

ARTICLE V

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF
HEALTH GOVERNING SOLID WASTE HANDLING

<u>SECTION:</u>	<u>PAGE NO.</u>
1	AUTHORITY 5-1
2	PURPOSE AND OBJECTIVES 5-1
3	APPLICABILITY/SCOPE 5-2
4	PERFORMANCE STANDARDS 5-3
5	DEFINITIONS 5-4
6	OWNER, OPERATOR AND OCCUPANT RESPONSIBILITY FOR SOLID WASTE 5-9
7	UNLAWFUL DUMPING, DEPOSITING OR BURNING..... 5-9
7.1	Violation and Exemption 5-9
7.2	Presumption 5-9
7.3	Burning Prohibited 5-9
7.4	Disposal of Solid Waste 5-9
8	PERMITS, EXEMPTIONS, AND DEFERRALS..... 5-9
8.1	General Requirements..... 5-9
8.2	Applications for Permits, Exemptions and Deferrals5-10
8.3	Permits.....5-10
8.4	Permit Renewal5-11
8.5	Permit Exemption for Recycling Facilities5-11
8.6	Permit Deferral5-12
8.7	Fees..... 5-12
9	FINANCIAL ASSURANCE REQUIREMENTS5-12
9.1	Applicability.....5-12
9.2	Requirements5-13
9.3	Definitions5-13
9.4	Instrument Options.....5-13
9.5	Eligible Financial Assurance Instruments.....5-17
9.6	Cost Estimate for Closure.....5-18
9.7	Closure Financial Assurance Account Establishment and Reporting..... 5-19
9.8	Fund Withdrawal for Closure Activities.....5-20
10	POST CLOSURE FACILITY PERMITS.....5-20
10.1	Required5-20
10.2	Plan of Operation5-20

10.3	Procedure	5-20
10.4	Duration	5-21
11	ON-SITE CONTAINERIZED STORAGE, COLLECTION AND TRANSPORTATION	5-21
11.2	Inspections	5-21
12	INTERMEDIATE SOLID WASTE HANDLING FACILITIES....	5-21
13	RECYCLING	5-21
14	LAND APPLICATION OF SOLID WASTE.....	5-23
15	COMPOSTING FACILITIES.....	5-23
16	PILES USED FOR STORAGE OR TREATMENT.....	5-23
17	TIRE HANDLING	5-23
18	MODERATE RISK WASTE HANDLING.....	5-24
19	DANGEROUS WASTE HANDLING.....	5-24
20	SURFACE IMPOUNDMENTS.....	5-24
21	RESIDENTIAL MEDICAL-RELATED SHARPS WASTE.....	5-25
22	OTHER METHODS OF SOLID WASTE HANDLING.....	5-25
23	INERT WASTE.....	5-25
24	WASTE SCREENING	5-25
24.1	Waste Screening	5-25
24.2	Testing of Waste.....	5-26
24.3	Excavated Material Inspection and Screening.....	5-26
24.4	Waste Screening and Disposal Form	5-26
24.5	Waste Screening and Disposal Form Review	5-26
24.6	Fees	5-26
25	FACILITY INSPECTIONS	5-26
26	CIVIL INFRACTIONS	5-27
27	ADMINISTRATIVE CIVIL PENALTIES	5-27
27.1	Issuance.....	5-27
27.2	Monetary Penalty Schedule.....	5-27
27.3	Accrual of Penalties	5-27
27.4	Relation of Civil Penalties to Other Enforcement Procedures	5-27
28	SUSPENSION/REVOCAION OF PERMITS OR PERMIT EXEMPTIONS	5-28
28.1	Suspension of Permits or Permit Exemptions.....	5-28
28.2	Revocation of Permits or Permit Exemptions.....	5-28
29	ENFORCEMENT	5-28
30	FEES	5-28
31	CRIMINAL PENALTIES	5-28
32	PERFORMANCE OF WORK, ABATEMENTS AND LIENS.....	5-28
33	HEARINGS AND APPEALS	5-29

**34 WAIVERS TO ARTICLE V PROVISIONS NOT CONTAINED
IN CHAPTER 173-350 WAC5-29**

35 VARIANCES TO CHAPTER 173-350 WAC.....5-29

36 SEVERABILITY 5-29

37 CONFLICTS5-29

ARTICLE V

RULES AND REGULATIONS OF THE THURSTON COUNTY BOARD OF HEALTH GOVERNING SOLID WASTE HANDLING

SECTION 1 AUTHORITY. Pursuant to the authority of the Thurston County Board of Health and the Constitution of the State of Washington Article 11, Section 11 and Chapters 70.05 (Local Health Departments, Boards, Officers - Regulations), 70.95 (Solid Waste Management - Recovery and Recycling), 70.95J (Municipal Sewage Sludge - Biosolids), and 70.95K (Residential Sharps Waste) of the Revised Code of Washington, (RCW) the following regulations governing solid waste handling methods and solid waste facilities, providing for permits and implementing the comprehensive solid waste management plan are hereby adopted. By reference, this Article adopts as modified, implements, and supplements the Solid Waste Handling Standards, Chapter 173-350 Washington Administrative Code (WAC) and the Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC or as hereafter amended.

SECTION 2 PURPOSE AND OBJECTIVES. The purpose of these regulations is to set standards for solid waste handling in Thurston County and to implement the County's comprehensive solid waste management plan. It is the Board of Health's intent that these regulations protect public health, safety, and welfare and prevent pollution of land, air, and water, including ground water, according to applicable state and local standards to help preserve the County's natural, economic, and energy resources.

2.1 To achieve these goals, the following objectives have been established:

2.1.1 Set minimum standards for solid waste handling, storage and disposal practices and facilities which will prevent breeding or harborage of flies, rodents or other disease carrying vectors; conserve and protect resources; prevent land, air and water pollution; and prevent health and physical hazards associated with the handling of solid waste.

2.1.2 Promote solid waste handling methods which will encourage the following practices in descending order of priority as stated in Chapter 70.95 RCW and in the County's comprehensive solid waste management plan:

- (a) waste reduction;
- (b) waste recycling;
- (c) energy recovery or incineration; and

- (d) landfilling.

SECTION 3 APPLICABILITY/SCOPE. This Article applies to all solid wastes as that term is defined in WAC 173-350-100, WAC 173-351-100 and Section 5.38 of this Article and to applicable portions of the County's comprehensive solid waste management plan. This Article does not apply to the following solid wastes as specified in to WAC 173-350-020:

- 3.1 Overburden from mining operations intended for return to the mine;
- 3.2 Liquid wastes whose discharge or potential discharge is handled in accordance with federal, state or local water pollution control permits;
- 3.3 Dangerous wastes fully regulated under Chapter 70.105 RCW and Chapter 173-303 WAC, except as specifically stated in this Article;
- 3.4 Woodwaste used for ornamental, animal bedding, mulch and plant bedding, or road building purposes;
- 3.5 Agricultural wastes, limited to manures and crop residues, returned to the soils at agronomic rates;
- 3.6 Domestic septage taken to a sewage treatment plant permitted under Chapter 90.48 RCW (Water Pollution Control);
- 3.7 Radioactive wastes, defined by Chapters 246-220 WAC and 246-232WAC;
- 3.8 Wood debris resulting from the harvesting of timber left at the point of generation and subject to Chapter 76.04 RCW, the State Forest Practices Act;
- 3.9 Clean soils and clean dredged material as defined in WAC 173-350-100;
- 3.10 Clean dredged material as defined in 40 CFR 232.2 that is subject to:
 - (a) The requirements of a permit issued by the U.S. Army Corps of Engineers or an approved state under Section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1344);
 - (b) The requirements of a permit issued by the U.S. Army Corps of Engineers under Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C 1413); or
 - (c) In the case of the U.S. Army Corps of Engineers civil works projects, the administrative equivalent of the permits referred to in

(a) and (b) of this subsection, as provided for in U.S. Army Corps of Engineers regulations, including, for example, 33 CFR 336.1, 336.2 and 337.6;

3.11 Biosolids that are managed in accordance with Chapter 173-308 WAC, Biosolids Management;

3.12 Domestic wastewater facilities and industrial wastewater facilities otherwise regulated by federal, state, or local water pollution permits;

3.13 Special incinerator ash regulated under Chapter 173-306 WAC, Special Incinerator Ash Management Standards;

3.14 Polychlorinated biphenyls (PCB) wastes regulated under 40 CFR Part 761, Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions, except for:

- (a) PCB household waste; and
- (b) PCB bulk product wastes identified in 40 CFR Part 761.62(b)(1) that are disposed of in limited purpose landfills;

3.15 Landfilling of municipal solid waste regulated under Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills;

3.16 Recyclable materials properly contained in a drop box;

3.17 Intermodal facilities as defined in WAC 173-350-100; and

3.18 Solid waste handling facilities that have performed all closure and post closure requirements.

SECTION 4 PERFORMANCE STANDARDS.

The owner or operator of all solid waste facilities subject to this Article shall:

- 4.1 Design, construct, operate, and close all facilities in a manner that does not pose a threat to human health or the environment;
- 4.2 Comply with Chapter 90.48 RCW, Water Pollution Control and implementing regulations, including Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington;
- 4.3 Conform to the approved local comprehensive solid waste management plan prepared in accordance with Chapter 70.95 RCW, Solid Waste Management Recovery and Recycling, and/or the local hazardous waste management plan

prepared in accordance with Chapter 70.105 RCW, Hazardous Waste Management;

4.4 Not cause any violation of emission standards or ambient air quality standards at the property boundary of any facility and comply with Chapter 70.94 RCW, Washington Clean Air Act; and

4.5 Comply with all other applicable local, state, and federal laws and regulations.

SECTION 5 DEFINITIONS

For the purposes of this Article, the following terms shall have the meanings given below unless the context clearly indicates otherwise. All terms not defined in this section, but defined in WAC 173-350-100 shall have the meanings given in WAC 173-350-100.

5.1 **Agricultural Wastes** means wastes on farms resulting from the raising or growing of plants and animals including, but not limited to, manures and animal bedding, crop residue, and carcasses of dead animals weighing each or collectively in excess of fifteen (15) pounds.

5.2 **Agronomic Rates** means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation or the realistic crop yield goal, as established in the guidelines or standards developed by the U.S. Natural Resources Conservation Service or other standards accepted by the health officer for that crop under cultivation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under Chapter 90.48 RCW, Water Pollution Control Standards and related rules including Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington, and Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington.

5.3 **Beneficial Use** means the use of solid waste as an ingredient in a manufacturing process, or as an effective substitute for natural or commercial products, in a manner that does not pose a threat to human health or the environment. Avoidance of processing or disposal cost alone does not constitute beneficial use.

5.4 **Biosolids** means municipal sewage sludge that is a primarily organic, semisolid product resulting from the waste-water treatment process that can be beneficially recycled and meets all requirements under Chapter 173-308 WAC, Biosolids Management. Biosolids includes a material derived from biosolids and septic tank sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC, Biosolids Management.

5.5 **Closure** means those actions taken by the owner or operator of a solid waste handling facility to cease disposal operations or other solid waste handling activities, to ensure that all such facilities are closed in conformance with applicable local, state and

federal regulations in effect at the time of such closures, and to prepare the site for the post-closure period.

5.6 **Compliance Schedule or Agreement** means a written schedule of required measures issued by the health officer leading to compliance with these regulations.

5.7 **Composting** means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

5.8 **Dangerous Waste** means those wastes designated as dangerous or extremely hazardous by the Washington State Department of Ecology under Chapter 173-303 WAC, Dangerous Waste Regulations.

5.9 **Demolition and Construction Waste** means solid waste resulting from the demolition or construction of buildings, roads and other human-made structures, including but not limited to, concrete, asphalt, brick, bituminous concrete, wood and masonry, composition roofing, roofing paper, steel, and minor amounts of other metals.

5.10 **Department** means the Thurston County Public Health and Social Services Department.

5.11 **Disposal, Depositing or Dumping** mean discharge, deposit, injection, dumping, leaking, or placement.

5.12 **Disposal Site** means the location where any final treatment, utilization, processing, or deposition of solid waste occurs.

5.13 **Drop Box** means a facility used for the placement of a detachable container including the area adjacent for necessary entrance and exit roads, unloading and turn-around areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site.

5.14 **Energy Recovery** means the recovery of energy in a usable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above twelve hundred degrees Fahrenheit) processing.

5.15 **Facility** means all contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

5.16 **Garbage** means animal and vegetable wastes resulting from the handling, storage, sale, preparation, cooking and serving of foods.

5.17 **Health Officer** means the Thurston County health officer or his/her authorized designee.

5.18 **Home Composting** means composting of wastes generated on site, and incidental materials beneficial to the composting process, by the owner or person in control of a single-family residence, or for a dwelling that houses two to five families, such as a duplex or clustered dwellings.

5.19 **Inert Waste** means solid wastes that meet the criteria for inert waste as defined in WAC 173-350-990.

5.20 **Intermediate Solid Waste Handling Facility** means any intermediate use or processing site engaged in solid waste handling which is not the final site of disposal. Sites include, but are not limited to, transfer stations, drop boxes, baling and compaction sites, and material recovery facilities.

5.21 **Landfill** means a disposal facility or part of a facility at which solid waste is permanently placed in or on land including facilities that use solid waste as a component of fill.

5.22 **Leachate** means water or other liquid within a solid waste handling unit that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

5.23 **Limited Moderate Risk Waste** means waste batteries, waste oil, and antifreeze generated from households.

5.24 **Limited Moderate Risk Waste Facility** means a facility that collects, stores, and consolidates only limited moderate risk waste.

5.25 **Limited Purpose Landfill** means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and land clearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills, landfills disposing of special incinerator ash regulated under Chapter 173-306, Special Incinerator Ash Management Standards, landfills regulated under Chapter 173-303 WAC, Dangerous Waste Regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

5.26 **Moderate Risk Waste** means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in WAC 173-350-100, "Definitions", and includes waste batteries, petroleum oils, and antifreeze.

5.27 **Moderate Risk Waste Fixed Facility** means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and /or transfer moderate risk waste. This does not include mobile systems and collection events or limited moderate risk waste facilities that meet the applicable terms and conditions of WAC 173-350-360 (2) or (3), “Moderate Risk Waste Handling”.

5.28 **Nuisance** consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin including groundwater, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

5.29 **Permit** means a written authorization issued by the health officer which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

5.30 **Person** means any individual, public or private corporation, company, association, society, firm, partnership, joint stock company or any branch of federal, state or local government or any other entity.

5.31 **Pile** means any non-containerized accumulation of solid waste that is used for treatment or storage.

5.32 **Plan of Operation** means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

5.33 **Post-Closure** means the requirements placed upon disposal facilities after closure to ensure their environmental safety until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

5.34 **Post-Closure Plan** means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

5.35 **Residential Sharps** mean all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package which are generated and prepared for disposal at a residence, apartment, dwelling, or other noncommercial habitat.

5.36 **Sharps Waste Container** means a leak-proof, rigid, puncture-resistant, labeled or color-coded container that is taped closed or tightly lidded to prevent the loss of the residential sharps waste.

5.37 **Sludge** means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial processing, manufacturing, or wastewater treatment

plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

5.38 **Solid Waste** means all rotting or decaying (putrescible) and non-rotting or non-decaying (nonputrescible) solid, semisolid, and liquid wastes, including, but not limited to, garbage, rubbish, yard debris, ashes, industrial wastes, contaminated soils, dredge spoils, swill, demolition and construction wastes, abandoned vehicles or parts thereof, wood waste, sludge, dangerous waste, moderate risk waste, recyclable materials, and discarded commodities.

5.39 **Solid Waste Handling** means the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

5.40 **Waste Tires** means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

5.41 **Wetlands** means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

5.42 **Wood Waste** means solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials, trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or chromated copper arsenate or any other non-plant material.

5.43 **Yard Debris** means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves, branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

SECTION 6 OWNER, OPERATOR AND OCCUPANT RESPONSIBILITY FOR SOLID WASTE.

6.1 The owner and the operator, occupant, or tenant of any property, premises, business establishment, or industry shall be responsible for the legal and satisfactory

arrangement for the solid waste handling of all solid waste generated or accumulated on the property.

6.2 It shall be unlawful for any person to allow or permit solid waste to remain on property under their control without a permit, exemption or deferral as required by this Article. The health officer is authorized to require the owner, operator, occupant, tenant or other person responsible for solid waste handling to abate illegal dumping, disposal or accumulations on property under their control, as part of a Notice of Violation or order issued pursuant to Section 7 of Article I.

SECTION 7 UNLAWFUL DUMPING, DEPOSITING OR BURNING.

7.1 **Violation and Exemption.** It shall be a violation of this Article for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of the state except at a facility that is approved to accept the solid waste in accordance with this Article.

7.2 **Presumption.** Whenever solid waste dumped or deposited in violation of Section 7.1 of this Article contains two (2) or more items bearing the name of one individual, there shall be a rebuttable presumption that the individual whose name appears on such items committed the unlawful act of solid waste dumping.

7.3 **Burning Prohibited.** It shall be a violation of this Article for any person to burn solid waste in violation of Chapter 173-425 WAC and Regulation 1, Article IX "Emission Prohibited" of the Olympic Region Clean Air Authority. It shall be a violation of this Article for any person to cause or allow any open fire containing any of the following prohibited materials: garbage, dead animals, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal or any substance which when burned releases toxic emissions, dense smoke or obnoxious odors.

7.4 **Disposal of Solid Waste.** Disposal of solid wastes shall be only at a facility that has obtained a permit, permit exemption, permit deferral or approval from the health officer.

SECTION 8 PERMITS, EXEMPTIONS, and DEFERRALS.

8.1 **General Requirements.** No solid waste disposal site or facility in Thurston County shall be maintained, established, substantially altered, expanded or improved until the county, city or other person operating or owning such site or facility has obtained a permit, permit exemption or permit deferral from the health officer. Persons complying with this Article, Chapter 173-350 WAC, Chapter 173-351 WAC, the approved comprehensive solid waste management plan, applicable county/city ordinances, financial assurance requirements contained in Section 9 of this Article, and the conditions of the issued solid waste permit shall be entitled to receive or maintain such a permit.

8.1.1 It shall be a violation of this Article to maintain, establish, alter, expand, improve, or operate a solid waste or moderate risk waste facility without a permit, a permit exemption, permit deferral or other approval required by this Article.

8.1.2 Solid waste handling facilities or sites shall demonstrate compliance with performance standards as contained in Section 4 of this Article.

8.2 Applications for Permits, Exemptions and Deferrals.

8.2.1 Applications for solid waste handling facilities shall be submitted on a form approved by the health officer in accordance with Chapter 173-350 WAC and/or Chapter 173-351 WAC. Filing shall not be complete until the health officer has received: (a) two copies of the application signed by the property owner and applicant, (b) the applicant has filed an environmental checklist required under the State Environmental Policy Act (SEPA) rules, Chapter 197-11 WAC, and (c) the applicant has paid all applicable review fees.

8.2.2 Applications for solid waste handling facilities shall include a plan of operation that shall be prepared by a licensed civil or sanitary engineer with experience in the areas necessary for submitting acceptable solid waste designs and specifications. The health officer may exempt certain solid waste facilities from the engineering design requirements depending upon the nature and type of solid waste material handled or site conditions.

8.2.3 The Health Officer may request additional information if it is deemed necessary for consideration of an application.

8.2.4 Every completed solid waste handling facility application shall be approved or disapproved within ninety (90) days after its receipt by the health officer or the applicant shall be informed as to the status of the application.

8.3 Permits.

8.3.1 The health officer may issue a permit when it has been determined that the facility meets (a) the requirements of this Article and all other applicable local, state and federal laws and regulations, (b) performance standards as defined in WAC 173-350-040 and Section 4 of this Article, (c) all conditions of the State Environmental Policy Act and applicable zoning and land use approvals, and (d) conforms with the approved comprehensive solid waste management plan.

8.3.2 A permit shall be issued for each calendar year or part thereof and shall expire on December 31st of that year.

8.4 Permit Renewal.

8.4.1 The owner or operator of a facility shall apply for renewal of the facility's permit on an annual basis in accordance with WAC 173-350-710(3), "Application Issuance", and Chapter 173-351 WAC. Previous information submitted to the health officer may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

8.4.2 A renewal application will be reviewed for compliance with this Article and all other applicable regulations. Other information from inspections, complaints, or known changes in the operations will also be reviewed.

8.4.3 Every completed solid waste permit renewal application shall be approved or disapproved within forty-five (45) days after its receipt by the health officer or the applicant shall be informed as to the status of the application.

8.4.4 Any facility not in complete conformance with this Article or any other applicable regulations or not meeting the performance standards as defined in WAC 173-350-040 and Section 4 of this Article may be placed upon a compliance schedule as part of the issued permit.

8.4.5 Department of Ecology Review. All solid waste facility permits issued or renewed by the health officer are subject to review by the Department of Ecology. Upon review, the Department of Ecology may appeal the health officer issuance or renewal of a solid waste facility operating permit to the State Pollution Control Hearings Board as stated in RCW 70.95.185 and RCW 70.95.190.

8.5 Permit Exemption for Recycling Facilities. Solid waste facilities operating under an exemption shall meet all the conditions of the exemption otherwise they will be required to obtain a permit. When requiring such a facility to obtain a permit, the health officer may order the facility owner or operator to cease operations, remove all solid waste from the site or any other measures to protect the public health or environment until the owner or operator has obtained a permit.

8.5.1 The health officer may issue a permit exemption upon determining that the facility meets (a) the requirements of this Article and all other applicable local, state and federal laws and regulations, (b) the performance standards as defined in WAC 173-350-040 and Section 4 of this Article, (c) has met all conditions of SEPA and applicable zoning and land use approvals, and (d) conforms with the approved comprehensive solid waste management plan.

8.5.2 A permit exemption shall be obtained every five years or when there is a change in owner or operator and shall expire on December 31st of that year.

8.5.3 Exemption Renewal. The owner or operator of a facility operating under an exemption shall submit a renewal application on a form approved by the health officer at least 45 days prior to expiration of the exemption.

8.5.4 A permit exemption renewal application will be reviewed for compliance with this Article and all other applicable regulations. Other information from inspections, complaints, or known changes in the operations will also be reviewed.

8.5.5 Every completed application shall be approved or disapproved within forty-five (45) days after its receipt by the health officer or the applicant shall be informed of the status of the application.

8.6 Permit Deferral. The health officer may issue a deferral of solid waste permitting requirements in accordance with WAC 173-350-710(8), “Permit deferral”, and this Article if the deferral provides an equivalent or superior level of environmental protection. No solid waste permit deferral shall be in effect unless the Department of Ecology has provided written concurrence.

8.6.1 A permit deferral shall be revoked if the health officer or Department of Ecology determines that the other environmental permits are providing a lower level of environmental protection than a solid waste permit. The health officer shall notify the facility’s owner or operator of the intent to revoke the permit deferral and direct the owner or operator to take measures necessary to protect human health and the environment and to comply with the permit requirements of this Article.

8.7 Fees.

8.7.1 Fees for permits, exemptions and deferrals shall be charged as specified in Article I, Appendix A of this Code.

8.7.2 Any facility that fails to renew an expired permit or exemption by February 15th may be ordered closed by the health officer and be considered in violation of this Article.

SECTION 9 FINANCIAL ASSURANCE REQUIREMENTS.

9.1 **Applicability.** This section is applicable to:

9.1.1 Waste tire storage facilities as regulated under WAC 173-350-350 and Section 17 of this Article, “Tire Handling”;

9.1.2 Moderate risk waste facilities regulated under WAC 173-350-360 and Section 18 of this Article, “Moderate Risk Waste Handling”;

9.1.3 Limited purpose landfills regulated under WAC 173-400;

9.1.4 Compost facilities requiring a permit under WAC 173-350-220 and Section 15 of this Article;

9.1.5 Piles used for storage or treatment requiring a permit under WAC 173-350-320 and Section 16 of this Article.

9.2 **Requirements.** All solid waste handling facilities required to establish financial assurance by 173-350 WAC shall comply with WAC 173-350-600. Compost facilities and piles used for storage or treatment requiring a permit shall comply with the financial assurance requirements of this section. No owner or operator of a facility required to establish financial assurance shall commence or continue operations at the site until financial assurance has been provided in accordance with this section.

9.3 **Definitions.** For the purposes of this Section, the following definitions apply:

9.3.1 **Public Facility** means a publicly or privately owned facility that accepts solid waste generated by other persons.

9.3.2 **Private Facility** means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

9.4 **Instrument Options.** Financial assurance options are available, based on facility type as defined in subsection 9.3, ownership and permittee. Contents of all instruments must be acceptable to the health officer. The following instrument options exist:

(a) Reserve accounts that are managed as either:

(i) Cash and investments accumulated and restricted for activities identified in the closure plan, with the equivalent amount of fund balance reserved in the fund; or

(ii) Cash and investments held in a nonexpendable trust fund.

(b) Trust funds to receive, manage and disburse funds for activities identified in the approved closure and plan. Trust funds shall be established with an entity that has authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(c) Surety bond(s) issued by a surety company listed as acceptable in Circular 570 of the United States Treasury Department. A standby trust fund for closure shall also be established by the owner or operator to receive any funds that may be paid by the operator or surety company. The surety shall become liable for the bond obligation if the owner or operator fails to perform as guaranteed by the bond. The surety may not cancel the bond until at least one hundred twenty days after the owner or operator, and the health officer have received notice of cancellation. If the owner or operator has not provided alternate financial assurance acceptable under this Section within ninety days of the cancellation notice, the surety shall pay the amount of the bond into the standby closure trust account. The following types of surety bonds are options:

(i) Surety bond; or

- (ii) Surety bond guaranteeing that the owner or operator will perform final closure activities.

(d) Irrevocable letter of credit issued by an entity which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. Standby trust funds for closure shall also be established by the owner or operator to receive any funds deposited by the issuing institution resulting from a draw on the letter of credit. The letter of credit shall be irrevocable and issued for a period of at least one year, and renewed annually, unless the issuing institution notifies the owner or operator, and the health officer at least one hundred twenty days before the current expiration date. If the owner or operator fails to perform activities according to the closure plan and permit requirements, or if the owner or operator fails to provide alternate financial assurance acceptable to the health officer within ninety days after notification that the letter of credit will not be extended, the health officer may require that the financial institution provide the funds from the letter of credit to the health officer to be used to complete the required closure activities;

(e) Insurance policies issued by an insurer who is licensed to transact the business of insurance or is eligible as an excess or surplus line insurer in one or more states, the content of which:

- (i) Guarantees that the funds will be available to complete those activities identified in the approved closure plans;
- (ii) Guarantees that the insurer will be responsible for paying out funds for those activities;
- (iii) Provides that the insurance is automatically renewable and that the insurer may not cancel, terminate, or fail to renew the policy except for failure to pay the premium;
- (iv) Provides that if there is a failure to pay the premium, the insurer may not terminate the policy until at least one hundred twenty days after the notice of cancellation has been received by the owner or operator, and the health officer;
- (v) Provides that termination of the policy may not occur and the policy shall remain in full force and effect if:
 - (A) The health officer determines the facility has been abandoned;
 - (B) Closure has been ordered by the health officer or a court of competent jurisdiction;
 - (C) The owner or operator has been named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy; or

- (D) The premium due is paid;
- (vi) The owner or operator is required to maintain the policy in full force and until an alternative financial assurance guarantee is provided or when the health officer has verified that closure, has been completed in accordance with the approved closure plan;
- (vii) For purposes of this rule, "captive" insurance companies as defined in WAC 173-350-100 are not acceptable insurance companies.

(f) Financial Test/corporate guarantee allows for a private corporation meeting the financial test to provide a corporate guarantee those activities identified in the closure plan will be completed.

- (i) To qualify, a private corporation owner or operator shall meet the criteria of either option A or B:
 - (A) Option A - to pass the financial test under this option the private corporation shall have:
 - (I) Two of the following three ratios: A ratio of total liabilities to net worth less than 2.0; a ratio of the sum of net income plus depreciation, depletion, and amortization to total liabilities greater than 0.1; or a ratio of current assets to current liabilities greater than 1.5;
 - (II) Net working capital and tangible net worth each at least six times of the current closure cost estimate;
 - (III) Tangible net worth of at least ten million dollars; and
 - (IV) Assets in the United States amounting to at least ninety percent of its total assets or at least six times the current closure cost estimate.
 - (B) Option B - to pass this alternative financial test, the private corporation shall have:
 - (I) A current rating of AAA, AA, A, or BBB as issued by Standard and Poor's or Aaa, Aa, A, or Baa as issued by Moody's;
 - (II) Tangible net worth at least six times the sum of the current closure and estimates;
 - (III) Tangible net worth of at least ten million dollars; and
 - (IV) Assets in the United States amounting to at least

ninety percent of its total assets or at least six times the closure cost estimates.

- (ii) The owner or operator's chief financial officer shall provide a corporate guarantee that the corporation passes the financial test at the time the closure plan is filed. This corporate guarantee shall be reconfirmed annually ninety days after the end of the corporation's fiscal year by submitting to the health officer a letter signed by the chief financial officer that:
 - (A) Provides the information necessary to document that the owner or operator passes the financial test;
 - (B) Guarantees that the funds to finance closure activities according to the closure plan and permit requirements are available;
 - (C) Guarantees that closure activities will be completed according to the closure plan and permit requirements;
 - (D) Guarantees that within thirty days if written notification is received from the health officer that the owner or operator no longer meets the criteria of the financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this Section;
 - (E) Guarantees that the owner or operator's chief financial officer will notify the health officer in writing within fifteen days any time that the owner or operator no longer meets the criteria of the financial test or is named as debtor in a voluntary or involuntary proceeding under Title 11 U.S.C., Bankruptcy;
 - (F) Acknowledges that the corporate guarantee is a binding obligation on the corporation and that the chief financial officer has the authority to bind the corporation to the guarantee;
 - (G) Attaches a copy of the independent certified public accountant's report on examination of the owner or operator's financial statements for the latest completed fiscal year; and
 - (H) Attaches a special report from the owner or operator's independent certified public accountant (CPA) stating that the CPA has reviewed the information in the letter from the owner or operator's chief financial officer and has determined that the information is true and accurate.
- (iii) The health officer may, based on a reasonable belief that the owner

or operator no longer meets the criteria of the financial test, require reports of the financial condition at any time in addition to the annual report. The health officer will specify the information required in the report. If the health officer finds, on the basis of such reports or other information, that the owner or operator no longer meets the criteria of the financial test, the owner or operator shall provide an alternative form of financial assurance consistent with the requirements of this Section, within thirty days after notification by the health officer.

- (iv) If the owner or operator fails to perform final closure in accordance with the approved closure plan, the guarantor will be required to complete the appropriate activities.
- (v) The guarantee will remain in force unless the guarantor sends notice of cancellation by certified mail to the owner or operator, and the health officer. Cancellation may not occur, however, during the one hundred twenty days beginning on the date of receipt of the notice of cancellation by the owner or operator, and the health officer.
- (vi) If the owner or operator fails to provide alternate financial assurance as specified in this Section and obtain the written approval of such alternate assurance from the health officer within ninety days after receipt of a notice of cancellation of the guarantee from the guarantor, the guarantor will provide such alternative financial assurance in the name of the owner or operator.

9.5 Eligible Financial Assurance Instruments. The financial assurance instruments identified in subsection 9.4 of this Section are available for use based on facility category and whether the permittee is a public or private entity as follows:

(a) For a public facility, as defined in subsection 9.3.1 of this Section, when the permittee is a public entity, the following options are available:

- (i) Reserve account;
- (ii) Trust account;
- (iii) Surety bond (payment or performance); or
- (iv) Insurance;

(b) For a public facility as defined in subsection 9.3.1 of this Section, where the permittee is a private entity, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);

- (iii) Letter of credit; or
- (iv) Insurance;

(c) For private facilities as defined in subsection 9.3.2 of this Section, the following options are available:

- (i) Trust account;
- (ii) Surety bond (payment or performance);
- (iii) Letter of credit;
- (iv) Insurance; or
- (v) Financial test/corporate guarantee.

9.6 Cost Estimate For Closure. The owner or operator shall:

(a) Prepare a written closure cost estimate as part of the facility closure plan. The closure cost estimate shall:

- (i) Be in current dollars and represent the cost of closing the facility;
- (ii) Provide a detailed written estimate, in current dollars, of the cost of hiring a third party to close the facility at any time during the active life when the extent and manner of its operation would make closure the most expensive in accordance with the approved closure plan;
- (iii) Project intervals for withdrawal of closure funds from the closure financial assurance instrument to complete the activities identified in the approved closure plan;
- (iv) Not reduce by allowance for salvage value of equipment, solid waste, or the resale value of property or land;

(b) Prepare a new closure cost estimate in accordance with (a) of this subsection whenever:

- (i) Changes in operating plans or facility design affect the closure plan; or
- (ii) There is a change in the expected year of closure that affects the closure plan;

(c) Review the closure cost estimate whenever a permit modification is required pursuant to WAC 173-350-710(4) or whenever there is any significant change to the operation, design, capacity, performance or monitoring of the permitted facility. The review will examine all factors, including inflation, involved in estimating the closure

cost. Any cost changes shall be factored into a revised closure cost estimate and submit the revised cost estimate to the health officer for review and approval. The health officer shall evaluate each cost estimate for completeness, and may accept, or require a revision of the cost estimate in accordance with its evaluation.

9.7 Closure Financial Assurance Account Establishment and Reporting.

(a) Closure financial assurance funds generated shall be provided to the selected financial assurance instrument at the schedule specified in the closure plan, such that adequate closure funds will be generated to ensure full implementation of the approved closure plan.

(b) The facility owner or operator with systematic deposits shall establish a procedure with the financial assurance instruments trustee for notification of nonpayment of funds to be sent to the health officer.

(c) The owner or operator shall file with the health officer, no later than April 1st of each year, an annual audit of the financial assurance accounts established for closure activities, and a statement of the percentage of user fees, as applicable, diverted to the financial assurance instruments, for the previous calendar year:

(i) For facilities owned and operated by municipal corporations, the financial assurance accounts shall be audited according to the audit schedule of the office of state auditor. A certification of audit completion and summary findings shall be filed with the health officer.

(ii) For facilities not owned or operated by municipal corporations:

(A) Annual audits shall be conducted by a certified public accountant licensed in the state of Washington. A certification of audit completion and summary findings shall be filed with the health officer.

(B) The audit shall also include, as applicable, calculations demonstrating the proportion of closure completed during the preceding year as specified in the closure plan.

(d) Established financial assurance accounts shall not constitute an asset of the facility owner or operator.

(e) Any income accruing to the established financial assurance account(s) will be used at the owner's discretion upon approval of the health officer.

9.8 Fund Withdrawal for Closure Activities.

(a) The owner or operator will withdraw funds from the closure financial assurance instrument as specified in the approved closure plan;

(b) If the withdrawal of funds from the financial assurance instrument exceeds by more than five percent the withdrawal schedule stated in the approved closure plan over the life of the permit, the closure plan shall be amended.

(c) After verification by the health officer of facility closure, excess funds remaining for closure in a financial assurance account shall be released to the facility owner or operator. **SECTION 10 POST CLOSURE FACILITY PERMITS.**

10.1 Post Closure Permits - Required. Post closure permits shall be required for all facilities requiring maintenance and environmental monitoring after the facility is officially closed. Facilities which require a post closure permit include, but are not limited to: piles (of putrescible wastes) used for storage and treatment over 10,000 cubic yards; landfills, including limited purpose landfills; wood waste landfills over 10,000 cubic yards; and surface impoundments closed as landfills. Other facilities which include post closure maintenance or environmental monitoring in their approved plan of operation shall be required to obtain a post closure permit.

10.1.1 The post closure permit requirement shall apply to previously unpermitted solid waste facilities.

10.1.2 Notification to the health officer regarding a facility's intent to close shall be given not less than one hundred and eighty (180) days before the intended closing date.

10.2 Post Closure Permits - Plan of Operation. Post closure maintenance and environmental monitoring shall be performed in accordance to the approved plan of operation which is a requirement of the solid waste facility operating permit. If any changes to the plan of operation regarding post closure are necessary at any time, the health officer may approve or require changes in the plan to allow for the necessary changes in the permit.

10.3 Post Closure Permits - Procedure. Prior to the issuance of a post closure permit, conditions placed on the facility by state or local regulations must be satisfied. The health officer shall approve of the closure date and issue a post-closure permit at the time of closure. A post closure permit shall be issued for each calendar year or part thereof and shall expire on December 31 of that year.

10.4 Post Closure Permits - Duration.

10.4.1 A post closure permit is required for the duration of the time period assigned to post closure activities by the operating plan or a time period determined necessary for site conditions to stabilize and to protect the public health and environment.

10.4.2 The duration for which a post closure permit is required may be reduced by the health officer upon submission of sufficient evidence that:

- (a) after sufficient post closure monitoring, the closed facility site has reached a point where it poses no threat to public health or the environment; or
- (b) after sufficient post closure monitoring, the site has returned to pre-facility background conditions; or
- (c) when considering all pertinent factors, the site is judged to pose no threat to public health or the environment, and does not cause nuisance conditions.

SECTION 11 ON-SITE CONTAINERIZED STORAGE, COLLECTION AND TRANSPORTATION.

11.1 All persons storing containerized solid waste generated on-site, and all persons who are engaged in the collection and transportation of solid waste of more than one single family residence or single family farm shall do so in accordance with WAC 173-350-300, "On-Site Storage, Collection and Transportation Standards," and meet performance standards as defined in WAC 173-350-040 and Section 4 of this Article

11.2 **Inspections.** The health officer may inspect all premises, containers and/or vehicles used for the storage, collection, and transportation of solid wastes in order to assure compliance with Chapter 173-350 WAC and this Article.

SECTION 12 INTERMEDIATE SOLID WASTE HANDLING FACILITIES.

Any facility engaged in solid waste handling that provides intermediate storage and/or processing prior to transport for final disposal shall comply with WAC 173-350-310, "Intermediate Solid Waste Handling Facilities", and this Article.

SECTION 13 RECYCLING.

All solid waste recycling shall be conducted in accordance with WAC 173-350-210, "Recycling" and this Article.

13.1 Recycling – Permit exemption and notification.

13.1.1 In accordance with RCW 70.95.305, recycling of solid waste is subject solely to the requirements of subsection 13.1.2 and Chapter 173-350 WAC and is exempt from solid waste handling permitting except for recycling of asphalt and concrete which shall be subject to the requirements of subsection 13.2. Any person engaged in recycling that does not comply with the terms and conditions of subsection 13.1.2 is required to obtain a permit from the Department in accordance with the requirements of WAC 173-350-490, "Other Methods of Solid Waste Handling", and Section 8 of this Article. In addition, violations of the terms and conditions of 13.1.2 of this subsection may be subject to the penalty provisions of RCW 70.95.315 and this Article.

13.1.2 Recycling shall be conducted in conformance with the following terms and conditions in order to maintain permit exempt status:

- (a) Meet the performance standards of WAC 173-350-040 and Section 4 of this Article;
- (b) Accept only uncontaminated source separated waste for the purpose of recycling;
- (c) Allow inspections by the health officer and Department of Ecology at reasonable times;
- (d) Notify the health officer and Department of Ecology at least thirty (30) days prior to operation, or ninety (90) days from the effective date of the rule for existing recycling operations, of the intent to conduct recycling in accordance with this section. Notification shall be in writing, and shall include:
 - (i) Contact information for the person conducting the recycling activity;
 - (ii) A general description of the recycling activity;
 - (iii) A description of the types of solid waste being recycled; and
 - (iv) An explanation of the recycling processes and methods;
- (e) Prepare and submit an annual report to the health officer and the Department of Ecology by April 1st of each year on forms supplied by the health officer. The annual report shall detail recycling activities during the previous calendar year and shall include the following information:
 - (i) Name and address of the recycling operation;
 - (ii) Calendar year covered by the report;
 - (iii) Annual quantities and types of waste received, recycled and disposed, in tons.
 - (iv) Any additional information required by written notification of the health officer.

13.2 The permit exemption provisions in WAC 173-350-210 shall not apply to recycling of asphalt or concrete. No recycling of asphalt or concrete shall be maintained,

established, substantially altered, expanded or improved without a permit obtained pursuant to Section 8 of this Article and shall be subject to the provisions of Chapter 173-350 WAC that are applicable to facilities required to obtain a permit.

SECTION 14 LAND APPLICATION OF SOLID WASTE.

This Section applies to solid waste that is beneficially used on the land for its agronomic value, or soil-amending capability, including land reclamation. Land application of solid waste shall comply with WAC 173-350-230, "Land Application". Land application of biosolids shall comply with Chapter 173-308 WAC, "Biosolids Management".

SECTION 15 COMPOSTING FACILITIES.

15.1 Composting shall be conducted in compliance with WAC 173-350-220, "Composting Facilities", when applicable, and the requirements of this Article. Composting facilities required to obtain a permit from the health officer shall establish financial assurance in accordance with Section 9 of this Article.

15.2 Home composting, as defined in WAC 173-350-100 and Section 5.18 of this Article shall be exempt from the requirements of this Article if conducted in a manner such that there is no evidence of vectors that affect neighboring property.

SECTION 16 PILES USED FOR STORAGE OR TREATMENT.

Solid wastes stored or treated in piles as defined in Section 5.31, shall be designed and operated in compliance with WAC 173-350-320, when applicable, and the requirements of this Article. The owner or operator of any pile used for storage or treatment that is required to obtain a permit from the health officer shall establish financial assurance in accordance with Section 9 of this Article.

SECTION 17 TIRE HANDLING.

17.1 No person may deposit, discard, store, or otherwise dispose of fifty (50) vehicle tires or more on any public or private property in this County unless:

- (a) the property is permitted for the storage or disposal of vehicle tires by the health officer; and
- (b) the person has written permission from the landowner to use the property for such purpose.

All tires stored, used or deposited outside shall be kept under cover or maintained in such a manner that water will not accumulate.

17.2 Persons engaged and licensed in the business of retail sales of tires are exempt from permit requirements to the extent allowed by WAC 173-350-350, "Waste

Tire Storage and Transportation”. Businesses shall at no time store more than eight hundred (800) waste tires, or store any waste tires for more than three (3) months.

17.3 Facilities that store more than 800 auto tires, or 16,000 pounds or more of all types of waste tires, or any person engaged in the business of transporting waste tires shall comply with WAC 173-350-350.

17.4 Any person who disposes of or arranges for the disposal of waste vehicle tires, shall be responsible for the satisfactory and legal arrangement for disposal of tires generated or accumulated by them.

SECTION 18 MODERATE RISK WASTE HANDLING.

All moderate risk waste facilities shall be designed and operated in compliance with WAC 173-350-360, “Moderate Risk Waste Handling”. Moderate risk waste shall be handled in accordance with Article VI of this Code, Nonpoint Source Pollution Ordinance and shall be recycled or disposed of at a facility permitted to accept the waste.

SECTION 19 DANGEROUS WASTE HANDLING.

All dangerous waste that is not a moderate risk waste must be handled and disposed in accordance with Chapter 173-303 WAC, Dangerous Waste Regulations. The Department of Ecology shall have full jurisdiction regarding storage, handling and disposal under the authority of the Washington State Dangerous Waste Regulations, Chapter 173-303 WAC. All dangerous wastes shall be disposed of by recycling or use of a permitted hazardous waste management facility.

SECTION 20 SURFACE IMPOUNDMENTS.

All surface impoundments and tanks shall be designed and operated in accordance with WAC 173-350-330, “Surface Impoundments and Tanks,” when applicable.

SECTION 21 RESIDENTIAL MEDICAL RELATED SHARPS WASTE.

21.1 A person shall not intentionally place unprotected sharps or a sharps waste container into:

- (a) recycling containers provided by a city, county, or solid waste collection company, or any other recycling collection site unless that site is specifically designated by the health officer as a drop-off site for sharps waste containers; or

- (b) cans, carts, drop boxes, or other containers in which refuse, trash, or solid waste has been placed for collection if a source separated collection service is provided for residential sharps waste.

21.2 A person shall not intentionally place unprotected sharps into cans, carts, drop boxes or other containers in which refuse, trash, recyclable materials or solid waste has been placed for collection. Sharps waste that is properly containerized and labeled may be placed into regular residential or commercial trash collection containers.

21.2.1 Properly containerized shall mean a leak-resistant rigid, puncture-resistant container that is taped closed or tightly lidded to prevent the loss of the residential sharps waste. The container shall also be labeled “sharps waste”.

21.3 The provisions of this section shall be enforced in accordance with Chapter 70.95K RCW, Residential Sharps Waste.

SECTION 22 OTHER METHODS OF SOLID WASTE HANDLING.

Chapter 173-350-490 “Other Methods of Solid Waste Handling” shall apply to all methods of solid waste handling not specified in this Article or elsewhere in Chapter 173-350 WAC, unless specifically excluded from this Article.

SECTION 23 INERT WASTE.

Storage and handling of inert waste shall be subject to the requirements of Chapter 173-350 WAC and this Article.

SECTION 24 WASTE SCREENING.

24.1 **Waste Screening.** The health officer may require screening of any wastes or fill material suspected of being dangerous waste or moderate risk waste. If the health officer suspects a waste to be a dangerous waste or moderate risk waste the health officer shall require the waste generator to characterize the waste by submitting a Waste Screening and Disposal Form and obtaining approval from the health officer prior to disposal. It shall be a violation of this Article for any person to dispose of a dangerous waste or moderate risk waste except at a facility that holds a permit allowing acceptance of dangerous waste or moderate risk waste.

24.1.1 **Dangerous Waste.** If the information contained in a Waste Screening and Disposal form confirms that the waste is a dangerous waste that is not a moderate risk waste, the health officer shall notify the Department of Ecology.

24.1.2 **Moderate Risk Waste.** If the information contained in a Waste Screening and Disposal form confirms that the waste is a moderate risk waste, it shall be handled in accordance with Section 18, “Moderate Risk Waste Handling”, of this Article.

24.2 **Testing of Waste.** If during inspections of solid waste handling facilities or unpermitted solid waste facilities the health officer observes wastes that are suspected of being dangerous or moderate risk wastes s/he may require the site operator, waste generator or property owner to segregate and store the waste until the waste is characterized. If the health officer determines that testing is required to characterize the waste, the generator shall be responsible for all aspects of the analysis. If the generator is not known, the site operator or property owner shall be responsible.

24.3 **Excavated Material Inspection and Screening.** The health officer may inspect and/or require waste screening of any excavated dirt, dredge spoil, soil or other material intended for use as fill if the material is suspected of containing contaminants or solid waste.

24.4 **Waste Screening and Disposal Form.** It shall be the responsibility of the applicant to complete and submit a waste screening and disposal form to the health officer. The health officer may require additional information necessary for characterizing the waste such as, but not limited to, analytical testing, disclosure of the waste constituents or disclosure of the waste generation process.

24.5 **Waste Screening and Disposal Form Review.** Within ten (10) business days of receipt of the completed Waste Screening and Disposal Form, the health officer shall approve or deny the request for disposal at the designated disposal facility or notify the applicant of the status of the review.

24.6 **Fees.** Fees for performing waste screening reviews shall be charged in accordance with the fee schedule in Article I, Appendix A of this Code.

SECTION 25 FACILITY INSPECTIONS.

25.1 At a minimum, annual inspections of all permitted solid waste facilities shall be performed by the health officer as specified in WAC 173-350-710(5), "Permit Application and Issuance". Findings shall be written and kept on file. A copy of the annual inspection report or annual summary shall be furnished to the site operator.

25.2 The health officer may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with this Article and any other relevant laws and regulations.

SECTION 26 CIVIL INFRACTION.

26.1 Civil infractions shall be imposed pursuant to Chapter 7.80 RCW and Article I of this Code.

26.2 The violation of any provision of this Article is designated as a Class I civil infraction pursuant to Chapter 7.80 RCW with the exception of Section 21 "Residential Sharps Waste" which is a Class 3 civil infraction.

SECTION 27 ADMINISTRATIVE CIVIL PENALTIES.

27.1 **Issuance.** When the health officer determines that a violation of this Article, with the exception of Section 21 "Residential Medical-Related Sharps Waste", has occurred the health officer may issue a Notice of Civil Penalty to the person responsible for the violation pursuant to this Section and Article I, Section 19.

27.2 **Monetary Penalty Schedule.** Civil penalties for violations of this Article, with the exception of Section 21 "Residential Medical-Related Sharps Waste", shall be assessed pursuant to the following schedule:

- (a) first day of each violation.....\$100.00
- (b) second day of each violation.....\$200.00
- (c) third day of each violation.....\$300.00
- (d) fourth day of each violation.....\$400.00
- (e) each additional day of each violation beyond four days.....\$500.00
(per day)

27.3 **Accrual of Penalties.** Accrual of penalties shall continue for the period of time specified in the Notice of Civil Penalty issued in accordance with Article I of this Code.

27.4 **Relation of Civil Penalties to Other Enforcement Procedures.** The Administrative Civil Penalty procedure provides an additional and independent method of civil enforcement of this Code.

SECTION 28 SUSPENSION/REVOCAION OF PERMITS OR PERMIT EXEMPTIONS.

28.1 Suspension of Permits or Permit Exemptions.

28.1.1 The health officer may suspend any permit, any activity authorized under a permit issued in accordance with this Article, or any permit exemption issued in accordance with this Article for any violation of this Code, Chapter 173-350 WAC, Chapter 173-351 WAC or other applicable laws or regulations.

28.1.2 A permit, permit exemption or authorized activity may be suspended by the health officer pending revocation or a hearing relative to revocation.

28.1.3 Whenever the health officer finds that a violation of this Article has created or is creating an unsanitary, dangerous or other condition which constitutes

an imminent hazard or threat to public health or the environment, the health officer may suspend all permit or permit exemption related operations immediately.

28.2 **Revocation of Permits or Permit Exemptions.** The health officer may revoke any permit or permit exemption, issued by the health officer or revoke approval for any related activity for any violation of this Code, Chapter 173-350, Chapter 173-351, RCW 70.95, or any other applicable laws or regulations.

SECTION 29 ENFORCEMENT.

The health officer shall be authorized to enforce the provisions of this Article in accordance with Article I of this Code. As part of an order to resolve a solid waste disposal issue, the health officer may require submission of written records or documentation including, but not be limited to, presentation of receipts to demonstrate that the wastes have been disposed of properly in a legal manner.

SECTION 30 FEES.

Fees shall be charged as specified in Article I, Appendix A of this Code.

SECTION 31 CRIMINAL PENALTIES.

Criminal penalties may be imposed as specified in Article I of this Code.

SECTION 32 PERFORMANCE OF WORK, ABATEMENTS AND LIENS.

Failure to comply as directed by an order of the health officer may result in actions by the health officer to mitigate actual or potential health risks or environmental risks by: arranging for necessary corrective work to be performed and assessing all costs associated with that work to the violator and/or property owner. The health officer and/or the prosecuting attorney are authorized to take appropriate action to collect the assessed costs.

SECTION 33 HEARINGS AND APPEALS.

Any person aggrieved by a decision or notice made by the health officer shall have the right to appeal the matter as specified in Article I of this Code.

SECTION 34 WAIVERS TO ARTICLE V PROVISIONS NOT CONTAINED IN CHAPTER 173-350 WAC.

Whenever a strict interpretation of this Article would result in significant hardship, a person may request a waiver of the provisions causing hardship in accordance with Article I of this Code. Provisions required under state law may not be waived without written concurrence from the Department of Ecology or other applicable state agencies.

SECTION 35 VARIANCES TO CHAPTER 173-350 WAC.

Any person who owns or operates a solid waste facility may apply to the health officer for a variance to any section of this Article required by Chapter 173-350 WAC. The request for a variance shall be processed in accordance with Article I, Section 13 of this Code. A variance may be granted only when the criteria of WAC 173-350-710, "Permit Application Issuance," have been met.

SECTION 36 SEVERABILITY.

If any provision of this Article or its application to any particular person and/or circumstance is held to be invalid, the remainder of this Article and its application to other persons and/or circumstances shall not be affected.

SECTION 37 CONFLICTS.

37.1 If any section of this Article is shown to be less stringent than Chapter 173-350 WAC and Chapter 173-351 WAC, the corresponding paragraphs in Chapter 173-350 WAC, Chapter 173-351 WAC, or Chapter 70.95 RCW will be automatically in effect and such inconsistencies shall not hold the remainder of this Article invalid.

37.2 Any provision of Chapter 173-304 WAC that remains in effect that is applicable to any person or circumstance shall be applied unless superceded by more recently enacted provisions of Chapter 173-350 WAC or more stringent provisions of this Code.

M:\Hazardous Waste\Article V