



# Whatcom County Solid Waste Advisory Committee (SWAC) Meeting

APRIL 25, 2024

**Members Present:**

Rodd Pemble	Lisa Friend
Sean O'Neill	Ken Domorod
Brandi Hutton	Mark Stremler
Pinky Vargas	William McCarter

**Members Absent:**

Kevin Renz	Mike McQuarrie
------------	----------------

**Staff Present:**

Jennifer Hayden  
Beth Decker  
Erica Littlewood

**Others Present:**

Audrey Taber, WA Department of Ecology  
Chelsea Hilmoie, Resources  
Lauren DiRe, WA Department of Ecology  
Robin, RDS  
Brian Tino, MFA  
Jaco TenHove

**1. Call to Order**

The meeting of the Whatcom County SWAC was called to order by Rodd on Thursday, April 25, 2024 at 5:32 p.m.

**2. Roll Call, Determination of Quorum, Approval of Minutes, Approval of Agenda**

- Roll call was taken first.
- Quorum was present
- There were no objections to the January minutes as presented. The committee voted and the minutes were approved.
- The agenda is approved.

**3. Public Comment Period**

No public comment

**Meeting Topics:**

**4. Polystyrene ban update**





Lauren DiRe, WA Department of Ecology is the implementation lead for the expanded polystyrene ban.

The ban has two effective dates:

- The first one was on June 1, 2023, when expanded polystyrene packing peanuts were banned for sale and distribution in the state.
- The second one is upcoming in June, when expanded polystyrene food service products will be banned. This includes portable coolers, plates, bowls, clamshells, trays, and cups. However, prepackaged food containers are not included in the ban.
- The ban does not cover containers used for drugs, medical devices, or biological materials, packaging for raw, uncooked or butchered meat, fish, poultry, seafood, vegetables, fruit, egg cartons, and block or sheet expanded polystyrene foam.
- The ban will impact manufacturers and producers of these products, businesses that sell shipping or packaging materials, retail establishments, restaurants, food trucks, and institutional cafeterias.
- The Department of Ecology has created an outreach toolkit that includes an informational flyer (translated into 17 languages) and a reference guide of alternatives. They also have a webpage with more detailed information.
- The Department of Ecology has been conducting outreach through associations, local health jurisdictions, and direct mail campaigns to businesses. They have also created a blog post and social media content to promote awareness of the laws.
- Violations can be reported by emailing Lauren or [EPSban@ecy.wa.gov](mailto:EPSban@ecy.wa.gov). An online observation form, similar to the one for the bag ban and single-use service, will be available in a year or so.
- There are five new laws within the last four years that all impact food service businesses, three of which had effective dates in 2024. The Department of Ecology has created a flyer with all of the laws that impact food service businesses.
- Rodd asked why the direct mail would not go out closer to the deadline to stop using existing stock, which is June first.
  - Lauren explained that they didn't know they had funding available for it and are still waiting for approval. They have been building up everything for the last 3 months to know how much funding to ask for.
- Brandi asked about the enforcement process.
  - Lauren explained that it would be similar to the single-use service where law and the bag ban. When a report of a violation is received, they will reach out with an educational letter first, and then they progressively get more serious and talk about the potential violations. However, the penalty will never be issued to the level business, only for manufacturers and domestic distributors.
- Mark asked about the alternatives to the foam products.
  - Lauren explained that there aren't any other requirements for what type of packaging to use, just a requirement to not use those foam products. They have an alternatives guideline on their web page from New York that has a list of alternatives for the same use of the expanded polystyrene container. Anything that's paper or any other plastic is still allowed.
- Mark also raised concerns about the increase in paper use and the impact on tree harvesting.
  - Lauren mentioned that there has been interest in conducting a life cycle assessment to look at the impacts of expanded polystyrene compared to the alternative options. Paper use probably will go up unless they're using plastic alternatives.



- Lisa pointed out that some of those materials are going to be fully compostable.
- Rodd mentioned that polystyrene litter has greatly different impacts on the environment compared to a coated paper item because the polystyrene breaks up into little pieces, and it's virtually impossible to clean up.
- Lauren also mentioned that polystyrene is one of the top 10 most littered items nationally and specifically, in Washington.
- Ken asked if there is anything in the bill that is going to track its effectiveness.
  - Lauren explained that there are a few people at Ecology that are really trying to push for more research before these bills are passed. The intent of this law is to eliminate all unnecessary packaging. If there are alternatives that exist that are either more recycled or have fewer impacts in the creation, then they should move towards those materials.

### **5. Bylaws Amendment**

Jennifer presented changes in the language of the bylaws.

- The bylaws were updated based on the county code revision in the last meeting.
- There was a question about the language in the bylaws regarding support for SWAC.
- Two changes were made in the bylaws:
  - The staff by Whatcom County Health and Community Services will provide support to SWAC instead of the Solid Waste Division.
  - The Environmental Health Supervisor will replace the Solid Waste Manager.
- A motion was made to adopt the changes by Lisa, which was seconded by Sean. The motion was passed with all present in favor.
- Rodd agreed to sign for the changes.

### **6. Rehab the Lab report**

- Jennifer Hayden discussed the approval of using solid waste funds to support the Rehab the Lab program in a meeting last year.
- The program, sponsored by the Washington State Department of Ecology in the early 2000s, involved clearing out old and potentially dangerous materials from school labs.
- The program is being revived locally, with support from SWAC and SWEC, due to the presence of old, unused, and unwanted materials in labs.
- In 2022, the Health Department received state funds to increase foundational public health services, including school health and safety.
- A fully funded position is now focusing on higher-risk areas in schools, such as labs and playgrounds.
- Schools are being encouraged to take an inventory of their chemicals every year and have a chemical hygiene plan.
- Meridian High School has already dropped off 45 pounds of unwanted materials.
- Squalicum and Nooksack are ready to drop off a combined total of 150 pounds.
- Mount Baker School District and Blaine School District are still preparing their lists.
- Lynden is planning to do their own disposal.
- Ferndale, Bellingham, and Sehome did not need the program as they had already cleared out their labs due to building new
- They have also reached out to Options and some middle schools.
- Rodd asked if it extended to higher education like the community college labs.



- Jennifer said No just to the public schools.
- Jennifer also mentioned the PPA (Pollution Prevention Assistance) staff has been going with the School Health and Safety staff to do joint inspections.
  - They have been able to buy spill kits to give to all of the schools that contain an acid neutralizer, base neutralizer and then something to clean up regular spills. They will be putting them together and distributing them to the schools.
- Lisa said the spill kits makes her think of school buses and maintenance shops of the various public schools.
  - Jennifer explained that when PPA visits a business their carrot is the spill clean-up kit, not specific to lab supplies. Jennifer went on to explain how PPA engages with the business once they are in the door. The business gets the spill kits and rebates to help them dispose of moderate risk waste.
- Rodd asked if their visits include any custodial staff.
  - Jennifer answered that she didn't think so but that's not to say it won't happen. They are building the program from scratch and so they are trying not to take on more than they can handle. They are looking at the highest risks, playgrounds and labs were last year and this year it is CTE [Career and Technical Education], like woodshop. The goal is to look at specific things every time and then occasionally do a general review of lighting, airflow, etc... Most of the people that she talks to are the facility managers who know almost everything going on in school.
- Ken raised the question of whether the program will be done regularly to prevent reaccumulating waste.
  - Jennifer answered she doesn't anticipate that necessarily. The messaging to the schools is to take an inventory every year and to have a chemical hygiene plan. Also, for schools to not buy more than they need, use up what they have. In theory we won't have big stock piles happening again.
- Ken asked if any of the outreach education include OSHA standards that already apply to this problem.
  - Jennifer explained that their regulations are through the OSPI, Office of Superintendent of Public Instruction. OSHA is geared more towards the staff and L&I is geared towards the teachers. A lot of the rules overlap we aren't necessarily enforcing those. We are tied to how the students interact with the facility versus the teachers.
- Ken suggested engaging with the State Department to expand the program's reach.
  - Rodd agreed with Ken's suggestion and cited the city's model of sending a team to businesses for water quality.
  - Ken emphasized that the L&I Consultation Department has a wealth of resources that could be tapped into.

### **7. Disposal of Toxics Feasibility Study results**

Jennifer opened the discussion about the Disposal of Toxics feasibility study. Brian from Maul Foster was present to answer questions.

- Brian provided an overview of the feasibility study process, which included touring the facility, interviewing county and Clean Earth staff, and reviewing numerous documents.





- The goal of the study was to provide a snapshot of the facility's current operation and support a decision on whether the county should take over operations or seek another contractor.
- Lisa appreciated the comprehensiveness of the study but noticed a lack of information on education and outreach.
  - Jennifer clarified that their education and outreach have been relatively limited, with some activity on social media.
- Erica shared her recent experience at a recycling event where she talked about disposal of toxics and handed out related materials.
- Pinky pointed out that the diversion of certain items from transfer stations to other locations has increased the amount of waste going to the Disposal of Toxics.
  - William confirmed that it's common for people to bring in products that they can't dispose of at the transfer stations.
- Rodd highlighted the discrepancy between the number of SQGs that are aware enough to bring material and the total number of businesses they service.
  - Jennifer confirmed that when they build the prices for SQGs, they include labor, container price, and building, among other things.
- Sean asked if there was an expectation that the facility would be scaled up for volume if the county took control.
  - Jennifer responded that she didn't think there would be a difference as the amount of outreach the county is planning to do is the same either way.
- Brandi brought up the issue of staff turnover.
- Jennifer shared her positive experiences with the current staff at the facility and discussed the potential administrative burden if the county were to take over.
- Pinky mentioned that it looks more cost-effective for the county to run the facility internally.
  - Jennifer agreed but noted that the study didn't consider the county's cost of living adjustments.
- Erica mentioned that part of their outreach messaging is about reducing and preventing waste. They are looking to see if this approach can be effective.
- Jennifer discussed the feedback they've received about the limits on how much waste people can bring at once.
  - Rodd suggested that the staff might have some latitude regarding these limits.
- Jennifer outlined the potential paths if they decide to go out to bid. She mentioned that they would likely go out to bid in June. If SWAC approves this idea, it would then go to the council. However, this would all happen after June.
- Jennifer discussed the possibility of extending the current contract for six months to allow for a transition period and for the biannual budget process to go through its steps.
- Rodd emphasized that maintaining the service is critical.
- Jennifer speculated that the contractor might be amendable to an extension as they are making money. However, she expressed concern that if the contractor knows they are considering this route, the level of service they provide might decrease.



- Brandi pointed out that the breakdown of pros and cons looks evenly split. However, she noted that there are no neutral points with the private option, and there are six with the county option.
- Ken asked whether the proposal request would be an RFP or RFQ.
  - Jennifer confirmed that if they go out to bid, it would be an RFP.
- Ken asked if the proposal would be open to union and non-union opportunities.
  - Jennifer confirmed that it would.
- Ken asked if the preference is to keep this entirely at no cost to the user or if they would entertain contracts that would include a drop-off fee.
  - Jennifer clarified that a drop-off fee would come back to the county and wouldn't go to a contractor.
- Ken asked about the format of the proposal and whether it would be very prescriptive or if there would be more of a framework.
- Lisa emphasized that the issue before them is whether or not they're going to recommend that the county move forward.
- Pinky stated that the conversation about whether they should charge at the facility is valid.
- Lisa shared her experience in Colorado where it was easier to recycle hazardous waste in Boulder County, where they charge out of county.
- Ken discussed the idea of offering to private contractors who might be interested in the project. He suggested a list of goals to accomplish, not necessarily the way they think it should be accomplished. He compared it to a toll road where all the tax for the road is with users who pay a little bit more
- Jennifer clarified the difference between RFP (Request for Proposal) and RFQ (Request for Qualification). She mentioned that if contractors were to charge and keep that, they would be getting double paid for it, which wouldn't work.
- Jennifer expressed her inclination towards wanting to try to do it. She shared her experience at the disposal of toxics where there was zero turnover during her tenure of close to 10 years. She emphasized the importance of keeping people as county employees for better benefits, better pay, and better opportunity for advancement.
- Jennifer also shared her conversation with Malora, the Response Systems Division Manager, about the pluses and minuses of coming to the county after being contracted with Sea Mar. Melora mentioned that contracting with Sea Mar was better for the county from a liability perspective, but the county couldn't guarantee the level of performance.
- Sean asked Jennifer if these positions that they're accounting is a union negotiation.
  - Jennifer confirmed that it would be a union negotiation.
- Rodd proposed a motion in support of Jennifer moving in the direction she described, with the caveat that she is concerned about maintaining service with a contract extension while the process is going through all the necessary steps.
- Lisa moved that the county continue to explore the option of county management and disposal toxic sites with the stipulation that the level of service continues for county residents and businesses.
- Pinky recused herself from the vote due to a slight conflict of interest as they own US Ecology, which could be in direct competition.



- The motion passed with one abstention and two members absent.

### **8. RDS operations update**

- William, from RDS Recycling, introduced himself and provided a brief history of the company. His father, Larry McCarter, founded RDS in 1996 as a transfer station, serving as a middleman between residents, businesses, and the landfill.
- RDS is a solid waste transfer station located in Ferndale, off Slater Road, across from Republic Services, another transfer station in Whatcom County.
- William has been working at RDS for about five years and has been helping with management for about two and a half years.
- Over the past three years, RDS has been growing and expanding its capacity.
- RDS has undertaken several expansion projects, the most significant of which is increasing their building size. They added a new building, increasing their solid waste handling capacity by about three times.
- They have also expanded their brush drop-off area, which is very popular. The brush is then sent to Green Earth Technology.
- Additional scales have been added, and the scale staff was recently included in their Teamsters contract, bringing the total number of employees under this contract to over 30.
- RDS has a unique structure where they have a garbage rate and different rates for various recyclables, providing a natural incentive to recycle.
- The company started a battery recycling program, offering free recycling of batteries. This program has been quite successful, with a significant amount of batteries being recycled every week.
- William brought up the issue of battery fires, which have been increasing over the past few years due to the increased use of portable batteries, particularly lithium-ion batteries.
  - These batteries become hazardous when damaged by their equipment, potentially causing fires in the surrounding garbage.
  - The team at RDS is good at identifying and managing these incidents, but the frequency of these incidents has noticeably increased over the past two years.
- William also shared that three months after opening their new building, the Sumas flood occurred. RDS was able to process all the waste that came through from the flood in three weeks.
- The meeting also included a discussion on the increasing prevalence of battery fires and the need for more education and outreach to keep batteries out of dumpsters and garbage trucks.
  - Erica mentioned the possibility of partnering with the fire service in regards providing more education on battery fires
  - The committee also discussed the use of social media to bring awareness to battery fires
- There was a discussion about the potential future problem of disposing of e-bike batteries, which are often not designed to be easily removed from the bike.

### **9. Open Session, Announcements**

- Ken announced that this would be his last meeting as he is moving out of state in a couple of weeks. He expressed his appreciation for the conversations and the time put into these issues by the members of the group.





- Rodd also announced that this would be his last meeting. He mentioned that he has been with SSC for 28 years and that his last day would be on July 3rd. He plans to take a break and do some traveling and camping.
- Brandi mentioned that she is happy to step in and facilitate the meetings as Vice Chair, but also acknowledged that there is a lot of nuance to facilitating these meetings and that she is still learning.
- Pinky mentioned that she still feels new even after being over 2 years in the group and that she learns something new every day.
- Audrey Taber from the Department of Ecology provided an update. She mentioned that household hazardous waste facilities typically do not charge fees and that their websites usually clearly state that they are free to residents. She also announced that the Ecology's Recycling Development Center is hosting a glass summit on Zoom next Thursday, where speakers will cover reuse and innovative packaging as well as recycling. [Glass Summit Registration](#).

**10. Adjournment:**

Meeting adjourned at 7:12pm.

**CERTIFICATION**

Attest: \_\_\_\_\_  
Beth Decker, Coordinator  
Whatcom County Health Department

\_\_\_\_\_  
Brandi Hutton  
Whatcom County Solid Waste Advisory Committee





# Washington State Expanded Polystyrene Ban

EFFECTIVE JUNE 1, 2023



## **X** Packing Peanuts

Includes all loose fill expanded polystyrene packaging

EFFECTIVE JUNE 1, 2024

## **X** Food Service Products



**NO** Clamshell Style  
'To-Go' Containers



**NO** Trays



**NO** Prepackaged  
Food Containers



**NO** Coolers



**NO** Plates



**NO** Cups



**NO** Bowls

To request an ADA accommodation, contact Ecology by phone at (360) 742-9874 or email at [epsban@ecy.wa.gov](mailto:epsban@ecy.wa.gov), or visit [ecology.wa.gov/accessibility](http://ecology.wa.gov/accessibility).

For Relay Service or TTY call 711 or (877) 833-6341.

If you speak a non-English language, free language services are available. Call (360) 742-9874.



[epsban@ecy.wa.gov](mailto:epsban@ecy.wa.gov) | (360) 407-6000  
[ecology.wa.gov/epsban](http://ecology.wa.gov/epsban)





## Details of the Expanded Polystyrene Ban

### Loose Fill Packaging Material:

- **Beginning June 1, 2023**, the sale and distribution of expanded polystyrene packing peanuts and loose fill packaging material in or into Washington state is prohibited.
- Items exempted from this law include:
  - Expanded polystyrene block or sheet packaging.
  - Compostable or non-expanded polystyrene packing peanuts.
  - Containers used for drugs, medical devices, and biological materials, or containers shipping perishable commodities from a wholesale or retail establishment.
- This law applies to any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces, imports, distributes, or sells one of the banned products.
- Existing stock of banned expanded polystyrene products cannot be used up after the law is in effect.

### Food Service Items:

- **Beginning June 1, 2024**, the sale and distribution of expanded polystyrene food service products and portable coolers in or into Washington state is prohibited.
- Expanded polystyrene food service products include: food containers, plates, clamshell-style containers, hot and cold beverage cups, and portable coolers.
- Items exempted from this law include:
  - Packaging for raw, uncooked, or butchered meat, fish, poultry, or seafood, vegetables, fruit, or egg cartons.
  - Containers used for drugs, medical devices, and biological materials, or containers shipping perishable commodities from a wholesale or retail establishment.
  - Hard plastic food service containers made of polystyrene (#6) that are not foam.
- This law applies to any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces, imports, distributes, or sells one of the banned products.
- Existing stock of banned expanded polystyrene products cannot be used up after the law is in effect.

### Questions?

Call (360) 407-6000 or email [epsban@ecy.wa.gov](mailto:epsban@ecy.wa.gov)

Help your customers protect the environment and reduce litter. Encourage reusable options.



reusable to-go containers



reusable utensils



reusable coffee mugs and water bottles

Visit the WA Ecology website to learn about alternatives to expanded polystyrene products and regulations on how customers can safely use their own containers.

[ecology.wa.gov/epsban](http://ecology.wa.gov/epsban)

RCW 70A.245.070





**RDS Photos**

