

Ordinance 2019-3

AN ORDINANCE OF THE GRANT COUNTY HEALTH DISTRICT RELATING TO SOLID WASTE HANDLING AND FACILITIES. BE IT ORDAINED BY THE BOARD OF HEALTH OF THE GRANT COUNTY HEALTH DISTRICT AS FOLLOWS:

Section 1.0 – AUTHORITY AND SCOPE

- 1.1 Pursuant to RCW 70.95, the following regulations are adopted for the handling of solid waste and the permitting of solid waste disposal facilities:
- a. WAC 173-350 – Solid Waste Handling Standards, effective September 2018 and hereafter amended
 - b. WAC 173-351 – Criteria for Municipal Solid Waste Landfills, effective December 2012 and hereafter amended

Section 2.0 – DEFINITIONS

Board: Grant County Health District Board of Health.

County: Grant County, State of Washington.

Ecology: Washington State Department of Ecology.

Health District: Grant County Health District.

Health Officer: Grant County Health Officer or an authorized representative.

Section 3.0 – SOLID WASTE HANDLING

- 3.1 This ordinance applies to solid waste as defined in WAC 173-350.
- 3.2 Every person wanting to operate a solid waste facility, including but not limited to a transfer station, drop-box, landfill, incinerator, composting facility, land application, pile storage, or other solid waste site as defined in WAC 173-350, shall first obtain a permit from the Health District.
- 3.3 Oversight responsibility and enforcement shall be deferred to Ecology for conditionally exempt facilities as defined in applicable sections of WAC 173-350.

- 3.4 It is 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 the Health District and in a manner consistent with the Grant County Solid Waste Management Plan and state regulations.
- 3.5 It is unlawful for any person to burn any solid waste containing garbage or any other waste that creates an offensive odor unless done in a permitted facility approved for incineration by Ecology and the Health District.
- 3.6 Solid wastes produced by the year round residents of single family residences and single family farms resulting from their own domestic activities and disposed of on property they own or lease are exempt from permitting requirements of this ordinance, provided the facilities:
 - a. Do not create a nuisance or violate any other statutes, ordinances, or regulations,
 - b. Are fenced or otherwise protected by natural barriers to prevent unauthorized entry by the general public and large animal scavengers, and
 - c. Have placed a monthly soil cover over the waste to allow no visible waste.

Section 4.0 – PROCEDURE FOR APPLICATION AND PERMIT APPROVAL

- 4.1 All applications for solid waste facility permits shall be reviewed for completeness. One copy of a completed application shall be forwarded to Ecology for review and recommendation. All applications will be reviewed for compliance with the requirements set forth in WAC 173-350 or WAC 173-351, all applicable local ordinances, and the Grant County Solid Waste Plan.
- 4.2 Applications 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 require Board notification prior to issuance of new permits.
- 4.3 If an application fails to meet the standards of state or local regulations, ordinances or solid waste plans, it will be disapproved. In such cases the applicant will be notified and advised of their right to revise their application to come into compliance with the required regulations or, if applicable, to apply for a variance as outlined in Section 4.4 through 4.7 of this ordinance. No variance will be issued for requirements specific to Chapter 70.95 RCW.
- 4.4 All applications in which a variance from the Solid Waste Handling Standards (WAC 173-350) is requested require Board and Ecology approval. All other applications require approval only by the Health Officer and Ecology.
- 4.5 If a variance is requested, the Board shall set a date for public hearing regarding the request at the first reading. 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.

- 4.6 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 Ecology regarding the facility. If this results in a delay in excess of 45 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 Ecology's recommendation, the Health Officer's inspection report, testimony presented at the public hearing, if any, and other facts as necessary.
- 4.7 The Board may vote to approve or disapprove the variance subject to limitations and conditions set forth in WAC 173-350-710. After approval of all necessary variances, application for permit will be approved or disapproved by majority vote of the Board.
- 4.8 After inspection of the facility and/or the site and a finding that the application, including any requested variance, all meet the requirements of the applicable sections of WAC 173-350 or WAC 173-351, other applicable local ordinances, and payment of all fees, the permit shall be issued.

Section 5.0 – PERMITS AND FEES

- 5.1 The fee for solid waste facilities will be determined by the current fee ordinance. All permits will expire on December 31st of each calendar year and shall be renewed annually.
- 5.2 All permit holders will be notified in November of each calendar year that renewal applications, including the applicable renewal fee, must be received in the office or postmarked by January 31st.
- a. Renewal fees not received by January 31st, will result in an additional fee per the current fee schedule..
 - b. Permits will not be renewed for facilities with delinquent debts.
- 5.3 Fees billed resulting from services conducted by GCHD according to the current fee schedule, excluding permit or renewal fees subject to the provisions of 5.2, that are more than 90 days delinquent may result in permit suspension.
- 5.4 Permits are not transferable unless approved through the permit transfer process as set forth in WAC 173-350-710(6) for most solid waste facilities or WAC 173-351-750(2) for Municipal Landfills.

Section 6.0 – SEWAGE SLUDGE, DOMESTIC SEPTAGE, OR BIOSOLID UTILIZATION

- 6.1 All facilities utilizing sewage sludge, domestic septage or biosolids as defined in WAC 173-308, Biosolids Management, dated June 2007 or as hereafter amended, shall comply with the regulation set forth therein.
- 6.2 Permitting responsibility and enforcement shall be deferred to Ecology.

Section 7.0 – ENFORCEMENT

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

- a. Compliance with applicable state laws and regulations.
- b. Compliance with this ordinance.
- c. Compliance with the operating conditions of the issued permit.
- d. Compliance with a notice of violation.

7.2 Suspension of permit will be conducted as follows:

- a. Upon finding that any facility operating with a valid permit has been operated in violation of any items in section 7.1, and after notice to the operator and owner, the Health Officer may suspend the permit. If applicable, the operator will also be notified of his/her right to apply for a permit with variance as outlined in Section 4.0.
- b. The violations will be reported to the Board 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 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 Ecology will be used for the determination of suspension the permit. Majority vote of the Board will determine permit suspension or continuation until its normal expiration date.

7.3 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/she may without written notice suspend and terminate operations under the permit immediately.

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

7.5 In addition to the provisions where abatement of a public nuisance pursuant to RCW 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.

7.6 Any person, firm, or corporation failing to comply with any of the terms of this ordinance shall be in violation of this ordinance. The Health District may proceed to commence a civil action penalty up to \$1000 for each violation. Each day a continuing violation exists shall be considered a separate violation.

Section 8.0 – HEARING AND APPEALS

8.1 An applicant or permit holder may appeal any action by GCHD staff including inspection findings, disapproval of an application, or denial or suspension of a permit in accordance with RCW 70.95.210. Appeals must be made in writing within 10 days of the action by GCHD staff. A hearing will be granted within 30 days.

Section 9.0 - SEVERABILITY

9.1 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 10.0 – EFFECTIVE DATE

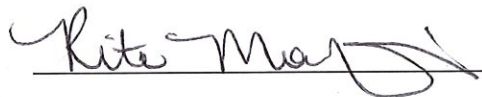
10.1 This Ordinance shall be effective upon passage by the Board of Health, notice of consideration having previously been published.

PASSED BY THE GRANT COUNTY BOARD OF HEALTH AND SIGNED BY IT'S CHARIMAN ON THE 10th
DAY OF July, 2019.

ATTEST:



Tony Massa, Board of Health Chair



Rita Morfin, Board of Health Clerk

Approved as to form:



Health District Attorney

