-4BP-3762-002

THAT PORTION OF THE SOUTH HALF OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M., KENNEWICK, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 86°07'47" EAST, ALONG THE SOUTH LINE OF SAID SECTION 1, FOR 574.83 FEET; THENCE NORTH 03°52'13" WEST FOR 250.22 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 03°52'13" WEST FOR 775.28 FEET TO INTERSECT A 2035.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST (THE RADIUS POINT BEARS SOUTH 21°55'51" EAST); THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21°08'48", FOR AN ARC DISTANCE OF 751.08 FEET; THENCE SOUTH 46°55'12" WEST FOR 187.04 FEET; THENCE NORTH 38°19'40" WEST FOR 326.12 FEET TO INTERSECT THE SOUTHERLY RIGHT OF WAY MARGIN OF WEST CLEARWATER AVENUE; THENCE SOUTH 46°55'21" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY MARGIN, FOR 137.82 FEET; THENCE SOUTH 31°11'49" WEST FOR 29.52 FEET; THENCE SOUTH 46°55'21" WEST FOR 20.07 FEET; THENCE, LEAVING SAID SOUTHERLY RIGHT OF WAY MARGIN, SOUTH 38°19'40" EAST FOR 242.83 FEET; THENCE SOUTH 46°55'21" WEST FOR 225.34 FEET; THENCE SOUTH 38°19'40" EAST FOR 122.88 FEET; THENCE NORTH 86°08'08" EAST FOR 1091.92 FEET TO THE TRUE POINT OF BEGINNING.

ALSO KNOWN AS LOT 1, BINDING SITE PLAN NUMBER 3762, ACCORDING TO THE BINDING SITE PLAN RECORDED JULY 3, 2007 UNDER AUDITOR'S FILE NUMBER 2007-021641 RECORDS OF BENTON COUNTY, WASHINGTON.

TOGETHER WITH THAT PORTION OF THE SOUTH HALF OF SECTION 1, TOWNSHIP 8 NORTH, RANGE 28 EAST, W.M. KENNEWICK, BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 1; THENCE NORTH 86°07'47" EAST ALONG THE SOUTH LINE OF SAID SECTION 1, FOR 165.61 FEET; THENCE NORTH 03°52'13" WEST FOR 250.26 FEET; SOUTH 86°08'08" WEST FOR 251.77 FEET; THENCE SOUTH 03°51'24" EAST FOR 250.26 FEET TO THE SOUTH LINE OF SAID SECTION 1; THENCE NORTH 86°08'36" EAST, ALONG THE SOUTH LINE FOR 86.22 FEET TO THE TRUE POINT OF BEGINNING.

EXHIBIT B

DESCRIPTION-TO BE RELINQUISHED

THAT PORTION OF A WATERLINE EASEMENT AS DESCRIBED UNDER AUDITORS FILE NUMBER 2008-020342; AFFECTING THAT PORTION OF LOT 1 OF THE BINDING SITE PLAN RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 3762, TO BE RELINQUISHED, LYING IN THE SOUTH HALF OF SECTION 01, TOWNSHIP 08 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, THE CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 01 THENCE NORTH $00^{\circ}34'29''$ WEST ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER 381.45 FEET TO THE CENTERLINE OF SAID EASEMENT AND THE TRUE POINT OF BEGINNING;

THENCE NORTH $87^{\circ}28'07''$ EAST 3.43 FEET ALONG SAID CENTERLINE;
THENCE NORTH $83^{\circ}20'57''$ EAST 60.79 FEET ALONG SAID CENTERLINE;
THENCE SOUTH $83^{\circ}20'57''$ WEST 60.79 FEET ALONG SAID CENTERLINE;
THENCE SOUTH $87^{\circ}28'07''$ WEST 94.50 FEET ALONG SAID CENTERLINE TO THE POINT OF TERMINUS.

SEE ATTACHED EXHIBIT SKETCH TO ACCOMPANY THIS LEGAL DESCRIPTION.

TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD AND IN VIEW.

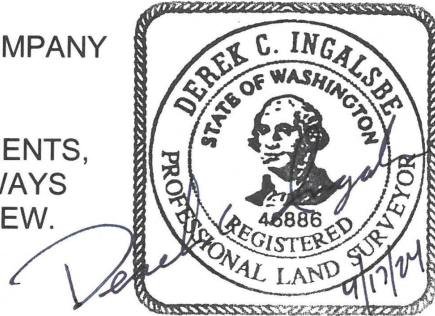


EXHIBIT C



STRATTON SURVEYING & MAPPING, PC

313 NORTH MORAIN STREET
KENNEWICK, WA 99336
PHONE: (509) 735-7364
E-MAIL: stratton@strattonsurvey.com

DATE: 2024-02-27
DRAWING: 5859SK1.DWG
SITE: WATER EASEMENT

PARCEL NO. 101884BP3762002

DESCRIPTION

AN EASEMENT 10.00 FEET IN WIDTH AFFECTING THAT PORTION OF LOT 1 OF THE BINDING SITE PLAN RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 3762, LYING IN THE SOUTH HALF OF SECTION 01, TOWNSHIP 08 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, THE CENTERLINE DESCRIBED AS FOLLOWS:

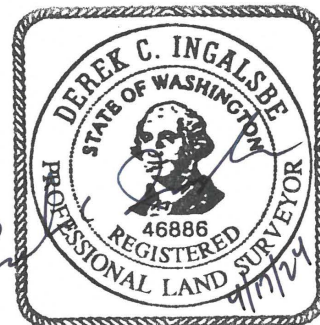
COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 01 THENCE NORTH 00°34'29" WEST ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER 334.13 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89°51'02" EAST 21.73 FEET;
THENCE NORTH 44°51'02" EAST 79.15 FEET TO THE CENTERLINE OF AN EXISTING EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 2008-020342 RECORDS OF SAID COUNTY;
THENCE SOUTH 44°51'02" WEST 79.15 FEET;
THENCE SOUTH 89°51'02" WEST 81.40 FEET;
THENCE NORTH 45°08'58" WEST 60.90 TO THE CENTERLINE OF SAID EASEMENT AND THE POINT OF TERMINUS.

EDGES OF SAID EASEMENT ARE TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE SOUTH LINE OF SAID EXISTING EASEMENT.

SEE ATTACHED EXHIBIT SKETCH TO ACCOMPANY THIS LEGAL DESCRIPTION.

TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD AND IN VIEW.



AN EASEMENT 5.00 FEET IN WIDTH AFFECTING THAT PORTION OF LOT 1 OF THE BINDING SITE PLAN RECORDED IN VOLUME 1 OF SURVEYS AT PAGE 3762, LYING IN THE SOUTH HALF OF SECTION 01, TOWNSHIP 08 NORTH, RANGE 28 EAST, W.M., BENTON COUNTY, THE CENTERLINE DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 01 THENCE NORTH $00^{\circ}34'29''$ WEST ALONG THE EASTERLY LINE OF SAID SOUTHWEST QUARTER 334.13 FEET; THENCE NORTH $89^{\circ}51'02''$ EAST 21.73 FEET; THENCE NORTH $44^{\circ}51'02''$ EAST 79.15 FEET TO THE CENTERLINE OF AN EXISTING EASEMENT RECORDED UNDER AUDITOR'S FILE NUMBER 2008-020342 RECORDS OF SAID COUNTY; THENCE SOUTH $83^{\circ}20'57''$ WEST ALONG SAID LINE 3.83 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTH $45^{\circ}08'58''$ WEST 45.00 FEET TO THE POINT OF TERMINUS.

SEE ATTACHED EXHIBIT SKETCH TO ACCOMPANY THIS LEGAL DESCRIPTION.

TOGETHER WITH AND SUBJECT TO EASEMENTS, COVENANTS, RESERVATIONS, RIGHT-OF-WAYS AND RESTRICTIONS OF RECORD AND IN VIEW.

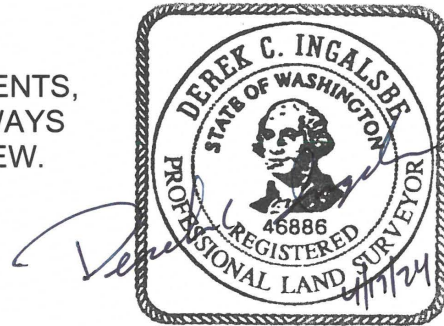
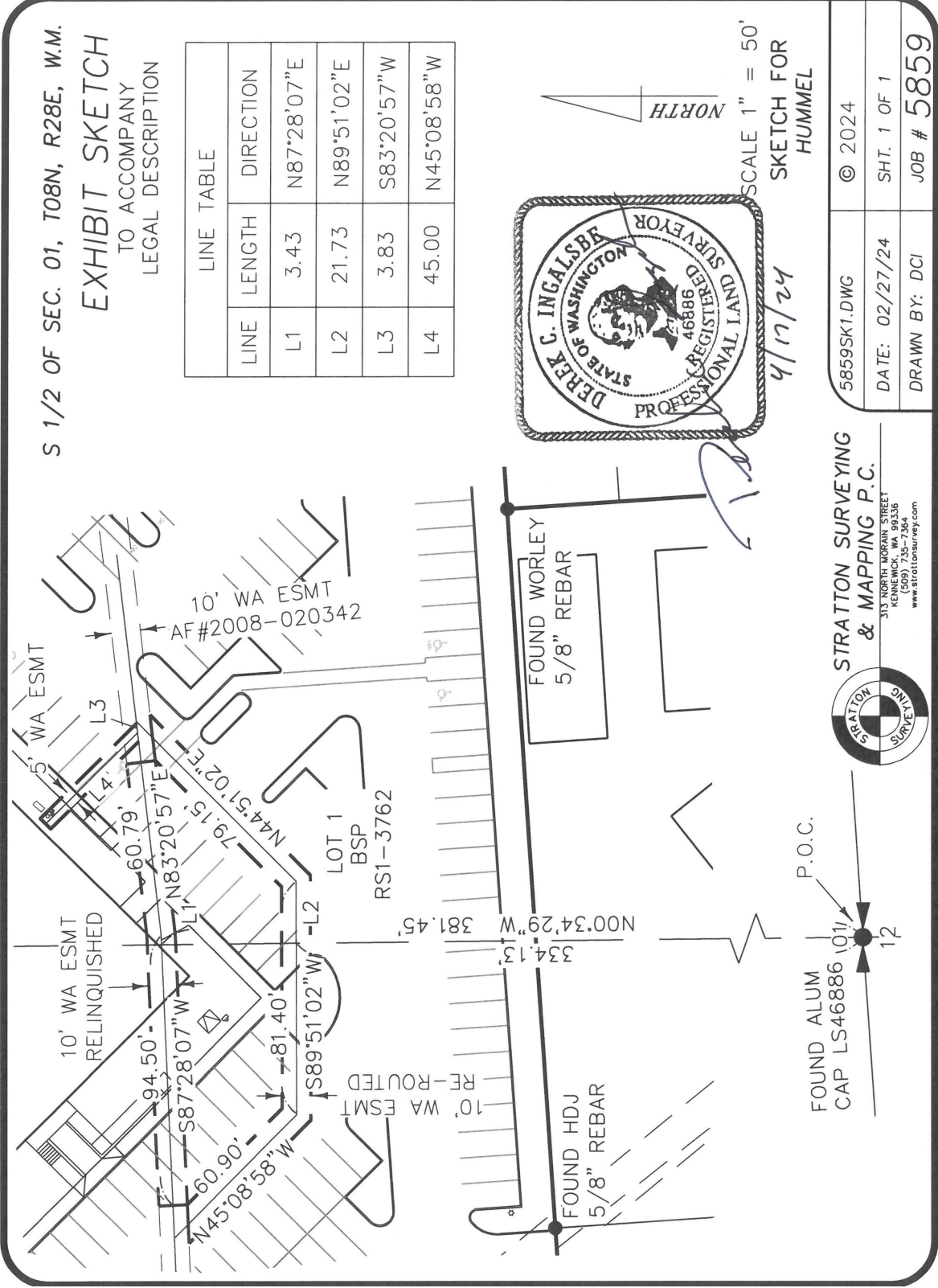
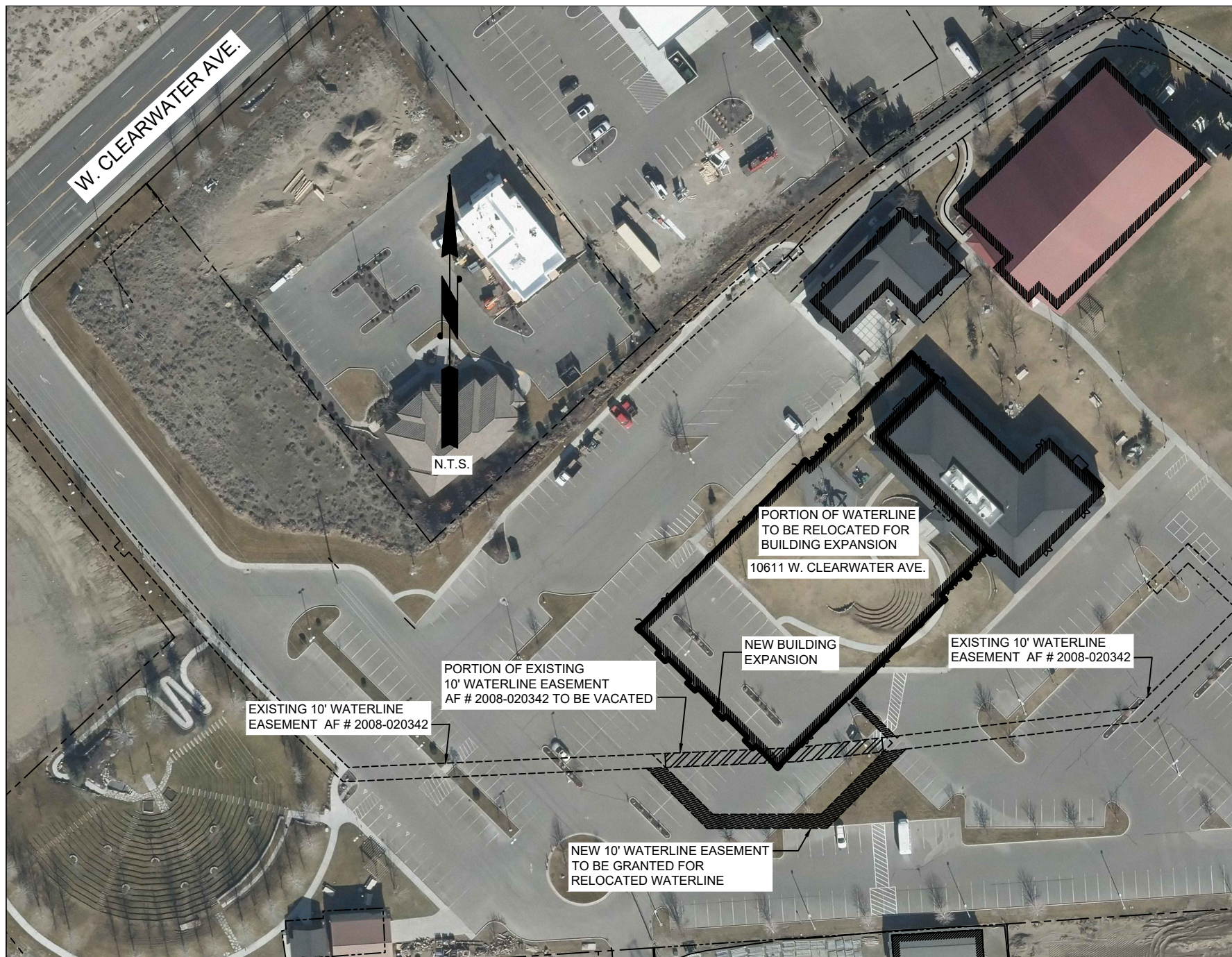


EXHIBIT C-1





Council Agenda Coversheet	Agenda Item Number: 4.g. Agenda Item Type: Contract/Agreement/Lease Subject: Waterline Easement Deed: 6018 W Clearwater Ave Department: Public Works Council Date: 5/7/2024	Category: Consent Agenda
		
<u>Recommendation</u> Authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 6018 W Clearwater Ave. <u>Motion for Consideration</u> Motion to authorize the Mayor to sign the Deed for Waterline Easement and Release of Easement at 6018 Clearwater Ave. <u>Summary</u> The Deed for Waterline Easement and Release of Easement provides for a new 15' wide waterline easement for newly installed City-maintained water infrastructure located at 6018 W Clearwater Ave and removes a portion of existing 15' wide waterline easement where the City-maintained water infrastructure has been removed. With Public Works approval, 4307 W Court St LLC (aka Shelby's Floral) the property owner at 6018 W Clearwater Ave has relocated a portion of the city's maintained water infrastructure for the purpose of constructing a new building. <u>Alternatives</u> None recommended. <u>Fiscal Impact</u> None.		
<u>Attachments:</u> 1. Deed 2. Map		

Return to:
City Clerk's Office
City of Kennewick
PO Box 6108
Kennewick, WA 99336

DEED for WATERLINE EASEMENT AND RELEASE OF EASEMENT

Grantor(s): 4307 W COURT ST LLC, A WASHINGTON LIMITED LIABILITY COMPANY

Grantee: CITY OF KENNEWICK, A WASHINGTON MUNICIPAL CORPORATION

Legal Description (abbreviated): PORTION OF LOT 1 OF BSP 5357, RECORDED IN VOLUME 1 OF SURVEYS, PAGE 5357, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2020-027895
Assessor's Tax Parcel ID No.: 1-3299-4BP-5357-001
Reference Nos. 2019-035537

THIS DEED for WATERLINE EASEMENT and RELEASE of EASEMENT is entered into by and between 4307 W COURT ST LLC, a Washington limited liability company ("Grantor"), and the CITY OF KENNEWICK, a Washington municipal corporation ("Grantee") may be referred to collectively as the "Parties".

RECITALS

WHEREAS, Grantor is the sole owner of certain real property located in Benton County, Washington, which is legally described in Exhibit A which is attached hereto; and

WHEREAS, in 2019 Grantor conveyed a Former Easement Auditor File Number 2019-035537 to Grantee for the construction and maintenance of WATERLINES on the Property; and

WHEREAS, Grantor desires to extinguish a portion of the Former Easement Auditor File Number 2019-035537 described in Exhibit B and depicted in Exhibit B-1 herewith attached and made a part hereof; and grant to THE GRANTEE, THE CITY OF KENNEWICK, a Washington municipal corporation, its successors and assigns, a permanent New Easement over, under and across the real property described in Exhibit C and depicted in Exhibit C-1 herewith attached and made a part hereof, situated in Benton County, State of Washington.

TERMS AND CONDITIONS

1. **Recitals.** The above recitals are a part of this Deed for Easement and the Parties represent and warrant that they are true and correct.
2. **Relinquishment and Replacement.** The Portion of Former Easement Auditor File Number 2019-035537 as described in Exhibit B and depicted in Exhibit B-1 is hereby relinquished by Grantee and replaced by the grant of easement noted below.
3. **Grant of Easement.** Grantor hereby grants to Grantee a permanent New Waterline Easement over, under and across the real property described in Exhibit C and depicted in Exhibit C-1 herewith attached and made a part hereof, situated in Benton County, State of Washington.

4. **Easement Purposes.** Grantee shall have the right to enter the property to inspect, design, construct, reconstruct, operate, maintain, repair, replace, and remove waterlines and associated infrastructure, and may remove landscaping and other obstructions which interfere with the Grantee's designated use of the New Easement. Grantor shall not construct buildings or structures on the New Easement but may make use of the New Easement for any purposes that do not interfere with Grantee's rights provided.
5. **Running Covenants.** The Easement granted herein shall run with the land and is binding upon all subsequent owners thereof.
6. **No Termination Upon Breach.** No breach of the terms contained in this Deed for Easement shall entitle either Party to cancel, rescind or otherwise terminate the easement; provided, however, that this provision shall not limit or otherwise affect any other right or remedy which such party may have hereunder by reason of any breach..

DATED THIS _____ day of _____, 20____, for Grantor

GRANTOR:

4307 W COURT STREET LLC

JACKIE J. BROWN
Managing Member

DATED THIS _____ day of _____, 20____, for **CITY OF KENNEWICK**

GRETL J. CRAWFORD,
Mayor

Attest:

Approved as to Form:

KRYSTAL TOWNSEND,
City Clerk

LISA BEATON,
City Attorney

)ss.

)

Witness my hand and official seal hereto affixed the day and year first above written.

Notary Public in and for the State of Washington
residing at _____
My Commission Expires: _____

EXHIBIT A

Benton County Parcel #1-3299-4BP-5357-001

LOT 1, BINDING SITE PLAN 5357, RECORDED IN VOLUME 1 OF SURVEYS, PAGE 5357, RECORDS OF BENTON COUNTY, WASHINGTON. AF#2020-027895, 07/30/2020.

ALSO KNOWN AS, THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 29 EAST, W.M., RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION; THENCE NORTH 00°54'27" WEST ALONG THE SAID EAST LINE OF SAID SECTION 32.50 FEET TO THE NORTHERLY MARGIN OF W. CLEARWATER AVE AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°54'27" WEST ALONG THE SAID EAST LINE 207.96 FEET;

THENCE SOUTH 89°05'44" WEST 290.00 FEET;

THENCE SOUTH 00°54'27" EAST 200.30 FEET TO THE NORTHERLY MARGIN OF WEST CLEARWATER AVE;

THENCE SOUTH 89°23'29" EAST ALONG SAID NORTHERLY MARGIN 290.10 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESERVATIONS, COVENANTS AND RESTRICTIONS, OF RECORD AND IN VIEW.

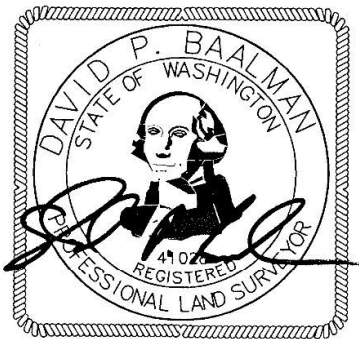
EXHIBIT B **Replaced Prior Version 5/6/2024**

**LEGAL DESCRIPTION
WATER LINE EASEMENT VACATION**

ALL THAT PORTION OF THAT 15.00 FEET WIDE WATER LINE EASEMENT, AS DESCRIBED IN EASEMENT DEED RECORDED UNDER AUDITOR'S FILE NO. 2019-035537, SITUATE IN LOT 1, BINDING SITE PLAN NO. 5357, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2020-027895, RECORDS OF BENTON COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

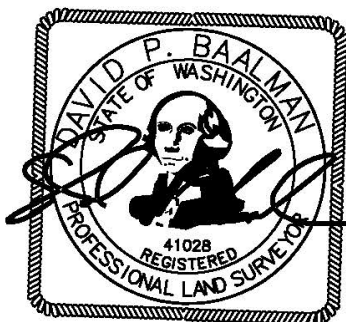
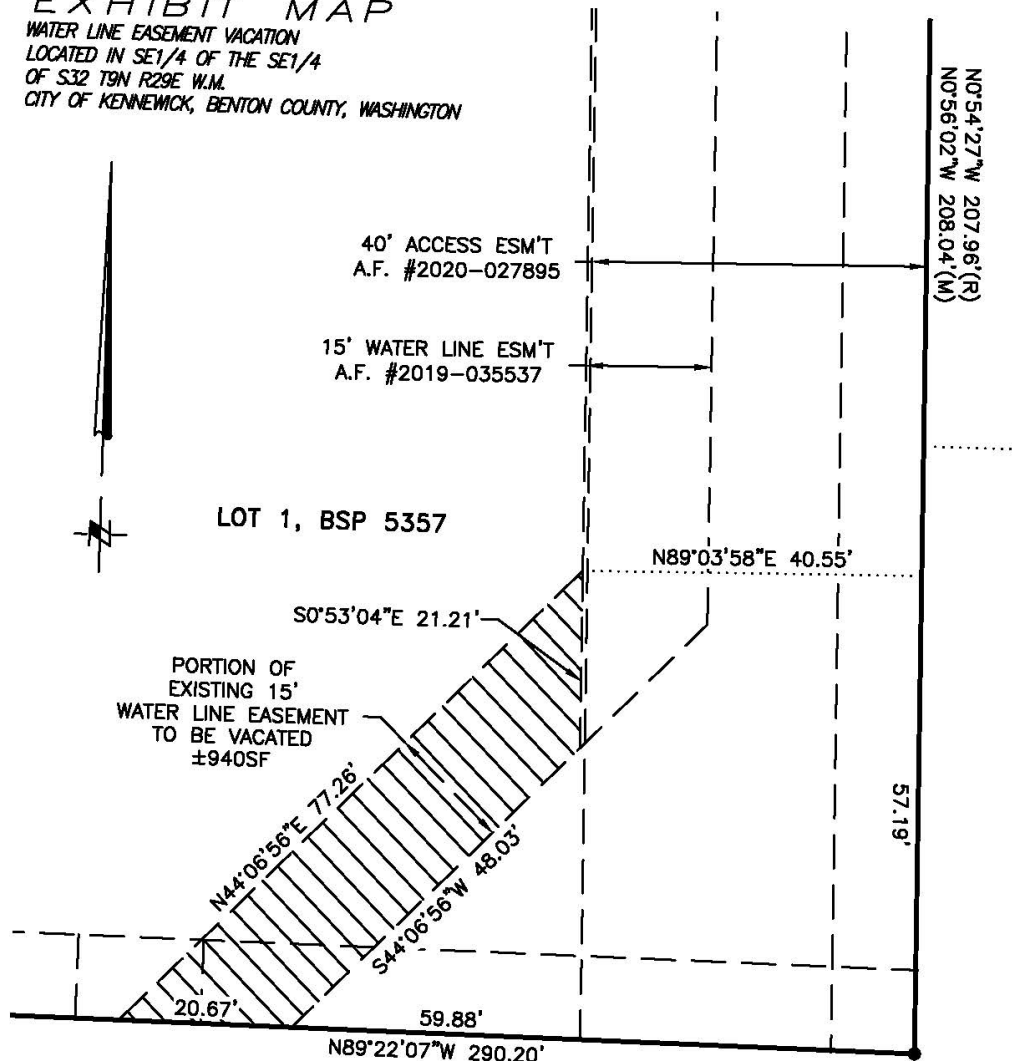
COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 0°56'02" WEST 57.19 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE SOUTH 89°03'58" WEST 40.55 FEET TO AN ANGLE POINT IN THE WESTERLY MARGIN OF SAID WATER LINE EASEMENT AND THE POINT OF BEGINNING; THENCE SOUTH 0°53'04" EAST 21.21 FEET, MORE OR LESS, ALONG THE SOUTHERLY PROJECTION OF THE WESTERLY MARGIN OF SAID WATER LINE EASEMENT TO THE SOUTHEASTERLY MARGIN OF SAID EASEMENT; THENCE SOUTH 44°06'56" WEST 48.03 FEET ALONG SAID SOUTHEASTERLY MARGIN TO THE SOUTH LINE OF SAID LOT 1; THENCE NORTH 89°22'07" WEST 20.67 FEET ALONG SAID SOUTH LINE TO THE INTERSECTION WITH NORTHWESTERLY MARGINE OF SAID EASEMENT; THENCE NORTH 44°06'56" EAST 77.26 FEET ALONG SAID NORTHEASTERLY MARGIN .

CONTAINING 940 SQUARE FEET, MORE OR LESS.



5-03-2024

EXHIBIT MAP
WATER LINE EASEMENT VACATION
LOCATED IN SE1/4 OF THE SE1/4
OF S32 T9N R29E W.M.
CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON



5-03-24

N89°34'06"E 68.47'



RSI

RSI: 12323.DWG

EXHIBIT C

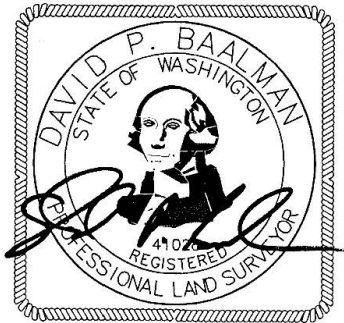
LEGAL DESCRIPTION NEW WATER LINE EASEMENT

A STRIP OF LAND 15.00 FEET IN WIDTH, SITUATE IN LOT 1, BINDING SITE PLAN NO. 5357, ACCORDING TO THE SURVEY THEREOF RECORDED UNDER AUDITOR'S FILE NO. 2020-027895, RECORDS OF BENTON COUNTY, WASHINGTON, THE EASTERLY MARGIN OF WHICH DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE NORTH 0°56'02" WEST 50.96 FEET ALONG THE EAST LINE OF SAID LOT 1; THENCE SOUTH 89°03'58" WEST 25.56 FEET TO AN ANGLE POINT IN THE EASTERLY MARGIN OF THAT 15.00 FEET WIDE WATER LINE EASEMENT AS DESCRIBED IN EASEMENT DEED RECORDED UNDER AUDITOR'S FILE NO. 2019-035537 AND THE POINT OF BEGINNING; THENCE SOUTH 0°53'04" EAST 50.26 FEET, MORE OR LESS, ALONG THE SOUTHERLY PROJECTION OF THE EASTERLY MARGIN OF SAID WATER LINE EASEMENT TO THE SOUTH LINE OF SAID LOT 1 AND THE TERMINUS OF SAID DESCRIBED LINE.

THE NORTHERLY MARGIN OF WHICH BEING THE SOUTHEASTERLY MARGIN OF THAT 15.00 FEET WIDE WATER LINE EASEMENT AS DESCRIBED IN EASEMENT DEED RECORDED UNDER AUDITOR'S FILE NO. 2019-035537, AND THE SOUTHERLY MARGIN OF WHICH BEING THE SOUTH LINE OF SAID LOT 1.

CONTAINING 638 SQUARE FEET, MORE OR LESS.

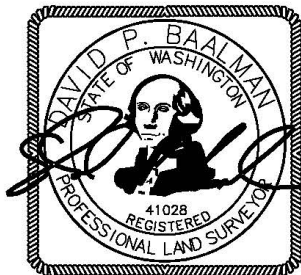
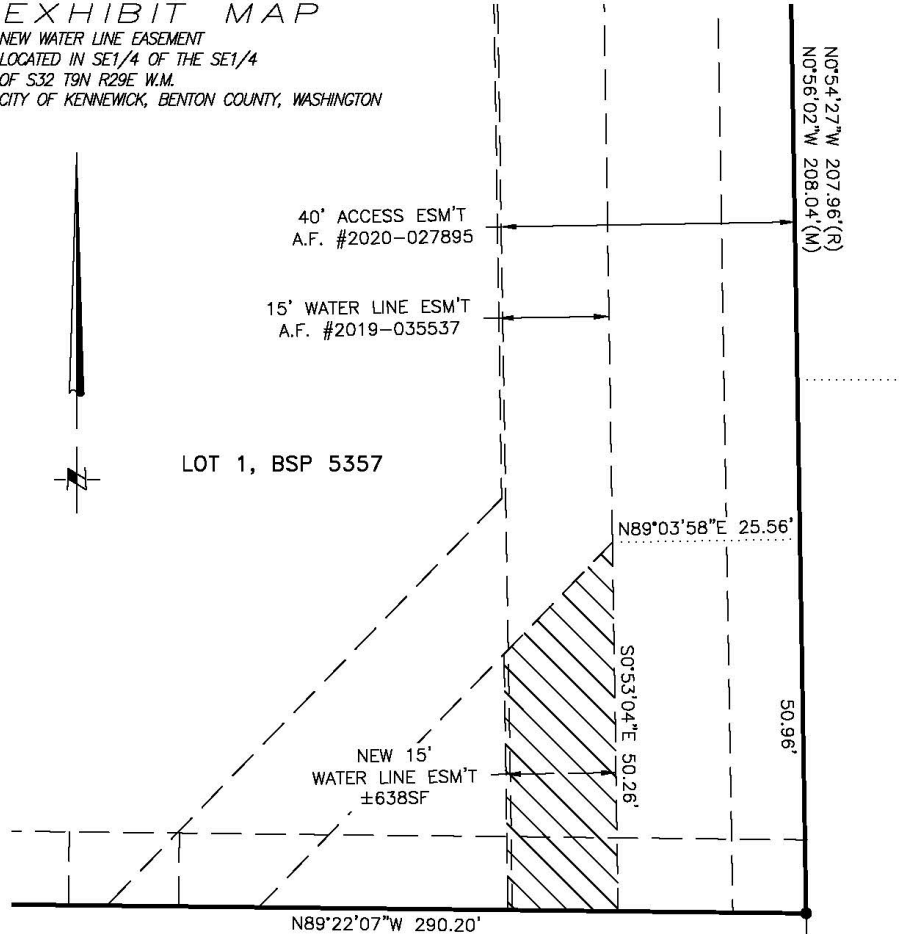


4-28-2023

EXHIBIT C-1

EXHIBIT MAP

NEW WATER LINE EASEMENT
LOCATED IN SE1/4 OF THE SE1/4
OF S32 T9N R29E W.M.
CITY OF KENNEWICK, BENTON COUNTY, WASHINGTON



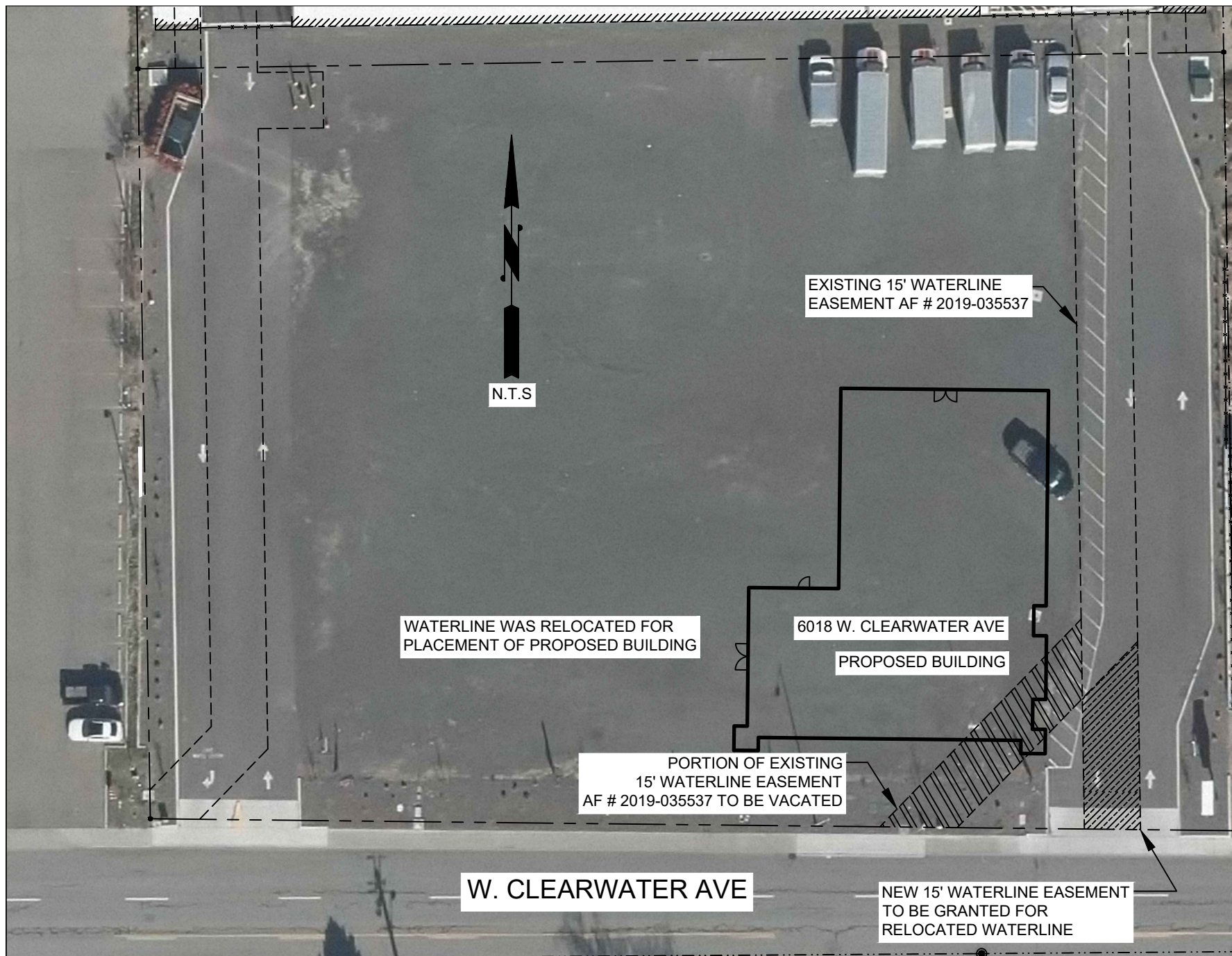
4-28-23

N89°34'06"E 68.47'



RSI

RSI: 14422-VACATE.DWG



Council Agenda Coversheet	Agenda Item Number: 4.h. Council Date: 5/7/2024	Category: Consent Agenda Ordinance/Reso
	Agenda Item Type: Resolution Subject: Resolution: Authorized Signatories Department: Finance Ord/Reso # Project # Contract # Permit #	
<u>Recommendation</u> Staff recommends that Council adopt a resolution authorizing Dan Legard, Michele Hamada, and Meg Coleman as signatories for executing financial transactions for the City of Kennewick. <u>Motion for Consideration</u> Motion to adopt a resolution authorizing Dan Legard, Michele Hamada, and Meg Coleman as signatories for executing financial transactions for the City of Kennewick. <u>Summary</u> The re-hiring of Finance Director/Treasurer Dan Legard requires an update of the City's designated signatories for City accounts at authorized places of deposit. The resolution presented for approval would repeal Resolution 23-16, remove Lisa Beaton as an authorized signatory for the City with regard to banking transactions and authorize Dan Legard, Finance Director, Michele Hamada, Interim Accounting Manager, and Meg Coleman, Accountant II to sign City checks and conduct other banking and investment transactions for the City. <u>Alternatives</u> None recommended. <u>Fiscal Impact</u> None.		
<u>Attachments:</u> 1. Resolution		

CITY OF KENNEWICK
RESOLUTION NO. 24-_____

A RESOLUTION AUTHORIZING DAN LEGARD, MICHELE HAMADA,
AND MEG COLEMAN, TO SIGN CITY CHECKS AT THE CITY OF
KENNEWICK'S AUTHORIZED PLACES OF DEPOSIT AND REPEALING
RESOLUTION NO. 23-16

WHEREAS, with the re-hiring of Dan Legard as Finance Director for the City of Kennewick it is necessary to add him as an authorized signatory of City checks; and

WHEREAS, it is no longer necessary for City Attorney Lisa Beaton to remain as an authorized signatory of City Checks; and

WHEREAS, authorized signatories are necessary for executing financial transactions of the City;
NOW, THEREFORE,

BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON that Dan Legard, Finance Director; Michele Hamada, Interim Accounting Manager; and Meg Coleman, Accountant II, be, and the same hereby are, authorized to sign City checks and other banking and investment transactions at the City of Kennewick's authorized places of deposit, in their respective capacities above-named, for the City of Kennewick; and

BE IT FURTHER RESOLVED that this Resolution will be in full force and effect on May 8, 2024; and

BE IT FURTHER RESOLVED that Resolution No. 23-16, be, and the same hereby is, repealed.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 7th day of May, 2024, and signed in authentication of its passage this 7th day of May, 2024.

Attest:

GRETLE J. CRAWFORD, Mayor Pro Tem

RESOLUTION NO. 24-_____ filed and
recorded in the office of the City Clerk of the
City of Kennewick Washington, this 8th day
of May, 2024

KRYSTAL TOWNSEND, City Clerk

Approved as to Form:

LISA BEATON, City Attorney

KRYSTAL TOWNSEND, City Clerk

Council Agenda Coversheet	Agenda Item Number: 4.i. Council Date: 5/7/2024	Category: Consent Agenda
	Agenda Item Type: Contract/Agreement/Lease Subject: Fire Apparatus Replacement Purchases Department: Fire Department	
<u>Recommendation</u> Staff recommends that Council approve amending the fleet replacement budget by \$6,050,000 and authorize the purchase of three pumpers and one aerial from Hughes Fire Equipment in the amount of \$6,012,895.05. <u>Motion for Consideration</u> Motion to approve amending the fleet replacement budget by \$6,050,000 and authorize the purchase of three pumpers and one aerial from Hughes Fire Equipment in the amount of \$6,012,895.05. <u>Summary</u> The delivery time for fire pumpers is currently 38-42 months and for an aerial 45-48 months. Pumper #2801 and aerial #2802 are scheduled for replacement in 2025 from replacement reserves & State LOCAL financing. Pumper #2003 is scheduled for replacement in 2027 and was originally identified to be funded with ARPA monies. However, due to the long lead times, the ARPA monies will have to be utilized elsewhere and a transfer from CIP will be utilized for replacement of #2003. The third pumper included is new. In anticipation of Fire Station 6 it will be funded from available reserves in the Medical Services Fund. Ordering now will allow for delivery of the pumpers in the fall of 2027 and the aerial in the spring of 2028. This request is to allocate funding within the Fleet Transportation Equipment budget and authorize the purchase. The City's purchasing policy requires purchases greater than \$500,000 be approved by the City Council. This purchase is from a competed Sourcewell national cooperative contract No. 11302-OKC-1. <u>Alternatives</u> None recommended <u>Fiscal Impact</u> Allocation of \$6,050,000 to M7594180/564008 Transportation Equipment		
<u>Attachments:</u> 1. Aerial Quote 2. Pumper Quote		



April 25, 2024

Kennewick Fire Department, WA
One (1) Velocity PUC 105' Aerial MR793
Build Location: Appleton, WI

Proposal Price \$1,991,883.17

Washington State sales tax @ 8.40%	167,318.19
Washington State motor vehicle tax @ 0.30%	5,975.65
Total Bid Price Including Sales Tax	\$2,165,177.01

Terms:

Price Expiration: The above pricing is valid until April 26, 2024.

Future Changes: Various state or federal regulatory agencies (e.g. NFPA, DOT, EPA) may require changes to the Specifications and in any such event any resulting cost increases incurred to comply will be added to the Purchase Price to be paid by the Customer and documented on a Change Order.

Component Price Volatility: Company shall not be responsible for any unforeseen price increase enacted by the suppliers of major components of the Product (including but not limited to engine, transmission, and fire pump) after the execution of contract or purchase order. Any price increase major components of the product will be passed through to the Customer and will be documented on a Change Order.

Delivery: Based on Pierce's current delivery schedule the apparatus would be ready for delivery from factory within 45 to 50 months after contract execution or purchase order. Delivery is subject to change pending Pierce's delivery schedule at time of order. This time does not include any possible delays that may be caused by national disasters or pandemic.

Payment Terms:

- a. Final payment will be due 30 days after the apparatus leaves the factory for delivery. If payment is not made at that time a late fee will be applicable.
- b. Payments made for apparatus using a credit card will be applicable to a credit card convenience fee.

Consortium Purchase: The proposal is based on the apparatus being purchased through Sourcewell utilizing Contract No. 113021-OKC-1 valid until 2/10/2026. It is the purchaser's responsibility to determine if the use of consortiums meets their purchasing requirements.

Performance Bond: A performance bond is not included in the above pricing.

Transportation: Transportation of the apparatus to be driven from the factory to the customers location is included in the above pricing. However, if permits are not obtainable, due to the weight of the apparatus, and the apparatus must be transported on a flat bed, additional Transportation charges will be the responsibility of the customer. We will provide pricing at that time if necessary. If customer elects to drive the apparatus from the factory, **\$6,300.00** may be deducted from the purchase price. If this option is elected payment in full and proof of insurance must be provided prior to leaving the factory and the customer is responsible for compliance with all state, local and federal DOT requirements including the driver possessing a valid CDL license.

Inspection Trips: Two (2) factory inspection trips for three (3) customer representatives is included in the above pricing. The inspection trips will be scheduled at times mutually agreed upon between the manufacture's representative and the customer, during the window provided by the manufacturer. Airfare, lodging and meals while at the factory are included. In the event the customer is unable to travel to the factory or the factory is unable to accept customers due to the restrictions caused by a national disaster or pandemic then the Dealership reserves the right to use forms of electronic media to accomplish the intention of the inspection trips. Every effort will be made to make the digital media as thorough as possible to satisfy the expectations of the of the customer. If the customer elects to forgo an inspection trip **\$2,400.00** per traveler (per trip) will be deducted from the final invoice.

Acceptance of Proposal:

- a. If the customer wishes to purchase the proposed apparatus Hughes Fire Equipment will provide the Customer its form of Purchase Agreement for the Customer's review and signature.
- b. If the Customer desires to use its standard form of purchase order as the Purchase Agreement, the purchase order is subject to review for any required revisions prior to acceptance.
 - i. Purchase orders must be addressed to Hughes Fire Equipment, Inc., 910 Shelley Street, Springfield, Oregon 97477.
 - ii. Purchase order must reference **"One (1) Velocity PUC 105' Aerial MR793 dated 04/25/2024."**
 - iii. Purchase order must include the following verbiage if a performance bond is elected, **"Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible."**
 - iv. Purchased order should reference, **"Purchased utilizing Sourcewell Contract No. 113021-OKC-1."**
 - v. Purchase orders must be signed and dated by authorized personnel.

By signing below you agree to purchase the above apparatus.

Customer Signature: _____

Date: _____

PO # (if applicable): _____



April 25, 2024

Kennewick Fire Department, WA
Three (3) Velocity PUC Pumpers MR802
Build Location: Appleton, WI

Proposal Price **\$3,539,759.00**

Washington State sales tax @ 8.40%

297,339.76

Washington State motor vehicle tax @ 0.30%

10,619.28

Total Bid Price Including Sales Tax

\$3,847,718.04

Terms:

Price Expiration: The above pricing is valid until April 26, 2024.

Future Changes: Various state or federal regulatory agencies (e.g. NFPA, DOT, EPA) may require changes to the Specifications and in any such event any resulting cost increases incurred to comply will be added to the Purchase Price to be paid by the Customer and documented on a Change Order.

Component Price Volatility: Company shall not be responsible for any unforeseen price increase enacted by the suppliers of major components of the Product (including but not limited to engine, transmission, and fire pump) after the execution of contract or purchase order. Any price increase major components of the product will be passed through to the Customer and will be documented on a Change Order.

Multiple Unit Pricing: Multiple unit pricing is based on the apparatus being purchased, manufactured and delivered at the same time. If apparatus are not ordered on the same po/contract, manufactured and delivered at the same time, revised pricing will be required.

Delivery: As currently configured, the unit qualifies for the Build My Pierce (BMP) program. The BMP program offers expedited delivery. As long as the unit stays within the BMP program, the expected delivery is 37 to 42 months. All changes to the apparatus will be communicated to the customer. If the changes made disqualify the unit for the BMP program, delivery will be extended and a price increase will be required. The current standard delivery time is 45 to 50 months.

Payment Terms:

- a. Final payment will be due 30 days after the apparatus leaves the factory for delivery. If payment is not made at that time a late fee will be applicable.
- b. Payments made for apparatus using a credit card will be applicable to a credit card convenience fee.

Consortium Purchase: The proposal is based on the apparatus being purchased through Sourcwell utilizing Contract No. 113021-OKC-1 valid until 2/10/2026. It is the purchaser's responsibility to determine if the use of consortiums meets their purchasing requirements.

Performance Bond: A performance bond is not included in the above pricing.

Transportation: Transportation of the apparatus to be driven from the factory to the customers location is included in the above pricing. However, if permits are not obtainable, due to the weight of the apparatus, and the apparatus must be transported on a flat bed, additional Transportation charges will be the responsibility of the customer. We will provide pricing at that time if necessary. If customer elects to drive the apparatus from the factory, **\$16,500.00** may be deducted from the purchase price. If this option is elected payment in full and proof of insurance must be provided prior to leaving the factory and the customer is responsible for compliance with all state, local and federal DOT requirements including the driver possessing a valid CDL license.

Inspection Trips: Two (2) factory inspection trips for **three (3)** customer representatives is included in the above pricing. The inspection trips will be scheduled at times mutually agreed upon between the manufacture's representative and the customer, during the window provided by the manufacturer. Airfare, lodging and meals while at the factory are included. In the event the customer is unable to travel to the factory or the factory is unable to accept customers due to the restrictions caused by a national disaster or pandemic then the Dealership reserves the right to use forms of electronic media to accomplish the intention of the inspection trips. Every effort will be made to make the digital media as thorough as possible to satisfy the expectations of the of the customer. If the customer elects to forgo an inspection trip **\$2,400.00** per traveler (per trip) will be deducted from the final invoice.

Acceptance of Proposal:

- a. If the customer wishes to purchase the proposed apparatus Hughes Fire Equipment will provide the Customer its form of Purchase Agreement for the Customer's review and signature.
- b. If the Customer desires to use its standard form of purchase order as the Purchase Agreement, the purchase order is subject to review for any required revisions prior to acceptance.
 - i. Purchase orders must be addressed to Hughes Fire Equipment, Inc., 910 Shelley Street, Springfield, Oregon 97477.
 - ii. Purchase order must reference **"Three (3) Velocity PUC Pumpers MR802 dated 04/25/2024."**
 - iii. Purchase order must include the following verbiage if a performance bond is elected, **"Due to global supply chain constraints, any delivery date contained herein is a good faith estimate as of the date of this order/contract, and merely an approximation based on current information. Delivery updates will be made available, and a final firm delivery date will be provided as soon as possible."**
 - iv. Purchased order should reference, **"Purchased utilizing Sourcwell Contract No. 113021-OKC-1."**
 - v. Purchase orders must be signed and dated by authorized personnel.

By signing below you agree to purchase the above apparatus.

Customer Signature: _____

Date: _____

PO # (if applicable): _____

Proudly serving you, while you serve your communities since 1987

Council Agenda Coversheet 	Agenda Item Number: 5.a. Agenda Item Type: Reports/Plans Subject: Resolution: Adoption of the 2024-2029 Benton County Solid Waste and Hazardous Waste Management Plan Department: Public Works Ord/Reso # 24-xx Contract # Project # Permit #	Council Date: 5/7/2024 Category: Ordinance/Reso
<u>Recommendation</u> It is recommended that Council adopt the resolution to approve the 2024-2029 Benton County Solid Waste and Hazardous Waste Management Plan as presented. <u>Motion for Consideration</u> Motion to adopt the resolution as presented. <u>Summary</u> RCW 70A.205.040 and RCW 70A.300 require counties and cities located in each county to prepare a comprehensive solid waste and hazardous waste management plan. In October 2023, the City entered into an interlocal agreement with Benton County and the cities of Richland, West Richland, Prosser, and Benton City to prepare the Benton County Comprehensive Solid Waste Management Plan and to operate programs documented in the Plan. As required by the Washington State Department of Ecology, and under the guidance of the Benton County Solid Waste Advisory Committee, Benton County has prepared an update to the Benton County Solid Waste and Hazardous Waste Management Plan for Years 2024-2029. The plans and programs documented in the Benton County Solid Waste and Hazardous Waste Management Plan supplement the plans and services of the City's Solid Waste Utility as documented in the City's budget, capital improvement plan, and municipal code. Adopting the Benton County plan enables City residents to participate in the programs operated by Benton County and achieves compliance with the City's planning requirements under RCW 70A.205-040, RCW 70A.300 and other codes outlined in the plan. Benton County operates a remote household hazardous waste collection and disposal service that is available to Kennewick residents. Benton County has staffed and intends to open a fixed moderate risk waste collection facility on Ely Street in Kennewick in the coming months. It is in the City's best interest to comply with these state codes by participating in and adopting the Benton County Solid Waste and Hazardous Waste Management Plan. <u>Alternatives</u> City of Kennewick develops and adopts its own Solid Waste and Hazardous Waste Management Plan. <u>Fiscal Impact</u> The City currently, budgets \$120k biennially to support this plan and interlocal activities. The plan recommends new elements which, if agreed to by SWAC members, would require the increase of the biennial budget by \$80k. This expenditure is offset by revenue from a Waste Management franchise fee and an additional cart fee.		
<u>Attachments:</u> 1. Presentation 2. Resolution 3. Exhibit A - Interlocal Agreement 4. Exhibit B - 2024 Plan		

SOLID WASTE MANAGEMENT

ADOPTION OF THE BENTON COUNTY SOLID WASTE AND HAZARDOUS WASTE MANAGEMENT PLAN

City Council Workshop
April 23, 2024

Why We Need the Plan

- Kennewick currently operates under the Council approved 2013 solid waste plan
- 2024 Plan meets solid waste (RCW 70A.205), hazardous waste (RCW 70A. 300), & other regulations
- Supports a moderate risk waste collection facility located in Kennewick
- Linkage to Grant Funds from Ecology
- 2024 Plan has been approved by Richland and West Richland

How the Plan is the Updated and Managed

- Developed as a joint effort by the lead agency Benton County as well as Benton City, Kennewick, Prosser, Richland, and West Richland and other SWAC members
- Kennewick is officially represented at the SWAC by a City Councilman and is also attended by a representative from Public Works staff

Local Match of LSWFA Grant

Total LSWFA* Grant Funding	\$682,720.67
State Grant Funding 75%	\$512,040.50
County Partner Match 25%	\$170,680.17

*Local Solid Waste Financial Assistance (LSWFA)

City Match of Solid Waste Budget

Total Local Match for Biennial LSWFA	\$170,680.17
Kennewick 42%	\$68,493.95
Richland 27%	\$50,145.83
Benton County 19%	\$29,783.69
West Richland 7%	\$14,132.32
Prosser 3%	\$5,103.34
Benton City 2%	\$3,020.04

- Grant match is based on population
- Grant covers current expenditures including operation of MRW facility
- Current Kennewick budget is \$120,000 per biennium

Fiscal Impact of Adopting 2024 Plan

- If SWAC agrees to implement all new plan elements, City may need to increase the current biennial Solid Waste/ Haz Waste Budget to \$200k.
- Expenditures are offset by approx. \$360K of biennial revenue from WM

Recommendation

- Staff recommends the City adopt the 2024 -2029 Benton County Solid Waste and Hazardous Waste Management Plan

CITY OF KENNEWICK
RESOLUTION NO. 24-_____

A RESOLUTION ADOPTING THE 2024 UPDATE TO THE BENTON
COUNTY SOLID WASTE PLAN

WHEREAS, RCW 70A.205.040 and RCW 70A.300 require counties and the cities located in each county to prepare and operate a comprehensive solid waste, recycling and hazardous waste management plan which will prevent land, air, and water pollution and conserve the natural, economic, and energy resources of this state; and

WHEREAS, the City entered into an interlocal agreement with Benton County and the cities of Richland West Richland, Prosser and Benton City to prepare and operate the Benton County Solid Waste and Hazardous Waste Management Plan. The agreement is attached hereto as **Exhibit A**; and

WHEREAS, the City's best interests are served by complying with RCW 70A.205.040 and RCW 70A.300 by participating in and adopting the Benton County Solid Waste and Hazardous Waste Management Plan; and

WHEREAS, as required by the Washington State Department of Ecology, and under the guidance of the Benton County Solid Waste Advisory Committee, Benton Count has prepared an update to the Benton County Solid Waste and Hazardous Waste Management Plan for Years 2024-2029, attached hereto on as **Exhibit B**; and

WHEREAS, the plans and programs documented in the Benton County Solid Waste and Hazardous Waste Management Plan supplement the plans and services of the City's contracted solid waste collection; and

WHEREAS, the City Council was presented the status of the plan at the Council Workshop on April 23, 2024; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON that the Benton County Solid Waste and Hazardous Waste Management Plan for Years 2024-2029 is hereby approved and adopted.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 7th day of May, 2024, and signed in authentication of its passage this 7th day of May 2024.

Attest:

GRETL J. CRAWFORD, Mayor

KRYSTAL TOWNSEND,
City Clerk

RESOLUTION NO. 24-_____ filed
and recorded in the office of the City
Clerk of the City of Kennewick
Washington, this 8th day of May, 2024

Approved as to Form:

LAURENCIO SANGUINO,
Interim City Attorney

KRYSTAL TOWNSEND,
City Clerk

**INTER-LOCAL AGREEMENT
REGARDING SOLID WASTE MANAGEMENT
BENTON COUNTY**

This Agreement addresses City-County joint participation in the countywide Solid Waste Plan and joins public agencies to exercise their powers, thereby maximizing their ability to provide services and facilities which will best fulfill the needs of the community as a whole, and is made and entered into effective date of full execution, by and between Benton County, a political subdivision of the State of Washington, hereafter referred to as the Lead Agency, and the cities of Benton City, Kennewick, Richland, Prosser, and West Richland, political subdivisions of the State of Washington, and hereafter referred to as Participating Jurisdictions. The Participating Jurisdictions and Lead Agency may be referred to herein collectively as the Parties.

I. RECITALS

WHEREAS, the parties hereto recognize the requirement to prepare and implement solid and hazardous waste plans under RCW Chapter 70.95 and RCW Chapter 70.105, and

WHEREAS, the parties have developed the Benton County Comprehensive Solid Waste Plan with public involvement; and

WHEREAS, the parties have adopted the Benton County Comprehensive Solid Waste Plan fulfilling their jurisdictional requirements under RCW Chapter 70.95 and RCW Chapter 70.105; and

WHEREAS, the parties hereto wish to enter into a cooperative effort to administer, plan, and implement the recommendations contained within the adopted Benton County Comprehensive Solid Waste Plan; and

WHEREAS, the Solid Waste Advisory Committee advises the Board of County Commissioners with respect to developing plans and policies for solid waste management in Benton County, each Participating Jurisdiction and Lead Agency recognizes that all members of the Solid Waste Advisory Committee shall have one (1) equal vote; and

WHEREAS, the Lead Agency will manage, track and provide custody for this Agreement, and

Interlocal Agreement –2023-2025
Benton County Solid Waste Management

WHEREAS, the undersigned signatories of this Agreement are duly authorized to enter into the same by properly adopted resolutions,

NOW THEREFORE, in consideration of the foregoing recitals and the mutual agreements and covenants herein contained, the parties agree as follows:

II. AGREEMENTS

A. AUTHORITIES

The parties to this Agreement have and possess, both jointly and severally, the primary responsibility for effective solid and hazardous waste management, planning and implementation under RCW Chapters 70.95 and 70.105. Under RCW Chapter 39.34, the Inter-local Cooperation Act, local governments are authorized to cooperate to provide themselves with services of the nature herein agreed to.

B. PURPOSE

This Agreement is entered into pursuant to RCW Chapter 39.34 for the purpose of cooperative management of solid waste within Benton County. It is the intent of the parties to work cooperatively in implementing and managing a comprehensive solid waste management plan pursuant of RCW Chapters 70.95 and 70.105 that is viable and economically responsible to their citizens. Specifically, this Agreement will provide for the administration, planning and operations of the adopted Benton County Comprehensive Solid Waste Management Program.

C. DEFINITIONS

For the purpose of this Agreement, the following definitions shall apply:

‘Fair Share’ - the amount owed by each of the Parties, based upon April 1 population figures for the given year supplied by the Washington State Office of Financial Management (OFM), and the corresponding population percentage applied to the Solid Waste Program Budget.

‘Solid Waste Advisory Committee’ (SWAC) - a committee, formed pursuant to RCW 70.95.165, comprised of no more than twelve (12) members representing a balance of interests, pursuant to state statutes. Said committee shall contain one representative of each of the Parties. Each Party shall nominate its representative to the SWAC to the Lead Agency, to be approved by the Board of County Commissioners. The SWAC shall review Solid Waste Program budget and activities and make recommendations to the Benton County Commissioners.

‘Lead Agency’ - Benton County, a political subdivision of the State of Washington. The Lead Agency will administer, plan, and implement the Plan and Solid Waste Program.

‘Participating Jurisdictions’ - any City who has entered into the County-wide Solid Waste Inter-Local Agreement with the Lead Agency and who has agreed to mutually support and financially contribute to the administration, planning, and implementation of the Plan.

‘Parties’ - the collective term for all Participating Jurisdictions and Lead Agency.

‘Plan’ - the Benton County Comprehensive Solid Waste Management Plan, as the same exists now or may hereafter be amended.

‘Routine Operating Agreement’ (ROA) - an agreement that is established for the purpose of accomplishing a task set forth by the Parties and is funded within the Solid Waste Program Budget.

‘Solid Waste Advisory Committee Members Bylaws’ - the bylaws the same as now exist or may hereafter be amended.

‘Solid Waste Program Budget’ - the annual Countywide Solid Waste Budget, as prepared by Benton County and accepted by the SWAC, that appropriates funds to Routine Operating Agreements and administrative functions that meet specific requirements in RCW 70.95 and/or accomplishes goals as set fourth in the Plan.

‘Task’ - a project, program, activity, etc., that is annually funded from the Solid Waste Program Budget. All tasks are approved by the SWAC as needed and shall meet the recommendations set forth in the Plan.

‘Task Manager’ is designated to lead and manage a Task per the ROA.

D. LOCAL ADOPTION OF PLAN

Under the authority of RCW 70.95.080, each Participating Jurisdiction elected to enter into this agreement with the County pursuant to those jurisdictions that participated in preparing and adopting the joint City-County Plan.

E. PLAN IMPLEMENTATION

Pursuant to RCW 70.95.080 and RCW 70.105.220, the Participating Jurisdictions and Lead Agency jointly prepared the Plan in accordance with “Guidelines for the Development of Local Solid Waste Plans and Plan Revisions” (*i.e.* Department of Ecology (WDoE) Publication No. 90-11) and will implement the Plan’s recommendations, as approved by the Department of Ecology pursuant to RCW 70.95.094.

F. BENTON COUNTY SOLID WASTE ADVISORY COMMITTEE

The Parties hereto recognize and support the SWAC as an advisory board created under authority of RCW 70.95.165. The SWAC is an ongoing advisory committee. The

Interlocal Agreement –2023-2025
Benton County Solid Waste Management

SWAC is the focal point of the public involvement effort used in the planning, development and implementation of the Plan. The SWAC also provides advice to the Parties on solid and hazardous waste issues and assists the Parties in developing solid waste ordinances, rules, guidelines, and policies prior to their adoption.

G. REGIONAL PLANNING AREA

The Parties hereto recognize the geographical planning area covered by this Agreement to be the incorporated areas of the Participating Jurisdictions and the unincorporated area of Benton County. The Hanford Nuclear Reservation is exempted from the Plan and this Inter-local Agreement.

H. ROUTINE OPERATING AGREEMENT IMPLEMENTATION

Two months prior to the biennial Solid Waste Program Budget workshop, all task managers are required to submit their ROA. As a minimum, an ROA will include: 1) Task Introduction Statement; 2) Task Scope of Work; 3) Task Responsibilities; 4) Annual Task Cost; and 5) Quality Control. Eligibility of an ROA request is based on task cost and meeting recommendations set forth in the Plan. The ROA request should include both activities undertaken by the Participating Jurisdiction submitting the ROA and any activities that the Participating Jurisdiction believes the Lead Agency should implement on a countywide basis. The SWAC shall recommend that a request be advanced to the Board of County Commissioners on a 2/3 majority of those members present.

I. SOLID WASTE PROGRAM BUDGET

The Parties agree to mutually and financially support the administration, planning, and operations of the Plan recommendations or as specified in RCW 70.95. The Lead Agency shall prepare a Solid Waste Program Budget each year for the upcoming budget year. The budget will also include Routine Operating Agreements that provide information on projects funded by the annual budget.

J. FAIR SHARE

The Parties agree to pay a Fair Share of the administration, planning and operation of the Solid Waste Program, as determined and voted-on by the SWAC and approved by the Benton County Commissioners. Said Fair Share shall be a percentage of all program costs that are not covered by Local Solid Waste Financial Aid Funds, share percentages to be updated each April of the Agreement, being based on the most recent population figures as supplied by the Washington State OFM. The Parties agree to remit their fee to the Lead Agency within sixty (60) days of receiving an invoice from the Lead Agency. The Lead Agency's fair share shall be based on the population for the unincorporated areas of the County.

K. DISBURSEMENT OF ASSETS AND DEBTS

If this Agreement is terminated, all Parties to this Agreement shall determine the disbursement of any outstanding debts and the allocation of any assets. If the Parties cannot agree to the disbursement of any outstanding debts and the allocation of any assets, the issues are to be submitted for arbitration, pursuant to state law, RCW 7.04 *et seq.* The Lead Agency and the contesting jurisdiction agree that such arbitration shall be conducted before one (1) disinterested arbitrator.

L. DURATION

This Agreement shall commence on the date set forth above and will continue in effect to December 31, 2025, or until superseded by another Interlocal Agreement. As stipulated within RCW 70.95.110(1), each Plan shall be maintained in a current condition and reviewed and revised periodically as may be required by the WDoE. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty (20) years in the future, and a revised implementation schedule and implementation budget for six (6) years in the future.

M. REVIEW AND RENEGOTIATION

Any Party may request a review and/or renegotiations on any provision of the Agreement during the six-month period immediately preceding the ending date for the Agreement. Such request must be made in writing to the Lead Agency and must specify the provision(s) of the Agreement for which review/renegotiation(s) are requested. Review and/or renegotiation(s) pursuant to such a written request shall be immediately referred to the SWAC for their review and recommendation. Notwithstanding any other provisions in this paragraph to the contrary, the Parties may, pursuant to the procedure outlined within the Solid Waste Advisory Committee Members Bylaws, modify or amend any provision(s) of this Agreement at any time during the term of this Agreement.

N. TERMINATION

This Agreement may be terminated by any Party, by written notice to the other Parties no less than thirty (30) days immediately preceding the implementation date of the next Solid Waste Program Budget. The Parties agree: (1) that the termination will not absolve a terminating Party of any financial responsibility to the extent a financial responsibility continues to exist pursuant to the provisions of this Agreement; and (2) that prior to termination, the terminating Party shall submit to the SWAC how it intends on meeting its planning obligation under RCW 70.95.080.

O. WAIVER

No waiver by any of the Parties 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.

Interlocal Agreement –2023-2025
Benton County Solid Waste Management

P. ENTIRE AGREEMENT

This Agreement, including the recitals and all subsequent attachments and addendums, constitutes the entire Agreement between the Parties and shall be governed by the laws of the State of Washington. There are no other oral or written agreements or understanding between the Parties as to the subject matter contained herein. The venue for any action of law, suit in equity and judicial proceeding for the enforcement of this Agreement shall be instituted and maintained only in the courts of competent jurisdiction in Benton County, Washington.

Q. SEVERABILITY

Any provisions of this Agreement that is determined to be illegal, invalid, or unenforceable for any reason shall be ineffective to the extent of such prohibition without invalidating the remainder of this Agreement.

[Signature Pages to Follow]

FOR THE CITY OF BENTON CITY, WASHINGTON.



Linda Lehman, Mayor

10/17/23

Date

Attest:

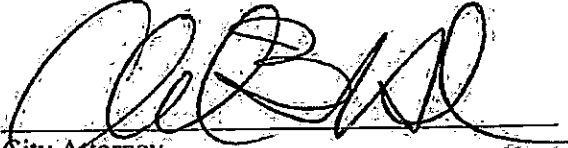


City Clerk/Treasurer

10/17/23

Date

Approved as to Form:

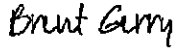


City Attorney

October 17, 2023

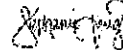
Date

FOR THE CITY OF WEST RICHLAND, WASHINGTON.

DocuSigned by:

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Brent Gerry, City Mayor

Oct 6, 2023 | 9:20 AM PDT
Date

Attest:

DocuSigned by:

042250B347C94A8...
City Clerk

Oct 9, 2023 | 5:21 AM PDT
Date

Approved as to Form:

DocuSigned by:

E7E36DEE5A42483...
City Attorney

Oct 6, 2023 | 10:49 AM PDT
Date

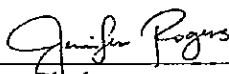
FOR THE CITY OF RICHLAND, WASHINGTON.



Jon Amundson, City Manager

October 5, 2023
Date

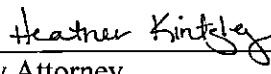
Attest:



City Clerk

October 5, 2023
Date

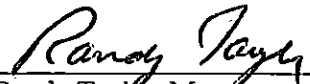
Approved as to Form:



City Attorney

October 5, 2023
Date

FOR THE CITY OF PROSSER, WASHINGTON.

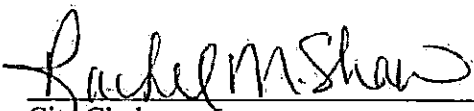


Randy Taylor, Mayor

9/12/2023

Date

Attest:

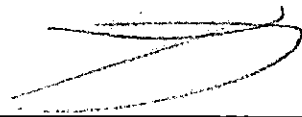


City Clerk

9/12/2023

Date

Approved as to Form:



City Attorney

9/12/2023

Date

FOR BENTON COUNTY, WASHINGTON.



Will McKay, Chairman
Board of County Commissioners

11/14/2023
Date

Attest:



Clerk of the Board

11/14/2023
Date

Approved as to Form:

DocuSigned by:


D9A9308B67BB475...
LeeAnn Holt, Deputy Prosecuting Attorney

10/30/2023
Date

FOR THE CITY OF KENNEWICK, WASHINGTON.

DocuSigned by:
Marie E. Mosley
219EC87A54DE44F...
Marie E. Mosley, City Manager

Oct 5, 2023 | 2:11 PM PDT

Date

Attest:

DocuSigned by:
Terri L. Wright
2B8A557A10E64E7...
City Clerk

Oct 5, 2023 | 2:11 PM PDT

Date

Approved as to Form:

DocuSigned by:
Lisa Beaton
F74662BEE05B498...
City Attorney

Oct 5, 2023 | 9:52 AM PDT

Date

RESOLUTION 2023 0772

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY WASHINGTON:

IN THE MATTER OF ENTERING INTO AN INTERLOCAL AGENCY AGREEMENT BETWEEN BENTON COUNTY AND THE CITIES OF BENTON CITY, KENNEWICK, PROSSER, RICHLAND, AND WEST RICHLAND REGARDING THE LOCAL MATCH OF THE 2023-2025 LOCAL SOLID WASTE FINANCIAL ASSISTANCE AGREEMENT WITH THE DEPARTMENT OF ECOLOGY

WHEREAS, Benton County accepted a solid waste management local solid waste financial assistance agreement from the Washington State Department of Ecology (Grant No. SWMLSWFA-2023-BeCoSW-00141, Resolution 2023-598); and

WHEREAS, the grant requires a twenty-five percent (25%) match from the local agency amounting to \$170,680.17; and

WHEREAS, an interlocal agency agreement with the municipalities within Benton County has been prepared for the purpose of dividing the local match proportionately based on population, which is estimated to permit Benton County to recover approximately \$140,896.48; and

WHEREAS, the agreement has been approved to form by the Benton County Prosecuting Attorney's Office and the respective agencies have all approved and signed said agreement; **NOW THEREFORE**,

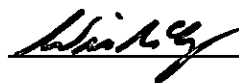
BE IT RESOLVED that the Board of Benton County Commissioners hereby approves the interlocal agency agreement between Benton County and the cities of Benton City, Kennewick, Prosser, Richland and West Richland regarding recovery of approximately \$140,896.48 of the local match for the 2023-2025 Washington State Solid Waste Management Local Solid Waste Financial Assistance Agreement, said agreement beginning on execution and expiring December 31, 2025; and

BE IT FURTHER RESOLVED that the Chairman or Chairman Pro-Tem of the Board of County Commissioners be, and hereby is, authorized to sign said agreement on behalf of the board.

Dated this 14th day of Nov. 2023.

Attest:


Clerk of the Board



Chairman

Jerome Delvin
Approved Telephonically

Chairman Pro-Tem

Michael Alvarez
Approved Telephonically

Commissioner

Constituting the Board of County
Commissioners of Benton County, Washington



Benton County Solid Waste and Hazardous Waste Management Plan For Years 2024–2029

Benton County, Washington

November 2023



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Benton County Solid Waste and Hazardous Waste Management Plan For Years 2024–2029

November 2023

Prepared by:

HDR, Inc.
600 University Street
Suite 500
Seattle, WA 98101-4132

ACKNOWLEDGMENTS

The Benton County Department of Public Works acknowledges the valuable contribution of the following organizations for their assistance in the development of this Plan:

Benton County Solid Waste Advisory Committee Members

Washington State Department of Ecology Staff

Benton-Franklin Health District Staff

Benton County Public Works Staff

Benton County residents and businesses also contributed to this Plan through comments provided during public meetings and through various other channels. The Board of County Commissioners and Benton County Public Works gratefully acknowledge this input.





Table of Contents

Executive Summary	xi
1.0 Background	1-1
1.1 Introduction	1-1
1.2 Purpose	1-1
1.3 Goals and Objectives	1-1
1.4 Participants in the Planning Process	1-3
1.5 Planning Area	1-3
1.6 Planning Authority	1-5
1.7 Plan Development Process	1-5
1.8 Status of Previous Plans	1-6
1.9 Relationship to Other Plans	1-6
1.9.1 The State Solid and Hazardous Waste Plan – Moving Washington Beyond Waste and Toxics	1-6
1.9.2 Benton County Growth Management Comprehensive Plan	1-6
1.9.3 City of Richland Solid Waste Management Plan	1-7
1.10 Required Plan Elements	1-7
1.11 Regulatory Overview	1-8
1.11.1 Solid Waste Handling Standards	1-8
1.11.2 Hazardous Waste Management Act	1-9
1.11.3 Relevant Oregon Solid Waste Regulations	1-9
1.12 Summary of Changes in Solid Waste Regulation and Policy Since 2013	1-10
1.12.1 Mercury-Containing Lights Product Stewardship Program	1-10
1.12.2 Revenue-Sharing Agreements	1-10
1.12.3 County Comprehensive Solid Waste Management Plan	1-11
1.12.4 Develop and Establish Objectives and Strategies for the Reuse and Recycling of Construction Aggregate and Recycled Concrete Materials	1-11
1.12.5 Quarantine – Agricultural Pests	1-11
1.12.6 Local Solid Waste Financial Assistance	1-12
1.12.7 Secure Drug Take-Back	1-12
1.12.8 Sustainable Recycling	1-12
1.12.9 Food Waste	1-12
1.12.10 Paint Stewardship	1-12
1.12.11 Product Design Labeling	1-13
1.12.12 Plastic Package Stewardship	1-13
1.12.13 Reducing Pollution from Plastic Bags	1-13
1.12.14 Organics Management Law	1-13
2.0 Waste Stream	2-1
2.1 Introduction	2-1
2.2 Waste Stream and Population Projections	2-1
2.2.1 Population and Waste Generation Rates	2-1

2.2.2	Recycling Data	2-3
2.2.3	Composition of Disposed Municipal Solid Waste.....	2-5
3.0	Solid Waste Collection	3-1
3.1	Introduction.....	3-1
3.2	Background	3-1
3.2.1	Legal Authority	3-1
3.2.2	Incorporated Areas.....	3-1
3.2.3	Unincorporated Areas	3-2
3.3	Existing Conditions.....	3-4
3.3.1	Waste Collection Programs.....	3-4
3.4	Status of Previous Recommendations	3-5
3.5	Alternatives and Evaluations	3-5
3.5.1	Alternatives.....	3-5
3.6	Recommended Actions	3-5
4.0	Waste Transfer and Disposal	4-1
4.1	Introduction.....	4-1
4.2	Background	4-1
4.2.1	State Legislation and Regulations.....	4-1
4.3	Existing Conditions.....	4-1
4.3.1	Transfer Stations and Drop-Box Sites.....	4-3
4.3.2	Landfills	4-4
4.4	Waste Import and Export.....	4-5
4.4.1	Waste Import.....	4-5
4.4.2	Waste Export.....	4-5
4.5	Status of Previous Recommendations	4-6
4.6	Alternatives and Evaluations	4-6
4.6.1	Transfer Station and Drop-Box Facilities	4-6
4.6.2	Landfill Facilities	4-7
4.7	Recommended Actions.....	4-7
5.0	Waste Reduction, Recycling, and Education and Outreach	5-1
5.1	Background	5-1
5.1.1	Waste Reduction and Recycling	5-1
5.1.2	CROP	5-2
5.1.3	Climate Action	5-3
5.2	Existing Program Elements	5-3
5.2.1	Recycling Services	5-4
5.2.2	Waste Reduction and Reuse	5-5
5.2.3	Public Education.....	5-5
5.2.4	Designation of Recyclable Materials	5-6
5.2.5	Urban and Rural Area Residential Recycling.....	5-8
5.2.6	Commercial Recycling.....	5-8
5.2.7	Public Event Recycling.....	5-8



5.2.8	Incentives for Recycling	5-9
5.2.9	Monitoring and Evaluation	5-9
5.2.10	Processing Facilities.....	5-9
5.2.11	Markets.....	5-9
5.2.12	Market Overview.....	5-9
5.2.13	Addressing Recyclables Key Contaminants	5-11
5.3	Status of Previous Recommendations	5-12
5.4	Alternatives and Evaluations	5-12
5.4.1	Refresh Educational Materials and Seek to Harmonize Messaging	5-12
5.4.2	Conduct New Waste Prevention Campaigns	5-14
5.4.3	Facilitate Business Material Exchanges.....	5-15
5.4.4	Promote Existing Reuse Programs	5-15
5.4.5	Recycling Contamination Reduction Campaigns	5-15
5.4.6	Expand Business Technical Assistance.....	5-15
5.4.7	Offer School Technical Assistance	5-16
5.4.8	Establish a Waste Diversion Goal	5-17
5.4.9	Recycling Rates by Material	5-17
5.4.10	Recycling Program Costs and Affordability	5-17
5.4.11	Sham Recycling	5-17
5.4.12	Glass Recycling.....	5-17
5.4.13	Provide Support for Recycling at Public Events	5-18
5.4.14	Require New Buildings to Provide Adequate Space and Facilities for Recycling Storage and Collection	5-18
5.4.15	Adopt Mandatory Recycling for Readily Recyclable Materials.....	5-18
5.4.16	Implement and Continue Pay-As-You-Throw Pricing for Garbage	5-18
5.5	Recommended Actions	5-18
6.0	Organics	6-1
6.1	Introduction	6-1
6.2	Background	6-1
6.2.1	Organics Regulations and Guidance	6-1
6.2.2	Washington State Department of Agriculture Regulations.....	6-2
6.3	Existing Conditions	6-3
6.3.1	Yard Debris Collection Programs.....	6-3
6.3.2	Home Composting.....	6-3
6.3.3	Compost Facilities	6-3
6.3.4	Compost Procurement Ordinances	6-3
6.3.5	Organic Material Generation	6-4
6.3.6	Christmas Tree Collection Program	6-4
6.4	Status Of Previous Recommendations	6-4
6.5	Alternatives and Evaluations	6-4
6.5.1	Organics Education	6-4

6.5.2	Evaluate Implementation of Curbside Recycling Services for Yard Waste and Food Waste	6-4
6.5.3	Food Waste	6-5
6.6	Recommended Actions	6-5
7.0	Miscellaneous Wastes.....	7-1
7.1	Introduction.....	7-1
7.2	Background	7-1
7.3	Agricultural Waste	7-2
7.3.1	Regulations and Guidelines	7-2
7.3.2	Current Practice	7-2
7.3.3	Planning Issues	7-2
7.4	Animal Carcasses	7-2
7.4.1	Regulations and Guidelines	7-2
7.4.2	Current Practice	7-3
7.4.3	Planning Issues	7-3
7.5	Appliances/White Goods	7-3
7.5.1	Regulations and Guidelines	7-3
7.5.2	Current Practice	7-3
7.5.3	Planning Issues	7-4
7.6	Asbestos.....	7-4
7.6.1	Regulations and Guidelines	7-4
7.6.2	Current Practice	7-4
7.6.3	Planning Issues	7-4
7.7	Biomedical/Infectious Waste	7-4
7.7.1	Regulations and Guidelines	7-4
7.7.2	Current Practice	7-5
7.7.3	Planning Issues	7-5
7.8	Carpet and Padding	7-5
7.8.1	Regulations and Guidelines	7-6
7.8.2	Current Practice	7-6
7.8.3	Planning Issues	7-6
7.9	Construction and Demolition Debris.....	7-6
7.9.1	Regulations and Guidelines	7-6
7.9.2	Current Practice	7-7
7.9.3	Planning Issues	7-7
7.10	Disaster Debris Management.....	7-7
7.10.1	Regulations and Guidelines	7-7
7.10.2	Current Practice	7-8
7.10.3	Planning Issues	7-9
7.11	Electronic Waste	7-10
7.11.1	Regulations and Guidelines	7-10
7.11.2	Current Practice	7-10



7.11.3	Planning Issues	7-10
7.12	Junk Vehicles	7-10
7.12.1	Regulations and Guidelines	7-10
7.12.2	Current Practice	7-10
7.12.3	Planning Issues	7-10
7.13	Litter and Illegal Dumping.....	7-11
7.13.1	Regulations and Guidelines	7-11
7.13.2	Current Practice	7-11
7.13.3	Litter.....	7-11
7.13.4	Illegal Dumping.....	7-11
7.13.5	Planning Issues	7-11
7.14	Mattresses	7-12
7.14.1	Regulations and Guidelines	7-12
7.14.2	Current Practice	7-12
7.14.3	Planning Issues	7-12
7.15	Petroleum-Contaminated Soils	7-12
7.15.1	Regulations and Guidelines	7-12
7.15.2	Current Practice	7-12
7.15.3	Planning Issues	7-12
7.16	Pharmaceuticals.....	7-12
7.16.1	Regulations and Guidelines	7-13
7.16.2	Current Practice	7-13
7.16.3	Planning Issues	7-13
7.17	Street Sweepings/Vactor Waste	7-13
7.17.1	Regulations and Guidelines	7-13
7.17.2	Current Practice	7-14
7.17.3	Planning Issues	7-14
7.18	Tires.....	7-14
7.18.1	Regulations and Guidelines	7-14
7.18.2	Current Practice	7-14
7.18.3	Planning Issues	7-14
7.19	Needs and Opportunities.....	7-14
7.20	Alternatives and Evaluations	7-14
7.20.1	General Alternatives.....	7-14
7.20.2	Construction and Demolition Debris Alternatives.....	7-15
7.20.3	Disaster Debris Management Alternatives.....	7-16
7.21	Recommended Actions	7-16
8.0	Moderate-Risk Waste.....	8-1
8.1	Introduction.....	8-1
8.2	Background	8-1
8.2.1	Definitions.....	8-1
8.2.2	Regulations and Guidance	8-3

8.2.3	Benton County MRW Facility	8-5
8.3	Moderate-Risk Waste Generation	8-6
8.3.1	Hazardous Waste Inventory	8-6
8.3.2	Inventory of Moderate-Risk Waste Generators	8-7
8.4	Existing Conditions	8-7
8.4.1	Current Moderate-Risk Waste and Oil Programs	8-7
8.5	Status of Previous Recommendations	8-9
8.6	Alternatives and Evaluations	8-9
8.6.1	Public Education	8-9
8.6.2	Business Technical Assistance	8-9
8.6.3	Household Collection	8-10
8.6.4	Business Collection	8-10
8.6.5	Compliance and Enforcement	8-10
8.6.6	Moderate-Risk Waste Plan Preparation	8-10
8.7	Recommended Actions	8-10
9.0	Energy Recovery	9-1
9.1	Introduction	9-1
9.2	Background	9-1
9.3	Existing Conditions	9-1
9.4	Status of Previous Recommendations	9-2
9.5	Alternatives and Evaluations	9-2
9.5.1	Energy Recovery Needs	9-2
9.6	Recommended Actions	9-3
10.0	Administration, Financing, and Enforcement	10-1
10.1	Introduction	10-1
10.2	Background	10-1
10.3	Existing Conditions	10-1
10.3.1	Benton County Public Works Department - Solid Waste Division	10-1
10.3.2	Benton County Solid Waste Advisory Committee	10-3
10.3.3	Incorporated Cities	10-3
10.3.4	Benton Franklin Health District	10-4
10.3.5	Washington State Department of Ecology	10-5
10.3.6	Washington Utilities and Transportation Commission	10-5
10.3.7	United States Environmental Protection Agency	10-6
10.4	Status of Previous Recommendations	10-6
10.5	Alternatives and Evaluations	10-6
10.5.1	Long-Term Funding Needs	10-6
10.5.2	Collection and Disposal Districts	10-8
10.5.3	Staffing	10-9
10.5.4	Permit Review	10-9
10.6	Recommended Actions	10-9
11.0	Implementation Plan	11-1



11.1 Recommended Strategies, Implementation Schedule, and Budget	11-1
11.2 State Environmental Policy Act	11-6
11.3 Twenty-Year Implementation Program	11-6
11.4 Draft Plan Review.....	11-7
11.5 Procedures for Amending the Plan	11-7

List of Tables

Table 1-1. Benton County Solid Waste Advisory Committee	1-3
Table 2-1. Benton County Population Estimates	2-1
Table 2-2. Current Waste Generation Rate (2018).....	2-2
Table 2-3. Projected Waste Quantities	2-3
Table 2-4. Recycled and Diverted Materials (2018)	2-4
Table 2-5. Benton County Waste Stream Composition (2018).....	2-5
Table 3-1. Solid Waste Collection Data (December 2022)	3-4
Table 4-1. Transfer Station Tipping Fees (2022)	4-3
Table 5-1. Recycling Operations in Benton County (2022)	5-4
Table 5-2. List of Designated Recyclable Materials.....	5-7
Table 5-3. Markets for Recyclable Materials (as of December 2022)	5-11
Table 7-1. Miscellaneous Wastes	7-1
Table 7-2. Potential Disasters and Resultant Debris	7-8
Table 8-1. Hazardous Household Substances List.....	8-1
Table 8-2. MRW Collection Event Quantities Shipped (in pounds)	8-8
Table 10-1. Benton County Solid Waste Financial Information	10-3
Table 10-2. Benton County Solid Waste Financial Information	10-7
Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget.....	11-1

List of Figures

Figure 1-1. Benton County Solid Waste Planning Area.....	1-4
Figure 2-1. 2015–2016 Central Washington Region Waste Composition Study.....	2-5
Figure 3-1. WUTC Solid Waste Certificated Collection Areas	3-3
Figure 4-1. Benton County Solid Waste Facilities	4-2
Figure 4-2. WM Kennewick Transfer Station	4-3
Figure 4-3. City of Richland Horn Rapids Landfill.....	4-4
Figure 5-1. EPA Waste Hierarchy.....	5-1
Figure 8-1. Benton County MRW Facility.....	8-6
Figure 9-1. City of Spokane Waste-to-Energy Plant.....	9-1
Figure 10-1. Benton County Public Works Department - Solid Waste Organizational Structure	10-2

List of Appendices

Appendix A: Executed Solid Waste Interlocal Agreements

Appendix B: Resolutions of Adoption for this Plan

Appendix C: Information on the SWAC

Appendix D: Status of 2013 Plan Recommendations

Appendix E: SEPA Checklist

Appendix F: WUTC Cost Assessment

Appendix G: Determination of Non-significance

Appendix H: Comments and Responses on the Draft Plan



Acronyms and Abbreviations

BDI	Basin Disposal, Inc.
BSE	Bovine Spongiform Encephalopathy
C&D	construction and demolition
CFCs	chlorofluorocarbons
Commerce	Washington Department of Commerce
County	Benton County
CPG	Coordinated Prevention Grant
CROP	Contamination Reduction and Outreach Plan
DDMP	disaster debris management plan
Ecology	Washington State Department of Ecology
EIS	Environmental Impact Statement
EMP	Emergency Management Plan
EPA	United States Environmental Protection Agency
EPR	extended producer responsibility
ESHB	Engrossed Substitute House Bill
FEMA	Federal Emergency Management Agency
H5N1	Highly Pathogenic Asian Avian Influenza A
HB	House Bill
HDPE	high-density polyethylene
HDR	HDR Engineering, Inc.
Health District	Benton-Franklin Health District
HHW	household hazardous waste
LSWFA	Local Solid Waste Financial Assistance
MRW	moderate risk waste
MSW	municipal solid waste
MTCA	Model Toxics Control Act
MW	megawatts
OFM	Washington Office of Financial Management
ORS	Oregon Revised Statute
PCS	petroleum-contaminated soils
PET	polyethylene terephthalate
Plan	Benton County Solid Waste and Moderate Risk Waste Management Plan
RCRA	Resource Conservation and Recovery Act
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act

SHB	Substitute House Bill
SQG	Small-Quantity Generator
SWAC	Solid Waste Advisory Committee
TPY	tons per year
UGA	Urban Growth Area
WAC	Washington Administrative Code
WM	Waste Management of Washington, Inc.
WSDA	Washington State Department of Agriculture
WUTC	Washington Utilities and Transportation Commission



Executive Summary

This Solid Waste Management Plan (Plan) recommends strategies to manage solid waste generated in Benton County over the next 6 to 20 years as required by the Revised Code of Washington (RCW) 70A.205. This Plan will guide the actions of Benton County and the participating cities of Benton City, Kennewick, Prosser, Richland and West Richland and Waste Management and Basin Disposal, Inc. that provide curbside collection and processing and municipal solid waste and recyclable materials. It is the collaborative effort of participating cities' and industry representatives, thought leaders and subject matter experts in the solid waste field, and incorporates a balanced approach to solid waste management in Benton County.

The overriding mission statement for the Plan is:

"Benton County and the participating jurisdictions provide citizens with efficient, reliable, and affordable solid waste collection, handling, recycling and disposal services in order to improve the quality of life while protecting and preserving human health, environmental quality and natural resources."

To further this mission, the Plan proposes a comprehensive set of recommended strategies for implementation over the six-year planning period. Highlights include:

Staffing – The Plan recommends adequate staffing be maintained to implement programs and educational outreach initiatives through a cooperative effort with the County, cities and towns, waste haulers and other stakeholders. Staffing priorities are critical to the operations of the new Household Hazardous Waste Facility operations and implementation and compliance with regulatory requirements related to organics management reduction of contaminants in the recycling waste stream.

Waste Reduction and Recycling – Waste prevention, reduction and recycling are continuing priorities for this Plan. Promoting a variety of education and outreach initiatives, while dealing with changing recycling markets, will continue to be a priority through harmonization of programs and working cooperatively with jurisdictional and private partners.

System Enhancements – Modernization of curbside recycling programs to carted services that increase worker safety while diverting materials from disposal is a vital component to this Plan. Increasing marketable recyclable materials collected at the curb will provide a long-term benefit to the community through extended landfill life.

Long-range planning is essential to achieving a cost-effective and environmentally sound integrated solid waste system. To this end, this Plan facilitates a cooperative effort between partners and provides a framework for infrastructure planning, short-term and long-term management of solid waste and recyclables, policy making and funding for the system. The summary of recommendations and implementation costs can be found in Chapter 11 – Implementation Plan.

This Plan is intended to be a “living document” to be revisited on a regular basis to evaluate progress, reassess initiatives and implementation plans, and consider potential updates to the Plan in response to emerging data and information and future conditions.





CHAPTER 1.0 BACKGROUND

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1.0 Background

This section provides general information regarding the *Benton County Solid Waste and Moderate Risk Waste Management Plan* (Plan), its development, and its relationship to other state and local documents.

1.1 Introduction

This Plan recommends strategies to manage solid waste and moderate risk waste (MRW) generated in Benton County, Washington (County). Solid waste handling includes management, storage, collection, diversion, transportation, treatment, use, processing, and final disposal. This Plan includes recommendations for municipal solid waste (MSW), MRW, waste reductions, recycling and education, diversion, construction and demolition (C&D) debris, and special wastes.

1.2 Purpose

Washington State law assigns primary responsibility for managing MSW and MRW to local governments. Revised Code of Washington (RCW) 70A.205 requires local governments to maintain current solid waste management plans. RCW 70A.300 requires local governments to develop plans for managing hazardous waste, which in this Plan is covered in Chapter 8.0 – Moderate-Risk Waste.

The purpose of this Plan is to develop recommended waste management strategies for the period 2023 through 2029. The Plan also looks forward to confirmation that sufficient processing and disposal options are anticipated to be available to the County for at least the next 20 years, or through year 2043.

Local plans must be complete and in good standing to receive grant monies from the Washington State Department of Ecology (Ecology) Local Solid Waste Financial Assistance (LSWFA), which is a funding source for non-disposal-related programs and activities.

1.3 Goals and Objectives

The mission statement for this Plan is as follows:

Benton County and the participating jurisdictions provide citizens with efficient, reliable, and affordable solid waste collection, handling, recycling and disposal services in order to improve the quality of life while protecting and preserving human health, environmental quality, and natural resources.

For each element of the Plan, goals were developed. An assessment of existing conditions relative to each element was made, and then an identification of needs and opportunities followed. An evaluation of the alternatives was then performed, and recommendations for specific programs, policies, or actions were selected and adopted.

In summary, the goals for the Plan are as follows outlined below.

Infrastructure and System

- Manage wastes in a cost-effective manner that promotes, in order of priority, waste reduction, reuse, and recycling.
- Enhance and improve overall efficiency of waste and recyclables collection and transfer.
- Encourage and expand coordination and communication regarding waste collection, recycling, and disposal among all jurisdictions, agencies, and private firms in Benton County.
- Ensure that collection infrastructure is flexible and adaptable to changing recycling and waste diversion practices.
- Ensure that wastes are properly managed and facilities are operated in full compliance with appropriate rules and regulations.
- Establish guidelines and strategies for management of specific waste streams.

Economic Sustainability

- Manage waste as a resource to increase local job opportunities and support economic development.
- Consider environmental impacts to climate, air, water, and land that are associated with waste generation, transportation, handling, recycling, and disposal.
- In the County, edible food is eaten, and inedible food is composted or processed into other value-added products.

Education

- Reinvigorate the public education and outreach programs throughout the County.
- Encourage people and businesses to make responsible choices about what they produce and consume, and what they generate as waste.
- Encourage public/private partnerships for waste reduction and recycling programs.

Outside Influences

- Support changes to federal and state regulations and policies that support economically sustainable recycling opportunities and waste diversion.
- Manage waste in a manner that promotes Washington State's waste management priorities presented in Ecology's *Moving Washington Beyond Waste and Toxics* document.
- Comply with federal, state, and local solid waste and MRW regulations.
- Promote and support life-cycle product stewardship and industry advancements in packaging standards that lead to less waste generation.



1.4 Participants in the Planning Process

This document was developed with the guidance of the Benton County Solid Waste Advisory Committee (SWAC), whose participation is gratefully acknowledged. Committee members and their affiliations are shown in Table 1-1.

Table 1-1. Benton County Solid Waste Advisory Committee	
Member	Affiliation
Will McKay Matt Mahoney (Alternate)	Benton County
Jessica Wadsworth David Sandretto (Alternate)	City of Benton City
Chuck Torelli Jim Millbauer (Alternate)	City of Kennewick
Don Aubrey	City of Prosser
Theresa Richardson	City of Richland
Richard Bloom	City of West Richland
Darrick Dietrich Rebecca Francik (Alternate)	Basin Disposal
Jeff Barcenas Tami Yager (Alternate)	Waste Management
Khris Olsen	Public Citizen

1.5 Planning Area

The planning area (see Figure 1-1) includes the incorporated and unincorporated areas of the County. This includes the cities and towns of Benton City, Kennewick, Prosser, Richland, and West Richland, with only the Hanford site area excluded.



Figure 1-1. Benton County Solid Waste Planning Area

1.6 Planning Authority

This Plan is intended to satisfy the participating jurisdictions' responsibilities for maintaining a current solid waste management plan in accordance with RCW 70A.205 and to provide a local hazardous waste management plan in accordance with RCW 70A.300.

Cities and counties share the responsibility for developing and maintaining a local solid waste management plan. RCW 70A.205 provides cities with three alternatives for satisfying their planning responsibilities:

- Prepare and deliver to the County auditor a city solid waste management plan for integration into the County solid waste plan;
- Enter into an agreement with the County to prepare a joint city-County plan; or
- Authorize the County to prepare a plan for the city for inclusion in the County plan.

The incorporated communities of Benton City, Kennewick, Prosser, Richland, and West Richland executed interlocal agreements with the County regarding solid waste management. The agreements authorize the County to prepare a countywide solid waste management plan that includes each of these cities and towns. Participating cities and towns have both the opportunity and responsibility to participate in plan development, review, and comment on the draft plan and to adopt the final plan.

Executed Solid Waste Interlocal Agreements can be found in Appendix A. Resolutions of Adoption for this Plan can be found in Appendix B.

1.7 Plan Development Process

The County began the Plan update process in 2018. Due to the COVID-19 pandemic, the update process was impacted with a final draft Plan being submitted in 2020. The County chose to move forward with a new Plan update process due to regulatory, staffing, and operational changes that have occurred since the previous process was undertaken.

This Plan was developed over a period of approximately 9 months. The process began in August 2022 with the contract execution for HDR Engineering, Inc. (HDR), as the team that would assist with starting the update process. During the 9 months, technical research, analysis, and recommendations were prepared by HDR and the County staff and discussed with the Benton-Franklin Health District (Health District), the SWAC, stakeholders, interested members of the public, and interest groups. This participatory, interactive process was undertaken in order to prepare and build support for the Plan.

The public participation process was largely focused on the SWAC. The Board of County Commissioners appointed SWAC members. Members are selected to represent a balance of interests including citizens, public interest groups, businesses, the waste management industry, local elected public officials, and the agricultural industry. The SWAC provides guidance to the Benton County Public Works Department in the development of programs and policies concerning solid waste handling and disposal.

The SWAC reviews and comments on rules, policies, resolutions, and ordinances before they are proposed for adoption. SWAC meetings are open to the public, and meeting notices are published beforehand. For additional information on the SWAC, please refer to Appendix C.

The anticipation is that the Plan will be adopted by each participating city or town and by the Board of County Commissioners in meetings open to the public.

1.8 Status of Previous Plans

This Plan supersedes previous solid waste management plans including the *2013 Benton County Solid Waste and Moderate Risk Waste Management Plan* (2013 Plan). The status of the 2013 Plan recommendations can be found in Appendix D.

1.9 Relationship to Other Plans

This section provides information on how this Plan is related to other state and local documents.

1.9.1 The State Solid and Hazardous Waste Plan – Moving Washington Beyond Waste and Toxics

Ecology released a waste and toxics reduction plan in June 2015. *Moving Washington Beyond Waste and Toxics* focuses on reducing waste and toxics by adopting a sustainable materials management approach, which is also used by the United States Environmental Protection Agency (EPA). This approach looks at the full life cycle of materials from design and manufacturing, through use, to disposal or recycling. The EPA believes a sustainable materials management approach can help identify more sustainable ways to produce products that are less impactful to the environment.

Moving Washington Beyond Waste and Toxics' vision is as follows: "We can transition to a society where waste is viewed as inefficient, and where most wastes and toxic substances have been eliminated. This will contribute to economic, social and environmental vitality." The following four priorities are included in *Moving Washington Beyond Waste and Toxics*:

- Increase our focus on manufacturing and use phases, not just on end-of-life issues;
- Reduce toxic threats in products and industrial processes;
- Increase efficiency of recycling (including organic processing) systems and maximize effectiveness of existing solid and hazardous waste infrastructure; and
- Mitigate climate change through waste reduction, reuse, and recycling.

1.9.2 Benton County Growth Management Comprehensive Plan

The County has been experiencing unprecedented population and economic growth from the Department of Energy and the Hanford site, the construction and operation of nuclear power plants, and food-processing for the agricultural community. RCW 36.70A.040 provides counties with planning requirements as required under the Growth Management

Act. The County, in 2017, adopted the *Benton County Comprehensive Land Use Plan* under this authority and the Planning Commission Act (RCW 35.63), which provides for the procedures to be followed in guiding and regulating the physical development of the County. The *Comprehensive Land Use Plan* guides the growth of unincorporated Benton County (areas outside of the cities). It details policies and goals for zoning and development regulations, and addresses requirements of Washington State's Growth Management Act. It includes specific guidelines for the unincorporated areas of the County as well as for the Urban Growth Areas (UGAs) of the cities of Richland, Kennewick, Prosser, West Richland, and Benton City.

1.9.3 City of Richland Solid Waste Management Plan

In August 2011, the City of Richland chose to adopt their own solid waste management plan to develop their collection system and improve their landfill. The *City of Richland Solid Waste Management Plan* is incorporated by reference into this Plan and is not intended to replace the City's commitment to this Plan and Interlocal Agreement. The *City of Richland Solid Waste Management Plan* can be found at: <https://www.ci.richland.wa.us/departments/public-works/management-plans>

The City's plan serves as a guide to Richland's solid waste management approach over the planning period of 20 years, with recommendations that include the following:

- Enhance existing waste and recycling programs for commercial customers.
- Conduct curbside collection of food waste by commercial sector.
- Expand Horn Rapids Landfill.
- Expand diversion of C&D materials at Horn Rapids Landfill as markets allow.
- Support diversion of wood waste at transfer station and landfill.
- Encourage and support research and development of alternative energy industries and development of new recycling technologies.
- Promote programs and provide incentives that encourage and support waste reduction, reuse, and recycling.

1.10 Required Plan Elements

This Plan is intended to meet or exceed applicable requirements set by Washington State. RCW 70A.205 establishes requirements for local solid waste management plans. Local plans are required to include the following elements:

- An inventory and description of solid waste handling facilities, including any deficiencies in meeting current needs;
- The projected 20-year needs for solid waste handling facilities;
- A program for the development of solid waste handling facilities that meets applicable laws and regulations, takes into account the comprehensive land use plans of participating jurisdictions, and contains a 6-year construction and capital

acquisition program and a plan for financing both capital costs and operational expenditures;

- A program for surveillance and control (to avoid or mitigate the negative impacts of improper waste handling);
- An inventory and description of solid waste collection operations and needs within each jurisdiction, including state collection certificate holders and municipal operations;
- A comprehensive waste reduction and recycling element;
- An assessment of the Plan's impact on the costs of solid waste collection; and
- A review of potential areas that meet state criteria for land disposal facilities.

RCW 70A.300 establishes the required elements for local hazardous waste management plans identified below:

- A plan or program to manage MRW including an assessment of the quantities, types, generators, and fate of MRW in the jurisdiction;
- A plan or program to provide for ongoing public involvement and education, including the potential hazards to human health and the environment resulting from improper use and disposal of the waste;
- An inventory of existing generators of hazardous waste and facilities managing hazardous waste within the jurisdiction;
- A description of the public involvement process used in developing the plan; and
- A description of the eligible zone designations in accordance with RCW 70A.300.225.

1.11 Regulatory Overview

The statutes and regulations that govern solid waste handling are summarized briefly below.

1.11.1 Solid Waste Handling Standards

A rule governing solid waste facilities and handling practices, Washington Administrative Code (WAC) 173-350, also known as *Solid Waste Handling Standards*, went into effect in 2003. This rule replaced WAC 173-304. WAC 173-350 sets out standards of operation and permitting requirements for solid waste handling facilities for recycling, intermediate handling (i.e., transfer), composting, MRW, and tires (unless exempted by definition or due to beneficial use). The rule regulates landfill disposal of a new category of wastes called "inert" wastes.

WAC 173-350 also places importance on local solid waste management plans (such as this document) by requiring solid waste handling facilities (whether exempt or requiring a permit) to conform to local solid waste plans. WAC 173-350 also states that a facility's exemption for handling only recyclable materials is contingent on meeting the definition of a recyclable material as designated in a local solid waste management plan.

Landfill disposal of solid waste is regulated under a separate rule, WAC 173-351, *Criteria for Municipal Solid Waste Landfills*. This rule was last revised in October 2015.

1.11.2 Hazardous Waste Management Act

In 1982, Ecology adopted rules that combined the state and federal regulation of hazardous wastes. These rules, as amended several times in the ensuing years, are contained in WAC 173-303 and are the main body of regulations for hazardous wastes in this state. In 1983, the State Legislature adopted a hierarchy of hazardous waste management methods in RCW 70A.300. In descending order of priority for management, the hierarchy is waste reduction; waste recycling; physical, chemical, and biological treatment; incineration; solidification/stabilization treatment; and landfill.

Amendments to RCW 70A.300 in 1985 and 1986 defined MRW and required that local governments (counties) develop plans for the proper management of MRW. As stated in RCW 70A.300, the legislature's intent was "to promote cooperation between state and local governments by assigning responsibilities for planning for hazardous waste to the state and planning for MRW to local government." In 1987, the legislature appropriated funds for grants to counties to assist in their planning efforts and clarified the schedule.

The legislature enacted the Used Oil Recycling Act, RCW 70A.205, in 1991. This statute requires local governments to manage used oil in conjunction with their MRW programs and to submit annual reports to Ecology. Local governments were required to adopt used oil recycling amendments to their MRW management plans by July 1, 1993.

New Solid Waste Handling Standards (WAC 173-350) were developed by Ecology and became effective February 10, 2003. These standards address MRW facilities (including construction, record keeping, and reports).

The *Dangerous Waste Regulations* (WAC 173-303) have been amended several times to address new issues and to incorporate new provisions of state and federal regulations.

1.11.3 Relevant Oregon Solid Waste Regulations

Oregon statute (Oregon Revised Statute [ORS] 459.305) requires out-of-state local governments, which export more than 75,000 tons annually into Oregon for landfill disposal, to provide the opportunity to recycle and implement recycling education programs. Specifically, the local government must either achieve a recovery rate equivalent to that achieved in a comparable Oregon county or implement an equivalent recycling program. The disposal site operator is responsible for demonstrating to the Oregon Department of Environmental Quality that the city from which the waste originates has implemented an equivalent recycling program.

An equivalent recycling program requires that each person be notified of the opportunity to recycle and be encouraged to source-separate recyclables through education programs. Additionally, for cities with a population of:

- Less than 4,000, a convenient drop-off recycling location must be provided for source separated recyclables.
- More than 4,000, monthly curbside collection of source-separated recyclables must be provided.

1.12 Summary of Changes in Solid Waste Regulation and Policy Since 2013

Several new rules have been adopted since the previous 2013 Plan was developed. Important new rules and regulations for consideration in Plan development are shown below (not in order of priority).

1.12.1 Mercury-Containing Lights Product Stewardship Program

WAC 173-910 requires establishment of a product stewardship program for mercury-containing lights throughout Washington State. Producers of mercury-containing lights sold for residential use must finance and participate in the product stewardship program by doing the following:

- Fund its producer share cost of the standard plan and program operated by the department-contracted stewardship organization or operate, either individually or jointly, an independent plan and program approved by Ecology.
- Pay administrative and operational costs associated with the standard program or the independent program in which they participate, except for the collection costs associated with curbside and mail-back collection programs. For curbside and mail-back programs, a stewardship organization must finance the costs of transporting and processing mercury-containing lights from the point of accumulation. For collection locations, including household hazardous waste (HHW) facilities, charities, retailers, government recycling sites, or other suitable locations, a stewardship organization must finance the costs of collection, transportation, and processing of mercury-containing lights collected at the collection locations.
- Submit market share data to Ecology to determine market share in the event more than one approved product stewardship plan is operating.
- Meet its financial obligations to the plan, which includes Ecology's annual fee.
- Comply with producers' requirements.
- Participate in a fully implemented plan.
- Take actions required to correct violations.

The LightRecycle program is set to sunset in 2025 unless action is taken to extend the law, and after July 1, 2026, the program may be terminated or extended.

1.12.2 Revenue-Sharing Agreements

An update to RCW 81.77.185 allows waste collection companies to retain up to 50 percent of the revenue paid to the companies for the material if the companies submit a plan to the Washington Utilities and Transportation Commission (WUTC) that is certified by the appropriate local government authority as being consistent with the local government solid waste plan and that demonstrates how the revenues will be used to increase recycling. The remaining revenue shall be passed to residential customers.

1.12.3 County Comprehensive Solid Waste Management Plan

RCW 70A.205 was updated to indicate that when updating a solid waste management plan after June 10, 2010, each local comprehensive plan must, at a minimum, consider methods that will be used to address the following:

- C&D waste for recycling or reuse;
- Organic material including yard debris, food waste, and food-contaminated paper products for composting or anaerobic digestion;
- Metals, glass, and plastics for recycling; and
- Waste reduction strategies.

1.12.4 Develop and Establish Objectives and Strategies for the Reuse and Recycling of Construction Aggregate and Recycled Concrete Materials

Effective January 1, 2016, RCW 70A.205.700 requires that local governmental entities with a population of 100,000 or more residents must, as part of their contracting process, request and accept bids that include the use of construction aggregate and recycled concrete materials for each transportation, roadway, street, highway, or other transportation infrastructure project. Prior to awarding a contract for a transportation, roadway, street, highway, or other transportation infrastructure project, the local governmental entity must compare the lowest responsible bid proposing to use construction aggregate and recycled concrete materials with the lowest responsible bid not proposing to use construction aggregate and recycled concrete materials, and award the contract to the bidder proposing to use the highest percentage of construction aggregate and recycled concrete materials if that bid is the same as, or less than, the bid from a bidder not proposing to use construction aggregate and recycled concrete materials or proposing to use a lower percentage of construction aggregate and recycled concrete materials.

1.12.5 Quarantine – Agricultural Pests

Effective January 1, 2017, the Washington State Department of Agriculture (WSDA) amended WAC 16-470 by adding MSW, yard debris, organic feedstocks, organic materials, and agricultural wastes to the list of commodities regulated under the apple maggot quarantine. Special permits are required for the following:

- Transportation and disposition of MSW from an area under quarantine for disposal at a solid waste landfill or disposal facility in the apple maggot and plum curculio pest-free area.
- Transportation and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes from the area under quarantine for disposal at a solid waste landfill or treatment at a composting facility in the apple maggot and plum curculio pest-free area.

Refer to Chapter 6.0 – Organics for additional information regarding how these rules affect solid waste in the County.

1.12.6 Local Solid Waste Financial Assistance

In September 2017, WAC 173-312 was updated to replace the Coordinated Prevention Grant (CPG) program. The purpose of WAC 173-312 is to provide financial assistance for local programs related to hazardous waste planning and implementation, local solid waste planning and implementation, and enforcement of rules and regulations governing solid waste handling. Planning, implementation, and enforcement are designed to prevent, or minimize, environmental contamination resulting from improper management or disposal of waste. WAC 173-312 established a structure for the administration of local solid waste financial assistance.

1.12.7 Secure Drug Take-Back

Washington's Safe Medication Return program, also known as the Drug Take-Back program, was established in 2018 under RCW 69.48. This program will create a unified, statewide, medication return program that will give Washington residents free, convenient, and environmentally responsible options for disposing of unwanted medication. Drug manufacturers will fund the program at no cost to taxpayers. It will be operated by an approved program operator(s). The Health Department will oversee the establishment of the program, monitor ongoing operations, manage enforcement when compliance issues arise, and evaluate program effectiveness.

1.12.8 Sustainable Recycling

House Bill (HB) 1543, Sustainable Recycling, was signed by Governor Inslee on April 29, 2019. This act took effect July 1, 2019. This act creates a Recycling Development Center within Ecology. Ecology will work with the Washington Department of Commerce (Commerce) on recycling market research and development. Ecology and Commerce will appoint an advisory board and enter into an interagency agreement. Ecology will create a State recycling *Contamination Reduction and Outreach Plan* (CROP) by July 1, 2020. Local jurisdictions will need to create their own CROPs or adopt the state CROP by July 1, 2021. Counties with populations of fewer than 25,000 are exempt from this requirement. Local governments may use LSWFA Grants and Waste Reduction and Recycling Education Grants to support CROPs.

1.12.9 Food Waste

HB 1114, now codified as RCW 70A.205.715, established a goal for the state to reduce, by 50 percent, the amount of food waste generated annually by 2030. Ecology is required to establish baseline data and annually track progress toward the statewide food reduction goals and to develop and implement a food waste reduction plan. The Use Food Well Washington Plan was completed in December 2021 and provides local governments with recommendations for best management practices to incorporate into local plans. Additional information on this topic is located in Chapter 6.0 – Organics.

1.12.10 Paint Stewardship

Substitute HB (SHB) 1652 requires producers of architectural paint sold in Washington to participate in an approved paint stewardship plan. This bill prohibits a producer or retailer of paint from selling or offering for sale architectural paint unless the producer or brand of

paint is participating in a stewardship plan. A paint stewardship organization will implement this bill, with Ecology providing oversight.

1.12.11 Product Design Labeling

Engrossed SHB (ESHB) 1569 authorizes the state's attorney general and local governments to pursue false or misleading environmental claims and "greenwashing" for plastic products claiming to be "compostable" or "biodegradable" when in fact they are not. The bill also requires clear and easy-to-understand labeling on compostable products sold for use in Washington.

1.12.12 Plastic Package Stewardship

In 2019, Senate Bill 5397 was authorized, which would create data reports that could lead to legislation (in 2021) to improve the recycling system in Washington by creating a stewardship program paid for by the plastic packaging manufacturers.

1.12.13 Reducing Pollution from Plastic Bags

In 2020, ESHB 5323 was authorized, which prohibits a retail establishment from the following:

- Providing to a customer or a person at an event a single-use plastic carryout bag or a paper carryout bag or reusable carryout bag made of film plastic that does not meet recycled content requirements.
- Using or providing certain polyethylene or other non-compostable plastic bags.

In addition, the bill prohibits a city, town, county, or municipal corporation from implementing a local carryout bag ordinance.

The bill also:

- Authorizes a retail establishment to provide a reusable carryout bag or a recycled content paper carryout bag of any size to a customer at the point of sale.
- Requires a retail establishment to collect a pass-through charge of not less than 8 cents for every recycled content paper carryout bag or reusable carryout bag made of film plastic it provides.

1.12.14 Organics Management Law

In 2022, Washington's Legislature passed HB 1799 requiring diversion of organic materials away from landfill disposal and towards food rescue programs and organics management facilities. Each city or county with a population greater than 25,000 must develop a compost procurement ordinance, and new or updated comprehensive plans and comprehensive solid waste management plans must include identification of possible locations for organic materials management facilities.

This new organics management law requires state and local governments, businesses, and other organizations to reduce the amount of organic materials disposed of in landfills and increase the demand for processed organic materials such as compost. The legislation also calls for an increase in edible food recovery and amends many laws affecting organics management.

By January 1, 2023, cities and counties must adopt compost procurement ordinances. This section applies to a city or county with a population greater than 25,000 as measured by Washington's Office of Financial Management, and to each city or county in which organic material collection services are provided under RCW 70A.205.

Beginning December 31, 2024, jurisdictions must report to Ecology the total tons of organic matter they diverted from the landfill, including the amount of compost purchased from specific sources.

After July 1, 2024, new and updated local comprehensive solid waste management plans must address the new requirement to provide organic materials collection and management to residential and nonresidential customers. This includes identifying priority areas to locate new organic management facilities.

Additional information can be found in Chapter 6.0 – Organics.



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CHAPTER 2.0 WASTE STREAM



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2.0 Waste Stream

This chapter provides information on population, waste generation, and future waste quantities.

2.1 Introduction

The data in this chapter is used in various ways in this Plan, such as assessing the need for or determining the impact of a proposed new program.

2.2 Waste Stream and Population Projections

This section presents information regarding past, present, and future projections as they relate to waste generated in the County.

2.2.1 Population and Waste Generation Rates

2.2.1.1 POPULATION

Current population levels and future population growth are important factors to consider for solid waste management plans. People create solid waste and, in general, the more people there are (now and in the future), the more waste is created.

Table 2-1 provides past, current, and future estimates of the County population. The table uses population figures produced by the Washington State Office of Financial Management (OFM), which are based on U.S. Census 2010 results and adjustments made through 2021. For future population projections, the OFM produces three different sets of forecasts for population growth: a low, a medium, and a high series. The medium series figures are used in this Plan.

Table 2-1. Benton County Population Estimates						
Area	2010 ¹	2021 ¹	2025 ²	2030 ²	2040 ²	2045 ²
Benton County, Total	175,177	209,400	215,740	228,162	250,524	259,113
Unincorporated Areas	30,752	36,760	37,873	40,054	43,980	45,488
Incorporated Areas	144,425	172,640	177,867	188,108	206,544	213,625
Cities						
Benton City	2,928	3,500	3,606	3,814	4,187	4,332
Kennewick	70,790	84,620	87,182	92,202	101,238	104,709
Prosser	5,129	6,130	6,316	6,679	7,334	7,585
Richland	51,298	61,320	63,176	66,814	73,363	75,877
West Richland	14,280	17,070	17,587	18,599	20,422	21,122

¹Data for these years are from the Office of Financial Management's "April 1, 2021 Population of Cities, Towns, and Counties, 2010-2021," <http://www.ofm.wa.gov/pop/april1/default.asp>. (OFM 2021).

²Total population data for the years 2025 through 2045 is from the OFM's "Projections of the Total Resident Population for the Growth Management Act (GMA), Medium Series: 2010 to 2045 by five year intervals," <https://www.ofm.wa.gov/washington-data-research/population-demographics/population-forecasts-and-projections/growth-management-act-county-projections>. Population figures by area and city for the years 2025 through 2040 assume the same breakdown as for 2021.

According to the OFM April 2021 Population Changes and Rank Report, the County is the tenth most populated county in Washington State and incurred an 18.1 percent growth in population from April 2010 to April 2021.

2.2.1.2 WASTE GENERATION RATES

Washington State defines solid waste as:

All putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials (WAC 173-350-100).

This Plan focuses primarily on MSW, consisting of those wastes generated by residential and commercial sources that are meant to be handled by the County's solid waste disposal system. Wastes generated by industrial and agricultural sources are generally included to the extent that these are similar to what is disposed of through the County's system, and they do not require special handling. Special wastes handled separately by these sources are addressed only briefly in this Plan.

Table 2-2 shows the 2018 solid waste disposed of in the County or taken to other facilities. The table also presents the amount of materials recycled or diverted through various drop-off and collection programs in the County as well as the amounts of C&D debris and other special wastes disposed of in the County or taken to other facilities in 2018. These materials are accounted for in developing a waste generation rate because tonnages may shift from one facility to another in the future due to new programs, changes in rates, or other factors.

Table 2-2. Current Waste Generation Rate (2018)	
Facility and Waste Stream	Annual Amount
MSW Disposed Tonnage at Columbia Ridge Landfill	96,794
MSW Disposed Tonnage at Horn Rapids Landfill	59,855
MSW Disposed Tonnage at Finley Buttes	49,572
Materials tonnage to Other Landfills/Facilities	4,640
Total MSW Tonnage Disposed	210,861
Recycling Tonnages	115,455
Additional Diverted Materials Tonnages	7,405
Total Materials Tonnage Recycled/Diverted	122,860
Grand Total Tonnage, All Solid Waste	333,721
Population (2018 Estimate) ¹	197,410
Waste Generation Rate, per person per year	3,381 pounds
Waste Generation Rate, per person per day	9.26 pounds

Notes: MSW and Recycling tonnages are 2018 figures from Ecology records.

¹ 2018 Population estimate from OFM GMA Projections – Medium Series.

In Table 2-3, waste quantities have been projected using the most current (2018) available per capita generation rate multiplied by population forecasts for the County. The current generation rate was calculated by combining the tons disposed of in 2018 with the tons recycled, diverted, or sent to special landfills in 2018 and then dividing by the population in 2018. By applying the current per capita rate to future years, the projected figures for 2025 through 2045 assume no change in waste generation or disposal practices or in percentage of material recycled and reduced. This approach also assumes no change in the amount of waste migrating to out-of-county facilities and other factors (such as the ratio of annual tourists and migrant workers to the general county population).

Table 2-3. Projected Waste Quantities						
Year	Total Population ¹	Waste Generation Rate ² (TPY)	Waste Generation Rate (lb/day)	Amount Recycled (TPY) ³	Amount Diverted (TPY) ³	MSW Disposed (TPY) ³
Actual Amounts						
2018	197,410	333,721	9.26	115,455 (35%)	7,405 (2%)	210,861 (63%)
Projected Amounts						
2025	215,740	364,708	9.26	127,648	7,294	229,766
2030	228,162	385,707	9.26	134,998	7,714	242,995
2040	250,524	423,510	9.26	148,229	8,470	266,811
2045	259,113	438,030	9.26	153,311	8,761	275,958

¹ Figures, except the year, population and generation rate, are shown as tons per year (TPY). The waste generation rate is shown as pounds per person per day. Population figures are from Table 1-1.

² Projected waste generation figures for 2020 through 2045 are based on the estimated waste generation rate for 2018 (9.26 pounds per person per day) and population forecasts.

³ The projected amounts of recycling, other diversion, disposed MSW, and other wastes assume the same percentage of the total waste generated as in Table 2-2.

Additional information on quantities of MSW handled through County facilities can be found in Chapter 3.0 – Solid Waste Collection and Chapter 4.0 – Waste Transfer and Disposal.

2.2.2 Recycling Data

The most recent recycling survey conducted by Ecology suggests that 37 percent of the County's MSW was recycled, diverted or composted (see Table 2-4). This figure is generally called a *recycling* rate, although it sometimes includes composting and some reuse as well. For comparison purposes, Ecology reports that the state recycling rate for the same time period is 49 percent.

Ecology also defines a diversion rate, which includes several additional materials shown in Table 2-4 that are not included in the stricter recycling rate. These diverted materials include specific materials such as agricultural organics and tires, which are still being put to a beneficial use but do not count as recycling as defined by Washington State. Diverted materials also include special wastes sent to other facilities. Including these other wastes equates to an overall diversion rate of 37 percent of the total tons generated.

Table 2-4. Recycled and Diverted Materials (2018)			
Materials	Annual Tons	% of Total Tons of MSW Disposed	% of Total Tons Generated
Recycled Materials			
Asphalt & Concrete	42,085	20%	13%
Land-clearing Debris	13	<1%	<1%
Aluminum Cans	215	<1%	<1%
Appliances/White Goods	2,001	<1%	<1%
Other Ferrous Metals	14,977	7%	5%
Other Nonferrous Metal	8,576	4%	3%
Steel Cans	77	<1%	<1%
Antifreeze	82	<1%	<1%
Auto Lead Acid Batteries	1,169	<1%	<1%
Electronics	155	<1%	<1%
Household Batteries	2	<1%	<1%
Light Bulbs	23	<1%	<1%
Oil Filters	64	<1%	<1%
Other Batteries	44	<1%	<1%
Used Motor Oil	1,622	<1%	<1%
Food Processing Waste	2,306	<1%	<1%
Meats, Fats & Oils	791	<1%	<1%
Other Organics	6,804	3%	2%
Yard Debris	18,334	9%	6%
Miscellaneous	11	<1%	<1%
Textiles	32	<1%	<1%
Tires	398	<1%	<1%
Cardboard	13,035	6%	4%
High Grade Paper	501	<1%	<1%
Mixed Paper	863	<1%	<1%
Newspaper	897	<1%	<1%
HDPE Plastics	108	<1%	<1%
LDPE Plastics	72	<1%	<1%
PET Plastics	145	<1%	<1%
Other Recyclable Plastics	53	<1%	<1%
Tons Recycled/Composted	115,455	-	-
Recovered/Diverted Materials			
Tires (Energy Recovery, Baled, and Reuse)	52	-	-
Other Organics Land Applied (Reuse)	7,353	-	-
Tons Diverted	7,405	-	-
Tons Diverted or Recycled/Composted	122,860	-	-
Tons Disposed	210,861	-	-
Total Tons Generated	333,721	-	-
Overall Diversion Rate	37%	-	-

Notes: Data for recycled and diverted materials, and for the amount of "other wastes," is from the 2018 annual survey conducted by Ecology. HDPE = high-density polyethylene; LDPE = low-density polyethylene; PET = polyethylene terephthalate

2.2.3 Composition of Disposed Municipal Solid Waste

In 2015–2016, Washington conducted a waste composition study for the entire state. In 2021, they conducted another waste composition study; however, due to the impact of COVID-19 on the data gathered, the 2015–2016 report is utilized for the purpose of this Plan. Figure 2-1 presents an overview of the 2015–2016 Central Washington Region State Waste Composition Study by material type disposed of and percentage of the waste stream.

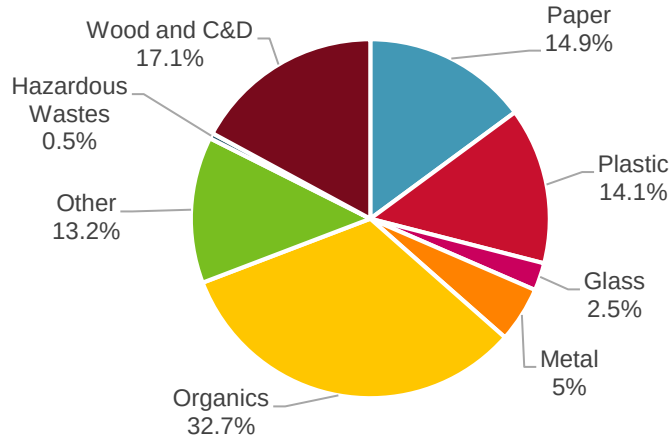


Figure 2-1. 2015–2016 Central Washington Region Waste Composition Study

Waste composition can be expected to change in the future due to changes in consumption patterns, packaging, disposal habits, tourism, and other factors. These changes are difficult to predict in the long term. Furthermore, implementation of this Plan may affect waste composition in the County by changing purchasing and disposal habits. Utilizing the compositional analysis derived from 2015–2016 Central Washington Region Waste Composition Study, Table 2-5 illustrates the composition of the total measured County 2018 waste stream.

Table 2-5. Benton County Waste Stream Composition (2018)		
Materials	Waste Stream	
	Percent by Weight	Tons of Material
Paper	14.9%	31,418
Cardboard	3.9%	8,224
Newspaper	0.6%	1,265
Mixed Paper	2.9%	6,115
Compostable Paper	3.4%	7,169
Non-Recoverable Paper	1.4%	2,952
Magazines	0.3%	633
Other Groundwood Paper	0.4%	843
High-Grade Paper	2.0%	4,217
Plastic	14.1%	29,731
Polyethylene Terephthalate (PET)	2.5%	5,272

Table 2-5. Benton County Waste Stream Composition (2018)		
Materials	Waste Stream	
	Percent by Weight	Tons of Material
High-Density Polyethylene (HDPE) Bottles/Jars/Tubs	1.5%	3,163
Other Plastic	2.4%	5,061
Recyclable Film	4.0%	8,434
Plastic Bags	1.5%	3,163
Bulky Rigid Plastic Products	1.1%	2,319
Expanded Polystyrene	0.7%	1,476
PP Plastic	0.4%	843
Glass	2.5%	5,272
Clear Containers	1.2%	2,531
Brown Containers	0.6%	1,265
Green Containers	0.4%	843
Other Glass	0.3%	633
Metals	5.0%	10,543
Aluminum Cans	0.5%	1,054
Aluminum Foil/Containers	0.1%	211
Other Metal	0.2%	422
Tin Cans	0.8%	1,687
Other Ferrous Metal	2.0%	4,217
Other Non-Ferrous Metal	0.1%	211
Non-Recyclable Metal	1.3%	2,741
Organics	32.7%	68,952
Food Waste	19.7%	41,540
Yard Debris	10.9%	22,984
Animal Manure	1.7%	3,585
Other Organics	0.4%	843
Other Materials	13.2%	27,834
Electronics	0.8%	1,687
Textiles	3.0%	6,326
Furniture	2.0%	4,217
Tires & Rubber	1.0%	2,108
Disposable Diapers	3.2%	6,748
Residues (Ash, Dust, Fines, Sludge)	3.2%	6,748
Hazardous Waste	0.5%	1,054
Paint/Primer/Sealer/Solvent	0.1%	211
Other Hazardous/Special Wastes	0.4%	843
Construction Materials	17.1%	36,057
Painted Wood	2.1%	4,428
Dimensional Lumber	2.8%	5,904
Other Wood	5.2%	10,965
Insulation/Concrete/Drywall/Carpet	3.9%	8,223
Ceramics/Brick/Soil/Rocks/Sand	0.8%	1,687



Table 2-5. Benton County Waste Stream Composition (2018)		
Materials	Waste Stream	
	Percent by Weight	Tons of Material
Other Construction Materials	2.3%	4,850
Total 2018 Tons Disposed (in tons)		210,861



CHAPTER 3.0 SOLID WASTE COLLECTION

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3.0 Solid Waste Collection

3.1 Introduction

This chapter discusses existing MSW collection services in the County and the participating cities and towns, identifies relevant planning issues, and develops and evaluates alternative collection strategies.

3.2 Background

This section provides information regarding legal authority as well as information on incorporated and unincorporated areas within the County.

3.2.1 Legal Authority

Ecology, WUTC, the County, cities, and towns share the legal authority for solid waste collection within Benton County.

RCW 70A.205 assigns primary responsibility for solid waste handling (management) to local government. Private industry's role in waste management is reflected in the legislative language: "It is the intent of the legislature that local governments are encouraged to use the expertise of private industry and to contract with the same to the fullest extent possible to carry out solid waste recovery and recycling programs" (RCW 70A.205).

For information regarding establishment of collection and disposal districts as allowed by RCW 36.58A, refer to Chapter 10.0 – Administration, Financing, and Enforcement.

Refer to Chapter 7.0 – Miscellaneous Wastes, Section 7.9 Construction and Demolition Debris for information regarding the "Sham Recycling Bill" and the Recyclable Materials Transporter and Facility Requirements (WAC 173-345).

3.2.2 Incorporated Areas

Cities and towns have three alternatives for collecting solid waste within their boundaries:

1. Municipal collection: Municipal employees collect waste.
2. Contract collection: The municipality conducts a competitive procurement process and selects a private company to provide collection services.
3. Permitted solid waste carriers: If a city does not wish to be involved in managing garbage collection within its boundaries, a WUTC certified hauler for the area can provide those services. The city may pass an ordinance requiring that certain services be provided. A city may also require a permitted hauler to secure a license from the city. Benton City, Kennewick, Prosser, and West Richland contract for collection within their municipality limits. The City of Richland provides municipal collection, both residential and commercial, within its city limits. Section 3.3.1 provides additional information regarding solid waste collection.

3.2.3 Unincorporated Areas

Waste collection companies are included as a regulated transportation industry. As such, the WUTC grants exclusive rights to specific haulers, referred to as “Solid Waste Carriers,” in unincorporated areas. RCW 81.77.030 allows the WUTC to supervise and regulate waste collection companies by:

- Fixing and altering its rates, charges, classifications, rules, and regulations;
- Regulating the accounts, service, and safety of operations;
- Requiring the filing of annual and other reports and data;
- Supervising and regulating such persons or companies in all other matters affecting the relationship between them and the public they serve;
- Requiring compliance with local solid waste management plans and related implementation ordinances; and
- Requiring that certificate holders under RCW 81.77 use rate structures and billing systems consistent with the solid waste management priorities set forth under RCW 70A.205 and the minimum levels of solid waste collection and recycling services pursuant to local comprehensive solid waste management plans.

WAC 480-70 implements RCW 81.77 by establishing standards for public safety; fair practices; just and reasonable charges; nondiscriminatory application of rates; adequate and dependable service; consumer protection; and compliance with statutes, rules, and commission orders.

At the time of this writing, four companies hold solid waste authority, granted by the WUTC, to operate in Benton County:

1. Ed’s Disposal, Inc. (G-110) – P.O. Box 3850, Pasco, WA 99308
2. Basin Disposal, Inc. (BDI) (G-118) - P.O. Box 3850, Pasco, WA 99308
3. Waste Connections of Oregon, Inc., dba Sanitary Disposal (G-00173) – 12115 NE 99th Street, Suite 1830, Vancouver, WA 98682
4. Waste Management of Washington, Inc. (WM), dba Waste Management of Kennewick (G-237) – 720 4th Avenue, Suite 400, Kirkland, WA 98033

Figure 3-1 shows WUTC solid waste collection areas.

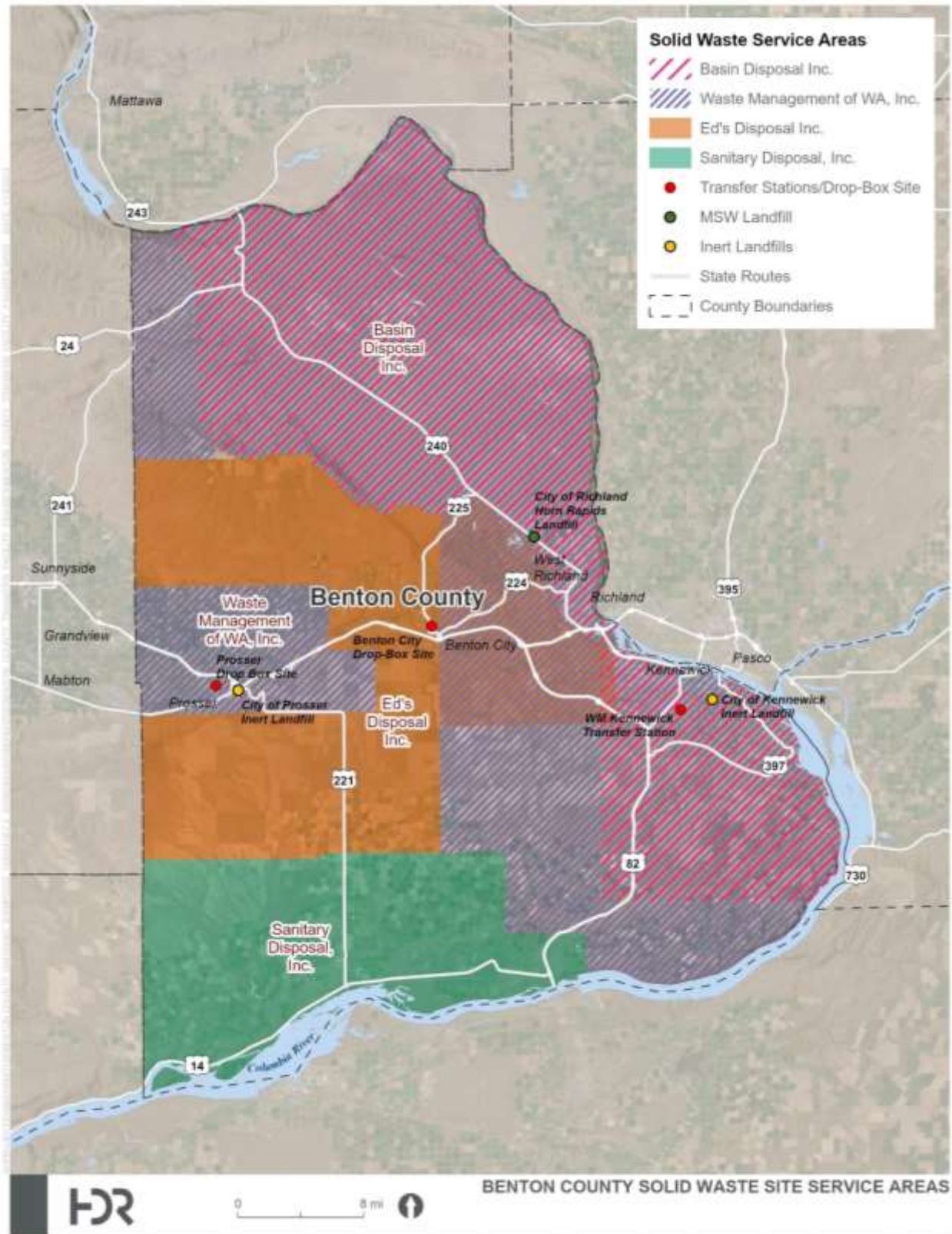


Figure 3-1. WUTC Solid Waste Certificated Collection Areas

3.3 Existing Conditions

Residential curbside waste collection is not mandatory in the unincorporated areas of Benton County, but it is mandatory within city and town limits. MSW collected curbside by Ed's Disposal, Inc., and BDI is transported to the BDI transfer station, then long-hauled to the Finley Buttes Landfill, Morrow County, Oregon, for disposal.

MSW collected by Sanitary Disposal, Inc. is transported to their Hermiston, Oregon, transfer station, then long-hauled to the Finley Buttes Landfill for disposal.

Curbside MSW collected by WM is transported to the WM transfer station in Kennewick, compacted and hauled to the Columbia Ridge Landfill, Arlington, Oregon for disposal.

The City of Richland's Solid Waste Division provides residential, commercial, and roll-off box collection services, which are directly disposed at the City-owned and operated Horn Rapids Landfill.

Additional information regarding waste transfer and disposal can be found in Chapter 4.0 – Waste Transfer and Disposal. More detailed information about the haulers' service areas can be found at the WUTC's website:

<https://www.utc.wa.gov/regulated-industries/transportation/regulated-transportation-industries/solid-waste-carriers/solid-waste-service-maps-county>

3.3.1 Waste Collection Programs

Table 3-1 lists the style of residential garbage collection, the approximate number of customers served, and the rates per household per month in Benton County.

Table 3-1. Solid Waste Collection Data (December 2022)					
Municipality	Population 2021 ¹	Residential Garbage Cart Size (gallons)	Collection Entity	Mandatory Service	Rate per Household per Month ²
Benton City	3,500	64 and 96	Ed's Disposal	Yes	\$19.01 and \$24.08
Kennewick	84,620	35 and 96	WM	Yes	\$15.66 and \$19.04
Prosser	6,130	64 and 96	BDI	Yes	\$19.10 and \$24.22
Richland	61,320	96	City of Richland	Yes	\$17.50
West Richland	17,070	64 and 96	Ed's Disposal	Yes	\$19.01 and \$24.08
Unincorporated	36,760	64 and 96	Ed's Disposal	No	\$19.01 and \$24.08
		64 and 96	BDI	No	\$19.10 and \$24.22
		35, 64, and 96	WM	No	\$11.30, \$14.90, and \$18.60

¹ Population information from Chapter 2.0 – Waste Stream, Table 2-1 Benton County Population Estimates.

² Rate per household data provided by WM, BDI, Ed's Disposal, and City of Richland Solid Waste Department as of December 2022.

3.3.1.1 BULKY WASTE COLLECTION SERVICE

Bulky waste collection is available on call and county-wide through each waste collection program for a fee.

3.3.1.2 COMMERCIAL COLLECTION SERVICE

Commercial garbage collection is mandatory in the City of Richland as outlined in Richland Municipal Code 15.01.040. Commercial garbage collection is non-mandatory in all other jurisdictions and the unincorporated areas of Benton County. Style and frequency of service as well as rates charged vary by commercial customer.

3.4 Status of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

3.5 Alternatives and Evaluations

Existing service gaps and other issues connected to the solid waste collection component of solid waste management are discussed below.

3.5.1 Alternatives

3.5.1.1 SOLID WASTE COLLECTION

Curbside MSW collection programs appear to be operating satisfactorily in both the incorporated and unincorporated areas of the County.

3.5.1.2 CURBSIDE RECYCLING

Currently, the Cities of Kennewick and Richland provide residential recyclable collection. The collection and recycling relationship is addressed in greater detail in Chapter 5.0 – Waste Reduction, Recycling, and Education and Outreach, which includes collection system alternatives to be considered to encourage responsible recycling.

3.5.1.3 COLLECTION CONTRACT COMPLIANCE WITH THE PLAN

To ensure that the cities' collection contracts in the County comply with the Plan, cities could implement a contract review process. The County would provide a checklist of items to be reviewed by each city's contract administrators to verify the collection contracts comply with the Plan. The review process could occur at the time of renewals and/or procurement.

3.6 Recommended Actions

The following recommendations are made for solid waste collection programs:

- SWC1) Encourage the use of carted curbside collection services, when possible, and ensure that collection services are available to all residents.
- SWC2) Review collection contracts to confirm compliance with the Plan.
- SWC3) Coordinate residential and commercial curbside collection programs with recycling program recommendations as implemented.

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CHAPTER 4.0 WASTE TRANSFER AND DISPOSAL

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4.0 Waste Transfer and Disposal

4.1 Introduction

This chapter discusses existing transfer facilities and disposal programs, identifies relevant planning issues, and develops alternative strategies for transfer and disposal of solid waste.

4.2 Background

This section provides an overview of Benton County's waste disposal system, which is regulated by RCW 70A.205 Solid Waste Management, WAC 173-350 Solid Waste Handling Standards, and WAC 173-351 Criteria for Municipal Solid Waste Landfills.

4.2.1 State Legislation and Regulations

Ecology regulates design and operation of transfer stations and drop boxes under WAC 173-350, Solid Waste Handling Standards. Counties may site and operate transfer facilities or may contract this service to a provider. Transfer stations are required to obtain a solid waste permit from the jurisdictional health district. There is currently one privately owned and operated transfer station and two drop-box sites located in the County. Information on these transfer stations can be found in Section 4.3.1, Transfer Stations and Drop-Box Sites.

In addition, WAC 173-350, Solid Waste Handling Standards, regulates design and operation of inert landfills. These landfill facilities are required to obtain a solid waste permit from the jurisdictional health district. There are currently two publicly owned and operated inert waste landfills operating in the County. Additional information on these inert waste landfills is in Section 4.3.2, Landfills.

In Washington State, landfill design and operations are regulated under WAC 173-351; the County currently has one operating MSW landfill, the Horn Rapids Landfill, which is owned and operated by the City of Richland. Information on the Horn Rapids Landfill is in Section 4.3.2, Landfills.

4.3 Existing Conditions

Figure 4-1 shows the locations of the transfer stations and landfills in the County.



Figure 4-1. Benton County Solid Waste Facilities

4.3.1 Transfer Stations and Drop-Box Sites

There is currently one operating transfer stations and two drop-box sites located in Benton County:

- WM Kennewick Transfer Station located at 2627 S Ely Street, Kennewick, Washington (see Figure 4-2)
- BDI Drop-Box Site located at 1605 Sherman Avenue, Prosser, Washington
- BDI, Drop-Box Site located at 7th Street and Dinah Lane, Benton City, Washington



Figure 4-2. WM Kennewick Transfer Station

Waste collected in Benton County is also transported to two transfer stations located outside Benton County:

- BDI Transfer Station located at 1721 Dietrich Road in Pasco, Washington
- Sanitary Disposal, Inc., Transfer Station located at 81144 North Highway 396, Hermiston, Oregon

County residents may also self-haul their waste directly to a transfer station or drop-box site. Table 4-1 provides tipping fees charged for each transfer station facility.

Table 4-1. Transfer Station Tipping Fees (2022)	
Material Charge Type	Fee
WM Kennewick Transfer Station	
Minimum Charge	\$48.92 (up to 500 lbs.; \$6.40 per 100 lbs. after that)
Passenger Tires (off rim)	\$23.98 (first tire), \$7.32 (each additional)
Passenger Tires (on rim)	\$31.31 (first tire), \$14.65 (each additional)
Compressor Units	\$104.58 each (e.g., refrigerator, air conditioner, freezer)
Motor Oil	No Charge
Cooking Oil	No Charge
Sharps Disposal	No Charge
Scrap Metal	No Charge
Household Recyclables	No Charge
BDI Prosser Drop-Box Site	
Minimum Charge	\$10.00 (\$18.00 disposal fee per yard)
Refrigerator/Freezer	\$63.97 each
Passenger Tires (off rim)	\$5.34
Passenger Tires (on rim)	\$9.92
Truck Tires (off rim)	\$6.87
Truck Tires (on rim)	\$11.45

Table 4-1. Transfer Station Tipping Fees (2022)	
Material Charge Type	Fee
<i>BDI Benton City Drop-Box Site</i>	
Minimum Charge	\$10.00 (\$18.00 disposal fee per yard)
Passenger Tires (off rim)	\$6.50
Truck Tires (off rim)	\$7.50
<i>BDI Pasco Transfer Station</i>	
Minimum Charge	\$17.00 (\$80.00 disposal fee per yard)
Appliances	\$12.02 each
Freon Appliances	\$65 each
Passenger Tires (off rim)	\$4.00
Passenger Tires (on rim)	\$7.00
Truck Tires (off rim)	\$5.00
Truck Tires (on rim)	\$8.00
Semi Tires (off rim)	\$12.00
Semi Tires (on rim)	\$15.00
Animals (0–500 pounds)	\$20.00
Animals (500–750 pounds)	\$60.00
Animals (750–1,200 pounds)	\$100.00
Animals (>1,200 pounds)	\$140.00
<i>Sanitary Disposal, Inc. Hermiston Transfer Station</i>	
Minimum Charge	\$5.60 (\$61.60 per ton)
Refrigerator/Freezer	\$10.00 plus weight fee of \$61.60 per ton
Passenger Tires (off rim)	\$1.50 plus weight fee of \$61.60 per ton
Passenger Tires (on rim)	\$5.00 plus weight fee of \$61.60 per ton
Truck Tires (off rim)	\$7.00 plus weight fee of \$61.60 per ton
Truck Tires (on rim)	\$12.00 plus weight fee of \$61.60 per ton

4.3.2 Landfills

4.3.2.1 HORN RAPIDS LANDFILL

The City of Richland Horn Rapids Landfill is located at 3102 Twin Bridges Road, Richland, Washington (see Figure 4-3). The landfill was permitted and began receiving waste in 1974 within a 46-acre disposal area. The original permitted disposal area was filled and completed in 2020. Closure and post-closure work on this landfill is ongoing. The City permitted and opened a new disposal area in 2019. The new disposal area meets all current state and federal design



Figure 4-3. City of Richland Horn Rapids Landfill

standards and is approximately 150 acres in size. Also on the 3102 Twin Bridges, site the City has permitted and operates a 15-acre composting facility and a 14-acre customer transfer station. In 2023, the City and its private industry partners will open a renewal natural gas plant at the landfill.

4.3.2.2 CITY OF PROSSER INERT LANDFILL

The City of Prosser 7.4-acre inert landfill has been in operation since 1990 and is located off Dump Road, Prosser, Washington. This landfill is not open to the general public and is used only by the City of Prosser Public Works Department. The site accepts street sweepings, dirt and rocks generated from City projects, and broken concrete/asphalt. Operation is permitted and regulated by the Health District.

4.3.2.3 CITY OF KENNEWICK INERT LANDFILL

The City of Kennewick inert landfill is utilized for the diversion of street sweepings, dirt and rock deemed clean enough to be landfilled, and waste collected from the storm water system. This landfill is not open to the general public. The testing, handling, and disposal requirements for this facility are found in their permit and operations plan. Operation is permitted and regulated by the Health District.

4.4 Waste Import and Export

4.4.1 Waste Import

“Waste import” refers to transfer of waste into Benton County from other areas. Some waste entering the County comes from neighboring Franklin County residents bringing materials to the Horn Rapids Landfill in Richland. This is assumed to be a very small amount of waste and is not tracked independently of regular residential waste brought to the landfill. Periodically, Yakima County residents may use the Prosser Transfer Station Facility, particularly during Prosser Cleanup Days. Due to the WSDA quarantine for Japanese Beetle in the southeastern portion of Yakima County and the southwestern portion of Benton County, yard debris from these areas is not accepted.

4.4.2 Waste Export

“Waste export” refers to the transfer of waste from Benton County to a landfill or transfer station located outside the area. Waste Management of Kennewick; Ed’s Disposal, Inc.; BDI of Pasco; and Sanitary Disposal, Inc., of Hermiston provide for the collection of solid waste and the export of waste out of the County for disposal. Information on this service is provided below.

4.4.2.1 WASTE MANAGEMENT

Currently, WM is under contract with the City of Kennewick, and under a WUTC franchise certificate for portions of unincorporated Benton County, for the collection and disposal of solid waste. Waste collected by WM is transported to its transfer station in Kennewick, compacted into containers, and transported to the WM Columbia Ridge Landfill in Arlington, Oregon.

4.4.2.2 ED’S DISPOSAL, INC.

Ed’s Disposal, Inc., of Pasco collects waste from unincorporated areas of Benton County and the cities of West Richland and Benton City. The waste is brought to the BDI Transfer Station in Pasco and hauled to the Waste Connections’ Finley Buttes Landfill in Morrow County, Oregon, for final disposal.

4.4.2.3 BASIN DISPOSAL, INC.

BDI of Pasco collects waste in unincorporated areas of Benton County and the City of Prosser. Waste collected by BDI is brought to the BDI transfer station in Pasco and is long-hauled to the Waste Connections’ Finley Buttes Landfill facility for final disposal.

4.4.2.4 SANITARY DISPOSAL, INC.

Sanitary Disposal, Inc., collects waste from unincorporated areas in the southern portion of Benton County. Waste collected in this section of the County is transported to Sanitary Disposal’s transfer station in Umatilla County, Oregon, near City of Hermiston and is then long-hauled to the Waste Connections’ Finley Buttes Regional Landfill in Morrow County, Oregon.

Additional information on waste collection can be found in Chapter 3.0 – Solid Waste Collection.

Currently, all landfills utilized for waste disposal have sufficient capacity to dispose of waste collected in Benton County during this planning period.

As discussed previously, in order for a Washington municipality of 4,000 or more people to import waste into Oregon, or for a city to export more than 75,000 tons of waste per year into Oregon, the municipality must have a certified recycling program according to Oregon law. See Chapter 5.0 – Waste Reduction, Recycling, and Education and Outreach for more information about recycling in Benton County and compliance with Oregon law.

4.5 Status of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

4.6 Alternatives and Evaluations

No existing service gaps and other issues connected to the waste transfer and disposal component of solid waste management in Benton County were identified. Additional detail is provided for the transfer and disposal facilities below.

4.6.1 Transfer Station and Drop-Box Facilities

The projected Benton County population in 2040 is 250,524 people. Using a calculated waste generation rate of 9.26 pounds per person per day, estimated waste generation in Benton County in 2040 will be approximately 1,052 tons per day. The existing transfer station and drop-box facilities utilized for Benton County waste transfer have sufficient capacity to accommodate the tonnages received. Implementation of additional waste reduction and recycling strategies could assist in maintaining transfer capacity to handle

waste over this planning period. Additional information on waste reduction and recycling strategies can be found in Chapter 5.0 – Waste Reduction, Recycling, and Education and Outreach.

4.6.2 Landfill Facilities

The MSW and inert landfill facilities currently utilized for disposal of Benton County waste have sufficient capacity to handle the current and projected waste streams. Due to the costs of siting, permitting, constructing, and operating a new MSW landfill in Benton County, waste should continue to be disposed of as recommended during this planning period.

4.7 Recommended Actions

The following recommendations are being made for waste transfer and disposal:

- WTD1) The County should monitor population growth and tonnage projections to ensure that capacity for waste transfer and disposal continues to be adequate for the waste handling and disposal needs of County residents.

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CHAPTER 5.0 WASTE REDUCTION, RECYCLING, AND EDUCATION AND OUTREACH

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5.0 Waste Reduction, Recycling, and Education and Outreach

This chapter discusses existing waste reduction, reuse, and recycling programs, and the Contamination Reduction and Outreach Plan (CROP) and identifies relevant planning issues to meet local and state goals and develops and evaluates alternative strategies.

5.1 Background

This section provides information on the regulations and authorities that govern waste reduction, recycling, organics, and climate change programs and issues.

5.1.1 Waste Reduction and Recycling

Chapter 5.0 provides an update of Benton County's methods to divert waste away from landfill disposal and to comply with Washington State requirements and the EPA Waste Hierarchy in Figure 5-1 regarding waste reduction and recycling opportunities and programs. The state's requirements are based on the "Waste Not Washington Act" (ESHB 1671), which declared that waste reduction and recycling must become a fundamental strategy for solid waste management in Washington State. This law is reflected in various sections of the Revised Code of Washington and Washington Administrative Code. RCW 70A.205 includes the following goals (among others) and requires that solid waste management plans demonstrate how these goals will be met:



Figure 5-1. EPA Waste Hierarchy

- Washington State is to achieve a statewide recycling rate of 50 percent. Ecology conducts waste composition studies and recycling surveys on an annual basis to track achievement of waste reduction and recycling goals. Ecology currently emphasizes waste generation as its primary measurement as this is a more accurate way to assess if Washington residents and businesses are truly reducing waste.
- Source separation of waste (at a minimum, separation into recyclable and non-recyclable fractions) must be a fundamental strategy of solid waste management.
- Steps should be taken to make recycling at least as affordable and convenient to the ratepayer as disposal of mixed solid waste.

Other applicable state requirements are as follows:

- Establish programs for the collection of source-separated materials from residences in urban and rural areas. In rural areas, these programs shall include, but not be limited to, drop-off boxes, buy-back centers, or a combination of both, at each solid waste transfer, processing, or disposal site, or at locations convenient to the residents. The drop-off boxes and buy-back centers may be owned or operated by the public, a nonprofit, or a private company or person.
- Establish programs to educate and promote concepts of waste reduction and recycling.
- Develop clear criteria for designating areas as urban or rural for the purpose of providing solid waste and recycling services (RCW 70A.205.050).
- Monitor the collection of source-separated waste from non-residential sources when there is sufficient density to economically sustain a commercial collection program. Planning guidelines can include criteria such as anticipated recovery rates and levels of public participation, availability of environmentally sound disposal capacity, access to markets for recyclable materials, unreasonable cost impacts on the ratepayer, utilization of environmentally sound waste reduction and recycling technologies, and other factors as appropriate (RCW 70A.205.045).

RCW 70A.205.050 also requires that counties develop clear criteria for designating areas as urban or rural for the purpose of providing solid waste and recycling services. RCW 70A.205.045 requires recyclables to be collected from homes and apartments in urban areas (with some exceptions), whereas drop-off centers and other methods can be used in rural areas.

RCW 70A.205 requires a monitoring program for collection of source-separated waste from non-residential sources when there is sufficient density to economically sustain a commercial collection program. Benton County achieves this by working cooperatively with Ecology and using the data Ecology collects through the annual Washington State Recycling Survey.

In addition, public education and outreach is an important element for solid waste management systems. County residents and businesses need to be informed as to the proper and available methods for waste reduction, disposal, and recycling. The programs described in this chapter encourage residents and businesses to take the extra steps to recycle or reduce waste or to avoid generating waste in the first place.

5.1.2 CROP

HB 1543, Sustainable Recycling, was signed on April 29, 2019, and took effect July 1, 2019. The act required Ecology to create a state recycling CROP by July 1, 2020, with local jurisdictions required to either create their own CROP or adopt the state CROP by July 1, 2021. The County has chosen to create their own CROP as part of this Plan.

RCW 70A.205.045 stipulates the requirements to be included in a CROP as follows:

- A list of actions for reduction of contamination in recycling programs for single-family and multi-family residences, commercial locations, and drop boxes.
- A list of key contaminants identified by the jurisdiction or Ecology.
- A discussion of problem contaminants and the contaminants' impacts on the collection system.
- An analysis of the costs and other impacts associated with contaminants to the recycling system.
- An implementation schedule and details of how outreach is to be conducted, which may include sharing community-wide messaging through newsletters, articles, mailers, social media, websites, or community events; informing recycling drop-box customers about contamination; direct outreach through route collection drivers; and improving signage.

5.1.3 Climate Action

The County updated the Hazard Mitigation Plan in 2019 with the goal to make County residents, communities, state agencies, local governments, and businesses less vulnerable to the effects of hazards through the effective administration of hazard mitigation grant programs, hazard risk assessments, wise and efficient infrastructure hardening, and a coordinated approach to mitigation policy through federal, state, regional, and local planning efforts. The combined prioritization will be the protection of people, structures, infrastructure, and unique ecosystems that contribute to our way of life and the sustainability of the local and regional economy. Additional information on this plan can be found at:

<https://www.co.benton.wa.us/files/documents/FinalCPAppendixNBentonCountyNaturalHazardMitigationPlan2019129055838061620PM.pdf>

The City of Kennewick also has a sustainability program with a mission to proactively make sustainability decisions as good stewards of the public and consider the long-term effects of business practices and how those decisions affect our citizens and the environment. Additional information on this program can be found at:

[Sustainability | Kennewick, WA \(go2kennewick.com\)](https://www.go2kennewick.com/sustainability)

The Benton-Franklin Health District has created two new full-time positions to address the health effects caused by climate change. Staff will focus initially on protecting the community from wildfire smoke, extreme heat conditions, and toxic algae in the Columbia River. In addition, two new staff members are devoted to emergency preparedness to assist with extreme weather conditions exacerbated by climate change.

5.2 Existing Program Elements

The following sections provide background information regarding waste reduction, recycling, and education and outreach and discuss the County's existing programs.

5.2.1 Recycling Services

The County, cities and towns, and waste collection companies provide numerous drop-off recycling sites throughout the County. Current sites are detailed in Table 5-1.

Table 5-1. Recycling Operations in Benton County (2022)						
Recycler Facility and Location	Type	Hours of Operation	Paper (including grocery bags)	Plastic	Metal	Other Recycling Facilities
City of Richland						
1378 Lee Boulevard	Drop box	24 hours	X	X	X	
1300 Block of Jadwin Avenue	Drop box	24 hours	X	X	X	
2411 George Washington Way	Drop box	24 hours	X	X	X	
Battelle Complex	Drop box	24 hours	X	X	X	
2400 Stevens Drive	Drop box	24 hours	X	X	X	
3120 Twin Bridges Road	Drop box	24 hours	X	X	X	
103 Keene Road	Drop box	24 hours	X	X	X	
2801 Duportail Street	Drop box	24 hours	X	X	X	
DTG Recycling Center: 1936 Saint Street	Drop box	Call for Information				X
Local Boys Metal Recycling: 510 Wellsian Way	Drop box	Call for Information			X	
City of Kennewick						
McDonalds: 395 Kennewick	Drop box	24 hours	X	X	X	
WM: 2027 S. Ely Road	Drop box	24 hours	X	X	X	
DTG Recycling Center: 119 E Albany Avenue	Drop box	Call for Information				X
Pacific Recycling: 1615 E Chemical Drive	Drop box	Call for Information				X
City of West Richland						
3957 W Van Giesen Street	Drop box	24 hours	X	X	X	
City of Prosser						
10th Street and Sherman Avenue	Drop off	9:00 am–5:00 pm Wednesday Friday and Saturday 24 hours	X	X	X	
8th Street and Bennett Avenue	Drop off	24 hours	X	X	X	
Mayflower Metals: 139406 W Johnson Road	Drop box	8:30 am–4:30 pm M–F			X	
Benton City						
Home Drive (SR-225)	Drop box	Call for Information	X	X	X	
100 Dyna Lane	Drop box	Call for Information	X	X	X	

5.2.2 Waste Reduction and Reuse

Waste reduction is the highest priority for solid waste management according to RCW 70A.205 and is preferred over recycling and composting because the social, environmental, and economic costs are typically lower for avoiding the creation of waste.

Waste collection fees can be used to encourage waste reduction (and recycling) through existing “pay as you throw” rates in which single-family households are charged according to the amount of garbage they discard. Businesses and multifamily properties are generally charged according to the amount of garbage disposed. The opportunity for customers to financially reduce disposal costs is first and foremost to not acquire the item with its associated packaging in the first place.

Other opportunities for reuse and waste reduction that are available in the County include a non-profit Habitat for Humanity reuse store for building materials and organizations such as the Salvation Army and Goodwill that accept gently used clothes, furniture, and home goods. The County also has numerous local thrift and donation stores for reuse of clothing and household goods.

5.2.3 Public Education

Public education and outreach programs supporting waste reduction, recycling, and organics management activities have been ongoing in the County. Local governments and waste collection companies have developed programs on a variety of topics. Education efforts are described below.

5.2.3.1 BENTON COUNTY

The County provides information on its website and its County Event Posting page about the location of drop-off and buy-back sites for recyclables, as well as ways to reduce and reuse materials, the proper disposal of household hazardous waste, the Washington E-Cycle Program, used motor oil collection sites, and disposal of medical waste. The County purchases and maintains recycling containers that are available to public events for free upon request. The County also provides outreach on all its programs at a booth at the County Fair and information to high schools on paper recycling, as well as support to the Benton-Franklin Cooperative Extension office’s composting seminars.

5.2.3.2 CITY OF RICHLAND

The City’s Communications and Marketing Division provides information to the public about various environmental issues affecting the City or community through their website. Information is regularly sent to the public in newsletters, utility bill inserts, press releases to radio and television, e-newsletters, and other printed publications (including the local newspaper). The Green Living Office also has a number of environmental resources available to the public, including books, curriculum, handouts, and videos. Programs and presentations relating to the environment also are made available to service organizations, businesses, non-profit organizations, and students/schools.

The City’s website and social media outlets include information on how to recycle in Richland and the materials that are accepted through various programs. The City of Richland has a 24-hour government access channel (CityView, Channel 13), which

regularly plays environmentally related videos during the “Eye on our Earth” segment and runs public service announcements. The City has an Electronic Reader Board with waste reduction and recycling information uploaded for motorists to see.

5.2.3.3 CITY OF KENNEWICK

Each new Kennewick resident and business is mailed a brochure outlining the City’s existing recycling programs in coordination with Waste Management. The City provides curbside and drop-box recycling information on its website and partners with local Master Gardeners to offer backyard composting workshops. The City’s website provides information on allowable items for curbside services, additional recycling locations and links for hazardous waste recycling options.

The City has multiple social media outlets that share information from partner organizations to include Household Hazardous Waste Collection Events and Free Tire Recycling day for mosquito control.

In addition, WM provides information for the City of Kennewick collections through their website:

<https://www.wmnorthwest.com/kennewick/>

The City of Kennewick contracts with WM for solid waste and recycling collection services, education, and outreach. WM distributes an annual service guide to each residential customer and new customers, has a locally designated website and a WM Kennewick Facebook page focused on sustainability. The WM team annually participates in the Salmon Summit teaching about recycling and sustainability to thousands of school students in addition to supporting National Night Out, Earth Day and similar events. WM also worked with Blippi on a Garbage Trucks for Children video. The WM website also contains information about WM Recycling Centers, Transfer Stations and Landfills. In addition, WM also provides tools and resources for kids, households and businesses that are available.

5.2.4 Designation of Recyclable Materials

Table 5-2 shows the list of “designated recyclable materials” required by WAC 173-350, which should be used for guidance as to the materials to be recycled. This list is based on existing conditions (collection programs and markets), so future markets and technologies may warrant changes in this list. Because market conditions for recyclables can change rapidly, the list of designated materials is accompanied by a description of the process for its revision, if needed, before the next major Plan update.

This list is not intended to create a requirement that recycling programs in the County collect every designated material. Instead, the intent is that if materials become feasible for recycling, the County will review the feasibility of collection in respect to markets, ease of collection, size of waste stream, special events, or removal of collection limitations and consider programs for collection so that residents and businesses have an opportunity to recycle the designated materials listed through at least one program.

Table 5-2. List of Designated Recyclable Materials	
Priority Level	Material
Routine Collection: Materials feasible to be collected by curbside collection and drop-off programs throughout Benton County.	- Aluminum Can - Cardboard (Corrugated) - HDPE Plastics (Milk Jugs) - High-Grade Paper - Mixed Paper (Loose) - Newspaper - PET Plastics (Soda and Juice Bottles) - Tin Cans
Limited Collection: Materials that can be recycled but have collection or marketing limitations in Benton County.	- Electronics covered by E-Cycle Washington - Mercury-Containing Lights covered by LightRecycle Washington - Textiles - Organics - Wood Waste - Cell Phones - Ink Cartridges - Motor Oil - Antifreeze - Tires - Vehicle Batteries - Ferrous Metals - Non-Ferrous Metals - Latex Paint
Potentially Recyclable: Hard-to-recycle materials that could be recycled if markets are available or customer charges are assessed.	- Mattresses - Plastics, #3 through #7 - Plastic Containers (Non-Bottle) - Plastic Film - Poly-Coated Paper - Food Waste - Glass

The following conditions are grounds for additions to or deletions from the priority-level list of designated materials:

- The market price for an existing material becomes so low that it is no longer feasible to collect, process, or transport it to markets.
- Local markets or brokers expand their list of acceptable items based on new uses for materials or technologies that increase demand.
- New local or regional processing or demand for a particular material develops.
- No market can be found for an existing recyclable material, causing the material to be stockpiled with no apparent solution in the near future.
- The potential for increased amounts of diversion.
- Legislative mandate.
- Other conditions not anticipated at this time.

Proposed changes to the list of designated materials should be submitted to the County Public Works Director for review and may be forwarded to the SWAC for concurrence. Unless there are objections from the SWAC, the County Public Works Director or their designee can make minor changes to the list. These will be adopted depending on the schedule of SWAC meetings without formally amending the Plan. Should the Public Works Director conclude that the proposed change is a “major change” (what constitutes a “major change” is expected to be self-evident at the time, although criteria such as opposition by the SWAC or difficulty in achieving consensus for adoption could be used as indicators), then an amendment to the Plan (a process that could take 120 days or longer to complete) would be necessary. In either case, Ecology should be notified of changes made to the List of Designated Recyclable Materials or of the initiation of an amendment process.

5.2.5 Urban and Rural Area Residential Recycling

RCW 70A.205 requires counties to develop clear criteria for designating areas as urban or rural for the purpose of providing solid waste and recycling services. RCW 70A.205 requires recyclables to be collected from homes and apartments in urban areas (with some exceptions), whereas drop-off centers and other methods can be used in rural areas. According to the Washington State OFM, a “rural county” is defined as “...a county with a population density less than 100 persons per square mile.”

Currently, curbside residential recycling service is provided in the City of Kennewick and the City of Richland. The cities of Benton City, Prosser, and West Richland and the unincorporated areas of the County are serviced by residential recycling drop-boxes. Recycling drop-box locations can be found in Table 5-1.

5.2.6 Commercial Recycling

Commercial-sector recycling is available in the County and is provided by collection companies operating within each city and town and the unincorporated areas.

5.2.7 Public Event Recycling

RCW 70A.200.100 requires public event recycling in communities where there is an established curbside service and where recycling service is available to businesses. A recycling program must be provided at every official gathering and at every sports facility by vendors who sell beverages in single-use aluminum, glass, or plastic bottles or cans. A recycling program includes provision of receptacles or reverse vending machines, and provisions to transport and recycle the collected materials. Facility managers or event coordinators may choose to work with vendors to coordinate the recycling program. The recycling receptacles or reverse vending machines must be clearly marked and must be provided for the aluminum, glass, or plastic bottles or cans that contain the beverages sold by the vendor.

Public event recycling is provided by the solid waste collection companies operating within the County.

5.2.8 Incentives for Recycling

As previously discussed in Section 5.2.1, recycling bins are located at multiple locations throughout the County as an incentive and opportunity to recycle. Additional recycling opportunities can enable residents and businesses to reduce their garbage service volumes and lower their garbage collection fees in cities with “pay-as-you-throw” price models.

5.2.9 Monitoring and Evaluation

The County relies on Ecology for information on recycled quantities and an estimate of the countywide recycling rate. Annual figures for recycled tonnages are reported on a voluntary basis by both public- and private-sector entities.

5.2.10 Processing Facilities

The private sector handles the processing of the materials collected for recycling in the following ways:

- There are private facilities that process specific waste streams, such as DTG Recycling (DTG), Pacific Recycling, Local Boys Metal Recycling, and Mayflower Metals.
- Recyclables collected at the curb and drop-box sites by WM are currently transported to an out-of-County facility for processing and marketing (WM SMaRT Recycling Center in Spokane).
- Recyclables collected by Basin Disposal and Ed’s Disposal are taken to their Pasco facility located at 1721 Dietrich Road for processing and marketing.
- Recyclable materials collected in the City of Richland are processed by DTG under terms of a contract with the City.

5.2.11 Markets

Washington State regulations (RCW 70A.205.045) require “a description of markets for recyclables,” which is provided below. This description is intended to be only a brief report of current conditions, and it should be noted that market conditions for recyclables can change drastically and rapidly.

5.2.12 Market Overview

In July 2017, China's government announced that it would ban 24 recyclables, including “unsorted mixed paper” and “mixed plastics,” starting in 2018. This ban originates from China's “National Sword” campaign to crack down on smuggling and contaminated scrap imports.

China applied a strict new contamination standard for other recyclables. Starting in March 2018, scrap materials imported into China may not exceed 0.5 percent contamination. This is below typical processing standards of 3-5 percent at Washington recycling facilities, and it risks excluding domestic recyclables from sale in China.

With a few exceptions, China has frozen the approval of scrap paper import permits. As a result, most scrap paper companies cannot import any scrap paper into China, causing

a total suspension of imports since September 2017. This has created market uncertainty, even for materials not covered by the restrictions.

In 2018, China's government implemented new restrictions on what recyclables may be imported into the country, significantly impacting Washington's recycling programs. China was a major buyer of Washington's recyclables.

China no longer allows the importation of low-grade plastics and unsorted paper. The regulations aim to increase the quality of recyclables entering China by requiring a low amount of contamination in the recyclables it imports.

The import ban is creating a major disruption in Washington and throughout the region. Material recovery facilities in Washington, which receive mixed recyclables and sort them for resale to commodities brokers, have been slowing down their processing of recyclable materials in an attempt to reduce contamination. This slowdown has reduced the amount of material that can be processed. The amount of material collected in Washington currently exceeds the processing capacity at these slower processing rates. In the short term, some materials may not be able to be processed, and recyclable materials may need to be disposed of as MSW.

An important factor for marketing of recyclable materials collected in the County is the cost of transporting them to end-markets, some of which are outside of Washington State. The low market value of many recyclable materials limits the number of materials that can be cost-effectively moved to markets. Primary markets for specific materials and comments on factors that affect them are shown in Table 5-3.

As the markets continue to change, new facilities are being proposed locally to handle commodities. In 2019, Norpac, which is located in Longview, Washington, pledged to bring in an additional 400,000 tons per year of recycled paper as it shifts one-third of its production capacity into packaging production. This expansion was completed in 2022, at a cost of \$50 million in new equipment, creating 100 new jobs. This project is predicted to have the ability to consume available mixed paper grades in Washington, Oregon, and Idaho.

WM has also continued its long-standing commitment to Washington communities and business through advancing recycling technology in the state. The SMaRT Center in Spokane will receive \$15 million in upgrades in 2023/2023. This facility currently accepts all collected recyclable materials in Kennewick. In addition, WM is remodeling their transfer station, in Kennewick, to accommodate recycling route trucks for transload and direct haul to the SMaRT Center.

Markets for recyclables are volatile and affect commodities that are able to be collected and processed for recycling. Primary markets for specific materials and comments on factors that affect them as of December 2022 are presented in Table 5-3. Ecology also provides recycling market data that is updated every 2 months and available at the following link:

<https://app.box.com/s/kzy7vdio1vv4tab5zzewl8t5xghwzdm3>

Table 5-3. Markets for Recyclable Materials (as of December 2022)		
Material	Primary Market(s)	Comments
Paper		
Cardboard	Regional paper markets, paper mills, and export	The markets for cardboard (used in packaging) have recently been improving and may be stabilizing.
Mixed Paper and Newspaper	Regional paper markets, paper mills, and export	The markets are fluctuating due to supply and demand from overseas markets and processors and are primarily low at this time.
Plastics		
Bottles #1 through #7	Regional markets in Western Washington and Oregon, and export	The markets for PET and HDPE bottles are currently weak to non-existent (#1 and #2), and even weaker for bottles #3 through #7.
Other Plastics	Primarily export	Markets are volatile and sometimes unreliable.
Metals		
Aluminum	Regional markets in Western Washington and Oregon; can manufacturing in St. Louis	Aluminum prices were weak in 2022.
Tin Cans, Appliances, and Ferrous and Non-ferrous Scrap	Regional markets in Western Washington and Oregon	Steel has fluctuated heavily, and the market is currently weak.
Glass		
Clear Glass	Regional markets in Western Washington and Oregon	Prices are poor for clear glass.
Brown and Green Glass	Regional markets in Western Washington and Oregon	Prices for brown and green glass are low or negative (i.e., the glass is recycled for a charge).

5.2.13 Addressing Recyclables Key Contaminants

The following is the initial list of key contaminants to be addressed in the current recyclables as required by RCW 70A.205.045 CROP:

- Plastic bags, film, and clamshells
- Non-program plastics
- Food and liquids
- Hose, wire, and rope (tangles)
- Textiles and toys

Additional contaminants also to be addressed include:

- Hazardous materials
- Hypodermic needles

Contamination in recyclables is best addressed through a variety of means and actions, to include:

- Visual inspections of self-haul loads of recyclables delivered to the drop-box locations and advising customers of proper segregation techniques.
- Visual inspections of curbside recyclables collected, with customers advised of proper segregation techniques.
- Updated signage at the drop-box locations to advise system users on contamination in commodities and acceptable recyclable materials.
- Cooperation between the County, cities, and waste collection companies to implement a coordinated County-wide messaging campaign.

Costs for contaminants in the recycling system are currently covered through curbside fees for collection assessed to users, commodity pricing for recyclables, and tipping fees charged at the disposal facilities. Implementation costs for the CROP are discussed in Chapter 11.0 – Implementation Plan.

5.3 Status of Previous Recommendations

The status of the recommendations made in the 2013 Plan can be found in Appendix D.

5.4 Alternatives and Evaluations

Existing service gaps and other issues connected to waste reduction, recycling, contamination reduction, and climate change are evaluated below.

5.4.1 Refresh Educational Materials and Seek to Harmonize Messaging

Education and outreach initiatives have greater impact if messaging is consistent throughout the County. To achieve this, County staff can coordinate between departments and with cities and waste collection companies to unify their messaging on waste prevention, recycling, contamination reduction, private recycling options, and extended producer responsibility options. Harmonization can involve:

- Standardizing a list of accepted materials.
- Setting similar priorities for education objectives in terms of material and content.
- Maintaining consistency in labeling, use of picture-based icons, color coding, and—when applicable—translations for bin decals and signage.
- Communicating across agencies (e.g., with the Health District) to jointly work on overlapping objectives (e.g., moderate risk waste).

Unified messaging includes using one set of materials (e.g., decals, flyers, brochures, pamphlets, mailings), which can be co-branded or individually branded by the agency or collection company distributing them.

County staff can also review and selectively refresh its large library of existing materials or create new materials to reflect priority recycling and composting topics; objectives around waste reduction; recycling contamination reduction; and key littering, illegal dumping, and moderate risk waste issues. Building on materials and resources—such as for open-source photos for recyclables—from other jurisdictions and organizations can be cost-effective. For example, Ecology offers a Recycle Right toolkit, and The Recycling Partnership offers free images for signage.

Unified messaging materials can be tailored to specific generator types with relevant resources according to the specific challenges presented to the group (such as food waste prevention, reducing contamination in recyclables, edible food recovery, and composting for grocery and food-service businesses).

When feasible, all materials should also have translated versions. Adapting already-translated external resources, with permission, or partnering with nearby cities and counties could be a cost-effective way of obtaining translated informational material.

5.4.1.1 DISTRIBUTE INFORMATIONAL MAILINGS TO HOUSEHOLDS AND BUSINESSES

Annual mailings (electronic) could be sent to all households and businesses, potentially in partnership with the certificated hauler. These mailings should have easy-to-follow general information about what, how, where, and when to recycle and compost. For easy access, the mailings should include a collection calendar (when recycling or composting is not collected every time garbage is collected); highly visual lists of materials accepted for recycling and composting; and links to online resources with additional waste prevention, recycling, and composting information.

Periodically as needed, County staff could also distribute special mailings on specific topics or tailored to specific audiences. Examples include, but are not limited to, the following:

- Preventing food waste and donating edible food.
- Increasing recovery of materials with low capture rates, such as food waste (residents and businesses), mixed paper (residents and businesses), cardboard (businesses and self-haul), clean wood (self-haul), and metals (self-haul).
- Minimizing contamination by keeping specific problematic materials out of recycling and compost containers and drop boxes.
- Minimizing C&D debris through building material reuse, salvaging, and deconstructing and recycling unavoidable C&D debris.
- Properly disposing of and using safer alternatives to hazardous household and moderate-risk waste products.
- Minimizing littering and illegal dumping through information about the “Secure Your Load” state regulation and disposal opportunities.

- Education on emerging technologies for materials.

5.4.1.2 UPDATE AND EXPAND ON DIGITAL EDUCATION THROUGH WEBSITES, SOCIAL MEDIA, AND NEWSLETTERS

County staff's efforts to reach younger or more digitally inclined groups can include updating existing digital materials and expanding on digital education campaigns through social media, the County website, and email newsletter subscriptions. At a minimum, the County should refresh its website to remove outdated information, add updated information, make it more visual, and make it easier for different types of users (e.g., single-family residents, multifamily tenants, multifamily property managers, businesses, and self-haulers) to find all the information related to them.

The website should include information on what, where, and how to recycle and compost and on how to reduce waste generation. The County website can add depth and details to brief informational mailings on recycling, contamination reduction, composting, hazardous waste, food waste prevention, C&D, and littering and illegal dumping. For instance, a digital campaign for C&D may emphasize the value of reusing building material and reducing C&D waste. The County website can then include a list of building material reuse options with relevant links, tips from green building organizations on reducing waste during construction, and directories of recycling providers. The website can provide user-friendly databases that inform C&D self-haulers on how to separate and prepare specific materials.

Social media campaigns are a low-cost supplement to other education and outreach efforts and can build on free resources provided by organizations such as the social media toolkit from The Recycling Partnership. This toolkit provides a schedule for various content, including text and images to align with seasons and holidays, throughout the year. Social media campaigns also offer flexibility in topics that can be covered, including promoting upcoming events and addressing seasonal or emerging issues (such as backyard composting in spring or collection schedule changes during weather events).

An important consideration when using social media, newsletters, or blogs is that individual posts and articles about a small subset of products can lead to an overload of unorganized information. If adopted, these digital methods should direct users to resources on the County website, so they should be organized and easy to find by residents and businesses later.

5.4.2 Conduct New Waste Prevention Campaigns

County staff could conduct additional waste prevention campaigns on materials such as clothing and reusable cups and food containers.

Clothing waste prevention campaigns can address purchasing (buying less, second-hand, and/or higher quality clothing) as well as caring for and repairing clothing to extend its lifespan. A campaign could also include organizing repair events for clothing as well as other household products. To develop this campaign, County staff could build on resources from King County, Snohomish County and Spokane County in Washington, and the Oregon Department of Environmental Quality.

Many coffee shops allow customers to bring their own cups, and Washington's Department of Health is in the process of adopting new provisions allowing customers to bring their own refillable containers to certain businesses for bulk items. A campaign by County staff could include promotions on social media and at participating businesses as well as outreach during business technical assistance on allowing customers to bring their own containers.

5.4.3 Facilitate Business Material Exchanges

The County and signatory cities could promote or financially support forums or other methods to facilitate regional business material exchanges (such as the IMEX program in King County available at www.hazwastehelp.org/imex). Such programs help businesses find and connect to markets for surplus materials and items that might otherwise become waste.

5.4.4 Promote Existing Reuse Programs

The County and signatory cities could promote and support expansion of existing reuse and material exchange opportunities in the County, such as the Habitat for Humanity Store and local reuse and donation stores. Residential options include providing information on reuse organizations or supporting reuse events focused on specific products (such as bike swaps). Promotion could involve maintaining and publishing a resource guide in local newspapers, a stand-alone guide with a map, or a web page listing organizations that promote waste reduction activities such as thrift shops, repair services, and tool rental businesses.

5.4.5 Recycling Contamination Reduction Campaigns

By collaborating with a certificated hauler, the County could develop and implement cart-tagging campaign(s) for single-family collection services. This system can provide the most direct education and feedback for single-family residents on reducing contamination in recyclables collected.

In addition, the County, cities and haulers can develop and implement a recycling drop-box site contamination reduction campaign for direct contact with residents and businesses utilizing the drop-box sites. The campaign could include County and city staff members visiting drop-box sites and providing educational materials, updating site signage and providing assistance to customers on proper methods of recycling segregations and commodity acceptance.

5.4.6 Expand Business Technical Assistance

County staff can refresh and expand its business outreach and technical assistance program with:

- Refreshed and reorganized webpages with updated information and resources.
- Hotline and email assistance to answer businesses' questions about waste prevention, recycling, contamination reduction methods, and composting.
- On-site technical assistance including waste audits, collection infrastructure assessments, customized recommendations for waste prevention and increasing

recycling and composting, support implementation recommendations, and employee trainings.

- Business toolkits and business tip sheets for preventing waste, increasing recycling and composting, and minimizing contamination.
- Provision of collection signage and free or low-cost indoor collection containers.

To promote business technical assistance, County staff could focus efforts on:

- Businesses that already participate in environmental programs that may be more open to reducing waste.
- Businesses in a few small areas of the County to make door-to-door canvassing more efficient and create a hub of waste reduction, particularly when combined with a recognition program.
- Proper ingress and egress requirements for solid waste and recycling collection containers as outlined in the building codes.

This technical assistance program could coordinate with the Health District on hazardous waste reduction efforts to identify opportunities for businesses to reduce their use of toxics.

County staff could also join the statewide EnviroStars Green Business Program, which offers member agencies an existing platform on which to build the County business technical assistance program. EnviroStars offers a web portal, business recognition program, and joint marketing program. Collaboration with the local Chamber of Commerce could also be implemented.

5.4.7 Offer School Technical Assistance

Schools present important opportunities to reduce and prevent waste—especially food waste—and increase recycling. Technical assistance to schools could include:

- On-site technical assistance including waste audits, collection infrastructure assessments, and customized recommendations for waste preventing and increasing recycling and composting.
- Assistance and/or grants to support implementation of waste reduction strategies such as switching to milk dispensers with reusable cups, switching to reusable dishes and trays, setting up a sharing table or bin for students to trade unopened food/drinks and uneaten whole fruit with peels, setting up a school swap day at the end of the school year when students are cleaning out lockers, installing water-bottle filling stations, donating edible food, and more.
- Assistance implementing recommendations regarding green purchasing, waste collection practices, and waste collection infrastructure.
- Working with a school's existing student green team to implement a food waste audit and prevention campaign, an on-site composting demonstration project, or a waste audit and recycling/composting education campaign.

County staff can draw on programs developed by Clark County, Clackamas County (Oregon), King County, and the Washington Green Schools program. The Washington Green Schools also offers recognition for a school's performance in multiple environmental categories.

5.4.8 Establish a Waste Diversion Goal

The County and signatory cities, as part of this planning process, have set a specific performance target, during this Plan period, for waste reduction, recycling, and composting programs at 40 percent. Setting diversion goals provides a benchmark for measuring future performance.

5.4.9 Recycling Rates by Material

Overall, Benton County's waste diversion rate is estimated to be 37 percent. In 2018, a total of 122,860 tons was reported recycled, composted, or otherwise diverted. Refer to Chapter 2.0 – Waste Stream for data sources and detailed information. Recovery rates in the County appear to be highest for asphalt and concrete, yard debris, ferrous metals, and cardboard.

5.4.10 Recycling Program Costs and Affordability

An overriding goal of Benton County's solid waste program is to keep costs and rates affordable for both residents and businesses. Recycling and other services discussed in this Plan may add to program costs and increase rates. The key issues related to costs, rates, and affordability that should be considered as part of developing this Plan.

5.4.11 Sham Recycling

Some facilities may claim they are recycling a material without actually doing so. Others haul mixed garbage they claim constitutes recyclable materials to avoid flow control policies in areas with high transfer station or landfill tip fees. These practices can both be considered "sham recycling." Though Washington State's 2005 "Sham Recycling Bill" and the Recyclable Materials Transporter and Facility Requirements (WAC 173-345) limit this practice by requiring recycling haulers to register with Washington State and prohibiting delivery of recyclable materials to transfer stations and landfills, sham recycling may still occur. To date, no sham recycling has been documented in the County.

5.4.12 Glass Recycling

The growth of wineries and microbreweries in the County has increased public interest in recycling glass. Additionally, new residents coming from places where glass is recycled have requested the ability to recycle glass. A number of jurisdictions and companies are working together to address the difficulties associated with glass recycling in Eastern Washington. Current conditions make economical glass recycling a challenge due to no local markets in the area and the significant cost for transportation to markets in Seattle and Portland. The County could consider the addition of glass to its recycling programs if collection and recycling become financially feasible.

5.4.13 Provide Support for Recycling at Public Events

Washington State law requires public events to provide recycling containers (RCW 70A.205). To support this requirement, the County could operate a program that provides recycling bins loaned out to event organizers and other support for these events. This program is a low-cost public service with high visibility that provides a positive benefit for those involved.

5.4.14 Require New Buildings to Provide Adequate Space and Facilities for Recycling Storage and Collection

The County and signatory cities could develop clear guidelines to help developers and permit review staff comply with WAC 51-50-009, which mandates that local jurisdictions require new buildings to provide adequate space for recycling. The County and signatory cities could also update building codes to require adequate space for recycling infrastructure with minimum specified capacity per residential unit or per square foot of building space and could include an assessment of recycling capacity in the permit review process.

5.4.15 Adopt Mandatory Recycling for Readily Recyclable Materials

Signatory cities that contract for or directly provide garbage collection service could adopt a disposal ban requiring residential and commercial customers to recycle readily recyclable materials. Recyclable materials may include yard waste, food waste, mixed paper, newspaper, cardboard, plastic bottles, aluminum cans, tin cans, electronics covered by E-Cycle Washington, and clean wood.

Before adopting mandatory disposal bans and recycling policies, signatory cities would need to ensure that residents and businesses have the option to subscribe to a recycling service and have adequate access to drop-off recycling sites.

5.4.16 Implement and Continue Pay-As-You-Throw Pricing for Garbage

Signatory cities could require haulers to establish rate schedules that charge proportionately more to dispose of larger quantities of garbage. Signatory cities that contract for collection services could increase the fee differential for different bin sizes (for both residential and commercial collection). Residents and businesses will need to have the option to subscribe to a recycling service or have adequate access to drop-off recycling sites. Cities would need to negotiate a contract amendment or implement changes during contract renewals or bid processes.

5.5 Recommended Actions

The following recommendations are made for waste reduction and recycling programs:

- WRR1) Refresh educational materials and seek to harmonize messaging.
- WRR2) Distribute informational materials to households and businesses.
- WRR3) Update and expand on digital education through websites, social media, and newsletters.
- WRR4) Provide multifamily technical assistance.

- WRR5) Expand business technical assistance.
- WRR6) Offer school technical assistance.
- WRR7) Adopt the updated list of designated materials and maintain it through periodic review and updates.
- WRR8) Establish a waste reduction and recycling goal of 40 percent for this planning period.
- WRR9) Focus recycling and diversion efforts on waste streams that represent significant tonnage disposed and coordinate messaging and efforts to reduce contaminants on materials recycled.
- WRR10) Support private sector programs, forums, or other methods, such as existing reuse and reusable materials exchange programs, to facilitate material exchanges.
- WRR11) Increase promotion of existing reuse programs through newsletters, community reuse events, guidebooks, and community-based social marketing.
- WRR12) Incorporate and expand the education and promotion program.
- WRR13) Work cooperatively with County, city and hauler staff to create and implement recycling contamination reduction campaigns for curbside and drop-box recycling programs.
- WRR14) Work cooperatively with cities and towns to develop guidelines and revise building codes to establish standards that promote commercial waste reduction and recycling.
- WRR15) Encourage signatory cities to modernize curbside recycling programs with convenient, efficient carted service to increase diversion and safety and reduce litter.
- WRR16) Review and implement actions pertaining to the CROP as needed during this Plan cycle.

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CHAPTER 6.0 ORGANICS

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6.0 Organics

6.1 Introduction

This chapter discusses existing organics management collection and handling methods in the County and the participating cities and towns, identifies relevant planning issues, and develops and evaluates organics management strategies.

6.2 Background

This section provides information regarding regulations and guidance related to organics management.

6.2.1 Organics Regulations and Guidance

Beginning in 1989, the Waste Not Washington Act (ESHB 1671) declared that waste reduction and recycling must become a fundamental strategy of solid waste management. To that end, RCW 70A.205 included a statement that encouraged yard debris be eliminated from landfills by 2012 in those areas where alternatives exist.

RCW 70A.205 also required that collection programs for yard debris be addressed in areas where there are adequate markets or capacity for composted yard debris within or near the service area.

In 2019, the Legislature passed HB 1114, now codified as RCW 70A.205.715 to address food waste and wasted food in Washington. The law established a statewide food waste reduction goal, relative to 2015 levels, and required a subset of the goal to focus on reducing the amount of edible food that is wasted. Ecology is required to establish baseline data and annually track progress toward the statewide food waste reduction goals and to develop and implement a food waste reduction plan, now titled the Use Food Well Washington Plan, which focuses on three key strategies:

1. **Prevention:** Prevent and reduce the amount of food that is wasted.
2. **Rescue:** Rescue edible food that would otherwise be wasted and ensure that the food reaches those who need it.
3. **Recovery:** Support productive uses of inedible food materials, including using them for animal feed, for energy production through anaerobic digestion, and for off-site or on-site management systems including composting, vermicomposting, and other biological systems.

The Use Food Well Washington Plan was completed in December 2021 and provides local governments with recommendations for best management practices to incorporate in local Plans.

In addition, HB 1799 was enacted that requires diversion of organic materials away from landfill disposal and directs them towards food rescue programs and organics management facilities. Highlights of HB 1799 include:

- Establishment of a 75 percent goal of reducing landfilling of organic materials by 2030 (relative to 2015 numbers).

- Requires Ecology to collaborate with a third-party consultant to evaluate adequacy of local government solid waste management funding.
- Focuses on implementing required collection and management of organic waste from all residents and some businesses.
- Requires updated Comprehensive Solid Waste Management Plans that are developed, updated, or amended after July 1, 2024, to include an identification of priority areas for siting organic materials management facilities without overburdening communities.
- Requires cities and counties with a population greater than 25,000 and/or where curbside organics collection is offered in the jurisdiction to develop a compost procurement ordinance and report compost procurement accomplished by January 1, 2023.
- Identify how much organic materials is generated in the County and if capacity exists to manage that material.

6.2.2 Washington State Department of Agriculture Regulations

In 2016, the WSDA amended WAC 16-470 Quarantine – Agricultural Pests as follows:

1. Adding MSW, yard debris, organic feedstocks, organic materials, and agricultural wastes to the list of commodities regulated under the apple maggot quarantine;
2. Establishing a special permit to allow transportation and disposition of MSW from the areas under quarantine for disposal at a solid waste landfill or disposal facility in the apple maggot and plum curculio pest-free area; and
3. Establishing a special permit to allow transportation and disposition of yard debris, organic feedstocks, organic materials, and agricultural wastes from the area under quarantine for disposal at a solid waste landfill or treatment at a composting facility in the apple maggot and plum curculio pest-free area.

Benton County is designated as a non-quarantined area by the WSDA, which allows the transportation of organics to permitted facilities outside of the County. In addition, due to the WSDA non-quarantine status, organics or municipal solid waste from an apple maggot quarantine area cannot be accepted unless a special permit has been issued by WSDA.

In September 2022, the WSDA placed a quarantine for Japanese beetle in the southeastern corner of Yakima County and the southwestern corner of Benton County in accordance with WAC 16-470-700 to 720. Under this quarantine, yard debris is considered a regulated article (WAC 16-470-710) and is prohibited from moving outside of the quarantined area unless it meets one of the following treatment methods (WAC 16-470-717(2)):

- Steam heated to a temperature of 140 degrees Fahrenheit for 1 hour to kill all life stages of Japanese beetle;
- When consisting solely of woody materials containing no soil, yard debris may be chipped to a screen size of 1 inch or smaller in two dimensions during the

Japanese beetle adult flight season (May 15 through October 15). Woody material containing no soil can be moved outside of the Japanese beetle adult flight season without chipping; or

- Another treatment determined to be effective at eradicating Japanese beetle and approved in writing by the director.

6.3 Existing Conditions

The sections below describe existing collection and processing activities for organic materials.

6.3.1 Yard Debris Collection Programs

The City of Richland offers weekly collection of yard waste every week, on regular collection days, weather permitting to residential customers. The program accepts loose grass, leaves, plant trimmings, garden debris, non-treated wood, and branches less than 4 inches in diameter.

WM, in Kennewick, offers collection of unlimited bags of leaves the first week of November, December, and January with materials collected currently being directed for disposal.

In 2027, jurisdictions with a population of over 50,000 residents will be required to implement curbside collection of organics, which will require the City of Kennewick to consider options for organics collection curbside programs.

6.3.2 Home Composting

Benton County encourages home composting of yard waste and food waste through their website. Information on home composting can be found at the Solid Waste Division comprehensive website:

<https://www.co.benton.wa.us/pview.aspx?id=9697&catid=0>

6.3.3 Compost Facilities

The City of Richland, in Benton County, owns and operates a compost facility for yard debris collected through their curbside collection programs and biosolids from their wastewater treatment plant. Natural Selection Farms in Sunnyside, Washington, and Dirt Hugger in Dallesport, Washington, are the next-closest compost facilities located in Eastern Washington.

Information on the City of Richland Compost Facility can be found at:

[https://www.ci.richland.wa.us/departments/public-works/solid-waste-utility/horn-rapids-landfill/compost#:~:text=Residential%20customers%20are%20able%20to,McDonald%20\(509\)%20627%2D1153](https://www.ci.richland.wa.us/departments/public-works/solid-waste-utility/horn-rapids-landfill/compost#:~:text=Residential%20customers%20are%20able%20to,McDonald%20(509)%20627%2D1153)

6.3.4 Compost Procurement Ordinances

The cities of Kennewick and Richland and Benton County have adopted compost procurement ordinances.

6.3.5 Organic Material Generation

Information on County organic waste stream composition and tonnage can be found in Chapter 2.0 – Waste Stream.

6.3.6 Christmas Tree Collection Program

Christmas tree collection programs are offered by the City of Richland and Ed's Disposal through curbside collection, by WM of Kennewick at the transfer station, and BDI through their Pasco Transfer Station. The City of Richland is currently the only program that composts the Christmas trees collected.

6.4 Status Of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

6.5 Alternatives and Evaluations

Existing service gaps and other issues connected to the organics component of solid waste management are discussed below.

6.5.1 Organics Education

The County has a home composting education program available on its website. As additional programs grow, such as a pilot food waste collection and composting program or yard debris collection program, educational materials outlining the benefits of the programs could be developed and distributed.

6.5.2 Evaluate Implementation of Curbside Recycling Services for Yard Waste and Food Waste

Curbside recycling programs and the availability of a composting facility for processing materials are essential elements to increase waste diversion efforts. Current composting facility infrastructure at the City of Richland would not currently be adequately sized to accept the volume of yard and food waste that could potentially be collected through implementation of additional curbside collection programs.

Implementation of yard waste and food waste recycling programs would require evaluation and a substantial investment for a new composting facility, additional capacity at the City of Richland composting facility, collection trucks, recycling carts, and staffing. There is the potential that the current City of Richland compost facility could be expanded to manage the additional materials but this expansion and operations would need to be negotiated directly with the City of Richland. If the City of Richland compost facility expansion cannot be negotiated, a new compost facility could be located in the County in zoning areas that allow for this type of facility through a conditional-use permit process.

The County and city partners could undertake a study to determine the infrastructure necessary to implement additional yard waste and food waste collection and recycling programs. The County could also consider the potential for public-private partnerships to

assist with volumes throughput and the offset of costs for facility construction, maintenance, operations, and product marketing.

6.5.3 Food Waste

The County and participating municipalities could evaluate the potential for establishing food waste and edible food recovery collection programs. The County could encourage a pilot program in cooperation with the cities and the Tri-Cities Food Bank, and if successful, consider expanding the program to serve more customers. The County should also consider implementation of strategies for education and outreach from the Use Food Well Washington Plan as they pertain to organics and food waste handling in the County system.

6.6 Recommended Actions

The following recommendations are made for organics:

- O1) Continue to develop and distribute educational materials related to organics management as programs are established and implemented.
- O2) Advocate that adequate funding is provided by the State to develop and implement programs for organics and food waste collection and processing as required by RCW 70A.205.715 and HB 1799.
- O3) Consider initiating a study to determine program and infrastructure needs necessary for implementation of additional yard waste and food waste collection and processing programs.
- O4) Evaluate a pilot food waste and edible food waste collection program for potential implementation based on participation and customer satisfaction and consider expanding the program as appropriate.
- O5) Consider developing a County-wide Christmas tree recycling pilot program to assess public interest and participation.
- O6) Evaluate recommendations from the Use Food Well Washington Plan and implement as appropriate.

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CHAPTER 7.0 MISCELLANEOUS WASTES

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7.0 Miscellaneous Wastes

7.1 Introduction

This chapter discusses existing programs, identifies relevant planning issues, and develops and evaluates alternative strategies for the management of miscellaneous wastes.

7.2 Background

Miscellaneous wastes have some similarities to “normal” MSW and can be managed in a similar fashion with some additional precautions or special handling procedures. Each type of special waste is governed by slightly different regulations, based on its physical and chemical characteristics and the degree of environmental, health, or safety risk it poses. This chapter is subdivided into the sections shown in Table 7-1 to describe regulations, current programs, and planning issues for each type of special waste.

Table 7-1. Miscellaneous Wastes	
Section	Miscellaneous Waste Type
7.3	Agricultural Waste
7.4	Animal Carcasses
7.5	Appliances/White Goods
7.6	Asbestos
7.7	Biomedical/Infectious Waste
7.8	Carpet and Padding
7.9	Construction and Demolition Debris
7.10	Disaster Debris Management
7.11	Electronic Waste
7.12	Junk Vehicles
7.13	Litter and Illegal Dumping
7.14	Mattresses
7.15	Petroleum-Contaminated Soils
7.16	Pharmaceuticals
7.17	Street Sweepings/Vactor Waste
7.18	Tires

7.3 Agricultural Waste

This section addresses management and disposal of agricultural waste within the County.

7.3.1 Regulations and Guidelines

WAC 173-350-100 defines agricultural wastes as “wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, livestock manure, animal bedding, and carcasses of dead animals.” WAC 173-350-230 addresses land application, the beneficial use of agricultural waste applied to land for its agronomic value or soil-amending capability.

7.3.2 Current Practice

As defined above, little of the agricultural waste generated is disposed of within the County’s Solid Waste Division’s programs. Hence, agricultural wastes are not under the purview of this Plan. Agricultural wastes, whether crop residues or animal manures, can be returned to the land where they were generated. An exception to this is the disposal of animal carcasses, which is addressed below in Section 7.4.

Unusable produce from a food processor, such as a load of rotten potatoes, is handled as MSW and may be disposed of at a transfer station or landfill.

Note that empty pesticide and herbicide containers may be disposed of as refuse following triple rinsing.

7.3.3 Planning Issues

Current agricultural waste management and disposal practices are generally adequate and should be maintained.

7.4 Animal Carcasses

This section addresses disposal of animal carcasses within the County.

7.4.1 Regulations and Guidelines

Animal carcass disposal requirements generally differ according to cause of death, as follows:

1. Animals that die of natural causes (but not an infectious disease) can be buried on site (typically on a farm) in accordance with state and local regulations, taken to a rendering facility, or taken to the Horn Rapids Landfill for disposal.
2. Animals killed by collision with motor vehicles (“road kill”) are also taken to the landfill for disposal.
3. The carcasses of animals that die from an infectious disease must be treated to destroy the disease-causing agent to prevent it from infecting other animals or humans. This involves coordination with the Health District.

7.4.2 Current Practice

The County's policy and procedures for disposal of animals can be summarized as follows:

- Animal carcasses are accepted at the Horn Rapids Landfill.
- Customers are charged \$75 for animals under 100 pounds and \$150 for animals over 100 pounds.
- Customers wishing to dispose of infectious and/or diseased animals are directed to the Health District for further instructions.

7.4.3 Planning Issues

Because they can potentially infect humans, two of the most important animal diseases are Bovine Spongiform Encephalopathy (BSE) and avian flu.

BSE-infected cattle must be buried in a lined landfill. In addition, BSE-infected cattle cannot be disposed of in a landfill where the leachate goes to a sewage treatment plant, because chlorination also does not deactivate prions. Incineration is also an accepted method of BSE-cow disposal.

Highly Pathogenic Asian Avian Influenza A (H5N1) or “avian flu” is caused by bird influenza viruses. Since 1997, H5N1 has infected and killed humans who had close contact with infected poultry. There is concern the H5N1 virus could mutate and eventually acquire the ability to spread easily from one person to another, without birds as the carrier. On-site composting has proven to be an effective mass disposal method for dead poultry, as the avian influenza virus is deactivated after 10 days of composting at 60° Celsius (140° Fahrenheit). Single birds may also be accepted as MSW if they are double bagged. In larger quantities, the birds are required to be disposed of at a lined landfill or incinerated.

7.5 Appliances/White Goods

This section addresses management of waste appliances generated within the County.

7.5.1 Regulations and Guidelines

Major appliances, also known as white goods, are considered a special waste because their sizes make it difficult to handle them in the “normal” garbage collection system, and because some types of appliances contain chlorofluorocarbons (CFCs, or “Freon”) that must be removed prior to disposal. On the federal level, the Clean Air Act prohibits the release of CFCs, and state law (RCW 70.94, the Washington Clean Air Act) also requires that CFCs be handled in a manner that prevents release into the atmosphere. Furthermore, CFCs and hydrochlorofluorocarbons are designated as dangerous wastes under WAC 173-303, although they are exempt from these rules if recycled properly.

7.5.2 Current Practice

Appliances are composed mainly of steel, copper, plastic, and rubber, but are typically recycled as ferrous scrap metal. As a service to customers, some appliance dealers

recycle old appliances when a new one is delivered. Appliances are accepted for a fee at the following:

- Mayflower Metals – 139406 West Johnson Road, Prosser
- Local Boys Metal Recycling – 51 Wellsian Way, Richland

All facilities confirm that the Freon refrigerants from refrigerators, freezer, air conditioners, and similar devices are removed. Various companies also haul and recycle appliances based on price and availability.

7.5.3 Planning Issues

Current appliance management and disposal practices are generally adequate and should be maintained.

7.6 Asbestos

This section addresses asbestos disposal within the County.

7.6.1 Regulations and Guidelines

Asbestos is a naturally occurring crystalline material that breaks down into small particles that float in air, and once inhaled, these particles can become lodged in a person's lungs and cause cancer. Several federal laws address asbestos removal and disposal, including the Toxic Substances Control Act, the Occupational Safety and Health Act, the Clean Air Act, and the Clean Water Act. There are also several state laws that address asbestos through worker training and protection requirements as well as disposal rules under the Dangerous Waste Regulations (WAC 173-303). The Benton Clean Air Agency regulates the removal and disposal of asbestos. Their website provides additional information on asbestos removal and disposal at: <http://bentoncleanair.org/>.

7.6.2 Current Practice

Customers with asbestos-containing materials are referred to the Benton Clean Air Agency for regulatory requirements and disposal options.

7.6.3 Planning Issues

Current asbestos waste management and disposal practices are generally adequate and should be maintained.

7.7 Biomedical/Infectious Waste

This section addresses disposal of biomedical waste generated within the County.

7.7.1 Regulations and Guidelines

Washington State's definition of biomedical waste (RCW 70A.228.010) includes the following waste types:

Animal waste: animal carcasses, body parts, and bedding of animals that are known to be infected with, or have been inoculated with, pathogenic microorganisms infectious to humans.

Biosafety level 4 disease waste: contaminated with blood, excretions, exudates, or secretions from humans or animals that are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control and Prevention.

Cultures and stocks: wastes infectious to humans, including specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes, but is not limited to, culture dishes, blood specimen tubes, and devices used to transfer and inoculate cultures.

Human blood and blood products: discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

Pathological waste: human-source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

Sharps waste: all hypodermic needles, syringes, and intravenous tubing with needles attached; scalpel blades; and lancets that have been removed from the original sterile package.

The WUTC regulates transporters of biomedical wastes. Its regulations also allow regular solid waste haulers of refuse to haul wastes that they observe to contain infectious wastes as defined by the WUTC.

7.7.2 Current Practice

There are a number of state-licensed firms that collect and properly dispose of biomedical/infectious wastes in the County. Due to privacy considerations, these firms do not provide information about where these wastes are generated.

Sharps, when properly prepared, are currently accepted for disposal by the local waste collection companies operating in the County.

7.7.3 Planning Issues

The list of potential generators of biomedical waste includes medical and dental practices, hospitals and clinics, veterinary clinics, and farms and ranches, as well as individual residences. Some of these may not always dispose of biomedical wastes properly. There is no definitive estimate of the quantity of syringes and other biomedical wastes that are improperly disposed of locally, but haulers in other areas often report seeing syringes sticking out of garbage bags. This problem is expected to increase due to an aging population and additional medications delivered via syringe that have become available for home use (for human immunodeficiency virus, arthritis, osteoporosis, and psoriasis).

7.8 Carpet and Padding

This section addresses carpet and padding disposal within the County.

7.8.1 Regulations and Guidelines

In 2019, the legislature passed HB 1543 concerning sustainable recycling and directing Ecology to create a recycling development center to research, incentivize, and develop new markets and expand existing markets for recycled commodities and recycling facilities. One of the materials that can be investigated for potential recycling opportunities is carpet and padding.

7.8.2 Current Practice

Customers with carpet and padding are referred to the landfill and transfer stations for disposal. There are currently no carpet recycling facilities operating in the County.

7.8.3 Planning Issues

Current carpet and padding waste management and disposal practices are generally adequate and should be maintained. The County could consider supporting extended producer responsibility (EPR) legislation for recycling of carpet and padding to eliminate this bulky waste stream from disposal in the landfills and to preserve valuable landfill space. The County will continue to monitor opportunities and technologies for carpet and padding recycling and consider implementation as appropriate.

7.9 Construction and Demolition Debris

This section addresses management and disposal of C&D debris within the County.

7.9.1 Regulations and Guidelines

Construction, demolition, and land-clearing wastes are solid wastes resulting from the construction, renovation, and demolition of buildings, roads, and other man-made structures. Construction wastes generally include wood scraps, drywall scraps, and excess concrete, as well as cardboard boxes and other packaging used to hold materials or products prior to installation. Demolition wastes typically contain concrete, brick, wood, drywall, and other materials. Land-clearing debris (tree stumps, brush, and soil) is often included with C&D wastes, but little of this material is actually sent to disposal facilities. Another component of C&D wastes is reusable building materials, which are salvaged materials from construction or demolition that would otherwise be landfilled.

C&D wastes are generated by construction companies, homeowners, and others. Large amounts of C&D wastes generated by construction companies and contractors are more likely to be collected separately from normal garbage and brought to special disposal sites. Homeowners are more likely to bring small, mixed loads containing both C&D wastes and garbage to County disposal facilities.

WAC 173-350-400 allows many types of C&D wastes to be disposed of in limited-purpose landfills. In addition, state law prohibits the open or unregulated burning of “treated wood, metal and construction debris.”

Ecology released an updated waste and toxics reduction plan in June 2015. *Moving Washington Beyond Waste and Toxics* focuses on reducing C&D waste through design and recycling and provides the following goals pertaining to C&D waste:

- Waste generation will be reduced throughout the system by both businesses and residents (GOAL SWM 4).
- Advance building salvage and building material reuse to reduce construction and demolition waste by promoting design for deconstruction principles, sharing model contract language that requires salvage, and other related efforts.

The state legislature passed the “Sham Recycling Bill” in 2005, requiring transporters of recyclable materials to register with Washington and certain recycling facilities to notify the state before commencing operation. A new state rule, the Recyclable Materials Transporter and Facility Requirements (WAC 173-345), was developed in response to this legislation. Although originally directed at C&D recycling issues, the new rule covers all types of recyclable materials (all materials designated as recyclable in this Plan). The new rule prohibits delivery of recyclable materials to transfer stations and landfills. The rule does not apply to several entities, including self-haulers, cities and city contractors, and charities.

7.9.2 Current Practice

There are no operational C&D processing facilities in the County at this time. C&D debris is currently accepted at the WM Kennewick Transfer Station, Horn Rapids Landfill, Prosser Inert Landfill, and Kennewick Inert Landfill. Additional information on these landfills located within the County can be found in Chapter 4.0 – Waste Transfer and Disposal.

7.9.3 Planning Issues

C&D debris waste volume at the Horn Rapids Landfill is experiencing growth due to population increases within the County. Management practices may need to be modified to include consideration of recycling opportunities for handling of specific recyclable waste streams in the future.

7.10 Disaster Debris Management

This section addresses management and disposal of wastes generated during disasters within the County.

7.10.1 Regulations and Guidelines

Natural and man-made disasters can result in a surge of unanticipated debris that can inhibit or obstruct emergency services and overwhelm normal Benton County Department of Public Works capabilities. It is critical to clear debris immediately after a disaster to allow emergency vehicles to respond to life-threatening situations. Once the debris is cleared from the right-of-way and vehicle access is achieved, the removal and disposal of debris are important for the community’s recovery from a disaster.

Being prepared with a plan to address the increased quantity and potential types of disaster debris can help to protect the health and safety of the community. Successful implementation of that plan can positively affect the speed and cost of recovery and the ability to obtain financial assistance for the recovery efforts.

Numerous resources that provide guidance for the development of disaster debris management plans (DDMPs) are available. The EPA in March 2008 developed *Planning for Natural Disaster Debris* (EPA 2008) as a tool for local communities to create such a plan. Another guidance tool is the Federal Emergency Management Agency's (FEMA) *Public Assistance Program and Policy Guide, Appendix D: Debris Management Plan Job Aid* (FEMA 2016). Both of these documents are available online and provide guidance that could assist the County in developing a DDMP.

7.10.2 Current Practice

The County has an Emergency Services Department that has prepared an Emergency Management Plan (EMP).

From 2003 to September 2022, three federally declared disasters affected the County (not including fire management assistance), according to FEMA's website:

- Severe winter storms, flooding, landslides, and mudslides – 2017
- Drought Declaration – 2019
- COVID-19 Pandemic – 2020

The County is historically at risk primarily for storm, drought, and fire disasters. However, wind-borne ash from the 1980 volcanic eruption of Mount St. Helens also affected the County. Table 7-2 summarizes the types of disasters most likely to occur in or near the County and the types of debris likely to be generated. Evaluation of potential disasters and resultant debris can help prepare for disaster response and recovery.

Table 7-2. Potential Disasters and Resultant Debris

Debris Type	Biodisaster / Epidemic	High Winds	Floods	Wildfires	Winter Storms	Volcanoes
C&D Material: concrete, asphalt, metal, wallboard, brick,		XX	X	X	X	X
Personal property: appliances, e-waste, MRW, furniture, other personal belongings		XX	X	X		
Vehicles and vessels		X	X	X		
Vegetative debris: trees, yard debris, woody debris		X	XX	X	XX	X
Animal carcasses, bedding, manure, contaminated items	XX					
Displaced sediments: sand, soil, rock, sediment			XX	X		X
Mixed other debris		X	X	X		X

Note: X = smaller quantity; XX = significant quantity

Planning for debris management enables the County to consider and evaluate alternative debris management options before a natural disaster occurs. Adequate preparation

helps make disaster debris management more cost-effective and meet community concerns, which typically include:

- Public health and safety.
- Prioritizing response activities to target resources in an appropriate manner.
- Preserving property and the environment.
- Minimal impact or disruption of normal solid waste services.
- Cost.
- Compliance with regulations governing specific waste streams such as asbestos and hazardous waste.
- Availability of facilities permitted to accept specific waste streams.
- Ability to recycle portions of the waste stream.
- Eligibility for cost-recovery funds through FEMA or other government programs.

7.10.3 Planning Issues

In an emergency, timely response, saving lives, and minimizing property damage are the primary goals. Following the initial response, disaster debris handling becomes important. A DDMP can be used to coordinate between emergency responders and County agencies that provide various services. Following the DDMP during and after an emergency is likely to allow for a speedier response and recovery and assist in reducing the financial impact. The DDMP supplements the EMP by elaborating on debris clearance and demolition activities. Following are issues the DDMP could address:

- Forecast of type and quantity of debris;
- Types of equipment required to manage debris;
- Description of critical local accessibility routes;
- Plan for public debris collection and removal and debris removal from private property;
- Plan for informing the public regarding debris handling;
- Health and safety requirements for emergency workers;
- List of environmental considerations and regulatory requirements;
- Temporary debris management sites and disposal locations, including any necessary permits or variances;
- Potential resources, such as contractors or County staff, and their responsibilities; and
- Plan for monitoring debris removal and disposal operations.

7.11 Electronic Waste

This section addresses disposal of electronic and electronic equipment waste, commonly referred to as “e-waste,” generated within the County.

7.11.1 Regulations and Guidelines

Electronic products contain heavy metals and other chemicals at hazardous levels that make them difficult to dispose of safely. The Electronic Product Recycling law (RCW 70A.500) requires manufacturers of computers, monitors, laptops, and portable computers to provide recycling services throughout the state at no cost to households, small businesses, small local governments, charities, and school districts. This law led to the E-Cycle Washington program developed by Ecology. Names and locations of collection sites can be obtained by calling 1-800-RECYCLE or going to www.ecyclewashington.org.

7.11.2 Current Practice

The E-Cycle Washington program allows for the collection and recycling of televisions, desktop computers, laptop computers, tablet computers, e-readers, portable video disc players, and computer monitors. However, peripherals such as keyboards, mice, and printers are not covered by the program. More than 330 collection sites (statewide) have been established since January 2009. In the first 5 years of its existence, E-Cycle Washington has collected more than 200 million pounds of discarded electronics. The County currently has 14 sites that accept electronic waste free of charge.

7.11.3 Planning Issues

Based on the E-Cycle Washington statistics, the statewide program is working well.

7.12 Junk Vehicles

This section addresses disposal of junk vehicles within the County.

7.12.1 Regulations and Guidelines

RCW 70.93.060 prohibits the abandonment of junk vehicles upon any property located in a county unincorporated area. Abandoned vehicles are also regulated under RCW 46.55, which establishes rules for removal and disposal of junk vehicles. If a junk vehicle is abandoned in violation of RCW 70.93.060, RCW 46.55.230 governs the vehicle’s removal, disposal, and sale, and the penalties that may be imposed against the registered owner of the vehicle.

7.12.2 Current Practice

The County does not accept any licensed vehicles for disposal at the landfills and transfer stations due to Washington State rules and regulations. Junk vehicles may be taken to an auto recycling center for disposal.

7.12.3 Planning Issues

Current junk vehicle waste management and disposal practices are generally adequate and should be maintained.

7.13 Litter and Illegal Dumping

This section addresses litter and illegal dumping within the County.

7.13.1 Regulations and Guidelines

The Waste Reduction, Recycling, and Model Litter Control Act, RCW 70.93, is the primary law that guides and directs litter programs in Washington State. Originally passed by the Washington State Legislature in 1971 as the Model Litter Control Act, the law was the first of its kind anywhere. Voters ratified the law in the 1972 general election as an alternative to beverage container deposits. Amendments in 1979 added a youth employment program and public awareness activities concerning recycling.

Concern over the litter problem increased in 1997, after which Ecology convened a Litter Task Force to examine the effectiveness of litter control in Washington State. The Litter Task Force made several recommendations for improving the existing system and moving toward a standard of zero litter. These recommendations formed the basis of the 1998 Litter Act (Second SHB 3058), amending RCW 70.93. The 1998 Litter Act included several changes. Most significantly, it put Ecology in a leadership role overseeing funds from the Waste Reduction, Recycling, and Litter Control Account.

7.13.2 Current Practice

Current practices for litter and illegal dumping vary in the County and are described below.

7.13.3 Litter

The County has a Litter Control Program in place. The program is funded with grant money from Ecology from a dedicated account, the Waste Reduction, Recycling, and Model Litter Control Account (RCW 70.93.180). Money is raised from a tax on industries whose products tend to contribute to the litter problem. In the budget that began July 1, 2013, funds were transferred from this dedicated account to State Parks to meet other state priorities. Beginning in 2008, half of the funds were redirected away from the litter grants; however, funding was fully restored in 2019.

The County program utilizes an adult corrections crew from the County Jail with litter picked up on County and municipal roadways, trails, parks, and properties.

7.13.4 Illegal Dumping

The Health District receives and investigates illegal dumping and nuisances throughout the County. Additional information regarding the Health District investigation and enforcement program can be found in Chapter 10.0 – Administration, Financing, and Enforcement.

7.13.5 Planning Issues

Currently, funding for the Countywide Litter Control Program comes from grant funding through Ecology. If funding is reduced, the County Litter Control Program will have to look to other funding sources or discontinue the program. In addition, funding for the Health Department enforcement program comes from grant funding from Ecology.

7.14 Mattresses

This section addresses mattress disposal within the County.

7.14.1 Regulations and Guidelines

Mattresses represent a small part of the waste stream, but can be problematic due to their bulk and size. There are currently no regulatory requirements directed at recycling or disposal of mattresses in the state.

7.14.2 Current Practice

Customers with mattresses are referred to the landfill and transfer stations for disposal.

7.14.3 Planning Issues

Current mattress waste management and disposal practices are generally adequate and should be maintained. Additional opportunities for recycling of mattresses should be considered if they become available, including EPR legislation to eliminate this bulky material from disposal in the landfills and to preserve valuable landfill space.

7.15 Petroleum-Contaminated Soils

This section addresses disposal of petroleum-contaminated soils (PCS) within the County.

7.15.1 Regulations and Guidelines

PCS can contain fuel oil, gasoline, diesel, or other volatile hydrocarbons in concentrations below dangerous waste levels, but greater than cleanup levels established by Ecology. Small amounts of PCS may be disposed of as solid waste in an approved landfill. Depending on the contamination levels, large amounts may need to be treated by a process that removes or destroys the contamination. Treatment processes include aeration, bioremediation, thermal stripping, and incineration.

7.15.2 Current Practice

The County refers PCS to the WM Kennewick Transfer Station and the Horn Rapids Landfill for disposal. The Health District monitors acceptance and disposal of PCS at the landfill. The transfer station in Kennewick also accepts PCS for export to the regional landfills for disposal.

7.15.3 Planning Issues

Current management and disposal practices are generally adequate to handle the volume of PCS generated within the County.

7.16 Pharmaceuticals

This section addresses disposal of pharmaceuticals within the County.

7.16.1 Regulations and Guidelines

Generally, two types of pharmaceuticals are of interest to County waste management: (1) controlled substances (prescription drugs and illegal drugs) and (2) over-the-counter, nonprescription substances (e.g., aspirin, vitamins, other health supplements, cold medicines). Controlled substances are covered by their own regulations, which do not address disposal other than to prevent their reuse. Over-the-counter substances are not specifically addressed by solid waste regulations.

7.16.2 Current Practice

RCW 69.48, The Drug Take-Back Program created a unified, statewide medications return program for the collection of covered drugs in 2020. Administered by the Washington State Department of Health and funded by pharmaceutical producers, Washington State's Drug Take-Back Program became the first statewide EPR program for residential medications in the nation. A list of drop-off locations is available online at:

<https://medtakebackwashington.org/>.

The County encourages people to give pharmaceutical waste to community drug take-back programs to provide proper disposal rather than mixing it with trash. The Costco pharmacy and Kennewick Police Department offer drug-take back programs that can be utilized.

7.16.3 Planning Issues

Currently, the EPA lists pharmaceuticals and personal care products as “contaminants of emerging concern.” For household pharmaceuticals, the EPA’s interim recommendation is to not flush medications to the sewer or septic tank. Rather, the EPA recommends that residents double-bag medications and place them directly into exterior garbage cans to avoid children or pets accessing them.

Current pharmaceutical waste management and disposal practices are generally adequate.

7.17 Street Sweepings/Vactor Waste

This section addresses disposal of wastes generated from maintaining paved areas within the County.

7.17.1 Regulations and Guidelines

Street sweepings and vactor wastes may be contaminated with a variety of materials, depending on the locale, unauthorized or accidental discharges, and frequency of cleaning. Both street sweepings and vactor waste may contain small amounts of petroleum hydrocarbons from motor oil that leaks from vehicles traveling on public streets. Currently, vactor wastes can be classified as clean fill, solid waste, or dangerous wastes, depending upon the level of contamination.

7.17.2 Current Practice

Street sweepings and vector waste collected at the West Richland, Richland, and Kennewick decant facilities are routinely tested for Model Toxics Control Act levels. Kennewick disposes of the material at their Inert Landfill, Richland utilizes the material as an alternate cover for the landfill, and West Richland uses it for fill material on various city projects. Prosser also disposes of street sweepings in their Inert Landfill.

7.17.3 Planning Issues

Current waste management and disposal practices for street sweepings and vector waste are generally adequate.

7.18 Tires

This section addresses tire disposal within the County.

7.18.1 Regulations and Guidelines

WAC 173-350-100 defines waste tires as any tires that are no longer suitable for their original intended purpose because of wear, damage, or defect. WAC 173-350-350 imposes restrictions on outdoor piles of more than 800 tires.

7.18.2 Current Practice

Many tire shops and auto repair shops recycle the tires they replace (typically for a fee). Waste tires are also accepted at the Kennewick Transfer Station and Horns Rapid Landfill for a fee.

7.18.3 Planning Issues

Recycling and disposal practices for tires are generally adequate. The areas of primary concern are large tire stockpiles, loads of tires that are illegally dumped on public or private property, and small quantities of tires stored by residents and businesses for disposal at some indeterminate future date.

7.19 Needs and Opportunities

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

7.20 Alternatives and Evaluations

Existing service gaps and other issues connected to the special waste component of solid waste management are discussed below.

7.20.1 General Alternatives

Collection programs may be required or desired in the future for materials that cannot be fully anticipated at this time. As these needs arise or are identified, options should be evaluated and feasible cost-effective solutions implemented, as necessary. Possible steps that could be taken include the following:

- **Increased education:** Additional education for generators who are the sources of the waste stream could be conducted to promote safe handling and disposal practices.
- **Collection programs:** Additional or new collection programs could be developed or existing ones expanded to include additional materials or sources.
- **Product stewardship:** New product stewardship programs could be considered or supported to address specific waste materials.

7.20.2 Construction and Demolition Debris Alternatives

There are currently few opportunities for C&D recycling, although specific types of C&D materials (e.g., clean wood, cardboard, metals, and reusable building materials) can be diverted to various recovery operations. In general, reuse and recycling options for C&D wastes could include:

- **Salvage for on-site and off-site reuse:** This option generally applies to demolition projects, although a small amount of reusable materials and products is also generated at construction sites. To be effective, salvaging requires pre-demolition removal of reusable materials and hence requires some additional time and steps in a project's schedule. Off-site reuse could be accomplished through a variety of means, including reuse stores and private efforts.
- **On-site crushing and grinding for reuse and recycling:** This generally applies to concrete and asphalt, which could be crushed to serve as road base or replace other basic materials, although in some cases wood and other materials could also be handled on-site.
- **Source separation for off-site processing:** Source separation at C&D sites could allow recycling of wood, cardboard, and other materials.
- **Mixed C&D processing off-site:** This option would require a significant investment in one or more facilities that are properly equipped and operated to process and market C&D waste.
- **Central site for recycling and reuse:** An ideal option could be a facility, or a series of local facilities, that combine reuse and recycling as appropriate for the material. These facilities could sell salvaged products (e.g., doors, windows, and cabinets), as well as crush or grind other materials (e.g., concrete and wood) for use as aggregate or hog fuel.
- **Collection depots at transfer and disposal facilities:** Collection containers for reusable and/or recyclable C&D materials at solid waste facilities could allow these materials to be transferred to a central processing or salvage facility. Transportation costs can be a significant barrier, however, since the recovered materials typically have only a low monetary value.

The County could partner with the Benton Habitat for Humanity ReStore to salvage and divert recyclable materials received at transfer stations. Materials that could be recycled and resold through the Habitat for Humanity ReStore could be set aside for pickup, or customers could be redirected to the Habitat for Humanity ReStore.

Contractors and homeowners could benefit from more information about the potentially hazardous materials that can be uncovered during demolition activities. Information could include proper handling and disposal as well as the potential health impacts. Disposers of C&D waste can most easily identify potential hazards if they separate their demolished waste. Others can learn about the hazards they are exposing themselves to with County-provided brochures. Contractors and homeowners could be given a brochure when they apply for a permit.

7.20.3 Disaster Debris Management Alternatives

The Benton County Department of Public Works, Solid Waste Division, could coordinate with the Benton County Emergency Management Department to determine details regarding debris removal and disposal activities that could provide better guidance for disaster debris management activities and preparedness. A portion of the details should describe critical lines of communication related to debris removal and disposal. This would facilitate a quicker response and reduce the number of decisions that need to be made during a disaster while the extent of damage and possible options for addressing them were being assessed. Any revisions to the EMP would best be done on the normal schedule for updating this document.

The County can develop a separate DDMP. In this case, both the EMP and a DDMP together would be used for guidance in the event of a disaster. The DDMP could either be a separate plan or be added as an appendix to the EMP. The DDMP could provide the detail for critical lines of communication specific to debris management activities, identify disasters that would most likely impact the solid waste system and the type of debris that would be generated from each one, address the need for temporary staging areas including potential locations, contain forms and brochures that could be easily modified for use in such an event, and have identified reuse/recycle activities that would minimize disposal at landfills. The level of detail for this DDMP could range from simple plans consisting largely of checklists and an outline of procedures to more complex plans that would be reviewed and approved by FEMA.

7.21 Recommended Actions

The following options were selected by the SWAC for recommended implementation:

- MW1) Continue to dispose of miscellaneous wastes through a cooperative effort with the Health District, waste haulers, transfer stations, landfills, the County, and Ecology.
- MW2) Promote proper reuse, recycling, and disposal of C&D wastes.
- MW3) Partner with private organizations such as the Benton Habitat for Humanity ReStore to promote recycling and reuse of C&D wastes and building materials.
- MW4) Develop an internal plan for handling disaster debris, in coordination with the Benton County Emergency Management Department.



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CHAPTER 8.0 MODERATE-RISK WASTE

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8.0 Moderate-Risk Waste

8.1 Introduction

This chapter discusses programs for MRW, identifies relevant planning issues, and develops and evaluates alternative strategies.

8.2 Background

This section provides a summary of MRW definitions, regulations and guidance, and Benton County MRW facilities.

8.2.1 Definitions

MRW refers to materials that have the characteristics of and pose the same risks as hazardous wastes: they are flammable, corrosive, toxic, and/or reactive. State and federal laws do not regulate these wastes as hazardous wastes due to their relatively small quantities. MRW is regulated by WAC 173-350-360 under the authority of RCW 70A.300 and RCW 70A.205. MRW is defined as solid waste that is limited to conditionally exempt Small-Quantity Generators (SQGs) waste and HHW.

8.2.1.1 HOUSEHOLD HAZARDOUS WASTE

The Hazardous Household Substances List developed by Ecology is shown in Table 8-1. When generated in a residence, these products become HHW when discarded.

8.2.1.2 SMALL QUANTITY GENERATOR WASTE

Many businesses and institutions produce small quantities of hazardous wastes; the list is the same as for HHW (see Table 8-1). SQGs produce hazardous waste at rates of less than 220 pounds per month or per batch (or 2.2 pounds per month or per batch of extremely hazardous waste) and accumulate less than 2,200 pounds of hazardous waste on site (or 22 pounds of extremely hazardous waste). Extremely hazardous wastes include certain pesticides and other poisons that are more toxic and pose greater risks than other HHW. SQGs are conditionally exempt from state and federal regulation, meaning that they are exempt only as long as they properly manage and dispose of their wastes.

Table 8-1. Hazardous Household Substances List				
Substance or Class of Substance	Flammable	Toxic	Corrosive	Reactive
Group 1: Repair and Remodeling				
Adhesives, Glues, and Cements	x	x		
Roof Coatings and Sealants		x		
Caulking and Sealants		X		
Epoxy Resins	X	X		X
Solvent-Based Paints	X	X		

Table 8-1. Hazardous Household Substances List				
Substance or Class of Substance	Flammable	Toxic	Corrosive	Reactive
Solvents and Thinners	X	X	X	X
Paint Removers and Strippers		X	X	
Group 2: Cleaning Agents				
Oven Cleaners		X	X	
Degreasers and Spot Removers	X	X	X	
Toilet, Drain, and Septic Cleaners		X	X	
Polishes, Waxes, and Strippers	X	X	X	
Deck, Patio, and Chimney Cleaners	X	X	X	
Solvent Cleaning Fluid	X	X	X	X
Household Bleach (>8% solution)			X	
Group 3: Pesticides				
Insecticides	X	X		
Fungicides		X		
Rodenticides		X		
Molluscides		X		
Wood Preservatives		X		
Moss Retardants		X	X	
Herbicides		X		
Fertilizers		X	X	X
Group 4: Auto, Boat, and Equipment Maintenance				
Batteries		X	X	X
Waxes and Cleaners	X	X	X	
Paints, Solvents, and Cleaners	X	X	X	X
Additives	X	X	X	X
Gasoline	X	X	X	X
Flushes	X	X	X	X
Auto Repair Materials	X	X		
Motor Oil		X		
Diesel Oil	X	X		
Antifreeze		X		
Group 5: Hobby and Recreation				
Paints, Thinners, and Solvents	X	X	X	X
Chemicals (including Photo and Pool)	X	X	X	X
Glues and Cements	X	X	X	
Inks and Dyes	X	X		
Glazes		X		

Table 8-1. Hazardous Household Substances List				
Substance or Class of Substance	Flammable	Toxic	Corrosive	Reactive
Chemistry Sets	X	X	X	X
Pressurized Bottled Gas	X	X		X
White Gas	X	X		X
Charcoal Lighter Fluid	X	X		
Batteries		X	X	X
Group 6: Persistent Bioaccumulative Toxins				
Mercury-Containing Products		X	X	
Lead-Containing Products		X		
E-Waste		X		
Polycyclic Aromatic Hydrocarbons		X		
Polychlorinated Biphenyl		X		
Group 7: Miscellaneous				
Ammunition	X	X	X	X
Asbestos		X		
Fireworks	X	X	X	X
Marine Aerial Flares	X	X		
Pharmaceuticals		X		
Non-Controlled Substances		X		
Sharps		X		
Personal Care Products	X	X	X	

Source: Guidelines for Developing and Updating Local Hazardous Waste Plans - Appendix F, Ecology, 2010.
<https://fortress.wa.gov/ecy/publications/documents/1007006.pdf>

8.2.2 Regulations and Guidance

MRW is primarily regulated by state and federal laws that govern proper handling and disposal of these wastes. A review of the recent regulatory changes affecting solid wastes and MRW is provided in Chapter 1.0 – Background, and the relevant details for MRW are repeated below.

8.2.2.1 MOVING WASHINGTON BEYOND WASTE AND TOXICS PLAN

Ecology released an updated waste and toxics reduction plan in 2021. Moving Washington Beyond Waste and Toxics focuses on reducing waste and toxics by adopting a sustainable materials management approach, which is also used by the EPA. This approach looks at the full life cycle of materials from design and manufacturing, through use, to disposal or recycling. The EPA believes that a sustainable materials management approach can help identify more sustainable ways to produce products that are less impactful to the environment. The vision of Moving Washington Beyond Waste and Toxics is as follows:

We can transition to a society where waste is viewed as inefficient, and where most wastes and toxic substances have been eliminated. This will contribute to economic, social and environmental vitality.

One of the five sections of the Moving Washington Beyond Waste and Toxics plan is titled “Managing Hazardous Waste and Materials.” The background information for this initiative explains that perhaps as little as 1 percent of SQG waste is properly managed on a statewide basis. For HHW, only about 16 percent (statewide) is estimated to be collected through local programs. The Moving Washington Beyond Waste and Toxics plan provides the following goals pertaining to MRW:

- Until toxic substances are phased out of products and use of hazardous materials declines, MRW collection will be maximized (GOAL HWM 11).
- MRW locations and programs will provide increased services for residents, businesses, and underserved communities (GOAL HWM 12).
- Facilities that collect MRW will be properly permitted (if required) and in compliance with applicable laws and rules (GOAL HWM 13).

8.2.2.2 HAZARDOUS WASTE MANAGEMENT ACT (RCW 70A.300)

The Hazardous Waste Management Act establishes requirements for state and local hazardous waste management plans, rules for hazardous waste generation and handling, criteria for siting hazardous waste management facilities, and local zoning designations that permit hazardous waste management facilities. The Hazardous Waste Management Act also establishes waste management priorities for hazardous wastes. In order of decreasing priority, the management priorities are:

- Waste reduction;
- Waste recycling;
- Physical, chemical, and biological treatment;
- Incineration;
- Solidification/stabilization/treatment; and
- Landfill.

The waste hierarchy is a key element in determining compliance of this Plan with state requirements.

Rules implementing the Hazardous Waste Management Act are codified in the Dangerous Waste Regulations (WAC 173-303). This regulation defines dangerous waste materials and establishes minimum handling requirements. State rules specifically exclude HHW and SQG wastes from Dangerous Waste Regulations, which have been amended several times over the years—most recently in 2014. The 2014 amendments allow mercury-containing equipment to be managed as a universal waste, require recyclers and used oil processors to develop closure plans and meet financial responsibility requirements, and provide several other changes and updates.

8.2.2.3 USED OIL

Washington State law (RCW 70A.205) requires local governments to manage used oil in conjunction with their MRW programs and to submit annual reports to Ecology.

8.2.2.4 MERCURY-CONTAINING LIGHTS PRODUCT STEWARDSHIP PROGRAM

Washington State rules (WAC 173-910) established a product stewardship program for mercury-containing lights. Producers of mercury-containing lights sold for residential use must finance and participate in the stewardship program. Counties can choose to have a collection site at their facilities, and retailers can also be designated collection sites for spent mercury-containing lights. Product stewardship program participants that accept mercury-containing light can be found at:

<https://www.lightrecycle.org/collection-site-locator/>

Additional information on Mercury-Containing Lights Product Stewardship can be found in Chapter 5.0 – Waste Reduction, Recycling, and Education and Outreach.

8.2.2.5 PAINT STEWARDSHIP

In 2019, SHB 1652 was approved by the state legislature to require producers of architectural paints sold in Washington State to participate in an approved paint stewardship program. PaintCare is the manufacturer's stewardship organization that operates the statewide recycling program. Benton County MRW Facility, Miller Paint, Rodda Paint, and Sherwin-Williams, located in Kennewick, are current participants in the statewide PaintCare recycling program and accept up to 20 gallons of latex and oil-based paint per visit from both households and businesses.

8.2.3 Benton County MRW Facility

The previous MRW Facility utilized by the County was lost in a fire in 2010. Prior to construction of a new facility, the County provided HHW collection events for County residents and eligible businesses. The most recent HHW collection event was provided in 2023.

In 2012, a feasibility study identified the existing County Road Maintenance Shops located at 1709 South Ely Street in Kennewick as a potential site for a new MRW Facility. The County determined that the existing County Road Maintenance Shops would be retrofitted for use as a permanent MRW Facility to replace the HHW collection events described above.

The MRW Facility (see Figure 8-1) was developed by retrofitting portions of the former County Road Maintenance Shops and office area (approximately 3,550 square feet). The remaining areas on the south end of the site, formerly vehicle maintenance bays, may be used for general storage but may not be used for MRW operations or storage.

The cost for construction of the new MRW Facility is estimated at \$1.2 million with contributions from Benton County, cities and towns, and grant funding from Ecology. Operations of the facility will be funded with a combination of grant funds and Benton County tipping fee revenues. The new MRW Facility is scheduled to open in late 2023.



Figure 8-1. Benton County MRW Facility

8.3 Moderate-Risk Waste Generation

RCW 70A.300(1)(a) requires local governments to prepare hazardous waste management plans that contain an assessment of the quantities, types, generators, and fates of hazardous waste in each jurisdiction. This Plan serves to compile that data for Benton County, and this chapter focuses on the MRW associated with HHW and SQG aspects/quantities of hazardous waste. The quantities, types, and fates of MRW in Benton County are described in Section 8.4. The following subsections focus on the generators of this waste in Benton County.

8.3.1 Hazardous Waste Inventory

The following information helps provide an inventory of hazardous waste management in Benton County by addressing dangerous waste generators (i.e., large-quantity generators), contaminated sites, transporters and processing facilities, and locations where hazardous waste facilities can be sited (“zone designations”).

8.3.1.1 DANGEROUS WASTE GENERATORS

Ecology records (latest data as of December 2021) show that 104 businesses and institutions in Benton County are registered as hazardous waste generators and reported the generation of waste. Nineteen businesses and institutions in Benton County that are registered with the EPA or have state identification numbers did not report generating hazardous waste in 2021.

8.3.1.2 REMEDIAL ACTION SITES

Ecology’s list of confirmed and suspected contaminated sites in Benton County can be found at:

<https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

As of November 2022, there were 94 of these sites identified in Benton County.

8.3.1.3 HAZARDOUS WASTE SERVICES (TRANSPORTERS AND FACILITIES)

Multiple private companies provide transportation and disposal services for a wide range of materials. The current list of these companies can be found at:

<https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Dangerous-waste-guidance/Dispose-recycle-or-treat/Hiring-a-contractor>

8.3.2 Inventory of Moderate-Risk Waste Generators

As stated above, MRW generators include HHW from local residents as well as SQG from local businesses and institutions. For residential sources in particular, products may be stored for several years before the resident determines that the material is no longer useful and takes it to an MRW facility. In addition, although quantities and types of MRW collected and shipped are tracked, it is unknown how many residents are recycling or disposing of wastes through drop-off programs and private collection services.

8.4 Existing Conditions

This section describes existing programs to manage MRW in Benton County.

8.4.1 Current Moderate-Risk Waste and Oil Programs

8.4.1.1 MRW COLLECTION

MRW in Benton County has been primarily collected through collection events and drop-off programs. With the opening of the County MRW Facility in 2023, the following are available drop-off programs active in the County, including:

- The County MRW Facility located at 1709 South Ely Street, Kennewick, will accept hazardous wastes from households at no charge. Hours of operation and SQG waste acceptance will be addressed by the County upon opening of the facility.
- Approximately 13 locations throughout the County accept used motor oil for recycling.
- Electronic waste is accepted through the E-Cycle Washington program. Additional information on this program can be found in Chapter 6.0 – Miscellaneous Wastes.
- Mercury-containing lights are accepted through the LightRecycle program.
- Paint is accepted through the PaintCare recycling program.
- The WSDA conducts agricultural chemical waste collection events in Eastern Washington on an as-needed basis. Participants must sign up in advance to bring in wastes, but there is no cost to participate.
- SQGs and large-quantity generators use the services of private companies that collect specific types of wastes, but little information is available on the amounts collected in this manner.

- Hazardous waste generated by the Hanford site is excluded from the planning area.

The County provides the following website to assist in finding HHW disposal and recycling options:

<https://www.co.benton.wa.us/pview.aspx?id=7666&catID=0>

8.4.1.2 PROCESSING, TRANSPORT, AND DISPOSAL

MRW has traditionally been processed, transported, and disposed of through collection events to be shipped off-site for recycling or disposal according to its Washington State Department of Transportation hazard classification (flammable, toxic, acid, corrosive, or reactive). MRW collected at these events is shipped to licensed hazardous waste treatment, storage, and/or disposal facilities. Table 8-2 provides the quantities of MRW processed, transported, and disposed of through collection events in 2019, 2021 and 2022.

Waste Type	2019	2021	2022
Acids	300	1,707	2,060
Antifreeze	1,166	2,850	6,264
Aerosols	1,200	6,812	4,483
Oil (All types)	73	7,013	1,462
Flammable Gas	2	1,817	46
Flammable Liquids	4,266	40,033	46,601
Flammable Solids	14	17	51
Oxidizers	123	496	235
Mercury (All types)	6	179	5
Paint – Oil-Based	5,796	0	0
Pesticide/Poison	10,950	4,104	4,650
Water Reactives	29	279	80
Batteries (All types)	1,896	5,094	2,950
Other Materials/Non-Regulated	1,845	10,328	2,654
TOTAL (in pounds)	27,666	80,729	71,541

8.4.1.3 COMPLIANCE AND ENFORCEMENT

Compliance issues are handled by the Health District, which responds to complaints and other problems as they are identified. The Health District receives LSWFA grant funding for this purpose.

8.5 Status of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

8.6 Alternatives and Evaluations

There are generally five components for local MRW management programs: two that address educational efforts and three that help fulfill the mandate to prepare a “program to manage moderate-risk waste” (RCW 70.105.220(1)(a)). These five elements are as follows:

- Public education program;
- Technical assistance program for businesses;
- Collection program for HHW and used oil;
- Collection program for business wastes; and
- A plan or program to ensure compliance by SQG and others.

The existing service gaps and other issues connected to these components are discussed below.

8.6.1 Public Education

HHW outreach efforts will be enhanced and increased, including distribution of flyers to households and businesses, at County facilities, and on the County websites. The County will utilize flyers/handouts available from Ecology and the Washington Toxic Coalition to distribute information to residents and businesses about MRW generation and proper disposal techniques. These efforts will be continued on an ongoing basis to reach new residents.

In addition, incorporation of the message into other programs that also benefit from HHW management could be considered. Other programs that have common objectives include programs that deal with storm water, ground water, municipal wastewater treatment, and on-site sewage system. Other facilities should also be participating in HHW messaging education, including the Horn Rapids Landfill and the privately owned and operated transfer station and drop-box sites. By coordinating messaging with other resource protection and waste management programs, the message is repeated, and attention will be focused on multiple benefits of the higher-priority management practices. This coordination effort could be handled by existing County staff in conjunction with current and future promotion and educational activities (as described in Chapter 5.0 – Waste Reduction, Recycling, and Education and Outreach).

8.6.2 Business Technical Assistance

Benton County is not currently providing technical assistance and education to businesses about SQG waste handling and disposal. The level of expertise required to effectively assist many businesses would require significant training for specific types of businesses and is better handled at the state level.

8.6.3 Household Collection

Household collection will be provided through the County MRW Facility scheduled to open in 2023. Other opportunities for HHW management are provided through statewide programs such as PaintCare, LightRecycle Washington, and E-Cycle Washington.

8.6.4 Business Collection

The County is considering the implementation of a program that would offer small businesses the opportunity to bring their wastes to the MRW Facility for proper handling and disposal. Currently, businesses (SQGs) rely on County MRW collection events for recycling and disposal of MRW materials. An alternative for handling business MRW is to charge SQGs to use the MRW Facility, as is done in most other Washington counties. The imposition of fees may cause some of the SQGs to dispose of their MRW by mixing it in with their solid waste or disposing of it in other undesirable ways, which creates human safety issues and/or environmental damage.

8.6.5 Compliance and Enforcement

Compliance and enforcement are currently being conducted on an as-needed basis, and there are no known issues with this approach.

8.6.6 Moderate-Risk Waste Plan Preparation

RCW 70A.300 requires local governments to prepare hazardous waste plans. The County has incorporated the hazardous waste plan update process into the Benton County Solid Waste Management Plan update process to maintain compliance with the rule.

8.7 Recommended Actions

The following recommendations are being made for moderate-risk waste:

- MRW1) Enhance the public education and outreach program for handling of MRW waste for households. Cross-sector avenues to enhance coordination with other County departments and waste handling and disposal facilities should be considered.
- MRW2) Consider options for handling of SQG waste with the opening of the County MRW Facility. Consideration should be given to implementation of potential fees for handling SQG waste to offset costs, educational efforts needed to implement, environmental concerns, and operational adjustments to the MRW Facility.
- MRW3) Continue to coordinate the schedule and process for updating the MRW Plan with the solid waste management plan (as is the current practice).



CHAPTER 9.0 ENERGY RECOVERY

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9.0 Energy Recovery

9.1 Introduction

This chapter addresses emerging technologies in energy recovery that increase solid waste diversion and decrease disposal.

9.2 Background

Waste processing and conversion technology options can be grouped into the following main technology classes:

- Thermal Technologies
 - Direct Combustion (various forms of traditional waste-to-energy)
 - Gasification
 - Plasma Arc Gasification
 - Pyrolysis
- Biological Technologies
 - Aerobic Composting
 - Anaerobic Digestion with biogas production for electricity or fuel generation
- Chemical Technologies
 - Hydrolysis
 - Catalytic and Thermal Depolymerization
- Mechanical Technologies
 - Autoclave/Steam Classification
 - Advanced Materials Recovery
 - Refuse-Derived Fuel Production



Figure 9-1. City of Spokane Waste-to-Energy Plant

There are also waste conversion technologies that are a combination of two or more technology classes. For example, mechanical and biological treatment technologies combine mechanical separation and treatment with biological processing, while waste-to-fuel technologies combine mechanical pre-processing with thermal and chemical conversion processes.

9.3 Existing Conditions

As discussed in Chapter 4.0 – Waste Transfer and Disposal, MSW from the County is disposed of at multiple landfill facilities including the Horn Rapids Landfill located in the

County, Waste Management’s Columbia Ridge Landfill in Gillam County, Oregon, and the Waste Connections’ Finley Buttes Landfill in Morrow County, Oregon.

The Horn Rapids Landfill currently flares landfill gas collected but has an approved facility project with Pine Creek RNG to recover, clean, and reuse the gas collected through an agreement with Cascade Natural Gas.

The Columbia Ridge Landfill manages landfill gas to generate renewable energy, reduce emissions, and prevent odor. The landfill gas collection system collects 9,400 cubic feet per minute of landfill gas through more than 100 wells. A portion of the gas is sent to an on-site energy plant, with the remaining gas managed by flares per federal requirements. The energy plant at Columbia Ridge uses landfill gas to generate renewable energy. Gas collected from the landfill powers 12 engines, which produce 12.8 megawatts (MW) of electricity—enough to power 12,500 homes in Seattle through an agreement with the City of Seattle. Columbia Ridge is also home to 90 wind turbines with the capacity to generate 150 MW of power.

The Finley Buttes Landfill recovers energy through an installed gas collection and recovery system on the landfill site. This system allows for the sale of 25 million kilowatts per year to Pacific Corp and also provides a heat equivalent of 45,000 therms to Cascade Specialties, a local food processing plant.

Energy recovery from MSW should remain a continuing consideration for the County.

9.4 Status of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

9.5 Alternatives and Evaluations

Existing service gaps and other issues connected to the energy recovery component of solid waste management are discussed below.

9.5.1 Energy Recovery Needs

The County’s waste stream is relatively small for energy recovery and would not economically support the high capital expenditures required for facility construction of waste processing and conversion technology alternatives when compared to the existing disposal program.

As an example, the 2022 MSW tipping fee at the City of Spokane Waste-To-Energy Facility is \$117.16 per ton. In comparison, the 2022 MSW tipping fee at Waste Management’s Kennewick Transfer Station is \$48.92 per ton, the Basin Disposal Transfer Station in Prosser is \$18.00 per yard, and the City of Richland Horn Rapids Landfill is \$51.10 per ton for Richland residents and \$76.15 for non-residents.

Ample landfill capacity is currently available at the Columbia Ridge Landfill, Finley Buttes Landfill, and Horn Rapids Landfill for County waste. Detailed information regarding landfill disposal is included in Chapter 4.0 – Waste Transfer and Disposal.



9.6 Recommended Actions

The following recommendation is made for energy recovery:

- ER1) The County will monitor developments and progress in waste processing and conversion technologies in the event that current conditions change.

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CHAPTER 10.0 ADMINISTRATION, FINANCING, AND ENFORCEMENT

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10.0 Administration, Financing, and Enforcement

10.1 Introduction

This chapter addresses the administrative, financing, and enforcement activities related to solid waste.

10.2 Background

The County, cities, towns, and several other organizations and agencies are responsible for providing enforcement of federal, state, and local laws and regulations that guide the planning, operation, and maintenance of the region's solid waste management system. This local enforcement authority ensures that the County system meets applicable standards for the protection of human health and environmental quality in the region.

10.3 Existing Conditions

Administrative responsibility for solid waste handling systems in the County is currently divided among several agencies and jurisdictions in local, county, and state governments. Each organization involved in the County solid waste management system is described below.

10.3.1 Benton County Public Works Department - Solid Waste Division

The Washington State Solid Waste Management Act, RCW 70A.205, assigns local government the primary responsibility for managing solid waste. Solid waste handling, as defined in RCW 70A.205, includes the "management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from solid wastes or the conversion of the energy in solid wastes to more useful forms or combinations thereof."

RCW 36.58 authorizes the County to develop, own, and operate solid waste handling facilities in unincorporated areas or to accomplish these activities by contracting with private firms. The County also has the authority and responsibility to prepare comprehensive solid waste management plans for unincorporated areas and for jurisdictions that agree to participate with the County in the planning process.

The County has entered into interlocal agreements with all incorporated cities and towns prior to starting the Plan review, update, and adoption process. These agreements address the Plan participation and can be found in Appendix A.

The County exercises its solid waste responsibilities through the Benton County Public Works Department - Solid Waste Division. The specific administrative functions performed include the following:

- Administering, staffing, and operating the MRW Facility.
- Administering and staffing public education programs for waste reduction and recycling.

- Administering contracts.
- Maintaining the Plan as adopted in relation to public health, safety, and sanitation and providing regulations to govern the storage, collection, transfer, transportation, processing, use, and final disposal of solid waste by all persons in the County.
- Providing staff support for the SWAC.

Figure 10-1 illustrates the County Public Works - Solid Waste organizational structure. County Public Works - Solid Waste is staffed by three full-time employees who handle MRW Facility operations and one part-time employee who handles program coordination, education, and outreach activities.

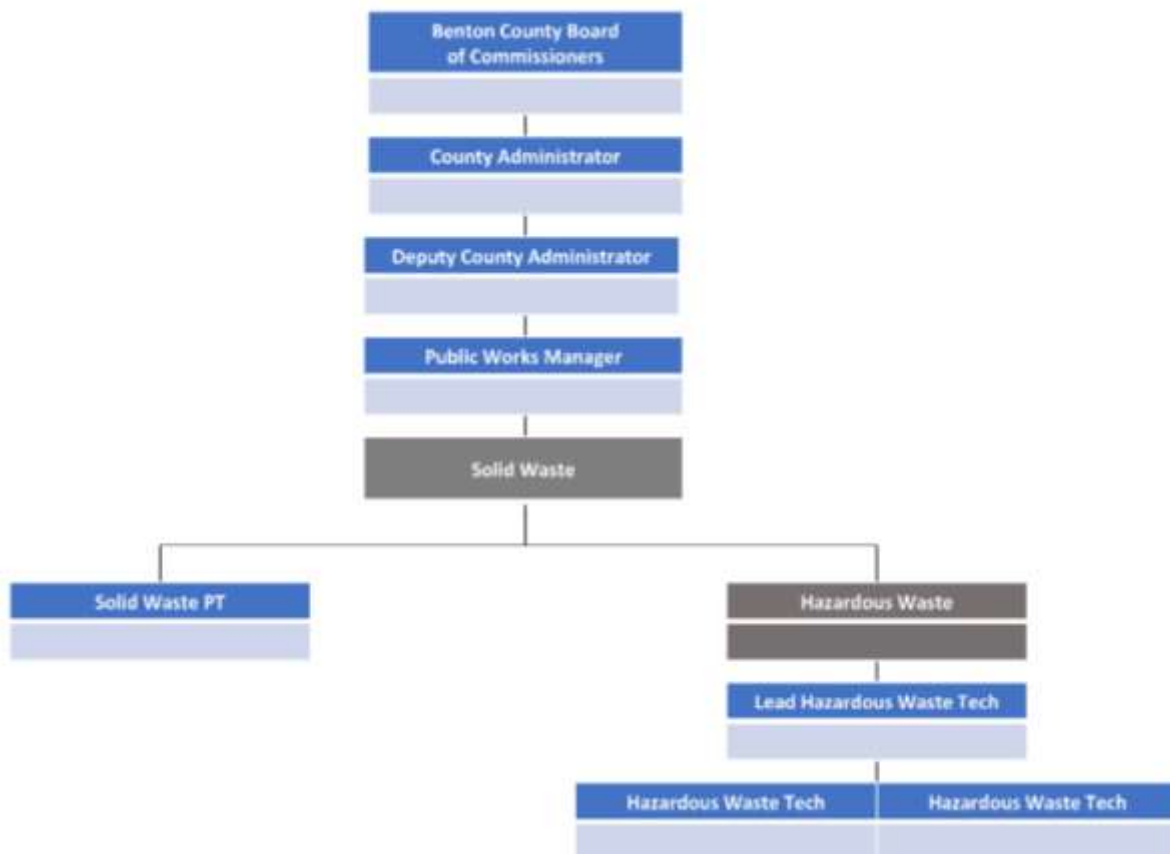


Figure 10-1. Benton County Public Works Department - Solid Waste Organizational Structure

The County Public Works - Solid Waste Fund is funded by the fees collected through the Interlocal Agreements between the County and cities and towns and through Resolution 97-082 and County Ordinance No. 93-056, which provide for a fee assessed on waste collection companies in the amount of 4.5 percent of the annual gross revenues for those collection companies operating in the unincorporated areas of the County. The County also receives grant monies from Ecology for solid waste management planning activities,

litter cleanup, and pilot projects. Table 10-1 shows the actual revenues and expenses for fiscal years 2019 through 2020 and for fiscal years 2021 through 2022.

Table 10-1. Benton County Solid Waste Financial Information		
	1/1/2019 – 12/31/2020 Actual	1/1/2021 – 12/31/2022 Actual
Revenues		
Pollution Control & Remediation Services	\$536,338	\$474,552
Solid Waste Services	\$50,965	0
Grant Revenues	\$170,032	\$747,053
Other Miscellaneous Revenues	\$179,009	0
Other Non-Revenues	\$15,731	\$2,990
Total Revenues	\$952,075	\$1,224,595
Expenses		
Personnel	\$4,196	0
Supplies	\$8,359	\$1,228
Services	\$273,481	\$353,884
Interfund Payments	\$45,851	\$63,278
Capital Expenses	\$106,483	\$1,093,119
Total Expenses	\$438,370	\$1,511,509
Total Balance/(Deficiency)	\$513,705	(\$286,914)

10.3.2 Benton County Solid Waste Advisory Committee

Per RCW 70A.200, the Board of County Commissioners has appointed the SWAC to help develop solid waste handling programs and policies. The SWAC members are appointed through the Interlocal Agreements between the County and cities and towns, with additional members representing other interested groups appointed directly by the Board of County Commissioners. The SWAC consists of a minimum of nine members and a maximum of 12 members, each with one vote, and membership is outlined in the bylaws to include citizens, public interest groups, businesses, the waste management industry, agriculture, and local elected officials. Additional information regarding the SWAC By-laws can be found in Appendix C.

10.3.3 Incorporated Cities

RCW 35.21.152 empowers cities to develop, own, and operate solid waste handling systems and to provide for solid waste collection services within their jurisdictions. There are seven incorporated cities and towns in Benton County.

One municipality (City of Richland) operates their own collection program, with four private haulers operating within the County boundary and in individual cities and towns as contracted. The City of Richland collection program is operated within the city

boundaries, as adjusted periodically by annexations. The private haulers operate in the unincorporated areas and in the other municipalities. Fees charged for the service cover the expenses of the system, although some cities also charge a “utility tax” that assists in funding other city functions. Detailed information about collection in individual cities is included in Chapter 3.0 – Solid Waste Collection.

10.3.4 Benton Franklin Health District

The Benton Franklin Health District (Health District) works with the public, cities, counties, and state agencies to develop and implement plans for the safe storage, collection, transportation, and final disposal of solid waste. The Health District works to ensure compliance with RCW 70A.205 and WAC 173-304 - Minimum Functional Standards for Solid Waste Facilities. The Health District is responsible for the following:

- Permitting solid waste facilities operating in Benton County.
- Ensuring that permits are consistent with the Plan, local ordinances, and appropriate Washington state and federal regulations.
- Oversight of existing permitted facilities.
- Responding to complaints regarding improper storage and disposal of solid waste.
- Investigating illegal dumping and non-permitted dump sites.

Solid waste facility permits are required in accordance with WAC 173-303, 173-350, and 173-351. Facilities are required to obtain solid waste handling permits from the Health District.

The State Environmental Policy Act (SEPA), RCW 43.21C, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. In order to determine if an EIS is necessary, an environmental checklist must be completed. For this planning document, a SEPA checklist has been completed and is included as Appendix F.

Applicants for new solid waste permits within the County will notify the Health District. The applicant will submit a permit application and a SEPA checklist to the Health District, which forwards such applications to the Benton County Public Works Department - Solid Waste Division.

The County Public Works - Solid Waste will then request a meeting of the SWAC for the purpose of reviewing the permit application for conformance to the Plan. The SWAC will review the documents and will return its findings to the Health District, which will consider and include those findings in its final decision.

The Health District will forward such findings and comments, along with the SEPA checklist and permit application, to the Benton Franklin County Board of Health. Final approval or disapproval of the application shall rest with the Health District, which shall issue its approval/disapproval of the application within 90 days after its receipt, pursuant to RCW 70A.205.

10.3.5 Washington State Department of Ecology

RCW 70A.205 provides for a comprehensive, statewide solid waste management program and assigns primary responsibility for solid waste handling to local governments. This regulation gives each county, in cooperation with its cities, the task of setting up a coordinated solid waste management plan that places an emphasis on waste reduction and recycling programs. Enforcement and regulatory responsibilities are assigned to cities, counties, or jurisdictional health departments/districts (like the County Health District), depending on the specific activity and local preferences, but Ecology issues permits for land application of biosolids.

Ecology has promulgated WAC 173-350, Solid Waste Handling Standards, which addresses the operational and other requirements for recycling and composting facilities as well as inert and special-purpose landfills. WAC 173-351, Criteria for Municipal Solid Waste Landfills, contains the current standards for MSW landfills.

The Model Litter Control and Recycling Act (RCW 70A.205) prohibits depositing garbage on any property not properly designated as a disposal site. There is also a “litter fund” that has been created through a tax levied on wholesale and retail businesses, and the monies from this fund are being used for education, increased litter cleanup efforts, and contracts to eligible county entities for illegal dump cleanup activities.

Under the Model Toxics Control Act (MTCA) (RCW 70A.300), grants are available to local governments for solid waste management plans and programs, hazardous waste management plans and programs, and remedial actions to clean up existing hazardous waste sites. Solid and hazardous waste planning and programs are funded through the Local Solid Waste Financial Assistance Grants program administered by Ecology’s Solid Waste and Financial Assurance Program. The state rule that governs this program is WAC 173-312 – Local Solid Waste Financial Assistance.

10.3.6 Washington Utilities and Transportation Commission

The WUTC regulates privately owned utilities that provide public services such as electric power, telephone, natural gas, private water, transportation, and refuse collection. WUTC’s authority over solid waste collection is established in RCW 81.77. This authority does not extend to companies operating under contract with any city or town or to any city or town that undertakes solid waste collection. WUTC regulates solid waste collection companies by granting “certificates of convenience and necessity” that permit collection companies to operate in specified service areas. WUTC also regulates solid waste collection, under authority of RCW 81.77.030, by performing the following functions:

- Fixing collection rates, charges, classifications, rules, and regulations.
- Regulating accounts, service, and safety of operations.
- Requiring annual reports and other reports and data.
- Supervising collection companies in matters affecting their relationship to their customers.

- Requiring collection companies to use rate structures consistent with Washington State waste management priorities.

The WUTC requires certificate holders to provide the minimum levels of solid waste collection and recycling services established by a local solid waste management plan and enacted through an ordinance. Solid waste companies operating in the unincorporated areas of a county must comply with the local solid waste management plan (RCW 81.77.040).

At its option, the County may notify the WUTC of its intention to have the G-certificate holder bid on the collection of source-separated recyclable materials from residences in unincorporated areas. Commercial recycling is also regulated by the WUTC under laws that apply in general to motor freight carriers (RCW 81.80), although their oversight is limited to requiring a permit (at \$100 per year) and also to requiring companies to carry insurance, conduct drug testing of employees, and conduct a few other activities.

This Plan contains a cost assessment (see Appendix G) prepared according to the *WUTC Cost Assessment Guidelines for Local Solid Waste Management Planning* (WUTC October 2019). RCW 70A.205 grants the WUTC 45 days to review the Plan's impact on solid waste collection rates charged by solid waste collection companies regulated under RCW 81.77 and to advise the County and Ecology of the probable effects of the Plan's recommendations on those rates.

10.3.7 United States Environmental Protection Agency

At the federal level, the Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the Solid Waste Disposal Act Amendments of 1980 (42 United States Code 6901-6987), is the primary body of legislation addressing solid waste. Subtitle D of RCRA deals with non-hazardous solid waste disposal and requires the development of a state comprehensive solid waste management program that outlines the authorities of local, state, and regional agencies. Subtitle D requires that the state program prohibit "open dumps" and provide that solid waste is handled in an environmentally sound manner.

10.4 Status of Previous Recommendations

The status of the recommendations made by the 2013 Plan can be found in Appendix D.

10.5 Alternatives and Evaluations

Existing service gaps and other issues connected to administration, financing, and enforcement components of solid waste management are discussed below.

10.5.1 Long-Term Funding Needs

Financial resources are necessary to provide for the continuation of recycling and hazardous waste diversion and education programs; for repairs, maintenance, and construction of solid waste facilities; and for compliance with new and more stringent rules and regulations governing solid waste management. These resources may be provided by taxes, solid waste tipping fees, grants, or any combination of these sources.

Solid waste funding for recycling and educational programs in the County are currently reliant on the tipping fees assessed at the solid waste facilities and, on occasion, LSWFA grant funding. Additional funding options (grouped by category) and the associated implementation entities are provided in Table 10-2.

Table 10-2. Benton County Solid Waste Financial Information				
Possible Funding Methods	Potential Implementation Entity			
	City	County	State	Private Sector
User Fees, Rates, Surcharges				
1. Cost-of-Service-Based Rates	X	X		X
2. Other Volume-Based Rates	X			
3. Fixed Per-Customer Service Rates	X			X
4. Collection Rate Surcharges	X			
5. Planning Fees		X		
6. Weight or Volume-Based Disposal Fees	X	X		X
7. Fixed Per-Customer Disposal Fees	X	X		X
8. Disposal Surcharges	X	X		
Taxes				
9. MTCA Funds, Hazardous Substance Tax		(x)	X	
10. State Litter Tax		(x)	X	
11. Disposal Department Excise Tax		X		
12. Mandatory Collection		X		
13. Franchise Fees	X		X	
Other				
16. Enforcement Fines/Penalties		X		
17. Sales of Recyclable Materials	X	X		X
18. Recycling Fees/Charges	X	X		X
19. Sales of Recovered Energy	X	X		X
20. Utility Tax	X			
21. General Fund Revenues	X	X		
22. Bond Financing		X		(x)
23. Public Works Assistance Account ¹	X	X		

Note: X = Implementing authority, (x) = potentially benefits from funding method but cannot implement it.

¹ The Public Works Assistance Account, commonly known as the Public Works Trust Fund, was established by WAC 43.155 to be used by the Public Works Board to finance local government infrastructure loans.

10.5.2 Collection and Disposal Districts

RCW 36.58 – Solid Waste Disposal, establishes the counties' rights and responsibilities regarding solid waste management, including the authority to establish solid waste disposal districts. The authority to establish solid waste collection districts is provided in RCW 36.58A. Either district type can include the incorporated areas of a city or town only with the city's consent. A solid waste district (for collection or disposal) could centralize functions that are now handled by a variety of county and city agencies, but it may be difficult to develop a consensus on the formation and jurisdiction of either type of district. Either type of district may be able to alleviate illegal dumping and other problems through the institution of mandatory garbage collection (for a collection district only) and different financing structures.

The establishment of a solid waste collection district that can act in a similar capacity is allowed by RCW 36.58A. A collection district can be created following the adoption of a SWMP; however, a collection district does not appear to possess taxing authority. According to RCW 36.58A.040, the revenue-generating authority of a collection district is limited.

A solid waste disposal district is a quasi-municipal corporation with taxing authority set up to provide and fund solid waste disposal services. A disposal district has the usual powers of a corporation for public purposes, but it does not have the power of eminent domain. A county legislative authority (i.e., the Board of County Commissioners) would be the governing body of the solid waste disposal district.

RCW 36.58.130 allows the creation of a disposal district to provide for all aspects of solid waste disposal. This includes processing and converting waste into useful products, but specifically does not allow the collection of residential or commercial garbage. A disposal district may enter into contracts with private or public agencies for the operation of disposal facilities and then levy taxes or issue bonds to cover the disposal costs. Thus, a disposal district established in the County could assess each resident or business in the unincorporated area (in incorporated areas only with the city's approval) a pro rata share of the cost of disposal. This could help discourage illegal dumping by covering at least part of the disposal cost through mandatory payments so that the additional expense for proper disposal would be lower than it is currently. In other words, the assessment by the disposal district would be paid regardless of where the resident or business dumped the waste or whether it was self-hauled or transported by a commercial hauler, and the latter two options would be less expensive by the amount of disposal costs already paid.

RCW 36.58.140 states that a disposal district may "collect an excise tax on the privilege of living in or operating a business in the solid waste disposal taxing district, provided that any property which is producing commercial garbage shall be exempt if the owner is providing regular collection and disposal." The disposal district has a powerful taxing authority, since it may attach a lien to each parcel of property in the district for delinquent taxes and penalties, and these liens are superior to all other liens and encumbrances except property taxes.

The funds obtained by a disposal district tax may be used "for all aspects of disposing of solid wastes...exclusively for district purposes" (RCW 36.58.130). Potential uses include:

- Cleanup of roadside litter and solid wastes illegally disposed of on unoccupied properties within the district.
- Public information and education about waste reduction and recycling.
- Defraying a portion of the cost of disposal.
- Subsidizing waste reduction/recycling activities.
- Subsidizing the MRW Facility and collection events.
- Closure and post-closure costs for landfills and for other solid waste facilities.
- Solid waste planning.

10.5.3 Staffing

Adequate funding should be provided to maintain and/or increase staff at County levels, as needed, for the primary responsibility for solid waste management and for the Health District to monitor, permit, and enforce solid waste facilities and programs.

10.5.4 Permit Review

The SWAC may be included in the review of all new solid waste facility permit requests within Benton County, although final approval shall continue to reside with the jurisdictional Health District. Such permit requests, after review by the SWAC, will be forwarded to the Health District with comments. This review will ensure adherence to the Plan per RCW 70A.205.

10.6 Recommended Actions

The following options were selected by the SWAC for recommended implementation:

- AE1) Consider pursuing some of the additional funding strategies listed in Table 10-2 that can be implemented by the County directly and independently from other alternatives.
- AE2) Continue to adopt interlocal agreements between the County and the cities and towns to promote consistent service and funding levels for management of the solid waste programs.
- AE3) Consider the adoption of a solid waste disposal district to ensure that adequate funding is collected for implementation and management of solid waste programs.
- AE4) Provide adequate funding to maintain or increase staff at County and city levels, as needed.
- AE5) The Health District may include the SWAC in the review of all new solid waste facility permit requests.

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CHAPTER 11.0 IMPLEMENTATION PLAN

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11.0 Implementation Plan

This chapter of the Plan provides information about the cost and schedule for implementing the recommendations made in this Plan. Information is also provided on monitoring progress and maintaining the Plan.

11.1 Recommended Strategies, Implementation Schedule, and Budget

The recommendations made in previous chapters of this Plan are repeated below for convenient reference. Table 11-1 provides the approximate County budget for Plan recommendations that incur additional costs above and beyond current status quo costs and programs, proposed implementation schedule, and primary responsibility. More details about specific recommendations can be found in the respective chapters.

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget			
Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
3. Solid Waste Collection			
SWC1) Encourage the use of carted curbside collection services, when possible, and ensure that collection services are available to all residents.	County, Cities, and Waste Haulers	\$0	Ongoing
SWC2) Review collection contracts to confirm compliance with the Plan.	Cities	\$0	Ongoing
SWC3) Coordinate residential and commercial curbside collection programs with recycling program recommendations as implemented.	County, Cities, and Waste Haulers	\$0	Ongoing
4. Waste Transfer and Disposal			
WTD1) The County should monitor population growth and tonnage projections to ensure that capacity for waste transfer and disposal continues to be adequate for the waste handling and disposal needs of County residents.	County	\$0	Ongoing
5. Waste Reduction, Recycling, Education and Outreach and CROP			
WRR1) Refresh educational materials and seek to harmonize messaging.	County, Cities, and Waste Haulers	\$20,000	2024–2029

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget			
Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
WRR2) Distribute informational materials to households and businesses.	County, Cities, and Waste Haulers	\$0	Ongoing
WRR3) Update and expand on digital education through websites, social media, and newsletters.	County, Cities, and Waste Haulers	\$10,000	2024–2029
WRR4) Provide multifamily technical assistance.	County and Cities	\$20,000	2024–2029
WRR5) Expand business technical assistance.	County and Cities	\$10,000	2024–2029
WRR6) Offer school technical assistance.	County and Cities	\$10,000	2024–2029
WRR7) Adopt the updated list of designated materials and maintain it through periodic review and updates.	County	\$0	Ongoing
WRR8) Establish a waste reduction and recycling goal of 40 percent for this planning period.	County and Cities	\$0	Ongoing
WRR9) Focus recycling and diversion efforts on waste streams that represent significant tonnage disposed and coordinate messaging and efforts to reduce contaminants on materials recycled.	County, Cities, and Waste Haulers	\$0	Ongoing
WRR10) Support private sector programs, forums, or other methods, such as existing reuse and reusable materials exchange programs, to facilitate material exchanges.	County, Cities, Private Industry, Commercial and Businesses and Stakeholders	\$0	Ongoing
WRR11) Increase promotion of existing reuse programs through newsletters, community reuse events, guidebooks, and community-based social marketing.	County, Cities and Non-Profit Groups	\$0	Ongoing
WRR12) Incorporate and expand the education and promotion program.	County and Cities	\$20,000	2024–2029

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget

Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
WRR13) Work cooperatively with County, City and hauler staff to create and implement recycling contamination reduction campaigns for curbside and drop-box recycling programs.	County, Cities and Waste Haulers	\$20,000	2024–2029
WRR14) Work cooperatively with cities and towns to develop guidelines and revise building codes to establish standards that promote commercial waste reduction recycling.	County and Cities	\$0	Ongoing
WRR15) Encourage signatory cities to modernize curbside recycling programs with convenient, efficient carted service to increase diversion and safety and reduce litter.	Cities	\$0	Ongoing
WRR16) Maintain and update the CROP as needed during this Plan cycle.	County and Cities	\$0	Ongoing
6. Organics			
O1) Continue to develop and distribute educational materials related to organics management as programs are established and implemented.	County and Cities	\$10,000	2024–2029
O2) Advocate that adequate funding is provided by the State to develop and implement programs for organics and food waste collection and processing as required by RCW 70A.205.715 and HB 1799.	Ecology	\$0	Ongoing
O3) Consider initiating a study to determine program and infrastructure needs necessary for implementation of additional yard waste and food waste collection and processing programs.	County and Cities	\$50,000	2024

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget			
Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
O4) Evaluate a pilot food waste and edible food waste collection program for potential implementation based on participation and customer satisfaction and consider expanding the program as appropriate.	County and Cities	\$25,000	2025
O5) Consider developing a County-wide Christmas tree recycling pilot program to assess public interest and participation.	County	\$5,000	2024
O6) Evaluate recommendations from the Use Food Well Washington Plan and implement as appropriate.	County, Cities, Private Industry, Non-Profit Groups, Ecology, Commercial Businesses, and Stakeholders	\$0	Ongoing
7. Miscellaneous Wastes			
MW1) Continue to dispose of miscellaneous wastes through a cooperative effort with the Health District, waste haulers, transfer stations, landfills, the County, and Ecology.	County, Cities, Health District, Waste Haulers, Facility Owners, and Ecology	\$0	Ongoing
MW2) Promote proper reuse, recycling, and disposal of C&D wastes.	County and Cities	\$0	Ongoing
MW3) Partner with private organizations such as the Benton Habitat for Humanity ReStore to promote recycling and reuse of C&D wastes and building materials.	County, Cities, Private Industry, and Non-Profit Groups	\$0	Ongoing
MW4) Develop an internal plan for handling disaster debris, in coordination with the Benton County Emergency Management Department.	County	\$50,000	2024

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget

Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
8. Moderate Risk Waste			
MRW1) Enhance the public education and outreach program for handling of MRW for households. Cross-sector avenues to enhance coordination with other County departments and waste handling and disposal facilities should be considered.	County	\$25,000	2024-2029
MRW2) Consider options for handling of SQG waste with the opening of the County MRW Facility. Consideration should be given to implementation of potential fees for handling SQG waste to offset costs, educational efforts needed to implement, environmental concerns, and operational adjustments to the MRW Facility.	County	\$0	Ongoing
MRW3) Continue to coordinate the schedule and process for updating the MRW Plan with the Solid Waste management Plan (as is the current practice).	County	\$0	Ongoing
9. Energy Recovery			
ER1) The County will monitor developments and progress in waste processing and conversion technologies in the event current conditions change.	County	\$0	Ongoing
10. Administration, Financing, and Enforcement			
AE1) Consider pursuing some of the additional funding strategies listed in Table 10-2 that can be implemented by the County directly and independently from other alternatives.	County	\$0	Ongoing

Table 11-1. Summary of Recommendations, Implementation Schedule, and Budget			
Recommendation	Implementation Responsibility	Projected Implementation Costs	Implementation Schedule
AE2) Continue to adopt interlocal agreements between the County and the cities and towns to promote consistent service and funding levels for management of the solid waste programs.	County and Cities	\$0	Ongoing
AE3) Consider the adoption of a solid waste disposal district to ensure that adequate funding is collected for implementation and management of solid waste programs.	County and Cities	\$0	2024
AE4) Provide adequate funding to maintain or increase staff at County and city levels, as needed.	County and Cities	\$100,000 ¹	2024
AE5) The Health District may include the SWAC in the review of all new solid waste facility permit requests.	County	\$0	Ongoing
Total		\$375,000	

¹One additional staff added in 2024 that would need to be funded on a continuing basis for future years. Costs include only initial year of funding.

11.2 State Environmental Policy Act

Ecology requires that the potential impacts of this Plan be evaluated according to the SEPA process. The checklist has been prepared to fulfill that requirement and is included as Appendix G. The SEPA checklist is a “non-project proposal” intended to address new programs recommended by the Plan. As a non-project proposal SEPA checklist, it is unable to fully address the potential impacts of facilities proposed in this Plan. Any new facility will need to undergo its own SEPA review process.

Benton County issued a determination of non-significance that the recommendations in the Plan will not have a probable significant adverse impact on the environment. A copy of this determination is included in Appendix H.

11.3 Twenty-Year Implementation Program

Solid waste management in Benton County will continue to evolve based on changes in population, demographics, the local, state, and national economy, regulations, and advancements in waste handling and recycling. Fortunately, the County’s current solid waste management system is functioning effectively.

If, in the future, it becomes advisable to seek additional sources of funding, Chapter 10 – Administration, Financing, and Enforcement provides a list of potential funding sources.

11.4 Draft Plan Review

Benton County provided the draft 2023 Plan for review to stakeholders. Comments were received from Ecology, WSDA, WUTC, and stakeholders. Comments received and responses to comments by the County are included as Appendix I.

11.5 Procedures for Amending the Plan

The Solid Waste Management-Reduction and Recycling Act (Chapter 70A.205 RCW) requires local governments to maintain their solid waste plans in current condition. Plans must be reviewed and revised, if necessary, at least every 5 years. This Plan should be reviewed in 2029. Before that time, the Plan can be kept in current condition through amendments. An “amendment” is defined as a simpler process than a revision. If there is a significant change in the solid waste system, however, a revision may be necessary before the 5-year period is done.

Changes in the Plan may be initiated by the County, working with the SWAC to develop and review proposed changes, or by outside parties. For the latter, individuals or organizations wishing to propose plan amendments before the scheduled review must petition the County’s Public Works Manager in writing. The petition should describe the proposed amendment, its specific objectives, and explain why immediate action is needed prior to the next scheduled review. The Public Works Manager will investigate the basis for the petition and prepare a recommendation.

If the Public Works Manager determines the petition warrants further consideration, the petition will be referred to the SWAC for review and recommendation. The Public Works Manager will draft the proposed amendment together with the SWAC. Whether the proposed amendment has been initiated by the County or an outside party, the proposed amendment must be submitted to the legislative bodies of all participating jurisdictions and Ecology for review and comment. Adoption of the proposed amendment will require the concurrence of all affected jurisdictions.

The Public Works Manager may develop reasonable rules for submitting and processing proposed plan amendments, and may establish reasonable fees to investigate and process petitions. All administrative rulings of the Public Works Manager may be appealed to the Board of County Commissioners.

Minor changes may occur in the solid waste management system, whether due to internal decisions or external factors. These can be adopted without going through a formal amendment process. If there is uncertainty about whether or not a change is “minor,” it should be discussed by the SWAC and a decision made based on the consensus of that committee.

Implicit in the development and adoption of this Plan is the understanding that in the future, the County may need to take action for various reasons, and that these actions can be undertaken without the need to amend this Plan beforehand. These include the introduction of new state, federal, and international government regulations and policies, advancements in technology, and changes in product use and design. Consequently, the County may need to adjust the recommendations in this Plan or add new action items to the implementation strategy to effectively address them before the Plan is updated again in 2029. When these issues arise, the Plan may need to be amended or revised to address them and will be referenced in our next Plan update in 2029.

In that case, the Public Works Manager will endeavor to inform the SWAC and other key stakeholders as soon as feasibly possible, but not necessarily before new actions are implemented. If the emergency results in permanent and significant changes to the solid waste system, an amendment to this Plan will be prepared in a timely fashion. If, however, the emergency actions are only undertaken on a temporary or short-term basis, an amendment may not be considered necessary. Any questions about what actions may be considered “temporary” or “significant” should be brought to the SWAC for their advice.

Similar to the allowance for emergency action discussed above, the County will need to make operational decisions and expenditures to comply with future regulatory changes and update permit requirements as applicable. Plan update and coordination with the SWAC will not be required or initiated for these future actions, as they are considered operational activities.



Appendix A: Executed Solid Waste Interlocal Agreements

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RESOLUTION 2022 175

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY WASHINGTON:

IN THE MATTER OF ENTERING INTO AN INTERLOCAL AGENCY AGREEMENT BETWEEN BENTON COUNTY AND THE CITIES OF BENTON CITY, KENNEWICK, PROSSER, RICHLAND AND WEST RICHLAND REGARDING THE LOCAL MATCH OF THE 2022-2023 WASHINGTON STATE COORDINATED PREVENTION GRANT

WHEREAS, Benton County accepted a Coordinated Prevention Grant from the Washington State Department of Ecology (Grant No. SWMLSWFA-2021-BeCoSW-0092), Resolution 2022-076; and

WHEREAS, the grant requires a twenty-five percent (25%) match from the local agency amounting to \$170,626; and

WHEREAS, an interlocal agency agreement with the municipalities within Benton County has been prepared for the purpose of dividing the local match proportionately based on population, which is estimated to permit Benton County to recover approximately \$139,913.32; and

WHEREAS, the agreement has been approved to form by the Benton County Prosecuting Attorney's Office and the respective agencies have all approved and signed said agreement; NOW THEREFORE,

BE IT RESOLVED that the Board of Benton County Commissioners hereby approves the interlocal agency agreement between Benton County and the cities of Benton City, Kennewick, Prosser, Richland and West Richland regarding recovery of approximately \$139,913.32 of the local match for the 2021-2023 Washington State Coordinated Prevention grant, said agreement beginning on execution and expiring December 31, 2023; and

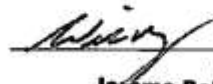
BE IT FURTHER RESOLVED that the Chairman of the Board of County Commissioners be, and hereby is, authorized to sign said agreement on behalf of the board.

Dated this 8th day of March 2022.

Attest:

Carmen Lopez
Clerk of the Board


Chairman


Chairman Pro-Tem
Jerome Delvin
Approved Telephonically

Member

Constituting the Board of County
Commissioners of Benton County, Washington

Orig.: Public Works

S. Berry

INTER-LOCAL AGREEMENT
REGARDING SOLID WASTE MANAGEMENT
BENTON COUNTY

This Agreement addresses City-County joint participation in the countywide Solid Waste Plan and joins public agencies to exercise their powers, thereby maximizing their ability to provide services and facilities which will best fulfill the needs of the community as a whole, and is made and entered into effective the first day of January 2022, by and between Benton County, a political subdivision of the State of Washington, hereafter referred to as the Lead Agency, and the cities of Benton City, Kennewick, Richland, Prosser, and West Richland, political subdivisions of the State of Washington, and hereafter referred to as Participating Jurisdictions. The Participating Jurisdictions and Lead Agency may be referred to herein collectively as the Parties.

I. RECITALS

WHEREAS, the parties hereto recognize the requirement to prepare and implement solid and hazardous waste plans under RCW Chapter 70.95 and RCW Chapter 70.105, and

WHEREAS, the parties have developed the Benton County Comprehensive Solid Waste Plan with public involvement; and

WHEREAS, the parties have adopted the Benton County Comprehensive Solid Waste Plan fulfilling their jurisdictional requirements under RCW Chapter 70.95 and RCW Chapter 70.105; and

WHEREAS, the parties hereto wish to enter into a cooperative effort to administer, plan, and implement the recommendations contained within the adopted Benton County Comprehensive Solid Waste Plan; and

WHEREAS, the Solid Waste Advisory Committee advises the Board of County Commissioners with respect to developing plans and policies for solid waste management in Benton County, each Participating Jurisdiction and Lead Agency recognizes that all members of the Solid Waste Advisory Committee shall have one (1) equal vote; and

WHEREAS, the Lead Agency will manage, track and provide custody for this Agreement, and

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

-1-

WHEREAS, the undersigned signatories of this Agreement are duly authorized to enter into the same by properly adopted resolutions,

NOW THEREFORE, in consideration of the foregoing recitals and the mutual agreements and covenants herein contained, the parties agree as follows:

II. AGREEMENTS

A. AUTHORITIES

The parties to this Agreement have and possess, both jointly and severally, the primary responsibility for effective solid and hazardous waste management, planning and implementation under RCW Chapters 70.95 and 70.105. Under RCW Chapter 39.34, the Inter-local Cooperation Act, local governments are authorized to cooperate to provide themselves with services of the nature herein agreed to.

B. PURPOSE

This Agreement is entered into pursuant to RCW Chapter 39.34 for the purpose of cooperative management of solid waste within Benton County. It is the intent of the parties to work cooperatively in implementing and managing a comprehensive solid waste management plan pursuant of RCW Chapters 70.95 and 70.105 that is viable and economically responsible to their citizens. Specifically, this Agreement will provide for the administration, planning and operations of the adopted Benton County Comprehensive Solid Waste Management Program.

C. DEFINITIONS

For the purpose of this Agreement, the following definitions shall apply:

'Fair Share' - the amount owed by each of the Parties, based upon April 1 population figures for the given year supplied by the Washington State Office of Financial Management (OFM), and the corresponding population percentage applied to the Solid Waste Program Budget.

'Solid Waste Advisory Committee' (SWAC) - a committee, formed pursuant to RCW 70.95.165, comprised of no more than twelve (12) members representing a balance of interests, pursuant to state statutes. Said committee shall contain one representative of each of the Parties. Each Party shall nominate its representative to the SWAC to the Lead Agency, to be approved by the Board of County Commissioners. The SWAC shall review Solid Waste Program budget and activities and make recommendations to the Benton County Commissioners.

'Lead Agency' - Benton County, a political subdivision of the State of Washington. The Lead Agency will administer, plan, and implement the Plan and Solid Waste Program.

Interlocal Agreement -2022-2023
Benton County Solid Waste Management

-2-

'Participating Jurisdictions' - any City who has entered into the County-wide Solid Waste Inter-Local Agreement with the Lead Agency and who has agreed to mutually support and financially contribute to the administration, planning, and implementation of the Plan.

'Parties' - the collective term for all Participating Jurisdictions and Lead Agency.

'Plan' - the Benton County Comprehensive Solid Waste Management Plan, as the same exists now or may hereafter be amended.

'Routine Operating Agreement' (ROA) - an agreement that is established for the purpose of accomplishing a task set forth by the Parties and is funded within the Solid Waste Program Budget.

'Solid Waste Advisory Committee Members Bylaws' - the bylaws the same as now exist or may hereafter be amended.

'Solid Waste Program Budget' - the annual Countywide Solid Waste Budget, as prepared by Benton County and accepted by the SWAC, that appropriates funds to Routine Operating Agreements and administrative functions that meet specific requirements in RCW 70.95 and/or accomplishes goals as set forth in the Plan.

'Task' - a project, program, activity, etc., that is annually funded from the Solid Waste Program Budget. All tasks are approved by the SWAC as needed and shall meet the recommendations set forth in the Plan.

'Task Manager' is designated to lead and manage a Task per the ROA.

D. LOCAL ADOPTION OF PLAN

Under the authority of RCW 70.95.080, each Participating Jurisdiction elected to enter into this agreement with the County pursuant to those jurisdictions that participated in preparing and adopting the joint City-County Plan.

E. PLAN IMPLEMENTATION

Pursuant to RCW 70.95.080 and RCW 70.105.220, the Participating Jurisdictions and Lead Agency jointly prepared the Plan in accordance with "Guidelines for the Development of Local Solid Waste Plans and Plan Revisions" (i.e. Department of Ecology (WDoE) Publication No. 90-11) and will implement the Plan's recommendations, as approved by the Department of Ecology pursuant to RCW 70.95.094.

F. BENTON COUNTY SOLID WASTE ADVISORY COMMITTEE

The Parties hereto recognize and support the SWAC as an advisory board created under authority of RCW 70.95.165. The SWAC is an ongoing advisory committee. The Interlocal Agreement -2022-2023
Benton County Solid Waste Management

SWAC is the focal point of the public involvement effort used in the planning, development and implementation of the Plan. The SWAC also provides advice to the Parties on solid and hazardous waste issues and assists the Parties in developing solid waste ordinances, rules, guidelines, and policies prior to their adoption.

G. REGIONAL PLANNING AREA

The Parties hereto recognize the geographical planning area covered by this Agreement to be the incorporated areas of the Participating Jurisdictions and the unincorporated area of Benton County. The Hanford Nuclear Reservation is exempted from the Plan and this Inter-local Agreement.

H. ROUTINE OPERATING AGREEMENT IMPLEMENTATION

Two months prior to the biennial Solid Waste Program Budget workshop, all task managers are required to submit their ROA. As a minimum, an ROA will include: 1) Task Introduction Statement; 2) Task Scope of Work; 3) Task Responsibilities; 4) Annual Task Cost; and 5) Quality Control. Eligibility of an ROA request is based on task cost and meeting recommendations set forth in the Plan. The ROA request should include both activities undertaken by the Participating Jurisdiction submitting the ROA and any activities that the Participating Jurisdiction believes the Lead Agency should implement on a countywide basis. The SWAC shall recommend that a request be advanced to the Board of County Commissioners on a 2/3 majority of those members present.

I. SOLID WASTE PROGRAM BUDGET

The Parties agree to mutually and financially support the administration, planning and operations of the Plan recommendations or as specified in RCW 70.95. The Lead Agency shall prepare a Solid Waste Program Budget each year for the upcoming budget year. The budget will also include Routine Operating Agreements that provide information on projects funded by the annual budget.

J. FAIR SHARE

The Parties agree to pay a Fair Share of the administration, planning and operation of the Solid Waste Program, as determined and voted-on by the SWAC and approved by the Benton County Commissioners. Said Fair Share shall be a percentage of all program costs that are not covered by Local Solid Waste Financial Aid Funds, share percentages to be updated each April of the Agreement, being based on the most recent population figures as supplied by the Washington State OFM. The Parties agree to remit their fee to the Lead Agency within sixty (60) days of receiving an invoice from the Lead Agency. The Lead Agency's fair share shall be based on the population for the unincorporated areas of the County.

K. DISBURSEMENT OF ASSETS AND DEBTS

Interlocal Agreement - 2022-2023
Benton County Solid Waste Management

If this Agreement is terminated, all Parties to this Agreement shall determine the disbursement of any outstanding debts and the allocation of any assets. If the Parties cannot agree to the disbursement of any outstanding debts and the allocation of any assets, the issues are to be submitted for arbitration, pursuant to state law, RCW 7.04 *et seq.* The Lead Agency and the contesting jurisdiction agree that such arbitration shall be conducted before one (1) disinterested arbitrator.

L. DURATION

This Agreement shall commence on the date set forth above and will continue in effect to December 31, 2023, or until superseded by another Interlocal Agreement. As stipulated within RCW 70.95.110(1), each Plan shall be maintained in a current condition and reviewed and revised periodically as may be required by the WDoE. Upon each review such plans shall be extended to show long-range needs for solid waste handling facilities for twenty (20) years in the future, and a revised implementation schedule and implementation budget for six (6) years in the future.

M. REVIEW AND RENEGOTIATION

Any Party may request a review and/or renegotiations on any provision of the Agreement during the six-month period immediately preceding the ending date for the Agreement. Such request must be made in writing to the Lead Agency and must specify the provision(s) of the Agreement for which review/renegotiation(s) are requested. Review and/or renegotiation(s) pursuant to such a written request shall be immediately referred to the SWAC for their review and recommendation. Notwithstanding any other provisions in this paragraph to the contrary, the Parties may, pursuant to the procedure outlined within the Solid Waste Advisory Committee Members Bylaws, modify or amend any provision(s) of this Agreement at any time during the term of this Agreement.

N. TERMINATION

This Agreement may be terminated by any Participating Jurisdiction, by written notice to the Lead Agency no less than thirty (30) days immediately preceding the implementation date of the next Solid Waste Program Budget. The Parties agree: (1) that the termination will not absolve a terminating Party of any financial responsibility to the extent a financial responsibility continues to exist pursuant to the provisions of this Agreement; and (2) that prior to termination, a withdrawing City shall submit to the SWAC how it intends on meeting its planning obligation under RCW 70.95.080.

O. WAIVER

No waiver by any of the Parties 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.

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

-5-

P. ENTIRE AGREEMENT

This Agreement, including the recitals and all subsequent attachments and addendums, constitutes the entire Agreement between the Parties and shall be governed by the laws of the State of Washington. There are no other oral or written agreements or understanding between the Parties as to the subject matter contained herein. The venue for any action of law, suit in equity and judicial proceeding for the enforcement of this Agreement shall be instituted and maintained only in the courts of competent jurisdiction in Benton County, Washington.

Q. SEVERABILITY

Any provisions of this Agreement that is determined to be illegal, invalid or unenforceable for any reason shall be ineffective to the extent of such prohibition without invalidating the remainder of this Agreement.

FOR THE CITY OF BENTON CITY, WASHINGTON.

L. Lehman
Linda Lehman, Mayor

2-18-22
Date

Attest:

Rebecca Adzima
City Clerk/Treasurer

2/18/22
Date

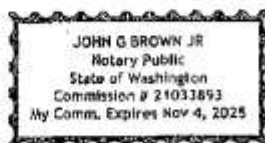
Approved as to Form:

[Signature]
City Attorney

2/23/22
Date

I certify that on this 18 day of February, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Linda Lehman, to me known to be the Mayor of the City of Benton City, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of the City of Benton City.

Witness my hand and official seal hereto affixed the day and year first above written.



John Brown
Notary Public in and for the State of
Washington residing at Benton
My commission expires: 11-4-2025

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

Signature Page - City of Benton City

FOR THE CITY OF KENNEWICK, WASHINGTON.

Marie E. Mosley
Marie E. Mosley, City Manager

1-18-2022
Date

Approved as to Form:

Aria Bratton
City Attorney

1-18-2022
Date

I certify that on this 18th day of January, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Marie E. Mosley, to me known to be the City Manager of the City of Kennewick, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of the City of Kennewick.

Witness my hand and official seal hereto affixed the day and year first above written.



Terri L. Wright
Notary Public in and for the State of
Washington residing at Kennewick
My commission expires: 10-11-23

Interlocal Agreement - 2022-2023
Benton County Solid Waste Management

Signature Page - City of Kennewick

FOR THE CITY OF PROSSER, WASHINGTON.

Randy Taylor
Randy Taylor, Mayor

1/11/2022
Date

Attest:

Rachel M Shaw
City Clerk

1/11/2022
Date

Approved as to Form:

[Signature]
City Attorney

Date

I certify that on this 11th day of January, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Randy Taylor, to me known to be the Mayor of the City of Prosser, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of the City of Prosser.

Witness my hand and official seal hereto affixed the day and year first above written.



Rachel M Shaw
Notary Public in and for the State of
Washington residing at Benton
My commission expires: 10/21/2023

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

Signature Page - City of Prosser

FOR THE CITY OF RICHLAND, WASHINGTON.

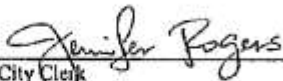


Jon Amundson, City Manager

1/6/2022

Date

Attest:

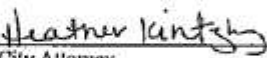


Jennifer Rogers
City Clerk

1/6/2022

Date

Approved as to Form:



Heather Kintzy
City Attorney

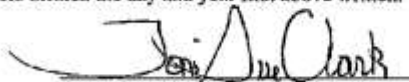
1/6/2022

Date

I certify that on this 6th day of January, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jon Amundson, to me known to be the City Manager of the City of Richland, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of the City of Richland.

Witness my hand and official seal hereto affixed the day and year first above written.





Notary Public in and for the State of
Washington residing at Kennewick
My commission expires: 09/29/2025

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

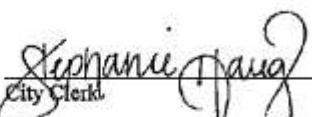
Signature Page - City of Richland

FOR THE CITY OF WEST RICHLAND, WASHINGTON.


Brent Gerry, City Mayor

1-18-2022
Date

Attest:


City Clerk

1/18/22
Date

Approved as to Form:


City Attorney

1/19/22
Date

I certify that on this 18th day of January, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Brent Gerry, to me known to be the Mayor of the City of West Richland, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of the City of West Richland.

Witness my hand and official seal hereto affixed the day and year first above written.



Paula Kauer
Notary Public in and for the State of
Washington residing at Benton City, WA
My commission expires: 9/5/25

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

Signature Page - City of West Richland

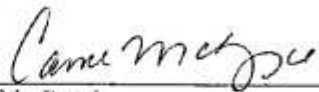
FOR BENTON COUNTY, WASHINGTON.



Shon Small, Chairman
Board of County Commissioners

3/8/2022
Date

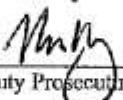
Attest:



Carrie McKenzie
Clerk of the Board

3/8/2022
Date

Approved as to Form:



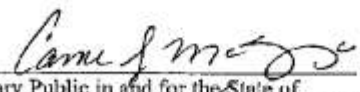
Deputy Prosecuting Attorney

2/25/22
Date

I certify that on this 8 day of March, 2022, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Shon Small, to me known to be the Chairman of the Board of Commissioners for Benton County, Washington, the corporation that executed the foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute said instrument and that the seal affixed is the corporate seal of Benton County.

Witness my hand and official seal hereto affixed the day and year first above written.





Notary Public in and for the State of
Washington residing at Kennewick
My commission expires: 12/01/2023

Interlocal Agreement – 2022-2023
Benton County Solid Waste Management

Signature Page - Benton County

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Appendix B: Resolutions of Adoption for this Plan

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Appendix C: Information on the SWAC

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Benton County
Solid Waste Advisory Committee
(SWAC)

BYLAWS AND MEETING PROCEDURES

I. STATEMENT OF PURPOSE

Solid Waste Advisory Committee (SWAC)

The Benton County Solid Waste Advisory Committee (SWAC) has been appointed by the Board of County Commissioners in accordance with Chapter 70.95 (165) RCW. The statute requires the SWAC to "assist in the development of solid waste handling programs and policies concerning solid waste handling and disposal, and review and comment on proposed rules, policies or ordinances prior to their adoption." These Bylaws will become a part of the County Solid Waste Plan by reference and will define the SWAC function and rules.

The scope and duties of the Benton County Solid Waste Advisory Committee shall be to:

- A. Advise Benton County on all aspects of solid waste management planning;
- B. Assist Benton County in the development of programs and policies concerning solid waste management;
- C. Review and comment on proposed solid waste management rules, policies, or ordinances prior to their adoption.

II. MEMBERSHIP AND TERMS

- A. **SWAC Members:** The SWAC shall be composed of a minimum of nine (9) and no more than twelve (12) members representing a balance of interests among the following groups: citizens, public interest groups, business, the waste management industry, and local elected public officials. Members shall provide on-going public input, coordination and information exchange between the groups. Six (6) of the members shall be representatives of the cities and towns of the county and shall be recommended by their respective councils. Only members representing participation jurisdictions may vote on financial matters.
- B. **Appointment:** Members shall be appointed by motion of the Board of County Commissioners.
- C. **Terms:** Members shall serve a term of three (3) years or until their successor is appointed and confirmed as provided in the SWAC by-laws. The terms of office shall be staggered. Members may be reappointed to serve consecutive terms. Reappointment shall be subject to confirmation by motion of the Board of County Commissioners.
- D. **Vacancies:** Vacancies shall be filled for the remainder of the term of the vacant position in the manner described in the initial appointment.
- E. **Participation:** Members of the Committee are needed to advise on matters of public policy formulation and their regular attendance is essential. The Chair may recommend to the Board of

Solid Waste Advisory Committee
Bylaws

- 1 -

Benton County
Amended June 2014

County Commissioners replacement of a member if three (3) consecutive meetings are missed, or half the meetings in a given year are missed.

- F. Training: Members should make themselves available to participate in training workshops pertinent to current solid waste issues as they become available.
- G. Substitution: An appointed member may have a person, representing the absent member's interest, attend meetings and vote in the member's place for two meetings per year.

III. MEETINGS

SWAC Meeting: The committee shall adopt no recommendation, except in a meeting open to the public and then only at a meeting, the date of which public notice has been given by notifying press and radio in the county, and by such other means as may now or hereafter be provided. The committee may adopt recommendations and take other means as necessary, by a majority vote of the members present at the meeting. The committee shall hold at least one meeting each quarter. The time and place of the regular meetings shall be set by the Chair in a manner acceptable to the Committee. The Chair may cancel a meeting.

Technical Advisory Committee Workshops: The Chair, or in the Chair's absence, the Vice Chair, may call a workshop for one specific purpose, provided that proper notice is provided to each member and other interested parties describing the purposes at least twenty-four hours prior to the time scheduled for the workshop. TAC members are appointed by their own political sub division, and may or may not be associated with the SWAC.

IV. CHAIR, VICE CHAIR, AND SECRETARY

- A. Chair: A majority of the committee shall elect one of its members as Chair. The term of the Chair shall be for one (1) year. The Chair shall be elected at the first meeting in January and shall serve for a term of one year. The election year and the term of the Chair will begin at the first meeting in January of each year.
- B. Vice Chair: A majority of the committee shall elect one of its members as Vice Chair. The term of the Vice Chair shall be for one (1) year. The Chair shall be elected at the first meeting in January and shall serve for a term of one year. The election year and the term of the Vice Chair will begin at the first meeting in January of each year.
- C. Secretary: A majority of the committee shall elect one of its members as Secretary. The term of the Secretary shall be for one (1) year. The Secretary shall be elected at the first meeting in January and shall serve for a term of one year. The election year and the term of the Chair will begin at the first meeting January of each year.

V. CONDUCT OF MEETINGS

Solid Waste Advisory Committee
Bylaws

- 2 -

Benton County
Amended June 2014

- A. Roberts Rules of Order: The parliamentary rules known as Roberts Rules of Order shall apply to and govern the procedures of all meetings of the Committee; provided that the Chair may elect to allow a more informal discussion format so long as business is conducted in good order and participation of all members is assured. Consensus of the members is the preferred means to resolve all questions before the Committee. Consensus is hereby defined as the absence of any no votes by members.
- B. Minutes/Agendas: Minutes of all meetings shall be kept and distributed to the members within two weeks after a meeting. Meeting minutes will be approved by a majority vote of members present. Agendas will be prepared, with verbal approval of the Chair, and distributed to the members at least seven days in advance of any regularly scheduled meeting.
- C. Public Access: All meetings shall be open to the public. Provision shall be made for public comment at each meeting. Approved meeting minutes shall be available to the public on request.

VI. WAIVER OF THE RULES

Any of the above rules or procedures may be waived by the majority vote of the Committee provided further that the reason therefore be included in each motion for waiver.

VII. AMENDMENTS

To the extent that such an amendment would not conflict with the purpose for which the Committee was established, any of these bylaws may be amended or repealed, and new bylaws may be adopted, by majority vote of the entire SWAC. Members will be provided with proposed amendments at least two weeks before action is taken to amend these bylaws.

VIII. TOPICS OF REVIEW

- A. County Solid Waste Plan: Formulation of the Plan, including major updates, recommendations, amendments and addenda to the Plan.
- B. Moderate Risk Waste Plan: Formulation of the Plan, including major updates, recommendations, amendments and addenda to the Plan.
- C. Legislative Proposals: Regulations adopted by the Board of Health, and by the Board of County Commissioners affecting solid waste management and related issues will be assigned to the Committee for review and comment prior to their adoption.
- D. Other Issues: Additional questions pertaining to Benton County's waste management program may be addressed to the Committee by the Board of County Commissioners as deemed appropriate.

RESOLUTION 2023 233

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY WASHINGTON:

IN THE MATTER OF APPOINTMENTS TO THE SOLID WASTE ADVISORY COMMITTEE

WHEREAS, there exists a need to establish a Benton County Solid Waste Advisory Committee per Washington RCW 70A.205.110; and

WHEREAS, many appointments to the Solid Waste Advisory Committee term expired 12/31/2022; and

WHEREAS, those members listed below have indicated their interest and willingness to serve on the Committee; and

WHEREAS, Resolution No. 2022-176 appointing last year's committee can be rescinded; and

WHEREAS, the Board of Benton County Commissioners has received a recommendation from Benton County Solid Waste Management to appoint those members listed below; **NOW THEREFORE**,

BE IT RESOLVED that the Board of Benton County Commissioners hereby appoints the following members to the Benton County Solid Waste Advisory Committee.

City of Kennewick – Chuck Torelli, Jim Millbauer (Alternate)
City of Richland – Mayor Pro Tem Theresa Richardson
City of Prosser – Don Aubrey
Basin Disposal – Rebecca Francik, Darrick Dietrich (Alternate)
City of West Richland – Richard Bloom
Public Citizen – Khrls Olsen
Waste Management – Tami Yager, Kevin Fuerst (Alternate)
Benton County – Will McKay, Matt Mahoney (Alternate)
Benton City – Jessica Wadsworth
Agricultural Representative – Anthony Searls
Benton Franklin Conservation District – Mark Nielson

Orig.: Public Works

J. Mayfield

BE IT FURTHER RESOLVED Resolution No. 2022-176 is hereby rescinded and replaced with this resolution.

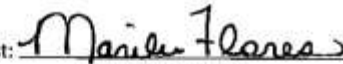
Dated this 14th day of March 2023.


Chairman


Chairman Pro-Tem


Commissioner

Constituting the Board of County
Commissioners of Benton County, Washington

Attest: 
Clerk of the Board

Orig.: Public Works

J. Mayfield

Benton County Solid Waste Advisory Committee (SWAC)

Meeting Minutes May 17, 2023, 10:00 AM

<u>SWAC Members:</u>		<u>In-person or remote</u>
Benton County	Will McKay	remote
Benton County	Matt Mahoney (alternate)	in-person
City of Benton City	Jessica Wadsworth	absent
City of Kennewick	Chuck Torelli (Secretary)	in-person
City of Kennewick	Jim Millbauer (alternate)	in-person
City of Prosser	Don Aubrey	absent
City of Richland	Theresa Richardson	telephonically
City of West Richland	Richard Bloom (Vice Chair)	in-person
Basin Disposal	Darrick Dietrich (alternate)	absent
Basin Disposal	Rebecca Francik (Chair)	in-person
Public Citizen	Khris Olsen	in-person
Agricultural Representative	Anthony Searls	absent
Benton Franklin Conservation Dist.	Mark Nielson	absent
Waste Management	Tami Yager	in-person
Waste Management	Kevin Fuerst (alternate)	absent

Additional Attendees:

Cristina Woods, Benton County	in-person
Wendy Mifflin, HDR	remote
Martin Nelson, City of Kennewick	in-person
Janusz Bajsarawicz, DTG Recycling	remote
Aaron Enebrad, DTG Recycling	in-person
Jason Wilfong, DTG Recycling	in-person
Tony Rounds, DTG Recycling	remote
Laurie Shaffer, DTG Recycling	in-person
Tracey Onstad Bills	remote

Meeting start time: 10:03 a.m.

Discussion items

1) Introductions

Everyone attending virtually and in-person introduced themselves and stated what agency they were from.

2) Approval of April 12, 2023, Meeting Minutes

Richard Bloom made a motion to approve minutes as presented, seconded by Tami Yager – MCU

3) Public Comment – (None)

4) 5-Year Solid Waste Plan – DRAFT Chapter 11/Implementation Plan, Executive Summary, Appendix F - WUTC Assessment, and Review all previous chapter updates

Discussed Chapter 11– Implementation Plan

Wendy Mifflin explained that this Chapter reflects information that previous consensus had been reached upon. Discussion followed. She explained this plan as a “living document”, to be updated as needs dictate. Wendy explained the process for regulatory review and ultimate adoption, as well as any later amendments.

Discussed Executive Summary

Wendy Mifflin provided an overview of the SWAC recommendations, important points of consideration, and plan implementation aspects. Discussion followed.

Discussed Appendix F – WUTC Cost Assessment

Reviewed all previous chapter updates

Wendy Mifflin indicated previous chapters have been reviewed, and that the desire at this time is to advance the plan to regulatory review. Members provided input on assorted aspects and asked general questions. Discussion followed.

Motion made by Rebecca Francik, to approve, with revisions, DRAFT plan content and move the plan toward regulatory review. Seconded by Richard Bloom. Motion carried.

5) Other

Next meeting will be June 14, 2023, at 10:00 a.m.

Meeting end time: 11:58 a.m.

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Appendix D: Status of 2013 Plan Recommendations

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Appendix D – Status of Recommendations – 2013 Benton County Solid Waste Management Plan		
Chapter	Recommendation	Implementation Status
3. Outreach and Education	1. Update Website.	Ongoing
	Provide Technical Assistance to Schools and Businesses.	Ongoing
	3. Arrange Recycling Facility Tours/Interactive Education.	Ongoing
3. Waste Reduction	Support Product Stewardship and Extended Producer Responsibility Policies.	Ongoing
	Promote Environmentally Preferable Products Preference and Purchasing.	Ongoing
	Promote Waste Reduction Practices in County and City operations.	Ongoing
	4. Promote Use of Online Materials Exchanges.	Ongoing
	5. Encourage Use of Reuse Stores and organizations.	Ongoing
	Consider Implementing Waste Reduction Requirements for New Developments.	Not Accomplished
	Monitor Progress and Efficacy of Waste Management and Reduction Measures.	Done at Time of Plan Updates
3. Recycling	Evaluate Need for Additional Materials and New Locations for Drop-Box Program.	Ongoing
	Consider Implementing a Rewards Program for Residential Recyclers.	Accomplished
	3. Provide Commercial Waste Assistance as Needed.	Ongoing
	4. Evaluate Recycling Opportunities Related to the Wine Industry.	Not Accomplished
3. Organics	Expand Yard Waste Chipping Program as Funding and Markets Become Available.	Ongoing
	Encourage Curbside Green Waste Collection for Commercial Customers.	Ongoing
	Evaluate Diversion Opportunities for Organic Waste from Wine Industry.	Not Accomplished

Appendix D – Status of Recommendations – 2013 Benton County Solid Waste Management Plan		
Chapter	Recommendation	Implementation Status
4. Collection Systems	1. Consider Mandatory Collection in Unincorporated Areas.	Not Accomplished
	Further Evaluation of Recycling Service Level Changes for County Unincorporated Area.	Under Consideration
5. Transfer and Disposal	The County will monitor, and where appropriate and feasible, provide input into the City of Richland's process evaluating the feasibility of expanding Horn Rapids Landfill.	Ongoing as Requested
6. Agricultural waste	Continue to Work Cooperatively with Port of Benton and Regional Agencies to Identify Opportunities for Beneficial Use of Organic Residuals from Agriculture.	Not Accomplished
6. Asbestos	Encourage BCAA to Increase Enforcement of Asbestos Waste Disposal Activities.	Not Accomplished
	Provide Education to Homeowners on Proper Handling and Disposal.	Ongoing
6. Biomedical Waste	Provide educational materials for correct management of medical waste generated by residents.	Ongoing
	Evaluate feasibility of sharps and outdated pharmaceuticals collection at household hazardous waste collection sites.	Not Accomplished
Construction and Demolition Debris	Provide waste reduction, green building and debris management information to contractors.	Not Accomplished
	Evaluate establishing C&D and Inert Waste Diversion Specifications for private Projects.	Not Accomplished
	Evaluate establishing C&D and inert waste diversion specifications for public (city and county) projects.	Not Accomplished
	Develop a Disaster Management Plan for Benton County.	Not Accomplished



Appendix D – Status of Recommendations – 2013 Benton County Solid Waste Management Plan		
Chapter	Recommendation	Implementation Status
	Provide additional Oversight of Small Inert Waste Fill Projects.	Ongoing
6. Petroleum Contaminated Waste	1. Maintain Existing System.	Ongoing
6. Street Wastes	1. Evaluate Potential Reuse of Street Wastes.	Accomplished
6. Tires	Develop a Plan for Management of Tires accumulated on individual properties.	Accomplished
	Evaluate implementation of County and City Purchasing Programs for Recycled Tire Products.	Accomplished
	3. Implement Programs to Reduce Tire Waste.	Not Accomplished
	4. Initiate Public Education Programs.	Ongoing
6. Electronic Waste	Monitor E-cycle program effectiveness and submit annual satisfaction report when feasible.	Reviewed Annually
	2. Provide E-cycle information on website.	Ongoing
	Update website with e-waste collection and recycling information.	Ongoing
7. Moderate Risk Waste	Household Hazardous Waste Collection- Develop New MRW Facility Land purchase Permits, site plans, retrofitting for minimal collection only Construction of larger facility to allow for processing and storage; operation & labor expenses	Currently Being Implemented
	2. Continue, and expand as possible, public outreach and education efforts.	To Be Implemented Upon Completion of MRW Facility

Appendix D – Status of Recommendations – 2013 Benton County Solid Waste Management Plan		
Chapter	Recommendation	Implementation Status
	3. Provide technical assistance, as possible, to small Business.	To Be Implemented Upon Completion of MRW Facility
	4. Provide opportunities for small business to dispose of small quantities of waste at future facilities.	To Be Implemented Upon Completion of MRW Facility
	5. Contact business to sponsor collection events.	Not Implemented
Administration and Enforcement	1. Facilitate interagency relationships on issues related to solid waste management.	Ongoing
	The various agencies in the county involved in solid waste management will work together to coordinate enforcement activities.	Ongoing
	The county, cities, and other relevant public agencies, to the extent practicable, will coordinate programs regarding illegal dumping cleanup, education, and prevention.	Ongoing
	Implement a coordinated public outreach and education program addressing illegal dumping and related problems.	Ongoing



Appendix E: SEPA Checklist

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Community Development Department
Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division
(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

SEPA ENVIRONMENTAL CHECKLIST

File No. EA 2023-03

RECEIVED

JUL 10 2023

Benton County
Planning Division

A. BACKGROUND

1. Name of proposed project, if applicable:

Benton County Solid Waste and Moderate Risk Waste Management Plan for years 2024-2029.

2. Name of applicant:

Benton County Public Works Department, Solid Waste Division

3. Address and phone number of applicant and contact person:

Matt Mahoney, Public Works Manager

Benton County Public Works Department, Solid Waste Division

PO Box 1001

Prosser, WA 99350

(509) 786-5611

4. Date checklist prepared:

June 27, 2023

5. Agency requesting checklist:

Benton County

6. Proposed timing or schedule (including phasing, if applicable):

Benton County will complete the Solid Waste and Moderate Risk Waste Management Plan (referred to as the "Plan") in 2024. Local adoption of the Plan by the agencies listed in Item A.10, below, is expected by the end of 2023, and the Plan will become effective at that time. Implementation of the Plan will occur over a 5-year period from 2024 through 2029.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

State law requires that solid waste plans be reviewed regularly and updated as needed. The next Plan review is scheduled for 2028 - 2029.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

Environmental review will occur subsequently on a per-project basis, as applicable. This is a non-project action.

This Plan supersedes all previous solid waste and moderate risk waste (MRW) management plans including the 2013 Update Benton County Solid Waste and Moderate Risk Waste Plan.

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9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

There are no specific properties or projects covered in the Plan as this is a non-project action.

10. List any government approvals or permits that will be needed for your proposal, if known.

Approvals of the Plan are required from the following agencies: the Benton County Board of County Commissioners; the cities of Benton City, Kennewick, Richland, Prosser, and West Richland; the Benton County Solid Waste Advisory Committee; the Washington State Department of Ecology (Ecology); the Washington State Department of Agriculture, and the Washington Utilities and Transportation Commission.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

The Plan recommends strategies to manage solid waste and MRW generated in Benton County, Washington. Solid waste handling includes management, storage, collection, diversion, transportation, treatment, use, processing, and final disposal. The Plan includes recommendations for municipal solid waste (MSW), MRW, diversion, construction and demolition debris, organics, and special wastes (these wastes have some similarity to "normal" MSW and can be managed in a similar fashion with some additional precautions or special handling procedures, e.g. agricultural waste, animal carcasses, appliances, asbestos, biomedical waste, construction and demolition debris, electronic waste, vehicles, pharmaceuticals, tires, disaster debris, and yard waste).

The objectives of the Plan are to:

- Manage wastes in a cost-effective manner that promotes, in order of priority, waste reduction, reuse, and recycling.
- Enhance and improve overall efficiency of waste and recyclables collection and transfer.
- Encourage and expand coordination and communication regarding waste collection, recycling, and disposal among all jurisdictions, agencies, and private firms in Benton County.
- Ensure that collection infrastructure is flexible and adaptable to changing recycling and waste diversion practices.
- Ensure that wastes are properly managed, and facilities are operated in full compliance with appropriate rules and regulations.
- Establish guidelines and strategies for management of specific waste streams.
- Manage waste as a resource to increase local job opportunities and support economic development.
- Consider environmental impacts to climate, air, water, and land that are associated with waste generation, transportation, handling, recycling, and disposal.
- Reinvigorate the public education and outreach programs throughout the County.

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- Encourage people and businesses to make responsible choices about what they produce and consume, and what they generate as waste.
- Encourage public/private partnerships for waste reduction and recycling programs.
- Support changes to federal and state regulations and policies that support economically sustainable recycling opportunities and waste diversion.
- Manage waste in a manner that promotes Washington State's waste management priorities presented in Ecology's Moving Washington Beyond Waste and Toxics document.
- Comply with federal, state, and local solid waste and MRW regulations.
- Promote and support life-cycle product stewardship and industry advancements in packaging standards that lead to less waste generation.

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The Plan includes incorporated and unincorporated areas of Benton County. Figure 4-1 of the Plan provides a map of existing Benton County solid waste facilities.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

Not Applicable (N/A) – Non-Project Action.

b. What is the steepest slope on the site (approximate percent slope)?

N/A – Non-Project Action.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

N/A – Non-Project Action.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

N/A – Non-Project Action.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

N/A – Non-Project Action.

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- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

N/A – Non-Project Action.

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A – Non-Project Action.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A – Non-Project Action.

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

N/A – Non-Project Action.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

N/A – Non-Project Action.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

N/A – Non-Project Action.

3. Water

- a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A – Non-Project Action.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

N/A – Non-Project Action.

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A – Non-Project Action.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

N/A – Non-Project Action.

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

N/A – Non-Project Action.

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- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

N/A – Non-Project Action.

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A – Non-Project Action.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A – Non-Project Action.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

N/A – Non-Project Action.

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

N/A – Non-Project Action.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

N/A – Non-Project Action.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

N/A – Non-Project Action.

4. Plants

- a. Check the types of vegetation found on the site:

___deciduous tree: alder, maple, aspen, other

___evergreen tree: fir, cedar, pine, other

___shrubs

___grass

___pasture

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- ____ crop or grain
- ____ Orchards, vineyards, or other permanent crops.
- ____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ____ water plants: water lily, eelgrass, milfoil, other
- ____ other types of vegetation

N/A – Non-Project Action.

- b. What kind and amount of vegetation will be removed or altered?

N/A – Non-Project Action.

- c. List threatened and endangered species known to be on or near the site.

N/A – Non-Project Action.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A – Non-Project Action.

- e. List all noxious weeds and invasive species known to be on or near the site.

N/A – Non-Project Action.

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

N/A – Non-Project Action.

- b. List any threatened and endangered species known to be on or near the site.

N/A – Non-Project Action.

- c. Is the site part of a migration route? If so, explain.

N/A – Non-Project Action.

- d. Proposed measures to preserve or enhance wildlife, if any:

N/A – Non-Project Action.

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- e. List any invasive animal species known to be on or near the site.

N/A – Non-Project Action.

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A – Non-Project Action.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

N/A – Non-Project Action.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

N/A – Non-Project Action.

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

N/A – Non-Project Action.

- 1) Describe any known or possible contamination at the site from present or past uses.

N/A – Non-Project Action.

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A – Non-Project Action.

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A – Non-Project Action.

- 4) Describe special emergency services that might be required.

N/A – Non-Project Action.

- 5) Proposed measures to reduce or control environmental health hazards, if any:

N/A – Non-Project Action.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A – Non-Project Action.

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- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A – Non-Project Action.

- 3) Proposed measures to reduce or control noise impacts, if any:

N/A – Non-Project Action.

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

N/A – Non-Project Action.

- b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

N/A – Non-Project Action.

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

N/A – Non-Project Action.

- c. Describe any structures on the site.

N/A – Non-Project Action.

- d. Will any structures be demolished? If so, what?

N/A – Non-Project Action.

- e. What is the current zoning classification of the site?

N/A – Non-Project Action.

- f. What is the current comprehensive plan designation of the site?

N/A – Non-Project Action.

- g. If applicable, what is the current shoreline master program designation of the site?

N/A – Non-Project Action.

- h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

N/A – Non-Project Action.

- i. Approximately how many people would reside or work in the completed project?

N/A – Non-Project Action.

- j. Approximately how many people would the completed project displace?

N/A – Non-Project Action.

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- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A – Non-Project Action.

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A – Non-Project Action.

- m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

N/A – Non-Project Action.

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A – Non-Project Action.

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

N/A – Non-Project Action.

- c. Proposed measures to reduce or control housing impacts, if any:

N/A – Non-Project Action.

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A – Non-Project Action.

- b. What views in the immediate vicinity would be altered or obstructed?

N/A – Non-Project Action.

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A – Non-Project Action.

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A – Non-Project Action.

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A – Non-Project Action.

- c. What existing off-site sources of light or glare may affect your proposal?

N/A – Non-Project Action.

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A – Non-Project Action.

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12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
N/A – Non-Project Action.
- b. Would the proposed project displace any existing recreational uses? If so, describe.
N/A – Non-Project Action.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
N/A – Non-Project Action.

13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.
N/A – Non-Project Action.
- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
N/A – Non-Project Action.
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
N/A – Non-Project Action.
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
N/A – Non-Project Action.

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
N/A – Non-Project Action.
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
N/A – Non-Project Action.

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- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

N/A – Non-Project Action.

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

N/A – Non-Project Action.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

N/A – Non-Project Action.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

N/A – Non-Project Action.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

N/A – Non-Project Action.

- h. Proposed measures to reduce or control transportation impacts, if any:

N/A – Non-Project Action.

15. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

N/A – Non-Project Action.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A – Non-Project Action.

16. Utilities

- a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

N/A – Non-Project Action.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A – Non-Project Action.

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C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: Matt Mahoney

Position and Agency/Organization: Public Works Manager

Date Submitted: 07/11/2023

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D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed actions described in the Plan are meant to encourage the proper management and disposal of solid and hazardous wastes, and to promote waste reduction, recycling, composting, and reuse. Successful implementation of the Plan is intended to decrease releases of toxic or hazardous substances to the environment.

The Plan itself will not increase discharges to water, emissions to air, production, storage, or release of toxic or hazardous substances; or production of noise. Specific projects recommended in the Plan will undergo a SEPA review specific to them, as required, and be subject to any other applicable state and local requirements.

Proposed measures to avoid or reduce such increases are:

- Provide convenient and reliable services for managing solid waste materials.
- Promote the use of innovative and economical waste handling methods.
- Emphasize waste reduction as a fundamental management strategy.
- Encourage recovery of marketable resources from solid waste.
- Encourage public/private partnerships for waste reduction and recycling programs.
- Increase public awareness on solid waste issues and provide citizens with information and education to implement recommended waste management practices.
- Reduce the environmental impacts to climate, air, water and land that are associated with waste generation, transportation, handling, recycling and disposal.
- Support a sustainable solid waste system both at the local level and regionally.
- Comply with federal, state and local solid waste and MRW regulations.
- Support the State's Solid and Hazardous Waste Plan – Ecology's Moving Washington Beyond Waste and Toxics document

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2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Refer to response number 1. The Plan encourages proper management and disposal of solid waste, which should protect plant and wildlife habitat by reducing illegal dumping. Enhanced educational efforts regarding the use of toxic substances and increased access to recycling, as recommended in the Plan, may reduce threats posed to wildlife by improper disposal of solid wastes. Specific projects recommended in the Plan will undergo a SEPA review specific to them, as required, and be subject to any other applicable state and local requirements.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

Refer to response number 1.

3. How would the proposal be likely to deplete energy or natural resources?

The Plan's recommendations are not expected to deplete energy or natural resources. The Plan promotes a more efficient system for collecting and disposing of solid wastes. The Plan also promotes practices associated with waste reduction, recycling, energy recovery, and reuse which should ultimately conserve natural resources. Specific projects recommended in the Plan will undergo a SEPA review specific to them, as required, and be subject to any other applicable state and local requirements.

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Such areas should be unaffected by the recommendations in the Plan. Implementation of project-specific proposals will undergo separate environmental review under SEPA.

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

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5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Future development would occur in accordance with the 2008 Benton County Growth Management Comprehensive Plan (as amended) and applicable land use regulations (as amended). No direct impacts to land or shoreline uses are anticipated to result from the proposed recommendations of the Plan.

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

The addition of any solid waste facilities or practices promoted by the Plan will be implemented in accordance with local, state, and federal regulations. Therefore, increased demands on those services will be minimized through compliance with the applicable laws and regulations in place at the time of the proposed action. Solid waste collection is described and analyzed in Chapter 6.0 of the Plan. Projects recommended in the Plan will undergo a SEPA review specific to them, as required, and be subject to any other applicable state and local requirements.

Proposed measures to reduce or respond to such demand(s) are:

N/A

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The addition of any solid waste facilities or practices promoted by the Plan will be implemented in conformance with local, state, and federal regulations. The Plan does not recommend any actions that are not in compliance with said regulations. Projects recommended in the Plan will undergo a SEPA review specific to them, as required, and be subject to any other applicable state and local requirements.

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Appendix F: WUTC Cost Assessment

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APPENDIX F - WUTC COST ASSESSMENT QUESTIONNAIRE

INTRODUCTION

By state law (*RCW 70A.205*), solid waste management plans are required to include:

“...an assessment of the plan’s impact on the costs of solid waste collection. The assessment shall be prepared in conformance with guidelines established by the Utilities and Transportation Commission (WUTC or Commission). The Commission shall cooperate with the Washington state association of counties and the association of Washington cities in establishing such guidelines.”

The following WUTC Cost Assessment Questionnaire (Questionnaire) has been prepared in accordance with the guidelines prepared by the WUTC (WUTC 1997). The purpose of this Questionnaire is not only to allow an assessment of the impact of proposed activities on current garbage collection and disposal rates, but to allow projections of future rate impacts as well. The WUTC requests this information in order to review the plan’s impacts to the waste haulers that it regulates. For these haulers, WUTC is responsible for setting collection rates and approving proposed rate changes. Hence, WUTC will review the following cost assessment to determine if it provides adequate information for rate-setting purposes and will advise Benton County (County) as to the probable collection rate impacts of proposed programs. Consistent with this purpose, the cost assessment focuses primarily on those programs (either implemented or recommended) with potential rate impacts.

Benton County Cost Assessment Questionnaire

Prepared By: Josiah Close, HDR

Telephone: (360) 570-7294

Email: Josiah.Close@hdrinc.com

Date: April 28, 2023

Definitions: The Solid Waste and Moderate Risk Waste Management Plan (Plan) is a long-term strategy that includes management, storage, collection, diversion, transportation, treatment, use, processing, and final disposal of the County’s solid waste. The Plan covers a twenty-year span and the Questionnaire has defined the period of review for the cost assessment in the table 1 below.

Year	Plan Year
1	2024
2	2025
3	2026
4	2027
5	2028
6	2029

Benton County's fiscal year is the same as the calendar year (CY) - that is - January through December. The County worked in conjunction with local governments and citizens as well as HDR to develop a county wide comprehensive plan. No other jurisdictions have developed a plan exclusive of Benton County.

Demographics

The data source for population projections used in the development of the plan is the Washington State Office of Financial Management (OFM). In order to maintain a conservative yet accurate approach, the population projections utilize the "medium" case figures from the OFM. The base year and the associated populations are detailed in the table below as well as the assumed percentage increases from the Plan years one through six. The 2021 population of 209,400 was taken from Table 2-1 of the Plan and is utilized as the starting point. This figure was then projected for 2024 through 2029 by extrapolating the projected population growth with the help of addition projection data from OFM for 2025 and 2030. The table below shows the population projection by year.

Year	Plan Year	Benton County Population	Percentage Change
1	2024	214,191	0.8%
2	2025	215,740	0.7%
3	2026	218,113	1.1%
4	2027	220,512	1.1%
5	2028	222,938	1.1%
6	2029	225,390	1.1%

Waste Stream Generation

The following table details the estimated waste generation and recycling tonnage for the County. Waste generation is estimated at 9.26 pounds per person per day, based on Table 2-2 in the Plan.



Year	Plan Year	Waste Generation (Tons)	MSW Disposed (Tons)	Recycled & Diverted (Tons)	Other Waste (Tons)
1	2024	361,972	228,676	126,690	6,606
2	2025	364,590	230,329	127,606	6,654
3	2026	368,600	232,863	129,010	6,727
4	2027	372,655	235,425	130,429	6,801
5	2028	376,754	238,014	131,864	6,876
6	2029	380,898	240,632	133,314	6,952

It is important to note that the recycling rate is assumed at 34.6% which is an unrounded version of the figure from the Plan of 35%. This was done in order to maintain the appropriate relationships in the projection of solid waste tonnages, specifically for the non-recyclables or other waste.

Waste Generation Assumptions

- Figures, except the “Year” and “Plan Year”, are shown as tons per year (TPY). Projected waste generation figures for 2024 through 2029 are based on the waste generation rate for 2018 (9.26 pounds per person per day) which is the most recent available and based on Ecology tonnage records in conjunction with the population forecasts from OFM.
- The projected amounts of recycling and diversion, disposed municipal solid waste (MSW), and other wastes assume the same percentage of the total waste generated as in 2018
- MSW Disposed per person per day is 5.85 pounds or 2,135 pounds per year (based on 2018 data)
- Other wastes include construction, demolition, and land clearing wastes disposed at limited purpose landfills and special wastes

System Program Component Costs

System costs reported in this questionnaire are funded by County revenues and through nominal grants.

WASTE REDUCTION PROGRAMS

Existing education and outreach waste reduction programs implemented by the County:

- “Pay-as-you-throw” rates
- Public education and outreach
- Drop box sites
- Public event recycling

The costs of providing the waste reduction programs are included within the County's solid waste budget and are funded through County revenues or via interlocal agreements.

Solid Waste Collection Programs

Curbside collection of MSW is mandatory within city and town limits of the County but not mandatory in the unincorporated areas. Collection is conducted by a number of private entities including Ed's Disposal, Inc., Basin Disposal, Inc., Waste Management, Sanitary Disposal, Inc., and the City of Richland's Solid Waste Division. The following table details information about the WUTC-regulated collection in the County.

MSW and Recycling Collection within Benton County							
Collection Entity		2024	2025	2026	2027	2028	2029
Incorporated	Pop	176,590	177,867	179,824	181,802	183,801	185,823
	Tons	188,532	189,895	191,984	194,096	196,231	198,390
Unincorporated	Pop	37,601	37,873	38,290	38,711	39,137	39,567
	Tons	40,144	40,434	40,879	41,329	41,783	42,243
Total Population		214,191	215,740	218,113	220,512	222,938	225,390
Total Tons		228,676	230,329	232,863	235,425	238,014	240,632

** Projected 2024 through 2029 data based on assumed waste generation rates and population growth rates applied to 2021 population and 2018 tonnage data*

There is currently one transfer station in Benton County which is operated by Waste Management in Kennewick. Additionally, Basin Disposal operates two drop-box sites one in Prosser and one in Benton City. Waste collected in Benton County is transported to two transfer stations located outside Benton County Organics Collection Programs

Organics Collection Programs

The City of Richland offers weekly collection of yard waste, on regular collection days, weather permitting. The program accepts loose grass, leaves, plant trimmings, garden debris, non-treated wood, and branches less than 4 inches in diameter. Waste Management, in Kennewick, offers collection of unlimited bags of leaves the first week of November, December, and January with materials collected currently being directed for disposal. Christmas tree collection programs are offered by the City of Richland and Ed's Disposal through curbside collection, by WM of Kennewick at the transfer station, and BDI through their Pasco Transfer Station. The City of Richland is currently the only program that composts the Christmas trees collected. One of the largest areas of concern with yard waste is the capacity for processing within the County. The County and city partners could undertake a study to determine the infrastructure necessary to implement additional yard waste and food waste collection and recycling



programs. The County could also consider the potential for public-private partnerships to assist with volumes throughput and the offset of costs for facility construction, maintenance, operations, and product marketing.

Recycling Programs

The County, cities and towns, and waste collection companies provide numerous options including curbside as well as drop-off recycling sites throughout the County. Currently, curbside residential recycling service is provided in the City of Kennewick and the City of Richland. The cities of Benton City, Prosser, and West Richland and the unincorporated areas of the County are serviced by residential recycling drop-boxes. Commercial-sector recycling is available in the County and is provided by collection companies operating within each city and town and the unincorporated areas. Public event recycling is provided by the solid waste collection companies operating within the County.

To incentivize recycling, as mentioned, bins are located at multiple locations throughout the County as an opportunity to recycle. All materials collected at the drop-off sites are accepted at no cost. Additional recycling opportunities can enable residents and businesses to reduce their garbage service volumes and lower their garbage collection fees in cities with “pay-as-you-throw” price models. Additionally, residents and businesses that subscribe to recycling collection services may be able to reduce their garbage service to smaller size carts and lower their costs for garbage service. Markets for recyclables are volatile and affect commodities that are able to be collected and processed for recycling. Primary markets for specific materials and comments on factors that affect them as of December 2022 are presented in Table 5-3 in the Plan and summarized below.

Markets for Recyclable Materials (as of December 2022)		
Material	Primary Market(s)	Comments
Paper		
Cardboard	Regional paper markets, paper mills, and export	The markets for cardboard (used in packaging) have recently been improving and may be stabilizing
Mixed Paper and Newspaper	Regional paper markets, paper mills, and export	The markets are fluctuating due to supply and demand from overseas markets and processors and are primarily low at this time
Plastics		
Bottles #1 through #7	Regional markets in Western Washington and Oregon, and export	The markets for PET and HDPE bottles are currently weak to non-existent (#1 and #2), and even weaker for bottles #3 through #7
Other Plastics	Primarily export	Markets are volatile and sometimes unreliable

Markets for Recyclable Materials (as of December 2022)		
Material	Primary Market(s)	Comments
Metals		
Aluminum	Regional markets in Western Washington and Oregon; can manufacturing in St. Louis	Aluminum prices were weak in 2022
Tin Cans, Appliances, and Ferrous and Non-ferrous Scrap	Regional markets in Western Washington and Oregon	Steel has fluctuated heavily, and the market is currently weak
Glass		
Clear Glass	Regional markets in Western Washington and Oregon	Prices are poor for clear glass
Brown and Green Glass	Regional markets in Western Washington and Oregon	Prices for brown and green glass are low or negative (i.e., the glass is recycled for a charge)

The assumed recycling rate is 34.6% of the total waste collected and this rate was used to project the future amount of recycling tons. It is important to note that this rate is an unrounded version of the figure from the Plan of 35%. This was done in order to maintain the appropriate relationships in the projection of solid waste tonnages, specifically for the non-recyclables or other waste. The table below shows a projection of recycling and non-recyclable tons based on the 2018 data from Table 2-2 in the Plan.

Year	Plan Year	Recycling (Tons)	Other Non-Recyclables (Tons)
1	2024	126,690	6,606
2	2025	127,606	6,654
3	2026	129,010	6,727
4	2027	130,429	6,801
5	2028	131,864	6,876
6	2029	133,314	6,952

Energy Recovery & Incineration (ER&I) Programs

MSW from the County is disposed of at multiple landfill facilities including the Horn Rapids Landfill located in the County, Waste Management's Columbia Ridge Landfill in Gillam County, Oregon, and the Waste Connections' Finley Buttes Landfill in Morrow County, Oregon. The Horn Rapids Landfill currently flares landfill gas collected but has an approved facility project with Pine Creek RNG to recover, clean, and reuse the gas collected through an agreement with Cascade Natural Gas. The Columbia Ridge Landfill manages landfill gas to generate renewable energy, reduce emissions, and prevent odor. The Finley Buttes Landfill recovers energy through an installed gas collection and recovery system on the landfill site. Energy recovery from MSW should remain a continuing consideration for the County.



Expenses

The project expenses (2024 – 2029) for the County are shown below are based on cost figures escalated from the 2023 budget by assumed inflationary factors.

	2024	2025	2026	2027	2028	2029
Total Expenses (\$000s)	\$1,016	\$1,237	\$1,287	\$1,368	\$1,410	\$1,454
MSW Tons	213,630	217,262	220,955	224,711	228,740	232,629
Cost per MSW Ton	\$118.62	\$120.22	\$123.11	\$126.08	\$127.66	\$129.38

Funding Mechanisms

The County's solid waste program is managed by the Benton County Road Department and run with the advice of the Benton County Solid Waste Advisory Committee (SWAC). The program is operated on a county-wide basis, though it functions in conjunction with activities managed by individual cities in Benton County via interlocal agency agreements. The incorporated communities of Benton City, Kennewick, Prosser, Richland, and West Richland executed interlocal agreements with the County regarding solid waste management. The solid waste program is funded through County taxes, as well as a LSWFA grant funding (CPG) offered by the Washington State Department of Ecology. System costs reported in this questionnaire are funded by revenues collected by the County. Provided in the table below is a summary of the revenues received by the County based on the 2023/2024 biennial budget (adjusted for a single year, 2023).

System Funding Source	2023 Budget	Funding Percentage
Pollution Control & Remediation Services	\$310,000	47.7%
Solid Waste Services	10,000	1.5%
Grants	325,000	50.0%
Miscellaneous	<u>5,000</u>	0.8%
Total Funding Sources	\$330,000	

The following assumptions were used to project revenues and expenses:

- **Revenues**
 - Customer Growth – 1.0%
 - Misc. Revenue – 1.0%
- **Expenses**
 - Personnel – 3.5%
 - Internal Services – 3.0%
 - Professional Services – 3.0%
 - Operating Costs – 3.0%

- Miscellaneous – 2.5%
- Flat – 0.0%
- General Inflation – 3.0%

Benton County Projected Revenues and Expenses (\$000s)						
Costs	2024	2025	2026	2027	2028	2029
Revenues						
Pollution Control & Remed Svs	\$310	\$313	\$316	\$319	\$323	\$326
Solid Waste Services	10	10	10	10	10	11
Miscellaneous	5	5	5	5	5	5
Coordinated Prevention Grant	<u>325</u>	<u>328</u>	<u>332</u>	<u>335</u>	<u>338</u>	<u>342</u>
Total Revenue	\$650	\$657	\$663	\$670	\$676	\$683
Expenses						
Total O&M	\$1,145	\$1,181	\$1,218	\$1,256	\$1,295	\$1,335
Rate Funded Capital	241	57	32	33	34	35
Total Reserve Funding	<u>(352)</u>	<u>25</u>	<u>52</u>	<u>52</u>	<u>52</u>	<u>52</u>
Total Expenses	\$1,034	\$1,263	\$1,301	\$1,340	\$1,381	\$1,423
<i>Bal. / (Def.) of Funds</i>	<i>(\$384)</i>	<i>(\$607)</i>	<i>(\$638)</i>	<i>(\$671)</i>	<i>(\$705)</i>	<i>(\$740)</i>

The table above utilizes the County's 2023/2024 biennial budgeted revenues and expenses. Those are then inflated by the escalation factors that were shown previously. As can be seen, current revenues are not sufficient to fully fund the projected expenses. Given the deficiency of funds in 2024 through 2029 based on the 2023/2024 biennial budget, it is recommended that the County should address the revenue shortfall by either a future revenue adjustment or securing other funding sources such as grants, etc. Additionally, as it is projected that the population – and therefore solid waste tonnage – will increase in the next six years the County should strategize about how this transition should happen as some costs may not increase proportionally with the service population while maintaining the same, high level of service from the County.



Appendix G: Determination of Non-significance

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Community Development Department

Prosser Office: 620 Market Street, 1st Floor
Kennewick Office: 102206 East Wiser Parkway
www.co.benton.wa.us



Planning Division

(509) 786-5612
P.O. Box 910, Prosser, WA 99350
planning.department@co.benton.wa.us

Determination of Non-Significance

Proponent: Benton County Public Works Division

File No. EA 2023-013

Project Description: The Benton County Public Works Department is proposing to adopt a Solid Waste and Moderate Risk Waste Management Plan to update the current plan in accordance to state law. State law requires solid waste plans be reviewed regularly and updated as needed. The plan is expected to be adopted by the end of 2023 at which point it will become effective. The implementation of the Plan will occur over a 5-year period from 2024 through 2029.

Project Location: Countywide

Jurisdiction: Benton County, Washington

Lead Agency: Benton County Community Development Department- Planning Division

Threshold Determination: The lead agency for this proposal has determined that it will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). The decision was made after review of a completed environmental checklist, comments received from various agencies and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued under 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by August 3, 2023.

Administrative appeals of threshold determinations of non-significance (DNS) are not allowed.

SEPA Responsible Official: Greg Wendt

Position/Title: Director of Community Development

Address: P.O. Box 910, Prosser WA 99350

Date: July 20, 2023



Greg Wendt, Director of Community Development
Benton County Community Development Department

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Appendix H: Comments and Responses on the Draft Plan

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Section A: Revisions required for Plan approval			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
N/A	N/A	No required changes are needed.	N/A
Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
Plan clarity, content, and navigation			
1	Cover and throughout	Name of Plan To bring some statewide consistency to plan titles and to make it clear that the Plan addresses the State's Hazardous Waste Planning requirements, we recommend the title be changed to Benton County Comprehensive Solid and Hazardous Waste Management Plan for Years 2024-2029.	Concur with comment. Changes made to Plan.
2	1.9.3, 1-7	City of Richland Solid Waste Management Plan Recommend a link to the City Plan be included. It is available online on the City's website.	Concur with comment. Changes made to Plan.
3	1.12.1, 1-10	LightRecycle Washington Program Add language to indicate the LightRecycle program is set to sunset in 2025 unless action is taken to extend the law and that after July 1, 2026, the program may be terminated or extended.	Concur with comment. Changes made to Plan.
4	1.12.13, 1-13 & 1-14	Organics Management Law For the CPO specifically, there are also requirements for jurisdictions to adopt a CPO with a population less than 25,000 if they require the hauler to collect organics or they themselves provide organics curbside collection. The CPO focus sheet has the language that should be added into this section or you could match what you have in 6.2.1. The facility siting requirement takes effect on July 1, 2024.	Concur with comment. Changes made to Plan.

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
5	2.2.3, 2-4	Composition Study To create Figure 2.1 we recommend using the state’s most current data included in the 2020-2021 waste composition. To illustrate the changes in the composition of the waste stream, the 2020-21 study includes a table (page 44) showing how the composition of the waste stream has changed since 2015 and 2016. These changes could be noted in this section as well.	Acknowledge comment. The 2020-2021 State Waste Composition was conducted during the Covid pandemic. Language in Plan notes the reasoning behind the use of the 2015 Composition Study. No change made to Plan.
6	3.3.1, 3-4 (Table 3-1)	Unincorporated Population 2021 The 2021 unincorporated population in Table 3.1 should be changed from 30,752 to 36,760 to reflect the population data in Table 2.1. 30,752 was the unincorporated population of the County in 2010.	Concur with comment. Changes made to Plan.
7	5.1.1, 5-1	Statewide Recycling Rate In Bullet 1, note that Washington State <i>had</i> set a goal to reach a recycling rate of 50% by 2007. This goal is no longer included in the most recent State Plan, 2021. As you mention, Ecology now emphasizes overall waste generation instead. In addition, we recommend referencing the State’s Plan goal of maximizing the “effectiveness of recycling and organic processing systems” (pg. 13, State Plan).	Acknowledge comment. These are goals from RCW 70A.205 not State Plan. No change made to Plan.
8	5.1.1, 5-2	Urban and Rural Recycling Bullet points 2 & 3 are duplicated in the paragraphs below.	Acknowledge comment. The bullet points reference relate to different requirements for establishing vs. developing programs. No change made to Plan.

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
9	5.1.2, 5-2	CROP To make it easier to ensure each requirement is met, we suggest adding the section where it is met alongside each bullet point. It does appear to meet the requirements. However, the cost is not really being discussed in the implementation chapter because it shows \$0 for WRR9 and WRR16. Either update the costs or make a comment as to why there is no cost to implement the CROP. In addition, I suggest changing WRR16 from "maintain and update.." to "implement the actions listed as part of the CROP."	Acknowledge comment. Comment reference on-going recommendations in accordance with Table 11.1 footnote. No change to Plan.
10	5.2.4, 5-7 Table 5-2	Paint Benton County now has a contract with Paint Care. Paint should, at a minimum, be listed in the limited collection section versus the potentially recyclable section as it is now routinely recycled statewide and at no cost to the county.	Concur with comment. Changes made to Plan.
11	5.2.12, 5-10	China Sword There is some duplication within the first 5 paragraphs. We suggest combining and deleting information that is duplicated.	Acknowledge comment. No change made to Plan.
12	5.2.12, 5-11, Table 5-3	Market Data We would recommend adding a link to Ecology's market data which is updated every 2 months and is posted available in BOX.	Concur with comment. Ecology link added to document.
13	5.4.8, 5-18	Waste Diversion Goal A waste diversion goal of 40% is listed, however, there is no date upon which Benton County expects to achieve that goal and is this goal a sustained goal of 40% or do they wish to increase it throughout the planning period?	Concur with comment. Changes made to Plan and Recommendation WRR8.
14	5.4.9, 5-18	2018 Recycling Rate The 2021 data is now available and we suggest using the updated data for this plan so that it is as current as possible. The 2021 diversion rate is listed as 34.7% which is a decrease since the 2018 data.	Acknowledge comment. Leaving 2018 data as is. See Section 5.4.9 for explanation.

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
15	5.4.12, 5-18	Glass Recycling There is a new depot located in the Tri-Cities that is collecting glass which is not referenced in the Plan. We recommend noting that jurisdictions and companies are working together to address the difficulties of recycling glass on the East side of the Cascades. And, note that Benton County would be interested in adding glass to its programs when it becomes feasible financially.	Concur with comment. Changes made to Plan.
16	6.5.2, 6-4	Residential Collection As part of the new Organics Management Law, Benton County will have some residential collection requirements in 2027. There is no mention of this new requirement.	Concur with comment. Changes made to Plan.
17	6.3.1, 6-2	Yard Debris Collection Clarify if Richland collection is limited to residential or if it includes multi-family, commercial etc. Also, with Kennewick collecting leaves but sending them to disposal, we recommend noting if they plan to make any changes to that program to help reach the goals that are listed by the state in the above sections.	Clarified with City of Richland. Yard Debris Collection does not include multi-family or commercial.
18	7.3.1, 7-2	Agricultural Waste Because you have WAC 173-350-100 in quotations I would update to reflect the exact wording which is: "wastes from farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, livestock manure, animal bedding, and carcasses of dead animals."	Concur with comment. Changes made to Plan.
19	7.13.3, 7-11	Litter Funding Update the last sentence in paragraph 1 to state that "Beginning in 2008, half of the funds were redirected away from the litter grants however funding was fully restored in 2019.	Concur with comment. Changes made to Plan.



Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
20	7.16.2, 7-13	Drug Take Back Update this section to reflect the new program. "Chapter 69.48 RCW - The Drug Take-Back Program created a unified, statewide, medication return program for the collection and disposal of covered drugs in 2020. Administered by the Washington State Department of Health and funded by pharmaceutical producers, Washington State's Drug Take-Back Program became the first statewide extended producer responsibility (EPR) program for residential medications in the nation." (Pierce County Plan language). This update may change your SW2 recommendation, so we recommend evaluating this recommendation.	Concur with comment. Changes made to Plan. Deleted Recommendation SW2.
21	8.2.2.1, 8-3	WA State SWMP The most recent plan was published in 2021 not 2015. This section also quotes MRW percentages and goals from the previous plan.	Concur with comment. Changes made to Plan.
22	8.2.2.5, 8-5	Paint Care Benton County is now signed on with Paint Care. Reference this in this section.	Concur with comment. Changes made to Plan.
23	8.2.3, 8-6 & 8.6.3, 8-104	MRW Facility Update the opening date for the facility.	Concur with comment. Changes made to Plan.
24	8.3.2, 8-7	Hazardous Waste Generators We do have a list of all generators in Benton County. The last sentence states it is unknown how many there are. You could attach this as an exhibit, add a link to this list, or just update your reference. The list can be found here -	Concur with comment. Changes made to Plan. Deleted last sentence.
25	8.4.1.3, 8-7 8.6.1, 8-8	HHW Education These two paragraphs contradict each other. If funding has been the issue and limited education has been provided but now the education is planning to be increased and is part of the recommendations, then you may need to add language explaining why or how that situation is different and will allow for this increase. Alternatively, you could delete the 8.4.1.3 paragraph as the 8.6.1 has much more thorough information.	Concur with comment. Changes made to Plan. Deleted Section 8.4.1.3.

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
26	Appendix C	SWAC Resolution 2022-176 has expired terms. All but 2 are now expired. Add the new resolution to show current members throughout this planning period.	Concur with comment. New Resolution has been inserted in Appendix C.
27 - WSDA	4.4.1, 4-5 & Ch. 6	WSDA – Japanese Beetle Import - WSDA recommendation letter In September 2022, a quarantine for Japanese beetle was put in place in the southeastern corner of Yakima County and the southwestern corner of Benton County (see WAC 16-470-700 to 720). Under this quarantine, yard debris is considered a regulated article (WAC 16-470-710) and is prohibited from moving outside of the quarantined area unless it meets one of the following treatment methods (WAC 16- 470-717(2)): Steam heated to a temperature of 140 degrees Fahrenheit for one hour, to kill all life stages of Japanese beetle; When consisting solely of woody materials containing no soil, yard debris may be chipped to a screen size of one inch in two dimensions or smaller during the Japanese beetle adult flight season (May 15th through October 15th). Woody material containing no soil can be moved outside of the Japanese beetle adult flight season without chipping; Another treatment determined to be effective at eradicating Japanese beetle and approved in writing by the director. Since a portion of Benton County is under quarantine for Japanese beetle, it is recommended that information about the quarantine and its restrictions are included in the Plan. If needed, WSDA can provide more detailed information about this quarantine. Under section 4.4 of the Plan, it's stated, "Periodically, Yakima County residents may use the Prosser Transfer Station Facility, particularly during Prosser Cleanup Days." Prosser is located outside of the Japanese beetle quarantine area, therefore, yard debris coming from quarantined portions of Yakima County is prohibited (unless it meets the criteria stated above). Additionally, yard debris from the quarantined portion of Benton County is prohibited from being transported into non-quarantined areas of the County. ECY - Yakima County recently updated their SW Management Plan and you can find information on this topic on page 5-5. We recommend adding this into the Chapter 6 Organics section, as well.	Concur with comment. Language added to Section 4.4.1 and 6.2.2.

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
28 - WSDA	6.6.2, 6-2	Apple Maggot Quarantine - WSDA recommendation letter Regarding the apple maggot quarantine, under section 6.2.2 WSDA Regulations, the Plan discusses Benton County's status as non-quarantined for apple maggot. It is recommended that language is added clarifying that since Benton County is considered non-quarantined, it cannot accept organics or municipal solid waste from an apple maggot quarantine area unless a special permit has been issued by WSDA.	Concur with comment. Language added to Section 6.2.2.
	Additional comment submitted by Ecology	Emerging Issues Section – “As we implement this Plan, issues may arise that could directly impact our local solid and hazardous waste management programs. These include the introduction of new state, federal, and international government regulations and policies, advancements in technology, and changes in product use and design. Consequently, we may need to adjust the recommendations in this Plan or add new action items to our implementation strategy to effectively address them before our Plan is updated again in 20xx. When these issues arise, the Plan may need to be amended or revised to address them using the process defined in (reference Chapter, etc. in Plan) and will be referenced in our next Plan update in 20xx.”	Concur with comment. Language added to Section 11.5.
Section C: Minor edits			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
29	5.2.3.3	City of Kennewick - Font The font in the first half of this section does not match the rest of the document.	Concur with comment. Font corrected.
30	Ch. 7	RCW's Recodified Many of the RCW's referenced throughout chapter 7 need to be updated to their new recodified numbers.	Concur with comment. RCW reference updated.
31	7.13.5, 7-11	Funding Update sentence two from "if funding continues to be reduced" to "if funding is reduced."	Concur with comment. Sentence updated.

Section C: Minor edits			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
32	11.1, 11-1	Chapter 7 Recommendations The recommendations are listed as SW in the chapter but as MW on the table.	Concur with comment. Corrected in Chapter 7 Recommendations.
33	11.1, 11-4	Chapter 9 Recommendations ER1) does not match the exact wording found within the chapter.	Concur with comment. Table 11.2 corrected.
34	Appendix E & G	SEPA Combine the SEPA checklist with the Determination versus having these in separate non-consecutive appendices.	Leaving as separate appendices.
35	Appendix F, F-1	UTC Update the county name on the UTC cost assessment from Thurston to Benton.	Concur with comment. Correction made.
36	Appendix F, F-7	Ecology Grant Reference Update the reference to the CPG grant to the LSWFA grant.	Concur with comment. Correction made.
SEPA Comment	Comments submitted during SEPA by Kennewick Irrigation District	1. Please note that permanent structures are not allowed within irrigation easements. 2. Please protect all existing irrigation facilities. 3. No permanent structures or grading allowed within the Kennewick Irrigation District canal right-of-way. 4. The Moderate-Risk Waste facility discussed on section 8.0 of the Benton County Solid Waste Management Plan is located adjacent to an open channel irrigation canal and is within a City of Kennewick wellhead protection zone. a. KID requires adequate measures are in place to prevent any hazardous wastes from entering the open canal and protecting the aquifer.	Acknowledge comment. No change made to Plan.
SEPA Comment	Comments submitted during SEPA by City of Kennewick	Acronyms and abbreviations formatting - CROP is in italics - Plan is in italics. 5-6 City of Kennewick formatting - The first paragraph for Kennewick has an indent. 8-10 8.6.3 Household Collection Change time period – MRW Facility did not open in Spring 2023.	Concur with comments. Changes made to Plan.



September 28, 2023

STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

621 Woodland Square Loop S.E. • Lacey, Washington 98503
P.O. Box 47250 • Olympia, Washington 98504-7250
(360) 664-1160 • TTY 1-800-833-6384 or 711

September 28, 2023

Michelle Mulroney
Regional Planner and Grant Manager
WA State Department of Ecology, Central Region Office

RE: Benton County Comprehensive Solid Waste Management Plan, Docket TG-230680

Dear Michelle Mulroney:

Thank you for filing Benton County's 2024-2029 Comprehensive Solid Waste Management Plan.

The Washington Utilities and Transportation Commission (Commission) has completed its review of the preliminary draft of the Benton County Comprehensive Solid Waste Management Plan Update (Plan).

Although the Commission does not regulate Benton County, RCW 70A.205.065 requires the Commission to complete a review of the Plan and advise the County of the probable impacts of that Plan. The 2024-2029 Plan will have no regulated rate impact to ratepayers served in incorporated areas by solid waste collection companies because these customers are not regulated by the Commission.

There is impact to customers in unincorporated areas because these customers fall under solid waste carriers, Ed's Disposal, Inc. (G-110), Basin Disposal, Inc. (G-118), Waste Connections of Oregon, Inc. dba Sanitary Disposal (G-173), and Waste Management of Washington, Inc. dba Waste Management of Kennewick (G-237) that are regulated by the Commission.

The 2024-2029 Plan proposes to increase tip fees by approximately two percent each year to keep up with inflation. As a result, there will be a minimal rate impact to ratepayers served by regulated solid waste collection companies in Benton County.

Projected Disposal Fees	2024	2025	2026	2027	2028	2029
Per Ton Disposal Cost	\$118.62	\$120.22	\$123.11	\$126.08	\$127.66	\$129.38
Per Ton Increase		\$1.60	\$1.63	\$1.66	\$1.71	\$1.73
Percentage Increase		1.35	2.40	2.41	1.25	1.35
Projected Rate Increases	2024	2025	2026	2027	2028	2029
Residential						

Respect. Professionalism. Integrity. Accountability.

Monthly Rate for One 32- Gallon Can Per Week Service	\$2.24	\$0.12	\$0.21	\$0.22	\$0.11	\$0.13
Commercial						
One-Yard Per Pick Up	\$11.53	\$0.61	\$1.10	\$1.14	\$0.59	\$0.65

Staff has no further comment on the Plan.

Please direct questions or comments about the commission's plan review process to Rachel Stark at (360) 664-1272 or rachel.stark@utc.wa.gov.

Sincerely,

Kathy Hunter
Acting Executive Director and Secretary

cc: Jackie Mayfield
Administrative Assistant
Benton County, WA
Jackie.mayfield@co.benton.wa.us
509-574-2455



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

Division of Plant Protection

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

September 20, 2023

Jackie Mayfield
Administrative Assistant
Benton County

Michelle Mulroney, Regional Planner and Grant Manager
Central Region Office
Department of Ecology

Dear Jackie Mayfield and Michelle Mulroney:

WSDA has reviewed the preliminary draft of the Benton County Solid Waste and Moderate Risk Waste Management Plan (Plan), for compliance with Chapter 16-470 WAC. Upon review, there are aspects of the Plan that our agency recommends updating for accuracy and clarity.

In September 2022, a quarantine for Japanese beetle was put in place in the southeastern corner of Yakima County and the southwestern corner of Benton County (see WAC 16-470-700 to 720). Under this quarantine, yard debris is considered a regulated article (WAC 16-470-710) and is prohibited from moving outside of the quarantined area unless it meets one of the following treatment methods (WAC 16-470-717(2)):

- (a) Steam heated to a temperature of 140 degrees Fahrenheit for one hour, to kill all life stages of Japanese beetle;
- (b) When consisting solely of woody materials containing no soil, yard debris may be chipped to a screen size of one inch in two dimensions or smaller during the Japanese beetle adult flight season (May 15th through October 15th). Woody material containing no soil can be moved outside of the Japanese beetle adult flight season without chipping;
- (c) Another treatment determined to be effective at eradicating Japanese beetle and approved in writing by the director.

Since a portion of Benton County is under quarantine for Japanese beetle, it is recommended that information about the quarantine and its restrictions are included in the Plan. If needed, WSDA can provide more detailed information about this quarantine.

Under section 4.4 of the Plan, it's stated, "Periodically, Yakima County residents may use the Prosser Transfer Station Facility, particularly during Prosser Cleanup Days." Prosser is located outside of the Japanese beetle quarantine area, therefore, yard debris coming from quarantined portions of Yakima County is prohibited (unless it meets the criteria stated above). Additionally, yard



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

Division of Plant Protection

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

debris from the quarantined portion of Benton County is prohibited from being transported into non-quarantined areas of the County.

Regarding the apple maggot quarantine, under section 6.2.2 WSDA Regulations, the Plan discusses Benton County's status as non-quarantined for apple maggot. It is recommended that language is added clarifying that since Benton County is considered non-quarantined, it cannot accept organics or municipal solid waste from an apple maggot quarantine area unless a special permit has been issued by WSDA.

Thank you for providing our agency with the opportunity to comment on the Benton County Plan. RCW 70A.205.060 requires the Washington State Department of Agriculture to review preliminary draft solid waste management plans for any increased risk of introducing a quarantine plant pest or disease into a pest free area.

Sincerely,

A handwritten signature in black ink that reads "Amy C. Clow".

Amy Clow
Quarantine, Compost, & Rules Coordinator
WSDA Plant Protection Division

cc:
Sven Spichiger, WSDA Acting Pest Program Manager



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

October 2, 2023

Matt Mahoney- Solid Waste Director
Benton County Public Works
102206 Wiser Parkway
Kennewick, WA 99338

**RE: Review of Benton County Comprehensive Solid and Hazardous Waste Management Plan,
Preliminary Draft.**

Dear Matt,

The Department of Ecology (Ecology) has completed its review of the preliminary draft of the 2024-2029 Comprehensive Solid Waste and Hazardous Waste Management Plan (Plan) that we received on August 14, 2023. The results of this review are included in the enclosed attachment. Ecology's comments can also be [found here](#).

Ecology appreciates Benton County's continued leadership in materials management. The thoughtful and thorough approach the County and the SWAC took will help guide you through the implementation years. The 41 recommendations in this Plan support the Washington State Solid and Hazardous Waste Management Plan: [Moving Washington Beyond Toxics \(2021\)](#). Some elements of the Plan are particularly strong, such as:

- Climate Action Plan (Pg. 5-3), the County updated the Climate Action Plan in 2019 which has a "goal to make residents, communities, state agencies, local governments, and businesses less vulnerable to the effects of hazards." The fact that you are taking the initiative to protect your residents through planning, is a huge testament to your leadership in material management.
- Disaster Debris. Your SW5 recommendation is to develop an internal disaster debris management plan. Having a pre-incident plan in place shows that you will be ready for any solid waste situation and will ensure it does not negatively impact your residents or County.

1 of 2

The next step is for you to review and address Ecology, [WSDA](#), and [UTC](#) comments and then assemble your final submittal packet. Ecology is no longer accepting hard copies of Plan's and instead asks you to upload directly to this [Benton County BOX Folder](#) and send me a courtesy email that it has been uploaded.

We have found that the Resolution of Adoptions for the Plan tend to take the most time, so we encourage you to have your city partners work with their leadership to ensure they have reviewed the preliminary Plan and go to get scheduled on their calendars for the adoption in approximately 60-90 days from you getting our official preliminary comments. This will help to move the Plan over the finish line! Once we receive your final packet, we will send you a formal notification of receipt and we will have 45 days to submit our response.

Thanks to you and everyone else involved for their hard work in preparing your Plan. Please contact me if you have any questions by email at michelle.mulrony@ecy.wa.gov or by phone at (509) 406-3959.

Sincerely,

Michelle Mulrony
Regional Planner and Grant Manager
WA State Department of Ecology

cc: Peter Guttchen, Ecology Statewide Lead Planner
James Rivard, Ecology Solid Waste Management Program Section Manager, Central Region
Jackie Mayfield, Administrative Assistant Benton County Public Works
Wendy Mifflin, HDR Consultant

2024-2029 BENTON COUNTY COMPREHENSIVE SOLID WASTE and
MODERATE RISK WASTE MANAGEMENT PLAN (Plan)

Michelle Mulrony– Central Regional Planner –
(509) 406-3959 michelle.mulrony@ecy.wa.gov

This review is grouped into four sections

- [Section A – Required revisions to meet the minimum requirements for Plan approval.](#)
- [Section B – Recommended revisions to expand on or update information in the Plan and improve consistency with local Plans statewide.](#)
- [Section C – Minor edits to correct typos and improve clarity and readability.](#)
- [Section D – What to Include in your final submittal packet.](#)

Section A: Revisions required for Plan approval			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
N/A	N/A	No required changes are needed.	N/A

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
Plan clarity, content, and navigation			
1	Cover and throughout	Name of Plan To bring some statewide consistency to plan titles and to make it clear that the Plan addresses the State’s Hazardous Waste Planning requirements, we recommend the title be changed to Benton County Comprehensive Solid and Hazardous Waste Management Plan for Years 2024-2029.	
2	1.9.3, 1-7	City of Richland Solid Waste Management Plan Recommend a link to the City Plan be included. It is available online on the City’s website.	
3	1.12.1, 1-10	LightRecycle Washington Program Add language to indicate the LightRecycle program is set to sunset in 2025 unless action is taken to extend the law and that after July 1, 2026, the program may be terminated or extended.	
4	1.12.13, 1-13 & 1-14	Organics Management Law For the CPO specifically, there are also requirements for jurisdictions to adopt a CPO with a population less than 25,000 if they require the hauler to collect organics or they themselves provide organics curbside collection. The CPO focus sheet has the language that should be added into this section or you could match what you have in 6.2.1. The facility siting requirement takes effect on July 1, 2024.	



Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
5	2.2.3, 2-4	Composition Study To create Figure 2.1 we recommend using the state's most current data included in the 2020-2021 waste composition . To illustrate the changes in the composition of the waste stream, the 2020-21 study includes a table (page 44) showing how the composition of the waste stream has changed since 2015 and 2016. These changes could be noted in this section as well.	
6	3.3.1, 3-4 (Table 3-1)	Unincorporated Population 2021 The 2021 unincorporated population in Table 3.1 should be changed from 30,752 to 36,760 to reflect the population data in Table 2.1. 30,752 was the unincorporated population of the County in 2010.	
7	5.1.1, 5-1	Statewide Recycling Rate In Bullet 1, note that Washington State <i>had</i> set a goal to reach a recycling rate of 50% by 2007. This goal is no longer included in the most recent State Plan, 2021 . As you mention, Ecology now emphasizes overall waste generation instead. In addition, we recommend referencing the State's Plan goal of maximizing the "effectiveness of recycling and organic processing systems" (pg. 13, State Plan).	
8	5.1.1, 5-2	Urban and Rural Recycling Bullet points 2 & 3 are duplicated in the paragraphs below.	
9	5.1.2, 5-2	CROP To make it easier to ensure each requirement is met, we suggest adding the section where it is met alongside each bullet point. It does appear to meet the requirements. However, the cost is not really being discussed in the implementation chapter because it shows \$0 for WRR9 and WRR16. Either update the costs or make a comment as to why there is no cost to implement the CROP. In addition, I suggest changing WRR16 from "maintain and update.." to "implement the actions listed as part of the CROP."	

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
10	5.2.4, 5-7 Table 5-2	Paint Benton County now has a contract with Paint Care. Paint should, at a minimum, be listed in the limited collection section versus the potentially recyclable section as it is now routinely recycled statewide and at no cost to the county.	
11	5.2.12, 5-10	China Sword There is some duplication within the first 5 paragraphs. We suggest combining and deleting information that is duplicated.	
12	5.2.12, 5-11, Table 5-3	Market Data We would recommend adding a link to Ecology's market data which is updated every 2 months and is posted available in BOX .	
13	5.4.8, 5-18	Waste Diversion Goal A waste diversion goal of 40% is listed, however, there is no date upon which Benton County expects to achieve that goal and is this goal a sustained goal of 40% or do they wish to increase it throughout the planning period?	
14	5.4.9, 5-18	2018 Recycling Rate The 2021 data is now available and we suggest using the updated data for this plan so that it is as current as possible. The 2021 diversion rate is listed as 34.7% which is a decrease since the 2018 data.	

[Back to Top](#)

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
15	5.4.12, 5-18	Glass Recycling There is a new depot located in the Tri-Cities that is collecting glass which is not referenced in the Plan. We recommend noting that jurisdictions and companies are working together to address the difficulties of recycling glass on the East side of the Cascades. And, note that Benton County would be interested in adding glass to its programs when it becomes feasible financially.	
16	6.5.2, 6-4	Residential Collection As part of the new Organics Management Law, <u>Benton County</u> will have some residential collection requirements in 2027. There is no mention of this new requirement.	
17	6.3.1, 6-2	Yard Debris Collection Clarify if Richland collection is limited to residential or if it includes multi-family, commercial etc. Also, with Kennewick collecting leaves but sending them to disposal, we recommend noting if they plan to make any changes to that program to help reach the goals that are listed by the state in the above sections.	
18	7.3.1, 7-2	Agricultural Waste Because you have <u>WAC 173-350-100</u> in quotations I would update to reflect the exact wording which is: "wastes from farms resulting from the raising or growing of plants and animals including, but not limited to, crop residue, livestock manure, animal bedding, and carcasses of dead animals."	
19	7.13.3, 7-11	Litter Funding Update the last sentence in paragraph 1 to state that "Beginning in 2008, half of the funds were redirected away from the litter grants however funding was fully restored in 2019.	

[Back to Top](#)

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
20	7.16.2, 7-13	Drug Take Back Update this section to reflect the new program. "Chapter 69.48 RCW - The Drug Take-Back Program created a unified, statewide, medication return program for the collection and disposal of covered drugs in 2020. Administered by the Washington State Department of Health and funded by pharmaceutical producers, Washington State's Drug Take-Back Program became the first statewide extended producer responsibility (EPR) program for residential medications in the nation." (Pierce County Plan language). This update may change your SW2 recommendation, so we recommend evaluating this recommendation.	
21	8.2.2.1, 8-3	WA State SWMP The most recent plan was published in 2021 not 2015. This section also quotes MRW percentages and goals from the previous plan.	
22	8.2.2.5, 8-5	Paint Care Benton County is now signed on with Paint Care. Reference this in this section.	
23	8.2.3, 8-6 & 8.6.3, 8-104	MRW Facility Update the opening date for the facility.	
24	8.3.2, 8-7	Hazardous Waste Generators We do have a list of all generators in Benton County. The last sentence states it is unknown how many there are. You could attach this as an exhibit, add a link to this list, or just update your reference. The list can be found here -	

[Back to Top](#)

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
25	8.4.1.3, 8-7 8.6.1, 8-8	HHW Education These two paragraphs contradict each other. If funding has been the issue and limited education has been provided but now the education is planning to be increased and is part of the recommendations, then you may need to add language explaining why or how that situation is different and will allow for this increase. Alternatively, you could delete the 8.4.1.3 paragraph as the 8.6.1 has much more thorough information.	
26	Appendix C	SWAC Resolution 2022-176 has expired terms. All but 2 are now expired. Add the new resolution to show current members throughout this planning period.	
27 - WSDA	4.4.1, 4-5 & Ch. 6	WSDA – Japanese Beetle Import - WSDA recommendation letter In September 2022, a quarantine for Japanese beetle was put in place in the southeastern corner of Yakima County and the southwestern corner of Benton County (see WAC 16-470-700 to 720). Under this quarantine, yard debris is considered a regulated article (WAC 16-470-710) and is prohibited from moving outside of the quarantined area unless it meets one of the following treatment methods (WAC 16-470-717(2)): (a) Steam heated to a temperature of 140 degrees Fahrenheit for one hour, to kill all life stages of Japanese beetle; (b) When consisting solely of woody materials containing no soil, yard debris may be chipped to a screen size of one inch in two dimensions or smaller during the Japanese beetle adult flight season (May 15th through October 15th). Woody material containing no soil can be moved outside of the Japanese beetle adult flight season without chipping; (c) Another treatment determined to be effective at eradicating Japanese beetle and approved in writing by the director.	

[Back to Top](#)

Section B: Recommended revisions			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
27 - WSDA	Continued	Since a portion of Benton County is under quarantine for Japanese beetle, it is recommended that information about the quarantine and its restrictions are included in the Plan. If needed, WSDA can provide more detailed information about this quarantine. Under section 4.4 of the Plan, it's stated, "Periodically, Yakima County residents may use the Prosser Transfer Station Facility, particularly during Prosser Cleanup Days." Prosser is located outside of the Japanese beetle quarantine area, therefore, yard debris coming from quarantined portions of Yakima County is prohibited (unless it meets the criteria stated above). Additionally, yard debris from the quarantined portion of Benton County is prohibited from being transported into non-quarantined areas of the County. ECY - Yakima County recently updated their SW Management Plan and you can find information on this topic on page 5-5. We recommend adding this into the Chapter 6 Organics section, as well.	
28 – WSDA	6.6.2, 6-2	Apple Maggot Quarantine - WSDA recommendation letter Regarding the apple maggot quarantine, under section 6.2.2 WSDA Regulations, the Plan discusses Benton County's status as non-quarantined for apple maggot. It is recommended that language is added clarifying that since Benton County is considered non-quarantined, it cannot accept organics or municipal solid waste from an apple maggot quarantine area unless a special permit has been issued by WSDA.	

[Back to Top](#)



Section C: Minor edits			
Comment Number	Plan section – page #	Comment	Benton County Response <i>Include section & page #s if applicable</i>
29	5.2.3.3	City of Kennewick - Font The font in the first half of this section does not match the rest of the document.	
30	Ch. 7	RCW's Recodified Many of the RCW's referenced throughout chapter 7 need to be updated to their new recodified numbers.	
31	7.13.5, 7-11	Funding Update sentence two from "if funding continues to be reduced" to "if funding is reduced."	
32	11.1, 11-1	Chapter 7 Recommendations The recommendations are listed as SW in the chapter but as MW on the table.	
33	11.1, 11-4	Chapter 9 Recommendations ER1) does not match the exact wording found within the chapter.	
34	Appendix E & G	SEPA Combine the SEPA checklist with the Determination versus having these in separate non-consecutive appendices.	
35	Appendix F, F-1	UTC Update the county name on the UTC cost assessment from Thurston to Benton.	
36	Appendix F, F-7	Ecology Grant Reference Update the reference to the CPG grant to the LSWFA grant.	

[Back to Top](#)

Section D: What to include in your final submittal packet

The items listed below can be uploaded to: [Benton County Box upload folder](#). If you have problems using the portal, please contact michelle.mulrony@ecy.wa.gov or (509) 406-3959.

- **A transmittal letter formally requesting final Plan review.**
- **An electronic version of your Plan. Please assemble all required documents into one PDF.**
These documents should include:
 - **Your UTC cost assessment** - submitted with your preliminary draft.
 - **All SEPA documentation** – submitted with your preliminary draft but separately. Combine into Plan.
 - **Copies of all interlocal agreements (ILA)** – New ILA's, slotted for appendix A
Resolutions of adoption from all participating jurisdictions – New resolutions adopting the final draft, slotted for appendix B
 - **A response summary indicating how you addressed Ecology's comments and the public comments you received on the preliminary draft Plan** - Include your responses to Ecology's comments in the table above and add the response summary to the Plan as an Appendix.
 - **Copies of your WSDA and UTC review letters** – The WSDA and UTC have already provided you their review letters and we have included them along with our comments. We suggest you include them in your Plan in the Appendix with your comment response summary.
 - **Evidence your SWAC reviewed and approved the submittal of the Final Draft Benton County CSWMP**
 - **Evidence your SWAC reviewed the Waste Reduction and Recycling (WRR) element of your final draft Plan before it was submitted for review and approval by Ecology.** [RCW 70A.205.115\(3\)](#). No longer required for Plan approval.

[Back to Top](#)

Nikki Relyea

From: Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>
Sent: Wednesday, July 26, 2023 3:56 PM
To: Planning Department
Cc: Kristin Stowe; Matt Mahoney
Subject: [EXTERNAL] RE: EA 2023-013 DNS Benton County Public Works

EXTERNAL EMAIL WARNING!!! This email originated from outside of Benton County. **DO NOT** click links or open attachments unless you recognize the sender and know the content is safe.

Nikki,
I have a few minor recommendations for solid waste plan:

Page	Section	Note
ix	Acronyms and abbreviations	formatting - CROP is in italics formatting - Plan is in italics
5-6	City of Kennewick	formatting - The first paragraph for Kennewick has an indent
8-10	8.6.3 Household Collection	Change time period – MRW Facility did not open in Spring 2023



Martin Nelson
City of Kennewick
Stormwater and Solid Waste Program Engineer
O: 509.585.4306 | F: 509.585.4451
martin.nelson@ci.kennewick.wa.us

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

From: Kristin Stowe <Kristin.Stowe@ci.kennewick.wa.us>
Sent: Thursday, July 20, 2023 12:36 PM
To: Martin Nelson <Martin.Nelson@ci.kennewick.wa.us>
Subject: FW: EA 2023-013 DNS Benton County Public Works

Hi Martin,

Forwarding the below review to you for any comments that you would want included. This is for the Benton County Solid Waste and Moderate Risk Waste Management Plan for 2024-2029.

Thanks!
Kristin

Disclaimer: Public documents and records are available to the public as required under the Washington State Public Records Act (RCW 42.56). The information contained in all correspondence with a public entity may be disclosable to third party requesters under the Public Records Act.

From: Planning Department <Planning.Department@co.benton.wa.us>
Sent: Thursday, July 20, 2023 9:05 AM
To: PUBLICWORKS <PublicWorks@co.benton.wa.us>; Benton Clean Air Agency - Noah Lee <noah.lee@bentoncleanair.org>; Brad O'Brien <Brad.O'Brien@co.benton.wa.us>; Brian Bell <Brian.Bell@co.benton.wa.us>; Gary Tiplady <Gary.Tiplady@co.benton.wa.us>; Bentn Franklin Health District - Sean D (seand@bfhd.wa.gov) <seand@bfhd.wa.gov>; Bureau of Land Management - Spokane Bureau of Land Management (BLM OR SP Mail@blm.gov) <BLM_OR_SP_Mail@blm.gov>; Bureau of Reclamation - L Hendrix <lhendrix@usbr.gov>; Confederated Tribes and Bands of the Yakama Nation - Thalia Sachtleber <enviroreview@yakama.com>; Confederated Tribes of the Umatilla Indian Reservation - Ashley Morton <AshleyMorton@ctuir.org>; Confederated Tribes of the Umatilla Indian Reservation - Carey Miller <CareyMiller@ctuir.org>; Environmental Review, Inc. - Tom Price <envreview@gmail.com>; Futurewise <tim@futurewise.org>; Futurewise - Alex <alex@futurewise.org>; WA Dept of Archaeology and Historic Preservation (sepa@dahp.wa.gov) <sepa@dahp.wa.gov>; WA Dept of Fish and Wildlife - Region 3 SEPA review (R3planning@dfw.wa.gov) <R3planning@dfw.wa.gov>; SEPA Review - Washington Dept of Health <SEPA.reviewteam@doh.wa.gov>; WA State Dept of Natural Resources - SEPA Center <sepacenter@dnr.wa.gov>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; WA Dept of Agriculture <Amanda.ettestad@wa.usda.gov>; WA Dept of Transportation - SEPA Review - TDM Coordinator <scplanning@wsdot.wa.gov>; US Army Corps of Engineers - Real Estate Division <cenww-re@usace.army.mil>; City of Prosser - Steve Zetz <szetz@cityofprosser.com>; City of Richland - Stevens, Mike <mstevens@CI.RICHLAND.WA.US>; Eric Mendenhall <emendenhall@westrichland.org>; City of Benton City <cclerk@owt.com>; lonnie@bentonone.org; Fire District #1 - Staff <staff@bentonone.org>; Fire District #2 - R. Duncan <rduncan@bcfd2.org>; Fire District #3 - Chief Charles Damron <cdamron@westbentonfirerescue.org>; Fire District #3 - Gayle Carrasco - Administrator <gcarrasco@westbentonfirerescue.org>; Fire District #4 - Slita Bradley <sbradley@bcfd4.org>; chiefwatt@bcfd6.com; Columbia Irrigation District <CID@columbiairrigation.com>; Kennewick Irrigation District - Application and SEPA Review (development@kid.org) <development@kid.org>; Kiona Irrigation District <kild@owt.com>; Benton Irrigation District - Jason Blanchard <bidblanchard@gmail.com>; Benton Irrigation District - Ed Mitchell <bidmitchell@frontier.com>; Roza Irrigation District - Steve Hayman <shayman@roza.org>; Port of Benton - Miles Thomas <milesthomas@portofbenton.com>; Port of Kennewick - Larry Peterson <lpeterson@portofkennewick.org>; BNSF Permit Management - Katie Robles <katie.robles@am.jll.com>; budzeck@portofbenton.org; Kristin Stowe <Kristin.Stowe@ci.kennewick.wa.us>; Anthony Muai <anthony.muai@ci.kennewick.wa.us>; Sunnyside Valley Irrigation District - Rigo Diosdado <diosdador@svid.org>; Melinda Didier <Melinda.Didier@ci.kennewick.wa.us>; Brian@newhouseassociates.com; Sunnyside Valley Irrigation Dist. - Ron Cowin <cwinr@svid.org>
Cc: Matt Mahoney <Matt.Mahoney@co.benton.wa.us>
Subject: EA 2023-013 DNS Benton County Public Works

Good Morning,

The Benton County Planning Division has prepared the following Determination of Non- Significance (DNS) for the Benton County Public Works Division, which has been given file number of **EA 2023-013**. Benton County Public Works Division is proposing to adopt a Solid Waste and Moderate Risk Waste Management Plan which will occur over a 5- year period from 2024 through 2029. Please email the Planning.Department@co.benton.wa.us any comments no later than **August 3, 2023**.

A link to all related documents can be found at [SEPA record number 202303471, "Solid Waste and Moderate Waste Management Plan 2024-2029"](#)



Nikki Relyea

Permit Technician

Benton County Community Development Department - Planning
Division

Nikki.relyea@co.benton.wa.us

(509) 786-5612



2015 South Ely Street
Kennewick, WA 99337
Customer Service 509-586-9111
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August 1, 2023

Nikki Relyea
Benton County Community Development Department – Planning Division
P.O. Box 910
Prosser, WA 99350

Subject: Review Comments for EA-2023-013 DNS Benton County Public Works

Dear Ms. Relyea:

The Kennewick Irrigation District has received your EA-2023-013 DNS Benton County Public Works, SEPA Record Number 202303471, “Solid Waste and Moderate Waste Management Plan 2024-2029”.

1. Please note that permanent structures are not allowed within irrigation easements.
2. Please protect all existing irrigation facilities.
3. No permanent structures or grading allowed within the Kennewick Irrigation District canal right-of-way.
4. The Moderate-Risk Waste facility discussed on section 8.0 of the Benton County Solid Waste Management Plan is located adjacent to an open channel irrigation canal and is within a City of Kennewick wellhead protection zone.
 - a. KID requires adequate measures are in place to prevent any hazardous wastes from entering the open canal and protecting the aquifer.

If you have any questions regarding these comments, please contact me at the address/phone number listed above.

Sincerely,

Chris D. Sittman
CAD Specialist

cc: LB\correspondence\File

Council Agenda Coversheet	Agenda Item Number: 6.a. Agenda Item Type: Public Hearing Subject: Revised CDBG 2024 Annual Action Plan Department: Management Services	Council Date: 5/7/2024 Category: Public Mtg / Hrg
		
<u>Recommendation</u> Staff recommends the approval of the revised 2024 CDBG Annual Action Plan as prepared by the CDBG Advisory Committee and staff. <u>Motion for Consideration</u> Motion to approve the revised 2024 draft CDBG Annual Action Plan and funding recommendations as prepared by the CDBG Advisory Committee and staff. <u>Summary</u> In 2020, the City was awarded CARES Act funds to carry out a number of activities that must satisfy and meet HUD's national objectives with COVID-19 to prevent, prepare for or respond to COVID-19. HUD guidelines with CARES Act funding provide cities with the opportunity to streamline the procurement process. Instead of releasing a request for projects, the City had the flexibility to seek partnerships with non-profit organizations to fulfill public service needs. The City currently has \$12,679 remaining in CARES Act funding. In 2020, HUD released a notice approving boxed meal delivery as an eligible service due to the increase in homebound senior citizens in the wake of the COVID-19 pandemic. Meals on Wheels identified additional needs that would qualify for these remaining funds. The proposed project provides funding for continuation of supporting Meals on Wheels COVID-19 clientele by providing two or more fresh and/or frozen meals to homebound senior citizens who are being quarantined due to COVID-19 every week. The project will also fund a new walk-in freezer, storage and shelving to centralize meals for COVID-19 clients. The CDBG Advisory Committee reviewed and recommended approval of the project addition at their March 27, 2024, meeting. Adding the project to the 2024 Annual Action Plan will not necessitate a substantial amendment and Council could elect to add the project to the plan approved in November 2023. <u>Alternatives</u> Return to Committee for further consideration. <u>Fiscal Impact</u> These proposed projects are being funded by the City's CARES Act grant provided by HUD.		
<u>Attachments:</u> 1. Draft Plan 2. Funding Recommendations		



2024 ANNUAL ACTION PLAN DRAFT

Supplement to
2020 – 2024 Consolidated Plan

For further information contact:

Kylie Peel
City of Kennewick
P.O. Box 6108
210 West 6th Avenue
Kennewick, WA 99336
kylie.peel@ci.kennewick.wa.us



Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The Cities of Kennewick, Richland and Pasco are entitlement communities under Title 1 of the Housing and Community Development Act of 1974. Each city is eligible to receive federal funds annually from the US Department of Housing and Urban Development (HUD) under the Community Development Block Grant (CDBG) Program. Each city is separately responsible for planning and administering housing and community development activities within their jurisdiction, and implementing, monitoring, and reporting to HUD on the use of CDBG funds.

Kennewick, Richland and Pasco, as contiguous units of local government, entered into a Cooperative Agreement in 1995 to form the Tri-Cities HOME Consortium. The agreement was amended in 2007 to include an automatic renewal clause. At least every three years the Cooperative Agreement is re-evaluated by each city to determine continued participation in the Consortium and to propose change. The Tri-Cities HOME Consortium is eligible to receive annual federal HOME dollars from HUD under the HOME Investment Partnership Program authorized under Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. Richland serves as the lead entity for the Tri-Cities HOME Consortium, and acts as administrative, monitoring and reporting agency to HUD.

As each of the three cities share a common set of goals and directions for meeting the community development and affordable housing needs of lower income persons, the cities collaboratively prepared a 2020-2024 Tri-Cities Regional Consolidated Plan. The Plan provides the community with an assessment of needs and market conditions, establishes priority needs, sets goals to respond to the identified needs, and establishes outcome measures to serve as a basis for developing Annual Action Plans.

The activities proposed in the 2024 Annual Action Plan will be funded by CDBG allocations, program income, and existing unallocated funds. The City of Kennewick also has the option as an entitlement community to apply for a Section 108 Loan guarantee in an amount not to exceed five times its current year annual CDBG allocation.

If the 2024 CDBG funding is above the anticipated amount listed under "Expected Resources", the additional funds could be applied to the infrastructure projects. If CDBG funding is below the anticipated amount, the shortfall in funds will be covered through the expenditure of existing unallocated previously awarded funds. Should the amount of unallocated funds not be enough to cover the shortfall, the scope of the infrastructure projects will be reduced commensurately and the Public Service project awards will each be reduced to reflect the expenditure of no more than 15% of the entitlement.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

Three priority needs were identified and goals were established corresponding to those needs. All three needs were given high priority. Needs were determined by a review of data and available information, reference to applicable assessments, and strategic plans. Input from stakeholders, agencies, and others consulted in developing the plan.

- Need for affordable housing creation, preservation, access, and choice.
- Need for community, neighborhood, and economic development.
- Need for homeless intervention and prevention, and for supportive services.

See the 2020-2024 Consolidated Plan for a full description of priority needs.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The individual cities and the Tri-Cities HOME Consortium have made significant accomplishments in implementing the Consolidated Plan (2020-2024). This reflects strong relationships with community partners in implementing projects beyond the capacity of any one agency. The ability to leverage funds and coordinate projects to make the best use of resources is essential in light of increasing needs and diminishing resources.

Past accomplishments include LMA neighborhood infrastructure improvements, removal of architectural barriers, economic development enhancements, other infrastructure improvements, and supportive services for disabled adults, elderly, youth recreation, and preventing homelessness. CDBG funds were also used to improve City infrastructure that increased safety precautions for low-moderate families.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

Steps outlined in the Citizen Participation Plan for Housing and Community Development Programs provide opportunities for citizen involvement in the planning process and assure that key organizations and agencies were consulted. The Citizen Participation Plan provides for broad involvement, public

hearings, and opportunities to comment on needs and proposed plans. Public hearings were held to solicit input on needs and again to solicit input on the draft Annual Action Plan.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

The 2024 Annual Action Plan was advertised for comments in Tri-City Herald and TuDecides on October 5, 2023 and opened for comments until November 20, 2023. A Public Hearing was held on November 21, 2023 at a regular scheduled Kennewick City Council meeting with no comments received.

The revised 2024 Annual Action Plan that included a CARES Act funded project was advertised for comments in the Tri-City Herald on April 4, 2024 and opened for comments until May 6, 2024. A Public Hearing was held on May 7, 2024 at a regular scheduled Kennewick City Council meeting with no comments received.

6. Summary of comments or views not accepted and the reasons for not accepting them

No summary or comments or views were not accepted because no comments were received.

7. Summary

No summary given.

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	KENNEWICK	Management Services

Table 1 – Responsible Agencies

Narrative

Consolidated Plan Public Contact Information

Kylie Peel / City of Kennewick / PO BOX 6108 or 210 W. 6th Ave. / Kennewick, WA 99336 / (509) 585-4432

AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

In the process of developing the 2020-2024 Consortium Consolidated Plan, the cities reached out to organizations and agencies in a number of ways. Focused meetings were held to gain input in identified areas, particularly housing, human services, fair housing, and emergency services/basic needs. In addition to targeted email invitations, notices were placed in local newspapers. Well attended, the meetings yielded valuable input.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

These focused meetings had the intention of bringing together organizations at different administrative levels (government, non-profit, for-profit, etc.), including residents at large, and creating space for conversation around a single topic to enhance understanding of the issue at hand from other perspectives. The Cities offered the use of government building space to ensure access to the meetings; meetings were held over two days at the Richland and Kennewick City Hall buildings.

Focused scheduled meetings included: affordable housing, including supportive housing; public, human services, including special and basic needs; code enforcement and emergency services, including first responders; and, community infrastructure needs, provision, and opportunities. Each of the three Cities worked with an advisory board in preparation for the Consolidated Plan: Housing and Community Development Advisory Committee, City of Richland; Community Development Block Grant Advisory Committee, City of Kennewick; and Planning Commission, City of Pasco.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

Each of the Cities works with and supports actions and priorities of the Continuum of Care (CoC), managed by Benton County Department of Human Services. Each of the Cities sends staff to the regularly held CoC meetings, aimed to increase coordination and pool resources and knowledge across the human system in the Tri-Cities. The CoC has established three primary goals to pursue in coordinating the homeless provider community in its efforts to end homelessness in the two counties:

- To communicate, coordinate and collaborate among providers and others in the development of Benton County's 5-Year Homeless Housing Plan to work toward reducing homelessness. The plan is used in securing resources and funding pertaining to the concerns of people who are without a safe, decent, and affordable place to live.

- To develop and recommend the Continuum's objectives, projects, and strategies to meet specific needs that will increase housing, decrease homelessness; alter the public's perception of homelessness; provide education, training and technical assistance to advocates, providers, and other Continuum members.
- To invite and encourage low-income/homeless individuals to participate in the planning process through public meetings held at community based organizations and/or by any other means the Continuum may deem appropriate.

Phase II strategies of the Continuum's Action Plan include a focus on:

- Implementation of a Benton County Coordinated Entry System
- Recognizing that homelessness results from a complex set of challenges, creating more linkages across community services, and providing comprehensive case management
- Improving outcomes and evaluating data to improve and determine effective services
- Encouraging flexibility in providing services and meeting housing needs
- Meeting the needs of currently underserved "special need" populations

Members of the Continuum meet frequently to work on these strategies and coordinate a wide variety of issues facing the homeless in the area. In addition, members of the Continuum are currently active on the Steering Committee of the 33-county Balance of Washington State Continuum and are active in the subcommittee structure. Kennewick staff sits in and participates in both the Continuum and Steering Committee.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The Benton County Department of Human Services is an active member of the Washington Balance of State (BoS) Continuum (WA-501). The Emergency Shelter Grant (ESG) funds made available to the Tri-Cities are allocated from the Washington BoS. The ESG Program coordination is conducted through the BoS Steering Committee on a policy level and through the Department of Commerce for administrative procedures. The Department of Commerce also staffs the HMIS system which is essentially statewide. While staff at the local non-profit and county Continuum level enters data in HMIS, they also maintain the data and prepare periodic reports on program outcomes which are readily accessible to the Tri-Cities Continuum. At least once a year the Department consults with all ESG stakeholders to review performance standards and obtain their input on fund allocation proposals, policy plans, and administrative procedures.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	BENTON FRANKLIN CONTINUUM OF CARE
	Agency/Group/Organization Type	Housing Services - Housing Services-Children Services-Elderly Persons Services-Persons with Disabilities Services-Persons with HIV/AIDS Services-Victims of Domestic Violence Services-homeless Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	For a full list of agencies/groups/organizations that were consulted - refer to the 2020-2024 Consolidated Plan.

Identify any Agency Types not consulted and provide rationale for not consulting

The Tri-Cities Consortium made every effort to inform the public of the opportunity for them to provide input in the process of developing the Plan. Publication of meetings and other ways to contribute their thoughts and desires to this plan were made well in advance and allowed ample time for the collection of feedback. The Consortium and the City of Kennewick did not intentionally exclude any agency.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care		
Broadband Plan	City Kennewick	The City of Kennewick offers a variety of places with free access to internet such as the Library, City Hall, Reactional Center, Public Works Facilities, and Kennewick School District locations. The CDBG funds will be utilized to help narrow the divide in the community for internet access. City of Kennewick provided Kennewick Housing Authority with a computer lab at the Lilac Homes residence that allows free internet access. There are several internet plans starting at \$19.99/ month within our community. They also offer the option to apply for affordable connectivity program and federal line programs which helps low-income households who are eligible for assistance programs.
Hazard Mitigation Plan	City of Kennewick	Addressing priorities for risk reduction; protecting people, structures, and infrastructure.

Table 3 - Other local / regional / federal planning efforts

Narrative

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

The Tri-Cities HOME Consortium completed a robust citizen participation process during the development of the 2020-2024 Consolidated Plan. Outreach included traditional local newspaper announcements for meetings, public hearings, and publications on the City's websites and social media pages. The Consortium also included one online survey - for community members and targeted stakeholders. The City promoted public meetings and surveys through social media platforms such as Facebook and Instagram and published news items on the City's websites including social media.

For the 2024 Annual Action Plan, notification of funding opportunities and requests for public input and comments was published on August 3, 2023 and a public hearing was held on September 28, 2023. Applications were accepted from August 4, 2023 through September 8, 2023. The request for public input and comments on the 2024 Annual Action Plan and notification of public hearing was published on October 5, 2023. The public hearing was held on November 20, 2023 and public comments were taken on November 21, 2023. Notices of the meetings were published in the Tri-City Herald and in Spanish in tu Decides.

For the REVISED 2024 Annual Action Plan, the request for public input and comments along with notification of the public hearing was published on April 4, 2024. The public hearing was held on May 7, 2024 and public comments were taken on May 8, 2024. Notices of the meetings were published in the Tri-City Herald.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	None.	No comments were received from the public.	No comments were rejected due to no comments received.	https://www.go2kennewick.com/620/Community-Development-Block-Grant

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

As each of the three cities shares a common set of goals and directions for meeting the community development and affordable housing needs of lower-income persons, the cities collaboratively prepared a 2020-2024 Tri-Cities Consolidated Plan. The plan provides the community with an assessment of needs and market conditions, establishes priority needs, sets goals to respond to the identified needs, and establishes outcome measures for the Strategic Plan and Annual Action Plans. The City anticipates for planning purposes that the CDBG and HOME Programs will be federally funded at 2024 levels. However, this is difficult to project as the rising inflation may affect the actual amount. The 2020 funding allocation of \$682,137 dollars was an increase of \$87,207 dollars. The 2021 funding allocation of \$687,295 dollars was an increase of \$5,158. The 2022 funding allocation of \$639,951 was a decrease of \$47,344. The 2023 funding allocation of \$553,943 was a decrease of \$86,008. The 2024 funding allocation of \$XXXX was a XXXX of \$XXXX.

The 2024 project funding for infrastructure projects includes a combination of program income and project costs, for a total of unallocated 2023 prior year funds of \$74,095. Plus 2024 estimated allocation of \$550,000 for a grand total of \$ 475,905. The 2024 funding will also include two CARES Act projects listed in the table below.

If the infrastructure project requires additional funds, the previously awarded, unallocated funds will be used to fund the gap. The Citizen

Participation Plan will be followed if a substantial amendment is triggered.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	0	25,000	74,095	99,095	0	CDBG funds leverage local, state, and federal funds. Agencies are able to combine funding sources in order to provide a wider range of services to the community. Prior year resources of \$28,017.58 are from unexpended CARES Act funds for two projects: Community Center Security Enhancements and Meals on Wheels COVID Food Safety Program.
Other	public - federal	Public Improvements Public Services	28,017	0	0	28,017	0	Prior year resources of \$28,017.58 are from unexpended CARES Act funds for two projects: Community Center Security Enhancements and Meals on Wheels COVID Food Safety Program.

Annual Action Plan
2024

12

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

CDBG and HOME funds are important resources in the community and are used in conjunction with local, state, other federal, and private funds to support housing and other projects. Each of the cities is supportive of efforts by other organizations to obtain funding for projects to address the needs and goals outlines in this plan and in meeting the needs of the Tri-Cities. Cities also assist community organizations in strategizing, applying for, accessing, and developing new resources and partnerships. CDBG and HOME funds are frequently used to leverage local, state, and federal funds such as Washington State Housing Trust Funds, Emergency Solutions Grant, housing and homeless funds generated by recording fees, and county or city general funds.

The City also has the option of applying for a Section 108 loan in an amount not to exceed five years of the anticipated CDBG funds. There are no plans currently in place to make this application; however, the City reserves the option.

Each city, as a HOME Consortium participant, is required to match HOME funds. That match is met using city general funds or other non-federal funds, land made available at a reduced cost (below appraised value), in the form of reduced financing fees from lenders and appraisers, grants for affordable housing from non-federal sources, donated construction/housing materials and volunteer labor.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Not applicable.

Discussion

None.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Community, Neighborhood, and Economic Development	2020	2024	Non-Housing Community Development		Community and Economic Development	CDBG: \$456,595	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3274 Persons Assisted Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit: 1 Households Assisted
2	Homeless Intervention and Public Services	2020	2024	Homeless Non-Homeless Special Needs		Public Services	CDBG: \$82,500	Public service activities other than Low/Moderate Income Housing Benefit: 1178 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	Goal Name	Community, Neighborhood, and Economic Development
	Goal Description	Support for businesses that create jobs for lower-income residents and/or businesses that provide essential services to lower-income neighborhoods and support for micro-enterprises. Funds may support activities that improve the skills of the local workforce, including those with special needs. Improve community infrastructure by provision and improvements such as ADA ramps, sidewalks, curbs, gutters, streets, parks, playgrounds, community gardens, and streetlights. Funds will be used to provide or improve public facilities, including neighborhood centers, recreation facilities, and neighborhood beautification projects.
2	Goal Name	Homeless Intervention and Public Services
	Goal Description	Funds will be used to support public services that respond to the immediate needs of persons in crisis and that support regional efforts to meet the basic living needs of lower-income households and individuals including persons with special needs, seniors, and disadvantaged youth. Support homeless facilities and increase housing resources that assist homeless persons toward housing stability and self-sufficiency. Support increased case management and a high degree of coordination among providers.

AP-35 Projects - 91.420, 91.220(d)

Introduction

This Annual Action Plan describes how funds will be used to support the goals and priorities identified in sections of the Consolidated Plan. CDBG activities and projects go through a competitive process, ensuring the maximum effectiveness in use of federal grant funds.

If additional amount of funding is required to complete the 2024 infrastructure projects, those funds will come from additional unallocated CDBG entitlement funds or program income.

#	Project Name
1	13th & Gum St. Sidewalk
2	Eastgate Park Walking Path Restoration
3	Meals on Wheels
4	ARC Therapeutic Recreational Scholarships
5	Transition to Success
6	Youth Recreational Scholarships
7	Program Administration
8	CDBG-CV Community Center Security Enhancements
9	CDBG-CV Meals on Wheels COVID-19 Food Safety

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Funding priorities are consistent with those stated in the Strategic Plan. The City of Kennewick intends to maximize the use of limited resources to ensure the highest benefit within the capacity to administer the program. Reduced funds have increased the challenge. Given the limited capacity, brick and mortar projects resulting in visual physical improvements are important when those projects reduce barriers for physically impaired persons; results in the acquisition, construction or improvement to public facilities; and/or, result in neighborhood preservation and revitalization. High priority is also placed on projects that would result in enhancing the economic opportunities of residents.

The City likewise places a priority on brick and mortar projects that result in the creation or preservation of housing for the elderly or populations with special needs. The City also funds social services to address community needs including projects to assist the elderly or populations with special needs and disadvantaged youth.

Whenever feasible, projects that leverage additional funds and/or are coordinated with community partners are emphasized and given priority. The City does not anticipate obstacles to meeting the underserved needs addressed in the projects.

AP-38 Project Summary
Project Summary Information

DRAFT

1	Project Name	13th & Gum St. Sidewalk
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$382,374
	Description	Installation of new sidewalk along 13th & Gum St. in support of a affordable housing development.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
2	Project Name	Eastgate Park Walking Path Restoration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$74,000
	Description	Replace 4,000 linear feet of asphalt walking path on the boarder of Eastgate Park. The project also entails cutting tree roots, leveling the path, replacing with new asphalt, and making ADA accessible.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
3	Project Name	Meals on Wheels
	Target Area	
	Goals Supported	

	Needs Addressed	
	Funding	CDBG: \$30,000
	Description	Provide fresh and frozen meals to senior citizens.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
4	Project Name	ARC Therapeutic Recreational Scholarships
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$22,500
	Description	Increasing accessibility to the community for individuals with developmental disabilities and their families to participate in recreational activities.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
5	Project Name	Transition to Success
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$10,000

	Description	Case management program that helps tenants in transitional housing for families in drug recovery. This is accomplished by home visits, goal setting, program compliance monitoring (including random drug tests), EFH community meetings, housing subsidies and family activities.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
6	Project Name	Youth Recreational Scholarships
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$20,000
	Description	The City's Parks & Recreation Department provides access to recreation programs and services to low-income families so children can participate in sports and activities.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
7	Project Name	Program Administration
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG: \$110,000
	Description	Program administration

	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
8	Project Name	CDBG-CV Community Center Security Enhancements
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG-CV: \$15,338
	Description	Install lockdown button behind front counter, four internal security cameras, and an access control/badge reader for rear door.
	Target Date	
	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	
9	Project Name	CDBG-CV Meals on Wheels COVID-19 Food Safety
	Target Area	
	Goals Supported	
	Needs Addressed	
	Funding	CDBG-CV: \$12,679
	Description	Providing 2 fresh or frozen meals to homebound seniors, purchase walk-in freezer and storage/shelving to centralize meals for COVID-19 clients.
	Target Date	

	Estimate the number and type of families that will benefit from the proposed activities	
	Location Description	
	Planned Activities	

DRAFT

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

No specific geographic target areas have been identified. Kennewick's CDBG funds will be available to assist lower-income residents within Kennewick City limits with priority placed on those activities that provide a benefit in the oldest neighborhoods of Kennewick. The infrastructure improvement is in a concentrated area of LMI census tracts, east of Hwy 395 and north of 10th Ave. Low and moderate-income Public Service projects are located throughout the City and also a high priority.

Geographic Distribution

Target Area	Percentage of Funds

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

There are no target areas.

Discussion

None.

DRAFT

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The purchase price and down payment of a home generally serves as a significant barrier to affordable homeownership opportunities, particularly for lower-income households. The City maintains a HUD funded housing program to provide affordable housing opportunities for lower-income households by financing down payment assistance. However, the home prices have far outpaced the limits set by HUD. We have created a Tenant Based Rental Assistance (TBRA) program through the HOME Consortium to assist with barriers, as home prices have severely escalated.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Kennewick implements a number of strategies for increasing the supply of affordable housing through its zoning and land use regulations. These strategies include 1) Planned Unit Developments that increase the options for housing densities and housing types (e.g., townhouses, multi-family, duplexes, small-lot districts); 2) Mixed Use Developments that increase the opportunity for affordable housing to be developed within or close proximity to essential amenities such as areas of employment, shopping, and medical centers; 3) Streamlining permitting, and 4) Incentive zoning features such as allowing accessory dwelling units.

Discussion

Since the pandemic, Kennewick has suffered from lack of affordable housing with a ownership AND rental vacancy rate as low as 3% for 2023.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

The City attends, supports, and is an active member of Continuum of Care (CoC), an organization comprised of local non-profit, housing, public service, correctional, and government agencies throughout Benton and Franklin Counties. The CoC has established a Coordinated Entry System (CES) that is fully implemented that aims to create efficiencies in the service provider network by not duplicating services and matching those in need of services to those organizations most suited to meet those needs.

By maintaining open communication, collaboration, and partnering efforts among all groups, and reducing duplication of effort, more needs of lower income people can be met.

Actions planned to address obstacles to meeting underserved needs

Actions planned to foster and maintain affordable housing

Actions planned to reduce lead-based paint hazards

Actions planned to reduce the number of poverty-level families

Actions planned to develop institutional structure

Actions planned to enhance coordination between public and private housing and social service agencies

Discussion

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	100.00%

Discussion

None.

DRAFT

FY 2024 CDBG Projects

		GRANT	APPLICANT	PROJECT	COMMENTS
Facility / Infrastructure Improvements	1	\$74,000	COK Parks & Recreation	Eastgate Park Walking Path	
	2	\$382,374	Kennewick Housing Authority	13 th & Gum St. Sidewalk	
		\$456,374			
Public Service (15% Cap)	3	\$10,000	Elijah Family Homes	Transition to Success Case Management	
	4	\$30,000	Senior Life Resources	Meals on Wheels	
	5	\$22,500	ARC of Tri-Cities	Therapeutic Recreation Scholarships	
	6	\$20,000	COK Parks & Recreation	Youth Scholarships	
		\$82,500			
			15% PS Cap = \$82,500		
		\$538,874	TOTAL		
CARES Act	1	\$12,679	Senior Life Resources	Meals on Wheels Safe Food Separation Program	

HUD Guesstimate Entitlement	\$550,000
Estimated Program Income	\$ 25,000
Previous Year Funds Available*	<u>\$74,095</u>
SUBTOTAL	\$649,095

Admin (20% cap)	(\$110,000)
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Total Amount Available \$539,095

*Unallocated funds from 2022/2023

Council Agenda Coversheet	Agenda Item Number: 6.b. Council Date: 5/7/2024	Category: Public Mtg / Hrg Ordinance/Reso
	Agenda Item Type: Ordinance Subject: Ordinance: Annexation AZ-2023-0002 Kapsi - 1215 S Cedar Department: Community Planning Ord/Reso # Project # Contract # Permit # AZ-2023-0002	
<u>Recommendation</u> Staff recommends that the City Council annex 1215 S Cedar by adopting the ordinance as presented. <u>Motion for Consideration</u> Adopt the ordinance to annex 1215 S Cedar as presented. <u>Summary</u> On February 6, 2024, City Council conducted a public meeting and accepted a Notice of Intent to Petition for Annexation that was initiated through a 10% Petition by Daniel Kapsi, JF Engineering, on behalf of the property owner, Jorge Guitron Bernal. Staff reviewed the proposed annexation and determined that the adjacent property to the north should also be included in the annexation. The property owner submitted the 60% Petition to staff on February 12, 2024. The proposed annexation area consists of 1.18 acres at 1215 S Cedar Street, and it has an assessed valuation of \$266,500. The site does have a Pre Zone of RM (Residential, Medium) by Resolution No. 77-42. Once annexed, the site will be zoned RM. A Determination of Sufficiency was issued by the Benton County Assessor on February 14, 2024, and accounts for 100% of the assessed valuation. If the proposed annexation ordinance is approved by the Council, a garbage franchise will be required. The garbage ordinance is listed as item 6.b.1 for Council's consideration and will be reviewed independently. Should this annexation not receive approval, the garbage franchise will become irrelevant and will not be put forward for discussion. Adoption of the ordinance will approve the annexation, require the assumption of existing city indebtedness and establish the site's zoning district as RM. <u>Alternatives</u> No alternatives are recommended. However, Council may take no action which would cause the annexation attempt to fail. <u>Fiscal Impact</u> None recommended.		
<u>Attachments:</u> 1. Ordinance 2. Presentation 3. Staff Report/Exhibit 1 4. Exhibit 2 5. Exhibit 3 6. Exhibit 4 7. Exhibit 5 8. Exhibit 6		

CITY OF KENNEWICK
ORDINANCE NO. 24- _____

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN
TERRITORY LOCATED AT 1215 S. CEDAR STREET AND PROVIDING FOR
ZONING CLASSIFICATION THEREOF OF RESIDENTIAL, MEDIUM (RM)
(AZ 2023-0002, Daniel Kapsi, JF Engineering, PLLC)

WHEREAS, the hereinafter described tract of land located at 1215 S. Cedar Street to be annexed to the City of Kennewick is not now incorporated and is contiguous to the City of Kennewick and situated in Benton County, Washington; and

WHEREAS, a good and sufficient petition has been filed for the annexation of this territory which complies with the requirements of law; and

WHEREAS, in connection with the aforesaid real property, notice of a desire for annexation was heretofore given by property owners holding more than ten percent (10%) in value of the assessed valuation of said real property, and pursuant to RCW 35A.14.120, the City Council has determined that it would require the assumption of indebtedness of the City of Kennewick contracted prior to or existing at the time of annexation; and

WHEREAS, notice of the time and place for hearing said petition was given by posting and publication as required by law and shown by the Affidavit of Posting and Affidavit of Publication now on file with the City Clerk; and

WHEREAS, the matter was duly considered by the City Council of the City of Kennewick at said hearing, and it was finally determined by said Council that annexation will be made with the assumption of indebtedness of the City of Kennewick contracted prior to or existing at the time of annexation; and

WHEREAS, it appears to the City Council that it would be beneficial to the residents of such nonincorporated area and to the residents of the City of Kennewick to annex the same; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1. Annexation of Real Property. That the real property described as follows:

Parcel 1-0780-201-0311-001:

Lot 1, Short Plat 311, according to the survey thereof recorded under Auditor's File No. 721671, records of Benton County, Washington. Subject to: Easements, reservations, restrictions, plat dedications, restrictive covenants, of record or in apparent use, and future municipal district assessments and irrigation district assessments, if any.

ORDINANCE 24- _____ - Page 1

be and the same hereby is annexed to the City of Kennewick, and is hereby declared to be within the corporate limits of the City of Kennewick. Said property is located within Benton County, Washington.

Section 2. Zoning Classification. That the zoning classification shall be Residential, Medium (RM).

Section 3. Property to be Part of City. That said territory thus annexed to the City of Kennewick from and after the effective date of this ordinance shall be part of the City of Kennewick.

Section 4. Assumption of Prior Indebtedness. The property within the annexed territory above-described shall be taxed or assessed to pay indebtedness of the City of Kennewick contracted prior to or existing at the time of such annexation. The annexed property shall not be released from taxes or assessments levied against it or from liability for payment of outstanding bonds or warrants issued prior to such annexation.

Section 5. Copy of Annexation to be Filed and Recorded. That a copy of this annexation shall be filed with the Board of County Commissioners of Benton County, Washington, in the manner required by law and also recorded in the Records of Benton County, Washington.

Section 6. Effective Date. This ordinance shall take full force and effect five (5) days from and after its passage, approval and publication as required by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 7th day of May, 2024, and signed in authentication of its passage this 7th day of May, 2024.

Attest:

GRETLE J. CRAWFORD, Mayor

KRYSTAL TOWNSEND,
City Clerk

ORDINANCE NO. 24-_____ filed and
recorded in the office of the City Clerk of
the City of Kennewick Washington, this
8th day of May, 2024

Approved as to Form:

LAURENCIO SANGUINO,
Interim City Attorney

KRYSTAL TOWNSEND,
City Clerk

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

City Council Hearing

Annexation AZ-2023-0002

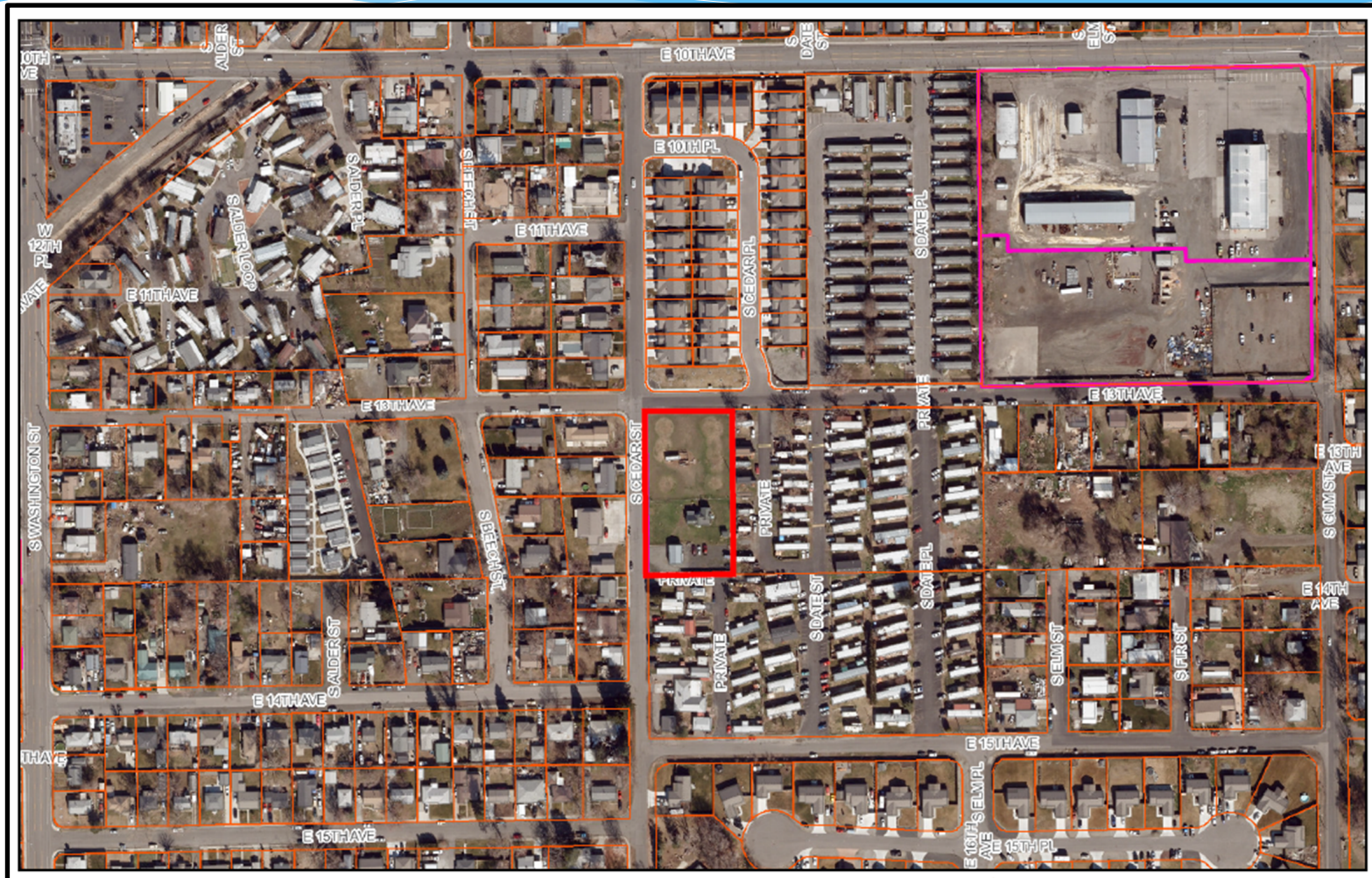
May 7, 2024



Background

- * **Petitioner(s)**: Jorge Guitron Bernal
- * **Location**: 1215 S Cedar Street
- * **Size**: 1.18 acres
- * **Existing Land Use**: One residence with accessory buildings and a pasture.
- * **Public Comment**: No comments have been received on this proposal.

Annexation Map



Key Dates

- * December 12, 2023 – Council Accepts 10% petition
- * February 12, 2024 – 60% petition received
- * February 12, 2024 – Determination of Sufficiency requested
- * February 14, 2024 – Determination of Sufficiency received
- * February 14, 2024 – 60-day notice letters mailed
- * April 18, 2024 – Notice of Public Hearing signs posted
- * April 25, 2024 – Notice of Public Hearing published in paper.

Recommendation

Staff recommends that the City Council adopt ordinances approving the annexation.



Exhibit 1

Community Planning Department

210 West 6th Avenue
Kennewick, WA 99336
Phone: (509) 585-4561

ANNEXATION, AZ-2023-0002 STAFF REPORT

Report Date:	April 22, 2024
Hearing Date & Location:	May 7, 2024, Council Chambers and Virtually Online
Report Prepared By:	Steve Donovan, AICP Planning Manager
Report Reviewed By:	Matt Halitsky, AICP Senior Planner
Summary Recommendation:	The City of Kennewick Planning Staff RECOMMENDS that Annexation AZ-2023-0002 be APPROVED .
Summary of Proposal:	Annex approximately 1.18 acres
Proposal Location:	Located at 1215 S Cedar Street.
Legal Description:	<u>Parcel 1-0780-201-0311-001</u> Lot 1, Short Plat 311, according to the survey thereof recorded under Auditor's File No. 721671, records of Benton County, Washington. Subject to: Easements, reservations, restrictions, plat dedications, restrictive covenants, of record of or in apparent use, and future municipal district assessments and irrigation district assessments, if any.
Property Owners:	Jorge Guitron Bernal

Exhibits

Exhibit 1 – Staff Report
Exhibit 2 – Boundary Map
Exhibit 3 – Petition for Annexation
Exhibit 4 – Legal Description
Exhibit 5 – Determination of Sufficiency
Exhibit 6 – Zoning Map

Background and Overview

The site's land use designation was amended to Medium Density Residential during the City's 2023 Comprehensive Plan Amendment Process. The property owner has stated that he intends to develop multi-family residential on the property.

This property has been in the City of Kennewick's Urban Growth Boundary since 1996. The annexation area is located at 1215 S Cedar Street. A residence and accessory structures are on-site.

Urban growth

The annexation area lies within Kennewick's Urban Growth Area (UGA). The Growth Management Act established UGAs with the intent that future growth within cities be directed to areas where urban

Exhibit 1

services are available or easily extended. UGAs are typically established adjacent to existing urban development. The existing land use designation for the annexation area is Medium Density Residential.

Zoning

The proposed zoning for this area is Residential, Medium (RM) that has a maximum density of 13 units per acre. The RM Zone is a multi-family residential zone.

Infrastructure

Water and sewer services are available in S Cedar Street and additional water services are available in E 13th Avenue. At this time, the property is not connected to City Services.

Findings

1. The annexation area lies entirely within the Urban Growth Area.
2. Upon annexation, the property owners within the annexation area will require assumption of existing City indebtedness.
3. The zoning for the annexation area will be Residential, Medium (RM).
4. Water and Sewer mainlines are in S Cedar Street. The property is not connected to City Services.
5. Access to the site is via S Cedar Street and E 13th Avenue.
6. The entire annexation area is 1.18 acres.
7. Benton County #1 is currently the first responder to this area for fire and emergency medical services. Kennewick Fire Department provides backup. Should the area be annexed, Kennewick Fire Department will take the role as the first responder to the area for fire and medical services.
8. Benton County Sheriff is currently the first responder to this area. Kennewick Police Department currently provides backup. Should the area be annexed, Kennewick Police Department would be the first responder with Benton County Sheriff providing backup when needed.
9. On February 6, 2024, City Council accepted the 10% petition.
10. The 60% petition was received on February 12, 2024 from Jorge Manual Guitron.
11. A request for a Determination of Sufficiency was emailed to the Benton County Assessor on February 12, 2024. The Determination of Sufficiency was issued February 14, 2024
12. Notice of the public hearing for this annexation was posted on April 18, 2024 in three locations on-site as required by RCW 35A.14.130.
13. Notice of the public hearing for this annexation was published in the Tri-City Herald on April 25, 2024 as required by RCW 35A.14.130.
14. Notices were mailed to the Benton County Treasurer, Benton County Assessor, Benton County Fire District #1 and appropriate utilities on February 15, 2024 as required by RCW 35A.14.801.

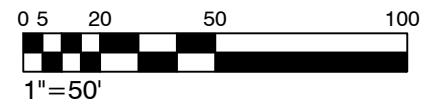
Recommendation

Staff recommends the City annex this area by adopting the annexation and Basin Disposal Franchise ordinances.

E 13TH AVE

S CEDAR ST

GUITRON
1-0780-201-0311-001



Annexation Exhibit for:

1215 S Cedar St

A project in the City of Kennewick



**ENGINEERING
PLLC**

104 N Clover Island Dr. Suite 201
Kennewick, WA 99336
509.551.8174
John@JFEngineering.pro

NOTICE OF INTENTION TO COMMENCE ANNEXATION PROCEEDINGS

November 10, 2023

The Honorable Mayor and City Council
City Of Kennewick
210 W. 6th Ave
Kennewick, WA 99336

Dear Mayor and City Council:

Jorge Guitron, who is the sole owner of the acreage of which annexation is sought, hereby advised the City Council of the City of Kennewick that it is the desire of Jorge Guitron, the owner of the subject property, to commence annexation proceedings:

The property herein referred to is legally described on Exhibit "A" and attached hereto and is geographically depicted on a Benton County Assessor's parcel map on Exhibit "B" further attached hereto.

It is requested that the City Council of the City of Kennewick set a date not later than sixty (60) days after the filing of this request, for a meeting with the undersigned to determine:

1. Whether the City Council will accept, reject, or geographically modify the proposed annexation.
2. Whether the City Council will require the simultaneous adoption of the zoning for the proposed area in substantial compliance with the Comprehensive Plan as adopted by the City of Kennewick.
3. Whether the City Council will require the assumption of all or any portion of indebtedness by the area to be annexed.



Owner Signature

Jorge Guitron Bernal

Printed Name

1215 S Cedar St
107802010311001

Address & Tax Parcel Number

11/14/2023

Date Signed

Legal Description

Lot 1, Short Plat 311, according to the survey thereof recorded under Auditor's File No. 721671, records of Benton County, Washington. Subject to: Easements, reservations, restrictions, plat dedications, restrictive covenants, of record of or in apparent use, and future municipal district assessments and irrigation district assessments, if any.

Office of the Assessor



Bill Spencer, Assessor
 Danielle Hayes, Chief Deputy Assessor

City of Kennewick
 Community Planning Department
 210 W 6th Ave
 Kennewick, WA 99336

February 14, 2024

Determination of Sufficiency
 1215 S Cedar St- AZ-2023-0002

I, Bill Spencer, Benton County Assessor, do hereby certify that the petition for annexation provided by the City of Kennewick for the unincorporated lands located and described in attached Exhibit A is sufficient as far as the percentage of valuation required for the annexation as required by RCW 35A.14.120.

This petition was received in my office February 12, 2024, and this determination was commenced on February 14, 2024.

The specific determination is as follows:

Value	Signatures	Percentage
266,500	266,500	100.00%

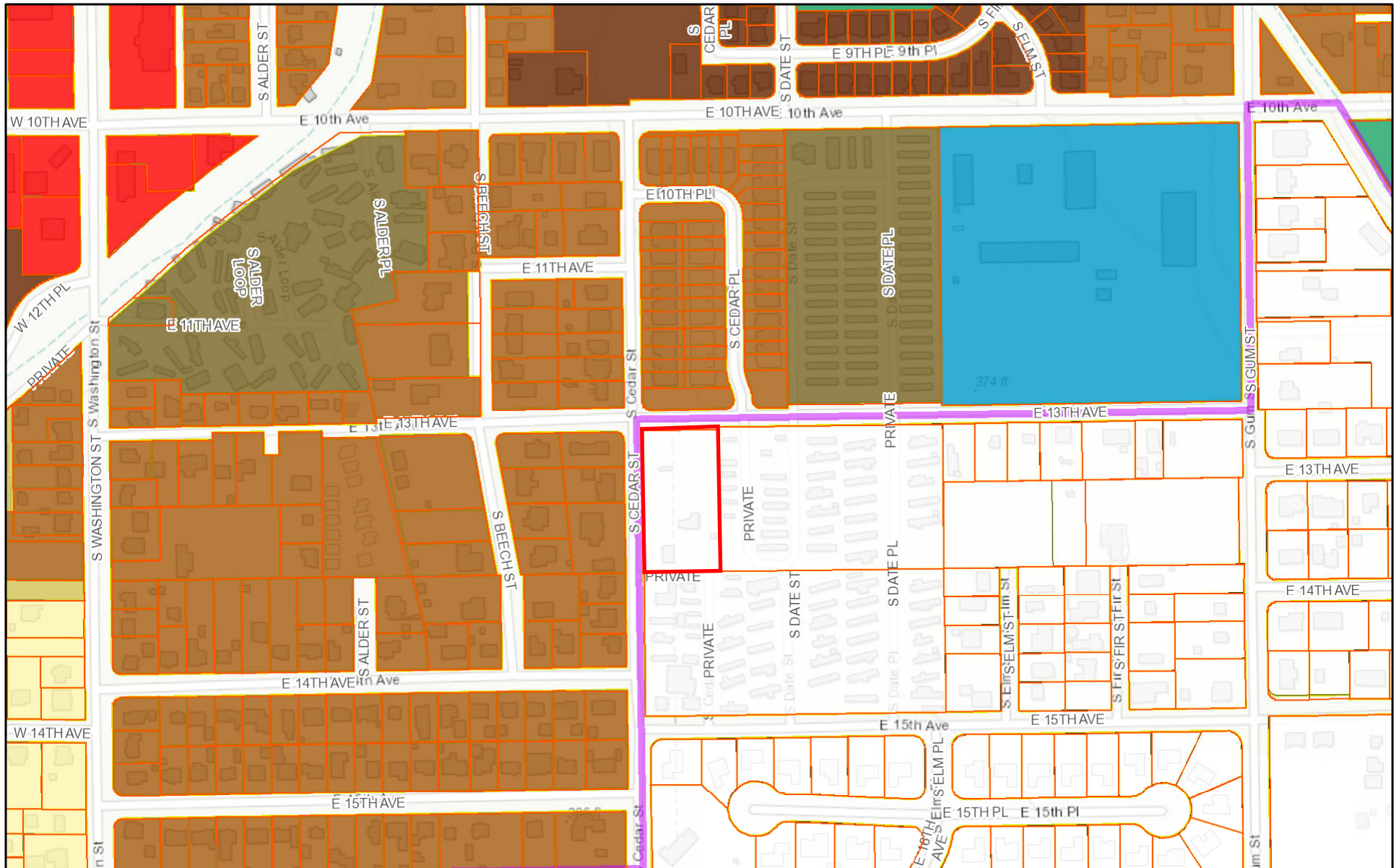
Attest:

Bill Spencer
 Benton County Assessor

cc: Benton County Commissioners

Certified Mail: 7022 2410 0000 0614 8667

[illegible]



April 22, 2024

This plan is suitable for informational use only. City of Kennewick accepts no liability for any error whatsoever.

CountyParcelLayer **SurveyCityLimits**

SV_CI_COUNTY_10

StreetName

SV_CI_KENNEWICK_10

SV_CI_RICHLAND_10



1 inch = 300 feet

1:3,600

0 0.0275 0.055 0.11 mi

0	0.0425	0.085	0.17 km
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp.,

Council Agenda Coversheet	Agenda Item Number: 6.b.1. Council Date: 5/7/2024	Category: Public Mtg / Hrg Ordinance/Reso
	Agenda Item Type: Ordinance Subject: Ordinance: Garbage Franchise with Basin Disposal for 1215 S Cedar - AZ-2023-0002 - Kapsi Department: Community Planning Ord/Reso # Contract # Project # Permit # AZ-2023-0002	
<u>Recommendation</u> Staff recommends Council adopt the ordinance as presented. <u>Motion for Consideration</u> Motion to adopt the garbage franchise ordinance as presented. <u>Summary</u> The property at 1215 S Cedar is currently served by Basin Disposal. In order for this service to continue, a franchise ordinance is required. This companion ordinance to item 6.b. allows Basin Disposal to continue garbage collection services in the proposed annexation area for a period of 10 years. If the annexation ordinance is not adopted, this franchise ordinance is irrelevant and will not be brought forward for Council consideration. <u>Alternatives</u> There are no recommended alternatives. <u>Fiscal Impact</u> None		
<u>Attachments:</u> 1. Ordinance		

CITY OF KENNEWICK
ORDINANCE NO. 24-_____

AN ORDINANCE GRANTING A FRANCHISE TO BASIN DISPOSAL, INC.
FOR THE COLLECTION OF GARBAGE AND REFUSE IN THE CITY OF
KENNEWICK (AZ 2023-0002, Daniel Kapsi, JF Engineering, PLLC)

WHEREAS, the City of Kennewick has effected annexations of the following described property:

Parcel 1-0780-201-0311-001:

Lot 1, Short Plat 311, according to the survey thereof recorded under Auditor's File No. 721671, records of Benton County, Washington. Subject to: Easements, reservations, restrictions, plat dedications, restrictive covenants, of record of or in apparent use, and future municipal district assessments and irrigation district assessments, if any.

WHEREAS, said annexation will become effective on the 15th day of May, 2024; and

WHEREAS, it is the desire of the City Council to contract for the collection of solid waste in said annexed territories; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City of Kennewick hereby grants to Basin Disposal, Inc. a franchise for garbage and refuse collection in the City of Kennewick in the territories annexed and as described from the date of annexation until May 15, 2034.

Section 2. The franchisee shall comply with all laws of the United States and the State of Washington, all ordinances of the City of Kennewick and applicable rules and regulations of the Washington Utilities and Transportation Commission; shall make payment of utility occupation taxes as provided in KMC 6.40; shall charge only those rates approved for garbage collection in the City of Kennewick for services for which the City has rates; shall hold the City harmless and indemnify it from any loss arising out of Basin's performance of garbage collection services authorized by this franchise; and shall not refuse service to any person within the area of this franchise except upon good cause shown.

Section 3. The City Council may suspend or revoke this franchise for good cause upon notice and an opportunity for hearing to the franchisee. Good cause means a failure by Basin to take reasonable steps to correct and/or prevent an Operational Problem within its control, after receiving notice that such an Operational Problem has occurred or is likely to occur. As used herein, the term "Operational Problem" includes, but is not limited to: 1) failure to provide service to customers; 2) failure to maintain clean sanitary vehicles; 3) failure to maintain vehicles

ORDINANCE 24-_____ - Page 1

in good working order; 4) repeated violations with the Health Department; 5) failure of franchisee employees to maintain professional and courteous relationships with customers; and 6) any criminal act committed by a franchisee employee in the course of conducting business.

Section 4. This ordinance shall be in full force and effect five days from and after its passage, approval and publication as required by law, but if, and only if, the franchisee has endorsed this ordinance and accepted the terms and conditions thereof prior to June 6, 2024.

PASSED BY THE CITY COUNCIL OF THE CITY OF KENNEWICK, WASHINGTON, this 7th day of May, 2024, and signed in authentication of its passage this 7th day of May, 2024.

Attest:

GRETLE J. CRAWFORD, Mayor

KRYSTAL TOWNSEND,
City Clerk

ORDINANCE NO. 24-_____ filed and
recorded in the office of the City Clerk of
the City of Kennewick Washington, this
8th day of May, 2024

Approved as to Form:

LAURENCIO SANGUINO,
Interim City Attorney

KRYSTAL TOWNSEND,
City Clerk

DATE OF PUBLICATION:

ORDINANCE EFFECTIVE DATE:

I, Darrick Dietrich the president of Basin Disposal, Inc. have read Ordinance 24-_____ and on behalf of the said corporation do hereby accept the same and agree to abide by the terms and conditions set down therein, and further state that I am authorized by said corporation to accept the said franchise.

DATED this _____ day of _____, 2024.

BASIN DISPOSAL, INC.

BY _____
DARRICK DIETRICH, President

Council Agenda Coversheet	Agenda Item Number: 7.a. Council Date: 5/7/2024	Category: Other
	Agenda Item Type: Contract/Agreement/Lease Subject: Interlocal Agreement: Opioid Settlement Memorandum of Understanding with Benton County Department: Finance	
<u>Recommendation</u> Staff recommends that Council authorize the Mayor to sign the interlocal agreement with Benton County for the pooling of funds received from the State of Washington opioid settlements. <u>Motion for Consideration</u> I move to authorize the Mayor to sign the interlocal agreement with Benton County for the pooling of funds received from the State of Washington opioid settlements. <u>Summary</u> In April 2022, the City of Kennewick entered into the One Washington Memorandum of Understanding (MOU) between the State of Washington and its cities and counties to allow the City to participate in the disbursement of settlement proceeds from litigation against major opioid manufacturers, distributors, and pharmacies. Under the terms of the MOU, Kennewick receives an agreed upon percentage of each settlement and the funds may only be used for authorized expenditures associated with addressing the opioid epidemic. The MOU also requires participants to form a regional Opioid Abatement Council (OAC) to release funds in accordance with the MOU, review and report on the use of settlement funds, and address any complaints regarding misuse of funds. Along with the counties and other cities in our region, the City of Kennewick entered into an agreement to utilize Greater Columbia Behavioral Health, LLC as the OAC in June 2023. As discussed previously with City Council, staff's recommendation is to utilize the City's opioid settlement funds for the treatment of opioid addiction and other substance use disorders at the Columbia Valley Center for Recovery (CVCR). This is an eligible use of the funds under the One Washington MOU and requires the completion of an interlocal agreement with Benton County. Under the terms of the proposed agreement, the City agrees to forward all opioid settlement revenues it receives to Benton County, who will utilize the funds to pay the operating costs at the CVCR. In addition, Benton County agrees to maintain all records related to the receipt and expenditure of opioid settlement funds and prepare and submit all reporting required by the OAC on behalf of Kennewick. <u>Alternatives</u> None recommended. <u>Fiscal Impact</u> To date, the City has received approximately \$385,000 in opioid settlement proceeds under the terms of the One Washington MOU, and has been notified that it will receive an additional \$915,000 over the course of the next 14 years. Future settlements of ongoing opioid litigation are also expected to generate additional proceeds.		
<u>Attachments:</u> 1. Interlocal Agreement		

**INTERLOCAL AGREEMENT
FOR
POOLING OF FUNDS RESULTING FROM
THE STATE OF WASHINGTON OPIOID
SETTLEMENT**

This Interlocal Agreement (“Agreement”) for pooling of funds received from the State of Washington Opioid Settlement is entered into by and between the City of Kennewick and the County of BENTON pursuant to the Interlocal Cooperation Act, Chapter 39.34 Revised Code of Washington (RCW).

WHEREAS, Chapter 39.34 of the RCW permits local government units to make the most efficient use of their powers by enabling them to cooperate with other localities and thereby to provide services and facilities in a manner that will accord the best geographic, economic, population, and other factors influencing the needs and development of local communities; and

WHEREAS, the people of the State of Washington have been harmed by entities within the pharmaceutical supply chain who manufacture, distribute and dispense prescription opioids; and

WHEREAS, Washington State filed a lawsuit against entities within the pharmaceutical supply chain for their roles in the State’s opioid epidemic resulting in large opioid distributors agreeing to pay the State to end the litigation over multiple settlement agreements; and

WHEREAS, Benton County and the City of Kennewick are participating local governments who have executed the One Washington Memorandum of Understanding and will be receiving funds over the next seventeen (17) years as a result of these settlements; and

WHEREAS, both Parties have entered into a regional Memorandum of Understanding to establish a regional Opioid Abatement Council; and

WHEREAS, Benton County is the lead agency in establishing the Columbia Valley Center for Recovery (CVCR), which will provide services to persons suffering from opioid addiction and other substance use disorders; and

WHEREAS, payment of costs for services related to substance use disorder are eligible expenditures of the settlement funds; and

WHEREAS, Benton County and the City of Kennewick recognize that opioid addiction is a regional issue and the citizens of the region are best served by cooperation between agencies to combat this epidemic; and

WHEREAS, Benton County and the City of Kennewick desire to pool funds received from the various settlement agreements in order to help fund operations at the CVCR related to

treatment of substance use disorders;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, and upon approval in accordance with RCW 39.34, the Parties do hereby agree as follows:

I. TERMS OF AGREEMENT

1. This Agreement is for the pooling of funds received by Benton County and the City of Kennewick related to the various settlement agreements from the State of Washington lawsuits against entities within the pharmaceutical supply chain.
2. The duration of this Agreement will be from the date last signed until the City of Kennewick no longer receives payments from the various settlement agreements.
3. The City of Kennewick agrees that all settlement revenues received by the City of Kennewick under the One Washington Settlement Agreement will be forwarded to Benton County.
4. The City of Kennewick shall notify the regional Opioid Abatement Council, in writing, that their settlement funds are being redirected to Benton County.
5. Benton County agrees to accept these funds and utilize them to pay for operating costs at the CVCR specifically related to treatment of patients suffering from substance use disorders.
6. Benton County agrees to prepare and submit the required spending plan for funds forwarded to the County to the regional Opioid Abatement Council.
7. Benton County agrees to submit all reporting required by the regional Opioid Abatement Council showing how forwarded funds have been expended on behalf of the City of Kennewick. Benton County will provide copies of the filed reports to the City of Kennewick after they have been accepted by the regional Opioid Abatement Council.
8. Benton County shall maintain all records related to the receipt and expenditure of forwarded settlement funds in accordance with the Memorandum of Understanding between the Greater Columbia Region municipalities establishing the Opioid Abatement Council (Benton County Resolution 2023-431).
9. This Agreement does not involve the creation of a separate legal or administrative entity. Except as otherwise provided herein, there will be no real or personal property acquired, held, or disposed of relating to this Agreement unless agreed upon in writing by the Parties. In the event that joint property is acquired, then it shall be distributed, when the Agreement is terminated, to the Parties in proportion to that Party's contribution to purchase such property, except as may otherwise be provided herein.
10. The administrators of this Agreement will be the Benton County Human Services Manager for the County and the City Manager for the City of Kennewick, or their

designees.

11. Any Party hereto may terminate this Agreement upon sixty (60)-days' notice in writing either personally delivered or mailed postage-prepaid by certified mail, return receipt requested, to the Party's last known address for the purposes of giving notice under this paragraph. If this Agreement is so terminated, the Parties shall notify the regional Opioid Abatement Council, in writing, that the Agreement is terminated, and each Party will be responsible for its own reporting to the regional Opioid Abatement Council effective from the date of termination.
12. A copy of this Agreement will be filed with the Benton County Auditor's Office or posted on the Benton County website as provided in RCW 39.34.040.

II. NOTICES

1. Written notice shall be directed to the Parties as follows:

Benton County Commissioners Office City of Kennewick

Matt Rasmussen,
Deputy County Administrator
7122 W. Okanogan Pl., Bldg. E
Kennewick, WA 99336
509-735-3591
Matt.Rasmussen@co.benton.wa.us

Dan Legard,
Finance Director
210 W. 6th Ave.
Kennewick, WA 99336
509-585-4477
Dan.Legard@ci.kennewick.wa.us

DATED this _____ day of _____, 2024.

(Signature Pages to Follow)

BENTON COUNTY

JEROME DELVIN, Chair of the Board

MICHAEL ALVAREZ, Commissioner

WILL MCKAY, Commissioner

Constituting the Board of County Commissioners
of Benton County, Washington

Attest:

AMANDA PEARSON, Clerk of the Board

Approved as to Form:

RYAN BROWN, Deputy Prosecuting Attorney

CITY OF KENNEWICK

GRETLE J. CRAWFORD, Mayor

Attest:

KRYSTAL TOWNSEND, City Clerk

Approved as to form:

LISA BEATON, City Attorney

Council Agenda Coversheet	Agenda Item Number: 7.b.	Council Date: 5/7/2024	Category: Other
	Agenda Item Type: Contract/Agreement/Lease		
	Subject: Contract: River of Fire Fireworks Agreement		
	Department: Parks & Recreation		
<u>Recommendation</u>			
Staff recommends the City Council authorize the City Manager to execute a contract with Wolverine West, LLC for the amount of \$108,850 for River of Fire fireworks.			
<u>Motion for Consideration</u>			
Motion to authorize the City Manager to execute the contract with Wolverine West, LLC in the amount of \$108,850 for River of Fire fireworks.			
<u>Summary</u>			
Brandon Lange, Recreation Manager, will give a staff report on the current status of the 2024 River of Fire event along with a summary of the Fireworks contract.			
The City of Kennewick partners with VenuWorks to host the July 4 River of Fire event in Columbia Park. The event has been a staple for a number of years with the most recent attendance in 2023 estimated at 15,000 people. The City is responsible for finding and contracting the fireworks show.			
The fireworks cost in 2023 totaled \$80,800. The 2024 total is \$108,850, an increase of 26% due to increased costs for the barge, insurance, staff, and fireworks. The 2024 firework show is not an increase in size/amount of fireworks purchased; the majority of the increased cost is attributed to the barge line item.			
Under the proposed contract, Wolverine West shall provide all pyrotechnic equipment, trained pyrotechnicians, shipping, pyrotechnic products, barge/tug, and specific pyrotechnic permits relating to pyrotechnic production for the firework show on July 4, 2024, at 10:15pm. The barge will be placed roughly 800 feet from the shore, across from the Kennewick side of Columbia Park.			
As outlined in the contract, if City staff successfully secure a different barge provider or solution before May 20, 2024, the \$50,000 barge cost can be eliminated or decreased. City staff will continue efforts to identify barge alternatives in hopes of decreasing the cost of the contract.			
Firework Show Breakdown:			
Fireworks Display \$50,138			
Barge/Tug \$50,000			
8.7% WSST \$8,712			
Total \$108,850			
Although the contractor's deadline for down payment on or before April 15, 2024, has passed, they remain prepared and willing perform the firework show upon the execution of the contract.			
<u>Alternatives</u>			
There are no recommended alternatives.			
<u>Fiscal Impact</u>			
The City's contribution to River of Fire is charged to account # Z1573900 541011 Community Events. Contract budget \$108,850- Z1573900.541011			
<u>Attachments:</u>			
1. Contract			

PYROTECHNIC AGREEMENT

This agreement ("Agreement") is made this Tuesday, April 09, 2024, by and between **Wolverine West, LLC**, a Washington limited liability company, hereinafter referred to as ("WW"), and **City of Kennewick**, hereinafter referred to as ("Client"). WW and Client are sometimes referred to as "Party" or collectively as "Parties" herein.

1. **Engagement** – CLIENT hereby engages WW to provide to CLIENT the Pyrotechnic Production ("PP") as described in Paragraph 2 of this Agreement, and WW accepts such engagement upon all of the terms and conditions hereinafter set forth. The PP shall be substantially as outlined in the proposal – Attachment "A", attached hereto and incorporated herein by this reference.
 - 1.1. **WW Responsibilities** – WW shall provide all pyrotechnic equipment, trained pyrotechnicians, shipping, pyrotechnic products, pyrotechnic permits (including; permit submittal and inspection fees, excluding; standby fees and/or traffic control costs that shall be paid by CLIENT) relating to the PP, insurance covering the PP and other incidental items necessary to provide the PP as more specifically set forth in this Agreement and in the Scope of Work ("Scope of Work"), attached hereto, incorporated herein by this reference, and made a part of this Agreement as though set forth fully herein.
 - 1.2. **CLIENT Responsibilities** – CLIENT shall provide to WW a suitable site ("Site") for the PP, security for the Site as set forth in Paragraph 6, hereof, access to the Site, any permission necessary to utilize the Site for the PP, and other things on its part to be performed as more specifically set forth in this Agreement and the Scope of Work. All Site arrangements are subject to WW's reasonable approval pertaining to compliance, pyrotechnic safety and security. All other conditions of the Site shall be the responsibility of CLIENT, including, but not limited to, access, use, control, parking and general safety with respect to the public, CLIENT personnel and other contractors.
2. **Date, Time, Location, Program/Price** – The PP(s) shall take place as follows;

Date	Approximate Time	Location
7/4/2024	10:15 pm	On the Columbia River in front of Columbia Park
3. **Fees, Interest, Expenses**
 - 3.1. **Fee** – CLIENT agrees to pay WW a fee of **\$108,850.00** USD (**ONE HUNDRED EIGHT THOUSAND EIGHT HUNDRED FIFTY DOLLARS**) ("Fee") for the PP, which includes; **the fireworks display, barge/tug, and** Washington State Sales Tax. CLIENT shall pay to WW **\$79,419.00** USD (**SEVENTY-NINE THOUSAND FOUR HUNDRED NINETEEN DOLLARS**) of the Fee as a deposit ("Deposit") upon the execution of this Agreement by both parties, and return no later than **4/15/2024** for this Agreement to be valid. CLIENT shall pay WW any balance then due within 30 days following said PP dates outline in paragraph 2. **If CLIENT is able to secure barge/tug services by 5/20/24 for a total cost of less than \$50,000 (net), the final payment will be adjusted accordingly.** CLIENT authorizes WW to receive and verify credit and financial information concerning CLIENT from any agency, person or entity including but not limited to credit reporting agencies.
 - 3.2. **Interest** – In the event that the Fee is not paid in a timely manner, CLIENT will be responsible for the payment of a daily periodic interest rate equivalent to 1% per month on the unpaid balance. If litigation arises out of the Agreement, the prevailing party shall be entitled to reasonable costs incurred in connection with the litigation, including, but not limited to attorneys' fees.
 - 3.3. **Expenses** – WW shall pay all normal expenses directly related to the PP, including freight, insurance as outlined, pyrotechnic products, pyrotechnic equipment, trained pyrotechnic personnel to setup and discharge the pyrotechnics and those additional items as outlined as WW's responsibilities described in this Agreement and in the Scope of Work. CLIENT shall pay all costs related to the PP not supplied by WW including, but not limited to, those items outlined as CLIENT's responsibilities in this Agreement and in the Scope of Work.
4. **Intellectual Property** – WW shall retain ownership of all intellectual property aspects of the PP, including but not limited to publicly display, publicly perform, reproduce by any means, and distribute any reproduction of the PP. Any reproduction or distribution without WW's written authorization is strictly prohibited.
5. **Safety** – WW and CLIENT shall each comply with applicable federal, state and local laws and regulations and employ safety programs and measures consistent with recognized applicable industry standards and practices. At all times before and

during the PP, it shall be within WW's sole discretion to determine whether or not the PP may be safely discharged or continued. It shall not constitute a breach of this Agreement by WW for pyrotechnic products to fail or malfunction, or for WW to determine that the PP cannot be discharged or continued as a result of any conditions or circumstances affecting safety beyond the reasonable control of WW. WW is not liable for pyrotechnic devices discharged by others.

6. **Security** – CLIENT shall provide adequate security personnel, barricades, and Police Department services as may be necessary to prevent individuals other than those authorized by WW from entering an area to be designated by WW as the area for the setup and discharge of the PP, including a fallout area satisfactory to WW where the pyrotechnics may safely rise and any debris may safely fall. WW shall have no responsibility for monitoring or controlling CLIENT's other contractors, providers or volunteers; the public; areas to which the public or contractors have access, or any other public or contractor facilities associated with the PP.
7. **Cleanup** – WW shall be responsible for the removal of all equipment and any live pyrotechnic products provided by WW and any debris two-inch and larger that was produced by the PP. CLIENT shall be responsible for any other cleanup which may be required of the PP or setup, discharge and fallout areas including any environmental cleanup.
8. **Permits** – WW shall apply and pay for permit and inspection fees for the PP described herein only. Permit submittal(s) will be directed to the local authority having jurisdiction, the FAA and USCG if required. CLIENT shall be responsible for obtaining any other necessary permits, paying associated fees and making other arrangements for police Departments, other Fire Departments, road closures, event/activity or land use permits or any permission or permit required by any Local, State or Federal Government agency.
9. **Insurance** – WW shall at all times during the performance of services herein ensure that the following insurance is maintained in connection with WW's performance of this Agreement; (1) commercial general liability insurance, including products-completed operations, and contractual liability under this Agreement; (2) automobile liability insurance; (3) workers' compensation insurance and employer liability insurance. Such insurance is to protect CLIENT from claims for bodily injury, including death, personal injury, and from claims of property damage, which may arise from WW's performance of this Agreement, only. The types and amounts of coverage shall be as set forth in the Scope of Work. Such insurance shall not include claims which arise from CLIENT's negligence or willful conduct or from failure of CLIENT to perform its responsibilities under this Agreement, coverage for which shall be provided by CLIENT. The coverage of these policies shall be subject to reasonable inspection by CLIENT. Certificates of Insurance evidencing the required general liability coverage shall be furnished to CLIENT prior to the rendering of services hereunder and shall include all individuals/entities listed on the certificate of insurance will be deemed an additional insured per this contract, i.e., Sponsors, Landowners, Barge and or Tug Owners, if any; and Permitting Authorities, with respect to the operations of WW in the performance of the PP. Pyrotechnic subcontractors or providers, if any, not covered under policies of insurance required hereby, shall secure, maintain and provide their own insurance coverage with respect to their respective operations and services.
10. **Indemnification** – WW represents and warrants that it is capable of furnishing the necessary experience, personnel, equipment, materials, providers, and expertise to produce the PP in a safe and professional manner. Notwithstanding anything in this Agreement to the contrary, WW shall indemnify, hold harmless, and defend CLIENT and the additional insureds from and against any and all claims, actions, damages, liabilities and expenses, including but not limited to, attorney and other professional fees and court costs, in connection with the loss of life, personal injury, and/or damage to property, arising from or out of the PP and the presentation thereof to the extent such are occasioned by any act or omission of WW, their managing members, agents, contractors, providers, or employees. CLIENT shall indemnify, hold harmless, and defend WW from and against any and all claims, actions, damages, liability and expenses, including but not limited to, attorney and other professional fees and court costs in connection with the loss of life, personal injury, and/or damages to property, arising from or out of the PP and the presentation thereof to the extent such are occasioned by any set of omission of CLIENT, its officers, agents, contractors, providers, or employees. In no event shall either party be liable for the consequential damages of the other party.
11. **Limitation of Damages for Ordinary Breach** – Except in the case of bodily injury and property damage as provided in the insurance and indemnification provisions of Paragraphs 9 and 10, above, in the event CLIENT claims that WW has breached

this Agreement or was otherwise negligent in performing the PP provided for herein, CLIENT shall not be entitled to claim or recover monetary damages from WW beyond the amount CLIENT has paid to WW under this Agreement, and shall not be entitled to claim or recover any consequential damages from WW including, without limitation, damages for loss of income, business or profits.

12. **Force Majeure** - CLIENT agrees to assume the risks of: strike, civil unrest, terrorism, weather, military action, governmental action, shortage of inventory due to delivery delay or unavailability from WW's customary suppliers, staff illness, and any other causes reasonably beyond the control of WW which may prevent the PP from being safely discharged on the scheduled date, which may cause the cancelation of any event for which CLIENT has purchased the PP, or which may affect or damage such portion of the pyrotechnic equipment or material as must be placed and exposed before the PP. If, for any such reason, WW is not reasonably able to safely discharge the PP on the scheduled date, or at the scheduled time, or should any event for which CLIENT has purchased the PP be canceled as a result of Force Majeure causes or otherwise, and unless otherwise agreed, the parties' unaccrued obligations under the contract shall terminate.
13. **Cancelation and Rescheduling** – If CLIENT fails to perform CLIENT Responsibilities as provided in Paragraph 1.2 or breaches or announces its intention to breach its obligations, the parties agree that in such event the damages suffered by WW are difficult or impossible to quantify precisely and, therefore, in order to clearly establish CLIENT'S risk and WW's damages the parties agree that the CLIENT shall pay WW an amount equal to the cancelation provisions of paragraph 14 below as liquidated damages which the parties agree are reasonable. CLIENT shall immediately pay such damages to WW. WW may withhold any CLIENT funds held by WW toward satisfaction of CLIENT'S debt to WW. This provision shall not apply in the event CLIENT and WW reach a written agreement revising the PP date. Such agreement must be reached within five days of the originally scheduled PP date. Failure to reach such agreement for substitute performance shall be deemed cancellation by CLIENT resulting in CLIENT owing liquidated damages as provided in paragraph 14 below. Rescheduling may require an additional fee of 5% to 22% of the original fee taking into consideration issues such as; re-permitting, increases in product and/or insurance costs, labor, transportation, etc. WW is under no obligation to honor CLIENT'S request for rescheduling where such rescheduling is for the convenience of CLIENT or its breach of its responsibilities. WW's refusal to reschedule shall result in imposition of the cancellation damages set forth in paragraph 14 below which CLIENT agrees are reasonable.
 - 13.1. **Rescheduling Caused By Mandate** – In the event the PP cannot be performed due to gubernatorial mandate, Client shall reschedule within 365 days or as otherwise agreed by the parties at no additional cost to Client. Failure to reschedule for substitute performance shall result in Client owing liquidated damages as provided in paragraph 14 below.
14. **Cancelation** – If cancelation occurs due to failure of Client to perform CLIENT Responsibilities, CLIENT agrees to pay to WW, as liquidated damages the following percentages of the Fee as set forth in Paragraph 3.1: 1) 33% if cancelation occurs greater than 30 days of the scheduled date, 2) 50% if cancelation occurs 2 to 30 days of the scheduled date, 3) 80% if cancelation occurs the day of the scheduled date. In the event CLIENT cancels the PP, it will be impractical or extremely difficult to fix the actual amount of WW's damages and to establish its risk with certainty; CLIENT acknowledges and approves this liquidated damages agreement.
15. **No Joint Venture** – It is agreed, nothing in the Agreement or in WW's performance of the PP shall be construed as forming a partnership or joint venture between CLIENT and WW. WW shall be and is an independent contractor with CLIENT and not an employee of CLIENT. The Parties hereto shall be severally responsible for their own separate debts and obligations and neither Party shall be held responsible for any agreements or obligations not expressly provided for herein.
16. **Applicable Law** – This Agreement and the rights and obligations of the Parties hereunder shall be construed in accordance with the laws of Washington. It is further agreed that the Judicial District of Lewis County, Washington, shall be the proper venue for any such action. In the event that the scope of the PP is reduced by authorities having jurisdiction or by either Party for safety concerns, the full dollar amounts outlined in this Agreement are enforceable.
17. **Notices** – Any Notice to the Parties permitted or required under this Agreement may be given by mailing such Notice in the United States Mail, postage prepaid, first class, addressed as follows:

WW – Wolverine West, LLC, PO Box 628, Chehalis, WA 98532

CLIENT – City of Kennewick, 210 W 6th Ave, Kennewick, WA 99336

Wolverine West, LLC
PO Box 628
Chehalis, WA 98532

City of Kennewick
Show Date: 7/4/2024
Page 4 of 5

- 18. Modification of Terms** – All terms of the Agreement are in writing and may only be modified by written agreement of both Parties hereto. Both Parties acknowledge they have received a copy of said written Agreement and agree to be bound by said terms of written Agreement only.
- 19. Severability** – If there is more than one CLIENT, they shall be jointly and severally responsible to perform CLIENT's Responsibilities under this Agreement. The Agreement shall become effective after it is executed and accepted by CLIENT and after it is executed and accepted by WW at WW's office in Chehalis, Washington. This Agreement may be executed in several counterparts, including faxed and emailed copies, each one of which shall be deemed an original against the Party executing same. This Agreement shall be binding upon the Parties hereto and upon their heirs, successors, executors, administrators and assigns.
- 20. Revisions** – If any changes or alterations are made by CLIENT to this Agreement or if this Agreement is not executed by CLIENT and delivered to WW on or before the date outlined in Paragraph 3.1, then the price, date, and scope of PP are subject to review and acceptance by WW for a period of 7 days following delivery to WW. Any revisions to this Agreement will incur costs of \$100.00 per hour for WW and \$375.00 per hour for WW's attorney fees, plus expenses, which will be reduced from the fireworks product budget unless other arrangements are mutually agreed. In the event the revised Agreement is not accepted by WW, WW shall give CLIENT written notice, and this Agreement shall be void.

EXECUTED AGREEMENT MUST BE DELIVERED TO WW BY 4/15/2024

EXECUTED as of date stamped signature below:

WW: Wolverine West, LLC

CLIENT: City of Kennewick

By:

By: _____

Its: Partner

Its: _____

Rodney F. Hash
Print Name

Print Name

Date: _____

SCOPE OF WORK
Wolverine West, LLC ("WW")
and
City of Kennewick ("CLIENT")

WW shall provide the following goods and services to CLIENT:

- One Wolverine West, LLC Pyrotechnic Production(s) as outlined in Paragraph 2 of this Agreement.
- All pyrotechnic equipment, **barge/tug**, trained pyrotechnicians, shipping, and pyrotechnic products.
- Application for specific pyrotechnic permits relating to the Pyrotechnic Production.
- Insurance covering the Pyrotechnic Production as set forth in the Agreement with the following limits;

Insurance Requirements**Limits**

<u>Commercial General Liability</u>	\$5,000,000.00	Combined Single Limit Each Occurrence (Bodily Injury & Property Damage)
<u>Business Auto Liability- Owned, Non-Owned and Hired Autos</u>	\$5,000,000.00	Combined Single Limit Each Occurrence (Bodily Injury & Property Damage)
<u>Workers' Compensation</u>	Statutory	
<u>Employer Liability</u>	\$1,000,000.00	Per Occurrence

CLIENT shall provide to WW the following goods and services:

- All onsite labor costs, if any, not provided or performed by WW personnel including, but not limited to, local union requirements, all Site security, Police and Fire Department standby personnel (if required), stagehands, electricians, audio and fire control monitors, carpenters, plumbers, cleanup crew. All these additional personnel and services shall be fully insured and the sole responsibility of CLIENT.
- Coordination and any applicable non-pyrotechnic permitting with local, state or federal government that may have authority within the overall event Production.
- Costs of all permits not included by WW, required for the overall event production as a whole.
- A snowcat with the ability of efficiently transporting equipment and fireworks to, and from, the launch location setup area for the PP outlined herein, if applicable.
- Provision of a Safety Zone in accordance with applicable standards and all requirements of the authorities having jurisdiction throughout the entire time that the pyrotechnics are at the Site or the load site (if different) on the date(s) of the Pyrotechnic Production and all setup, load-out dates, including water security to keep unauthorized people, boats, etc. from entering the Safety Zone. Said Safety Zone shall remain in place immediately following the PP for required cool down period and inspection per NFPA 1123. If in the event, non-discharged pyrotechnic items are discovered, WW shall discharge these items prior to the Safety Zone being removed.
- General Services including, but not limited to, Site and audience security, fencing/barricading, adequate work light, dumpster accessibility, secure parking for WW vehicles, access to restrooms, equipment storage, hazmat storage, electrical power, water truck(s) or hoses and spigots for wetting down the launch area if necessary, and credentialing if required.
- City to waive any moorage or permits for the launch of the barge into the river.
- City to provide access to Sacajawea Heritage Trail for the load/unload barge sections and equipment.
- City to provide a crane capable of lifting 22,000 lbs to load/unload barge sections; 7/2/24 through 7/6/24.

Barge location

Lat. 46°13'32.33"N

Long. 119° 8'54.96"W



Attachment A

Wolverine West, LLC
PO Box 628
Chehalis, WA 98532
Ph: 206.459.0917

City of Kennewick
Display Date: July 4, 2024
Proposal Date: 3/10/2024
SO# 11313

Pyrotechnic Proposal

Product ID	Quantity	Description	Category
PFS-037-S	3	30-sec Silver Strobe Pot - <u>Begin Show</u>	Prox
	3	Total Strobe Pots	
GF-4	2	2.5" 25's Peanut Fan RWB Chry w/RWB Tails	Cake Fan
	100	Total 2.5" Shells	
SSO75MN60	10	3" Red Comet Tail	3" Comet
VS3-LC-C5770	10	3" White Comet	3" Comet
VS3-LC-C5763	10	3" Blue Star Comet	3" Comet
SA075SL01	10	3" Wizard Salutes	3" Sal
GD3-ASST02	72	3" Guandu Assorted Shells	3" Shell
	112	Total 3" Shells	
LD4-ASST-A	72	4" Lidu Assorted Shells - A	4" Shell
LD4-ASST-B	72	4" Lidu Assorted Shells - B	4" Shell
TS-A40FY-0A	72	4" T-Sky Assorted Shells - A	4" Shell
TS-A40FY-0B	35	4" T-Sky Assorted Shells - B	4" Shell
	251	Total 4" Shells	
DP5-ASST-A	18	5" Dominator Assorted Shells - A	5" Shell
DP5-ASST-B	18	5" Dominator Assorted Shells - B	5" Shell
DP5-ASST-C	18	5" Dominator Assorted Shells - C	5" Shell
DP5-ASST-D	18	5" Dominator Assorted Shells - D	5" Shell
LD5-ASST-C	18	5" Lidu Assorted Shells w/Tails - C	5" Shell
W5-ASST-A	18	5" Wizard Assorted Shells - A	5" Shell
	108	Total 5" Shells	
DP6-ASST-A	9	6" Dominator Assorted Shells - A	6" Shell
DP6-ASST-B	9	6" Dominator Assorted Shells - B	6" Shell
DP6-ASST-C	9	6" Dominator Assorted Shells - C	6" Shell
JY6-0085-B	9	6" Raccoon Assorted Shells - B	6" Shell
LD6-ASST-A	9	6" Lidu Assorted Shells w/Tails - A	6" Shell
LD6-ASST-B	9	6" Lidu Assorted Shells w/Tails - B	6" Shell
LD6-ASST-D	9	6" Lidu Assorted Shells w/Tails - D	6" Shell
	63	Total 6" Shells	
LD8-1266	1	8" Golden Flashing To Purple To White Flashing w/Tail	8" Shell
LD8-2035	1	8" Half Chrys. W/Double Color Pistil w/Tail	8" Shell
LD8-2090	1	8" Three Circle Chry. w/Tail	8" Shell
LD8-6078	1	8" Color Changing Kamuro w/Tail	8" Shell
	4	Total 8" Shells	

Attachment A

Wolverine West, LLC
PO Box 628
Chehalis, WA 98532
Ph: 206.459.0917

City of Kennewick
Display Date: July 4, 2024
Proposal Date: 3/10/2024
SO# 11313

Pyrotechnic Proposal

Product ID	Quantity	Description	Category
GF-2	4	2" 50's Double-Break RWB - Freedom Reigns	Cake Fan
LDD128	2	2" 50's Double-Break Gold Willows w/Gold Tails	Cake Fan
RA180S45X4-C-shows	2	45's Hyper Beast - C	Cake Fan
LDA282	4	48s Blue Mines on Water - Water Cake	Cake Water
LDA511	4	48's Red & White Strobing Mines - Water Cake	Cake Water
	16	Total Multi-Shot Cakes consisting of 1,074 effects	
LID-LD083	6	12 Bucket Chain No Delay	Ignition 1.3
W-30-001	12	3-Meter Ematch - Box of 40	Ignition 1.3

Fireworks Display \$50,138.00
Barge/Tug \$50,000.00
Subtotal \$100,138.00
8.7% WSST \$8,712.00
Grand Total \$108,850.00

Wolverine West, LLC

PO Box 628

Chehalis, WA 98532

206.459.0917

info@wolverinewest.com

wolverinewest.com



INVOICE

BILL TO

City of Kennewick

210 W 6th Ave

Kennewick, WA 99336

SHIP TO

City of Kennewick

2701 Columbia River Trail

Kennewick, WA 99336

INVOICE # 2293**DATE** 04/09/2024**DUE DATE** 04/15/2024**TERMS** Per Agreement

ACTIVITY	QTY	RATE	AMOUNT
Pyrotechnic Display 50% down payment for 7/4/24 firework display.	1	23,062.56	23,062.56T
Reimb Exp Displays 100% payment for barge/tug services.	1	50,000.00	50,000.00T

9-WA-041-51-2J-00002

SUBTOTAL	73,062.56
TAX	6,356.44
TOTAL	79,419.00
BALANCE DUE	\$79,419.00

Wolverine West, LLC

PO Box 628
Chehalis, WA 98532
206.459.0917
info@wolverinewest.com
wolverinewest.com



INVOICE

BILL TO

City of Kennewick
210 W 6th Ave
Kennewick, WA 99336

SHIP TO

City of Kennewick
2701 Columbia River Trail
Kennewick, WA 99336

INVOICE # 2294

DATE 07/04/2024

DUE DATE 08/03/2024

TERMS Net 30

ACTIVITY	QTY	RATE	AMOUNT
Pyrotechnic Display 50% balance for 7/4/24 firework display.	1	25,069.00	25,069.00T
9-WA-041-51-2J-00002	SUBTOTAL		25,069.00
	TAX		2,181.00
	TOTAL		27,250.00
	BALANCE DUE		\$27,250.00