

# GRANT COUNTY

County Courthouse  
P.O. Box 37  
Ephrata, WA 98823  
(509) 754-6060



# HEALTH DISTRICT

1021 W. Broadway  
Moses Lake, WA 98837  
(509) 766-7960

## GRANT COUNTY HEALTH DISTRICT ORDINANCE 2003-3 SOLID WASTE HANDLING AND FACILITIES

### Section 1.00 Authority and Scope.

- 1.01 Pursuant to RCW 70.95, WAC 173-350-010 and WAC 173-351-010 the following regulations are adopted for the handling of solid waste and the permitting of solid waste disposal facilities.
- 1.02 Minimum functional standards for solid waste handling, WAC 173-350-010 through 173-350-990, effective February 10, 2003 and hereafter amended is adopted by reference.
- 1.03 Minimum statewide standards for all municipal solid waste landfill, WAC 173-351-010 through 173-351-990, effective February 10, 2003 and hereafter amended is adopted by reference.

### Section 2.00 Definitions

- 2.01 Board means Grant County Health District Board of Health.
- 2.02 County means Grant County, State of Washington
- 2.03 Health Officer shall mean the Grant County Health District Health Officer or his authorized representative.
- 2.04 DOE shall refer to the Washington State Department of Ecology.
- 2.05 Health District shall refer to the Grant County Health District.

Section 3.00 Preliminary Procedure for Permits and Applications.

- 3.01 All applications for solid waste facility permits shall be reviewed for completeness and one completed copy shall be forwarded to the DOE for review and recommendation. All applications will be reviewed for compliance with the Minimum Functional Standards, WAC 173-350, and all applicable local ordinances and the Grant County Solid Waste Plan.
- 3.02 Application for all facilities owned, operated by, or under contract to operate on behalf of any city, county, or other government unit and all privately owned facilities which provide services to others in the disposal of solid wastes, including incineration, except for land application sites, shall require Board notification prior to issuance of new permits. All applications in which a variance from the Minimum Functional Standard is requested shall require Board of Health approval. All other applications shall require approval only by the Health Officer.

Section 4.0 Procedure for Application Approval.

- 4.01 After inspection of the facility or the site, in the case of new facilities, and a finding that the application, the site, and the facility all meet the requirements of the Minimum Functional Standards, other applicable local ordinances, and payment of all applicable inspection and/or permit fees, the permit shall be issued.
- 4.02 If an application fails to meet the standards of this regulation, it will be disapproved. In such cases the applicant will be notified and advised of their right to apply for a variance as outlined in Sections 4.03 - 4.06 of this ordinance.
- 4.03 At the first reading the Board shall set a date for public hearing regarding a variance requests for the disapproved new solid waste disposal sites. Variance requests for operation of existing solid waste disposal sites may also be given a public hearing as determined by majority vote of Board members.
- 4.04 Final action to approve or disapprove, an application and/or variance will be scheduled for the first meeting of the Board following receipt of the recommendation from DOE regarding the facility. If this results in a delay in excess of 90 days from the date of application, the applicant will be notified of the status of the application. Prior to acting on the application, the Board will review the DOE recommendation, the Health Officer's inspection report, testimony presented at the public hearing, if any, and other facts as necessary.
- 4.05 The Board may vote to approve or disapprove the variance subject to limitations and conditions set forth in WAC 173-350-710.
- 4.06 After approval of all necessary variances, application for permit will be approved or

disapproved by majority vote of the Board. Permits will be issued for all facilities receiving majority vote approval of the Board and payment of all applicable inspection and/or permit fees.

#### Section 5.00 Permit Expiration and Renewal

- 5.01 All permits will expire on December 31<sup>st</sup> of each calendar year.
- 5.02 All permit holders will be notified in November of each calendar year that renewal application must be received by January 31<sup>st</sup>

#### Section 6.00 Solid Waste Handling

- 6.01 Every person desiring to construct and/or operate a solid waste transfer station, drop-box site, landfill, incinerator, composting facilities, or other solid waste disposal site shall first obtain a permit from the Health District.
- 6.02 Solid waste handling practices and facilities associated with wastes produced by the year round residents of single family farms incidental to their domestic activities and disposed of on their own property are exempt from Section 3.01 and 3.02 of this ordinance, provided, the facilities shall be maintained in a nuisance free manner and shall be located so as not to be visible from any public road or from any residence other than that of the owner or operator of the facility.
- 6.03 This ordinance applies to solid waste as defined in WAC 173-350-100.
- 6.04 It shall be unlawful for any person to engage in solid waste handling or disposal or to allow such activities to take place except at a facility under permit from Grant County Health District and in a manner consistent with the Grant County Solid Waste Management Plan.
- 6.05 It shall be unlawful for any person to burn any solid waste containing garbage or any other waste that creates an offensive odor unless done in a facility approved for incineration by D.O.E and the Health District.

#### Section 7.00 Sewage Sludge, Domestic Septage or Biosolids Utilization

- 7.01 All facilities utilizing sewage sludge, domestic septage or biosolids, shall comply with D.O.E Biosolids Management, WAC 173-308 dated February 1998 or as hereafter amended.
- 7.02 Permitting responsibility and enforcement shall be deferred to D.O.E.

Section 8.00 Administrative Enforcement

8.01 The Health Officer may suspend any permit issued under this regulation for failure to any of the following:

- a. Comply with this regulation.
- b. Follow the operating conditions of the permit.
- c. Comply with a notice of violation.

8.02 Suspension of permit will be conducted as follows:

Upon finding that any facility operating with a valid permit has been operated in violation of the Minimum Functional Standards, or other applicable laws, ordinances or rules and regulations and after notice to the operator and owner the Health Officer may suspend the permit. The operator will be notified of his right to apply for a permit with variance, as outlined in Section 4.00

If the operator choose not to apply for a permit with variance, the violations will be reported to the Board of Health at their next regular meeting, with a recommendation that the permit be suspended. Notice of the recommendation and Board meeting date will be sent to the operator and owner. The Board of Health may act on the proposed suspension at that meeting or they may carry over until the next regular meeting. If necessary, additional information or recommendations by D.O.E will used for the determination of suspension the permit. Upon majority vote by the Board, the permit will be suspended or continued until its normal expiration date.

8.03 Permit fees will not be refunded to operators of facilities with suspended permits.

8.04 Notwithstanding any other provision of this regulation, whenever the health officer finds a violation of this ordinance has created or is creating an unsanitary, dangerous, or other condition which in his judgment, constitutes an immediate hazard, he may without written notice suspend and terminate operations under the permit immediately.

8.05 In addition to the provisions where abatement of a public nuisance pursuant to R.C.W. Chapter 7.48 and the remedies provided therein. The health officer may require any violator of this ordinance to immediately correct violations which, in the opinion of the health officer, are to the detriment of the public health and welfare. If required, corrective action is not commenced or completed within time specified by the health officer, the health officer may proceed to correct the abatement of the violation at health district expense. Such health district expense

shall be charged against the owner of land upon which the abatement activity is conducted.

- 8.06 Any person, firm or corporation violating any of the requirements or provisions of this ordinance shall be deemed to have committed a civil infraction. Every such firm or corporation found by the court to have committed a civil infraction. Every such firm or corporation found by the court to have committed a civil infraction under this ordinance shall be subject to a penalty of up to \$1000. Each person, firm or corporations deemed to have committed a separate civil infraction for each and every day during any portion of which any violation of any provision of this ordinance is committed, continued or permitted by any such person, firm or corporation and such person, firm or corporation is subject to paying penalties accordingly.

Section 9.00 Hearing and Appeals

- 9.01 An aggrieved applicant may appeal a denial of a permit or suspension of a permit in accordance with R.C.W: 70.95.210


Section 10.00 Severability.

- 10.01 If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provisions through other persons or circumstances is not affected.

Section 11.00 Effective Date. This Ordinance shall be effective upon passage by the Board of Health, notice of consideration having previously been published.

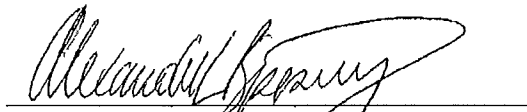
PASSED BY THE GRANT COUNTY BOARD OF HEALTH AND SIGNED BY IT'S CHARIMAN ON THE 11 DAY OF JUNE, 2003.

GRANT COUNTY HEALTH DISTRICT



Chairman-Board of Health

ATTEST:



Health Officer