

**Hazardous
Waste
Factsheet**

“The Health Department's approach to compliance assumes that the majority of hazardous waste generators want to ‘do the right thing’ and simply need to recognize how to make it happen.”

Compliance with the Nonpoint Source Pollution Ordinance

This fact sheet describes the Thurston County Health Department's approach to implementing the hazardous waste sections of the Nonpoint Source Pollution Ordinance (Article VI of the Sanitary Code) and explains the procedures that govern its enforcement.

The ordinance, which took effect in May 1993, is part of the Business Pollution Prevention Program's efforts called for in the county's Hazardous Waste Plan and supported by Thurston County and its incorporated cities.

Proactive and Reactive Field Inspections

The Health Department implements the ordinance with either a proactive or reactive approach.

Proactive inspections – those in which the Health Department takes the initiative to approach businesses rather than waiting for inquiries or complaints – will be directed, within a limited time frame, at all businesses of a given type, and will be preceded by an opportunity for education about the ordinance. The process is designed to resolve all violations while avoiding inequitable or arbitrary enforcement of the ordinance among different competitors in the same field.

When the Health Department receives a complaint from the public about a violation of the ordinance, the Department reacts to the report and begins an investigation. In these cases, enforcement action may be taken if appropriate corrective actions are not taken in a timely manner.

Nonetheless, the goal is still to correct the violation rather than issue tickets, so field staff will work as constructively as possible with the violator to accomplish the required corrective actions.

Thurston County Public
Health and Social Services
Environmental Health Division

412 Lilly Rd. NE
Olympia, WA 98506-5132
Hazardous Waste Hotline:
360-867-2664

TDD Line: 360-867-2603

[http://www.co.thurston.wa.us.
health/ehhw/index.html](http://www.co.thurston.wa.us.health/ehhw/index.html)



What the Ordinance Says

The following is an excerpt from Article VI, Section 4 of the Sanitary Code:

- 4.1 (a) Moderate risk waste and petroleum products including, but not limited to, oil and grease, shall be disposed of by recycling or use of a hazardous waste management facility operating under interim status or with a permit issued by EPA or an authorized state . . . No person shall, intentionally or negligently, dump or deposit, or permit the dumping or depositing of any such waste in any other manner, including onto or under the surface of the ground or into surface or ground water.
- 4.1 (b) Moderate risk waste, petroleum products, and hazardous materials shall be kept in containers and shall be stored in such a manner and location that if the container is ruptured, the contents will not discharge, flow, be washed or fall into surface water or ground water.
- 4.1 (c) Any person violating this section or owning or in possession of the premises, facility, vehicle or vessel from or on which waste is discharged or placed in violation of this section, shall notify the Department of the location and nature of the violation and shall immediately take or cause to be taken all necessary steps to prevent injury and protect waters from pollution.

If Health Department Staff Observe a Violation of Article VI . . .

Field staff are provided with three options for response to violations. The ordinance specifies that compliance officers must respond to any violation they believe has occurred or is occurring.

The three options are:

- an informal notification to the violator explaining the violation and recommended options for correcting the problem;
- a Notice of Violation, which begins formal administrative enforcement; and
- a Notice of Civil Infraction, which is similar to a traffic citation in that it carries a fine and is resolved in court.

Which option is used will depend on the type and severity of the violation and prior opportunities the violator has had to learn about and comply with the law. It is important to understand that, regardless of the initial response chosen and time frame allowed, the ordinance requires the Health Department to follow-up with increasingly stronger measures until the violation is eventually corrected.

If You Receive an Informal Notice Concerning Compliance with Article VI . . .

An informal notification offers an opportunity to comply voluntarily. The Health Department's approach to compliance assumes that the majority of hazardous waste generators want to "do the right thing" and simply need to recognize how to make it happen. The informal notification would typically consist of a letter or notice of noncompliance following a voluntary technical assistance visit during which a violation was observed. It is intended to help the business understand the reason for the violation and the options available for correcting the problem. This notification will not specify an exact time frame for compliance.

If You Receive a Formal Compliance Inspection . . .

A formal compliance inspection involves a visit to your business by a county hazardous waste specialist. The specialist will examine your facilities and practices with respect to two issues:

- management of hazardous wastes and petroleum products (all must be recycled or sent to a permitted disposal facility); and
- storage of hazardous wastes, petroleum products and hazardous products (all must be kept from reaching ground or surface water).

At the end of a compliance inspection, you will receive a Notice of Compliance, a Technical Assistance Notice of Noncompliance, or a Notice of Violation, described briefly here.

A Notice of Compliance documents your good-standing at the time of the inspection. If you are managing your hazardous wastes properly – either recycling them at your facility or sending them to another facility for disposal or recycling – you will receive a Notice of Compliance for you to file as a record of your status. If you are recycling the waste on site, the inspector will need to see the recycling methods and/or equipment used and may want to verify the proper operation of the equipment. If you are sending the waste off site, the inspector will need to see documentation of at least one recent pick-up that includes the name and phone number of the collection service.

Please note that a Notice of Compliance documents your status only with respect to the County’s Nonpoint Source Pollution Ordinance and only on the day of the inspection. It does not preclude a later change in status if your practices change, or if new information indicates the inspection results were inaccurate. It also does not comment on compliance with any other laws you may be subject to, such as fire, building, zoning, licensing, and worker safety regulations.

A Technical Assistance Notice of Noncompliance identifies why the site is out of compliance. A Technical Assistance Notice of Noncompliance typically is used for lack of secondary containment or lack of waste disposal documentation. It is signed by both the violator and the inspector and includes a mutually agreeable grace period for the site to come into compliance.

A Notice of Violation is the first step in the “formal” administrative enforcement process. Field staff would typically issue a Notice of Violation (NOV) in cases where the alleged violator has already had at least one opportunity to learn about, and comply with, the ordinance. It may also be issued immediately in cases of flagrant or particularly negligent violations. The NOV can be presented to the violator in person or sent by registered or certified mail. It will state the section of the ordinance that was or is being violated, a brief description of facts supporting this finding, a list of actions that must be taken to resolve the matter, and a date by which these actions must be taken. The process for responding to an NOV and your rights under this process are described on the back of the NOV. Some important elements of this process are listed below.

- **You have the right to appeal.** You may do so by submitting a written request for an administrative hearing to the Health Officer at the Thurston County Health Department, 2000 Lakeridge Dr. SW, Olympia WA 98502-6045, within ten days of the date of issuance of the Notice of Violation.

- **Corrective actions are postponed until after the hearing.** If you file a request for a hearing, you may temporarily postpone taking corrective actions pending the hearing outcome.
- **Administrative hearings allow an opportunity to present evidence that you did not violate the ordinance.** Evidence may include testimony of witnesses, affidavits and documents, and other exhibits such as photographs.
- **You may appeal the results of an administrative hearing.** If you are unsatisfied with the results of an administrative hearing, you may appeal these findings to the Thurston County Board of Health.

If You Receive a Notice of Civil Infraction . . .

Violations of Article VI of the Sanitary Code are civil infractions enforceable by the court and subject to fines of up to \$498 (including court costs). Once a Notice of Violation has been issued, the process of issuing and enforcing a civil infraction will not begin until and unless the administrative process described above runs its course without resolution. If you do not, in the specified time frame, take the actions required by a Notice of Violation, or those required by a subsequent administrative or Board of Health hearing, you will be issued a Notice of Civil Infraction (a “ticket”), which is handled similarly to a traffic citation. You may:

- Pay the penalty;
- Request a hearing to contest or explain the circumstances of the alleged violation; or
- Ignore the ticket, which would automatically result in your being found guilty and responsible for the full amount of the fine.

The Notice of Civil Infraction, when issued, explains in more detail your rights under the civil process.

If you would like a copy of the Thurston Count Nonpoint Source Pollution Ordinance or any part of the Sanitary Code, or if you have questions on this enforcement process, please call the Business Pollution Prevention Program at (360) 867-2664 or TDD (360) 867-2603, Monday through Friday from 8:00 a.m. to 5:00 p.m. or see our website: <http://www.co.thurston.wa.us/health/ehhw/index.html>

Other Hazardous Waste Management and Disposal Fact Sheets

- *Antifreeze, Used Oil, & Oil Filters*
- *Floor Drains*
- *Hazardous Waste Disposal for Thurston County Businesses*
- *Oil/Water Separators*
- *Residential Heating Oil Tanks*
- *Secondary Containment*
- *Solvents and Parts Cleaners*
- *Storing and Labeling Hazardous Waste*
- *Used Shop Towels*