

ORDINANCE NO. 137-2004

1 AN ORDINANCE RELATING TO THE CONTROL OF SOLID
2 WASTE AND LITTER; PRESCRIBING DESIGN AND PLACEMENT
3 CRITERIA FOR LITTER RECEPTACLES; PROHIBITING DAMAGE
4 OF LITTER RECEPTACLES; PROVIDING FOR REMOVAL OF LITTER
5 REGULATING LITTER CONTROL IN PUBLIC PLACES, SIDEWALKS,
6 STREETS AND PRIVATE RESIDENCES AND PROPERTY; REGULATING
7 THE DISTRIBUTION OF HANDBILLS; PROHIBITING THROWING OF
8 LITTER FROM VEHICLES AND WATERCRAFT; REQUIRING PERMITS
9 FOR SOLID WASTE DISPOSAL FACILITIES; ESTABLISHING STANDARDS
10 FOR SOLID WASTE DISPOSAL FACILITIES AND FOR MUNICIPAL
11 SOLID WASTE LANDILLS; ESTABLISHING STANDARDS
12 FOR SOLID WASTE HANDLING; DEFINING VIOLATIONS; AND
13 PROVIDING FOR ENFORCEMENT AND PENALTIES

14 WHEREAS, Section 70.95.160 of the Revised Code of Washington requires each
15 County Board of Health to adopt regulations governing solid waste disposal; and

16 WHEREAS, in order to further the safety, health, and welfare of the county's citizens, it
17 is necessary to establish a comprehensive set of regulations relating to the control of solid waste
18 and litter;

19 NOW THEREFORE:

20 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
21 WAHAKIACUM COUNTY, WASHINGTON, as follows:

22 Section 1. Short title. This Ordinance shall be known and may commonly be
23 referred to as the "County Litter and Solid Waste Control Code."

24 Section 2. Definitions.

25 (1) "Active area" means that portion of a facility where solid waste recycling, reuse,
26 treatment, storage, or disposal operations are being, are proposed to be, or have been conducted.
27 Buffer zones shall not be considered part of the active area of a facility.

28 (2) "Active life" means the period of operation beginning with the initial receipt of
29 solid waste and ending at completion of closure activities in accordance with WAC 173-351.500.
30 Closure and post-closure care.

31 (3) "Agricultural composting" means composting of agricultural waste as an integral
32 component of a system designed to improve soil health and recycle agricultural wastes.
Agricultural composting is conducted on lands used for farming.

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

1 (5) "Agronomic rates" means the application rate (dry weight basis) that will provide
2 the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and
3 that will not result in the violation of applicable standards or requirements for the protection of
4 ground or surface water as established under chapter 90.48 RCW, Water pollution control and
5 related rules including chapter 173.200 WAC, Water quality standards for ground waters of the
6 state of Washington, and chapter 173-201A WAC, Water quality standards for surface waters of
7 the state of Washington.

8 (6) "Air quality standard" means a standard set for maximum allowable
9 contamination in ambient air as set forth in chapter 173-400 WAC, General regulations for air
10 pollution sources.

11 (7) "Airport" See WAC 173-351-130(2)(d)(i).

12 (8) "Aquifer" means a geologic formation, group of formations, or part of a formation
13 capable of yielding a significant amount of ground water to wells or springs.

14 (9) "Areas susceptible to mass movement." See WAC 173-351-130(7)(b)(iv).

15 (10) "Arid" means locations in the state of Washington having less than twelve inches
16 (30 centimeters) of precipitation annually.

17 (11) "Ashes" means the residue, including any air pollution flue dusts, from
18 combustion or incineration of material including solid wastes;

19 (12) "Balefill" means a landfill which uses compacted bales of solid waste to form
20 discrete lifts as the landfill is filled.

21 (13) "Below ground tank" means a device meeting the definition of "tank" in this
22 chapter where a portion of the tank wall is situated to any degree within the ground, thereby
23 preventing visual inspection of that external surface of the tank that is in the ground.

24 (14) "Beneficial use" means the use of solid waste as an ingredient in a manufacturing
25 process, or as an effective substitute for natural or commercial products, in a manner that does
26 not pose a threat to human health or the environment. Avoidance of processing or disposal cost
27 alone does not constitute beneficial use.

28 (15) "Biosolids" means municipal sewage sludge that is a primarily organic, semisolid
29 product resulting from the wastewater treatment process, that can be beneficially recycled and
30 meets all applicable requirements under chapter 173-308 WAC, Biosolids and septic tank sludge,
31 also known as septage, that can be beneficially recycled and meets all applicable requirements
32 under chapter 173-308 WAC, Biosolids management.

(16) "Buffer" means a permanently vegetated strip adjacent to an application area, the
purpose of which is to filter runoff or overspray from the application area and protect an adjacent
area.

(17) "Buffer zone" means that part of a facility that lies between the active area and
the property boundary.

(18) "Bulky waste" means large items of refuse, such as appliances, furniture, and
other oversize waste which would typically not fit into reusable or disposable containers.

1 (19) "Buy-back recycling center" means any facility which collects, receives, or buys
2 recyclable materials from household, commercial, or industrial sources for the purpose of
3 accumulating, grading, or packaging recyclable materials for subsequent shipment and reuses,
4 other than direct application to land.

5 (20) "Cab cards" means a license carried in a vehicle that authorizes that vehicle to
6 legally pick up waste tires and haul to a permitted, licensed facility or an exempt facility for
7 deposit.

8 (21) "Captive insurance companies" means companies that are wholly owned
9 subsidiaries controlled by the parent company and established to insure the parent company or its
10 other subsidiaries.

11 (22) "Channel migration zone" means the lateral extent of likely movement of a stream
12 or river channel along a stream reach.

13 (23) "Clean soils and clean dredge materials" means soils and dredge material that do
14 not contain contaminants at concentrations which could negatively impact the existing quality of
15 air, waters of the state, soils, or sediments; or pose a threat to the health of humans or other living
16 organisms.

17 (24) "Closure" means those actions taken by the owner or operator of a solid waste site
18 or facility to cease disposal operations other solid waste handling activities, to ensure that all
19 such facilities are closed in conformance with applicable regulations at the time of such closures
20 and to prepare the site for the post-closure period.

21 (25) "Closure plan" means a written plan developed by an owner or operator of a
22 facility detailing how a facility is to close at the end of its active life.

23 (26) "Collecting agency" means any agency, business or service operated by a person
24 for the collecting of solid waste.

25 (27) "Commercial solid waste" means all types of solid waste generated by stores,
26 offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and
27 industrial waste.

28 (28) "Compliance schedule" means a written schedule of required measures in a
29 permit including an enforceable sequence leading to compliance with these regulations.

30 (29) "Composite layer" See WAC 173-351-500(1)(i)(B).

31 (30) "Composite liner" See WAC 173-351-300(2)(a)(ii).

32 (31) "Composting material" means organic solid waste that has undergone biological
degradation and transformation under controlled conditions designed to promote aerobic
decomposition at a solid waste facility in compliance with the requirements of this chapter.
Natural decay of organic solid waste under uncontrolled conditions does not result in composted
material.

(32) "Composting" means the controlled degradation of organic solid waste yielding a
product for use as a soil conditioner.

1 (33) "Conditionally exempt small quantity generator (CESQG)" means a dangerous
2 waste generator whose dangerous wastes are not subject to regulation under chapter 70.105
3 RCW, Hazardous waste management, solely because the waste is generated or accumulated in
4 quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-
5 303-070(8)(b).

6 (34) "Conditionally exempt small quantity generator (CESQG) waste" means
7 dangerous waste generated by a conditionally exempt small quantity generator.

8 (35) "Construction quality control" means a planned system of activities that is used to
9 directly monitor and control the quality of a construction project. Construction quality controls
10 are the measures undertaken by the contractor or installer to determine compliance with
11 requirements for workmanship and materials put forth in the plans and specification for the
12 construction project.

13 (36) "Container" means a portable device used for the collection, storage, and/or
14 transportation of solid waste including, but not limited to, reusable containers, disposable
15 containers, and detachable containers.

16 (37) "Contaminant" means any chemical, physical, biological, or radiological
17 substance that does not occur naturally in the environment or that occurs at concentration greater
18 than natural background levels.

19 (38) "Contaminate" means the release of solid waste, leachate, or gases emitted by
20 solid waste, such that contaminants enter the environment at concentrations that pose a threat to
21 human health or the environment, or cause a violation of any applicable environmental
22 regulation.

23 (39) "Contaminated solids and contaminated dredged material" means soils and
24 dredged material that contain contaminants at concentrations which could negatively impact the
25 existing quality of air, waters of the state, soils or sediments, or pose a threat to the health of
26 humans or other living organisms.

27 (40) "Corrosion expert" means a person certified by the National Association fo
28 Corrosion Engineers (NACE) or a registered professional engineer who has certification or
29 licensing that includes education and experience in corrosion control.

30 (41) "Cover material" means soil or other suitable material that has been approved by
31 the jurisdictional health department as cover of wastes.

32 (42) "Crop residues: means vegetative material leftover from the harvesting of crops,
including leftover pieces or whole fruits or vegetables, crop leaves and stems. Crop residue does
not include food processing waste.

(43) "Dangerous wastes" means any solid waste designated as dangerous waste by the
Washington State Department of Ecology under Chapter 173-303 WAC, Dangerous waste
regulations.

(44) "Demolition waste" means solid, largely inert waste, resulting from the
demolition or razing of buildings, roads and other man-made structures. Demolition waste
consists of, but is not limited to, concrete, brick, bituminous concrete, wood and masonry,
composition roofing and roofing paper, steel, and minor amounts of other metals such as copper,
or other metals that may be typically found in various construction material and are in a form
which is stable and non-hazardous. Plaster (i.e., sheet rock or plaster board) plastics or any other
material, other than wood, that is likely to produce gases or a leachate during the decomposition
process and asbestos wastes are not considered to be demolition waste for the purposes of this
regulation;

(45) "Department" means the Washington State Department of Ecology.

(46) "Detachable containers" means reusable containers that are mechanically loaded or handled, such as a dumpster or drop box.

1 (47) "Disease vectors" See WAC 173-351-200(3)(b).

2 (48) "Displacement" See WAC 173-351-130(5)(b)(ii).

3 (49) "Disposable containers" means containers that are used once to handle solid
4 waste, such as plastic bags, cardboard boxes and paper bags.

5 (50) "Disposable package or container" means all packages or containers defined as
6 such by rules adopted by the Washington State Department of Ecology;

7 (51) "Disposal" or "deposition" means the discharge, deposit, injection, dumping,
8 leaking, or placing of any solid waste into or on any land or water.

9 (52) "Disposal site" means the location where any final treatment, utilization,
10 processing or deposition of solid waste occurs. See also definition of interim solid waste
11 handling site.

12 (52) "Domestic septage" means Class I, II, or III domestic septage as defined in
13 chapter 173.308 WAC, Biosolids management.

14 (53) "Domestic wastewater facility" means all structure, equipment, or processes
15 required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with
16 such industrial waste as may be present.

17 (54) "Drop box facility" means a facility used for the placement of a detachable
18 container including the area adjacent for necessary entrance and exit roads, unloading and turn-
19 around areas. Drop box facilities normally serve the general public with loose loads and receive
20 waste from off-site.

21 (55) "Energy recovery" means recovery of energy in a useable form from mass
22 burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of
23 combustion of solid waste that involves high temperature (above twelve hundred degree
24 Fahrenheit) processing.

25 (56) "Establish" means to construct a new or laterally expanded MSWLF unit.

26 (57) "Existing facility" means a facility which is owned or leased, and in operation, or
27 for which facility construction has begun, on or before the effective date of this chapter and the
28 owner or operator has obtained permits or approvals necessary under federal, state and local
29 statutes, regulations and ordinances.

30 (58) "Expanded facility" means a facility adjacent to an existing facility for which the
31 land is purchased and approved by the jurisdictional health department after the effective date of
32 this regulation. A vertical expansion approval and permitted by the jurisdictional health
department after the effective date of this regulation shall also be considered an expanded
facility.

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

(60) "Facility construction" means the continuous on-site physical act of constructing solid waste handling unit(s) or when the owner or operator of a facility has entered into contractual obligations for physical construction of the facility that cannot be canceled or modified without substantial financial loss.

1 (61) "Facility structures" means buildings, sheds, utility lines, and drainage pipes on
2 the facility.

3 (62) "Fault" See WAC 173-351-130(5)(b)(i).

4 (63) "Final treatment" means the act of processing or preparing solid waste for
5 disposal, utilization, reclamation, or other approved method of use.

6 (64) "Free liquids" means any sludge which produces measurable liquids when the
7 Paint Filter Liquids Test, Method 9095 of EPA Publication Number SW0846, is used.

8 (65) "One hundred year floodplain" means any land area which is subject to one
9 percent or greater chance of flooding in any given year from any source.

10 (66) "Garbage" means animal and vegetable waste resulting from the handling,
11 storage, sale, preparation, cooking and serving foods.

12 (67) "Gas condensate" See WAC 173-351-200(9)©(ii).

13 (68) "Ground water" means that part of the subsurface water which is in the zone of
14 saturation.

15 (69) "Health Officer" means the Wahkiakum County Health Officer duly appointed by
16 the Wahkiakum County Board of Health pursuant to RCW 70.05.050.

17 (70) "Holocene fault" means a fracture along which rocks on one side have been
18 displaced with respect to those on the other side and that has occurred in the most recent epoch
19 of the quaternary period extending from the end of the pleistocene to the present.

20 (71) "Home composting" means composting of on-site generated wastes, and
21 incidental materials beneficial to the composting process, by the owner or person in control of a
22 single-family residence, or for a dwelling the houses two to five families, such as a duplex or
23 clustered dwellings.

24 (72) "Household hazardous wastes" means any waste which exhibits any of the
25 properties of dangerous wastes that is exempt from regulation under chapter 70.105 RCW,
26 hazardous waste management, solely because the waste is generated by households. Household
27 hazardous waste can also include other solid waste identified in the local hazardous waste
28 management plan prepared to chapter 70.105 RCW. Hazardous waste management.

29 (73) "Household waste" means any solid waste (including garbage, trash, and sanitary
30 waste in septic tanks) derived from households (including household hazardous waste)
31 (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew
32 quarters, campgrounds, picnic grounds, and day-use recreation areas). This term does not
include commercial, industrial, inert and demolition waste, or wood waste.

*Note: "Hydraulically connected" denotes water-bearing units which can transmit water
to other transmissive unit.*

1 (74) "Hydrostratigraphic unit" means any water-bearing geologic unit or units
2 hydraulically connected or grouped together on the basis of similar hydraulic conductivity which
3 can be reasonably monitored; several geologic formations or part of a geologic formation may be
4 grouped into a single hydrostratigraphic unit; perched sand lenses may be considered a
5 hydrostratigraphic unit or part of a hydrostratigraphic unit, for example.

6 (75) "Incineration" means reducing the volume of solid wastes by use of a device
7 using controlled flame combustion.

8 (76) "Incompatible waste" means a waste that is unsuitable for mixing with another
9 waste or material because the mixture might produce excessive heat or pressure, fire or
10 explosion, violent reaction, toxic dust, fumes, mists, or gases, or flammable fumes or gases.

11 (77) "Industrial solid wastes" means solid waste generated from manufacturing
12 operations, food processing, or other industrial processes.

13 (78) "Industrial wastewater facility" means all structures, equipment, or processes
14 required to collect, carry away, treat, reclaim, or dispose of industrial wastewater.

15 (79) "Inert waste" means solid wastes that meet the criteria for inert waste in WAC
16 173.350.990.

17 (80) "Inert waste landfill" means a landfill that receives only inert wastes.

18 (81) "Interim solid waste handling site" means any interim treatment, utilization or
19 proceeding site engaged in solid waste handling which is not the final site of disposal. Transfer
20 stations, drop boxes, baling and compaction sites, source separation centers, and treatment are
21 considered interim solid waste handling sites.

22 (82) "Intermediate solid waste handling facility" means any intermediate use or
23 processing site engaged in solid waste handling which is not the final site of disposal. This
24 includes, material recovery facilities, transfer stations, drop boxes, baling and compaction sites.

25 (83) "Inermodal facility" means any facility operated for the purpose of transporting
26 closed containers of waste and the containers are not opened for further treatment, processing or
27 consolidation of the waste.

28 (84) "Junk vehicle" has the meaning as defined in RCW 46.55.010.

29 (85) "Jurisdictional health department" means the Wahkiakum County Health and
30 Human Services Department.

31 (86) "Land application site" means a contiguous area of land under the same
32 ownership or operational control on which solid wastes are beneficially utilized for their
33 agronomic or soil-amending capability.

34 (87) "Land reclamation" means using solid waste to restore drastically disturbed lands
35 including, but not limited to, construction sites and surface mines. Using solid waste as a
36 component of fill is not land reclamation.

37 (88) "Landfill" means a disposal facility or part of a facility at which solid waste is
38 permanently placed in or on land including facilities that use solid waste as a component of fill.

39 (89) "Landspreading disposal facility" means a facility that applies sludges or other
40 solid waste onto or incorporates solid waste into the soil surface at greater than vegetative
41 utilization and soil conditions/immobilizations rates.

1 (90) "Lateral expansion" means a horizontal expansion of the waste boundaries of an
2 existing MSWLF unit that is not an existing horizontal expansion. (See also definition of
3 "existing MSWLF unit.")

4 (91) "Leachate" means water or other liquid within a solid waste handling unit that has
5 been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

6 (92) "Limited moderate risk waste" means waste batteries, waste oil, and waste
7 antifreeze generated from households.

8 (93) "Limited moderate risk waste facility" means a facility that collects, stores, and
9 consolidates only limited moderate risk waste.

10 (94) "Limited purpose landfills" means a landfill which is not regulated or permitted
11 by other state or federal environmental regulations that receives solid wastes limited by type or
12 source. Limited purpose landfills include, but are not limited to, landfills that receive segregated
13 industrial solid waste, construction, demolition and landclearing debris, wood waste, ash (other
14 than special incinerator ash), and dredged material. Limited purpose landfills do not include
15 inert waste landfills, municipal solid waste landfills regulated under chapter 173-351 WAC,
16 Criteria for municipal solid waste landfills, landfills disposing of special incinerator ash
17 regulated under chapter 173-306 WAC, special incinerator ash management standards, landfills
18 regulated under chapter 173-303 WAC, dangerous waste regulations, or chemical waste landfills
19 used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part
20 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce,
21 and Use Prohibitions.

22 (95) "Liquid" means a substance that flows readily and assumes the form of its
23 container but retains its independent volume.

24 (96) "Liquid waste" means any solid waste which is deemed to contain free liquids as
25 determined by the Paint Filter Liquids Test, Method 9095, in "*Test Methods for Evaluating Solid
26 Waste, Physical/Chemical Methods.*" EPA Publication SW-846.

27 (97) "Lithified earth material" means all rock, including all naturally occurring and
28 naturally formed aggregates or masses of minerals or small particles of older rock that formed by
29 crystallization of magma or by induration of loose sediments. This term does not include man-
30 made materials, such as fill, concrete or asphalt, or unconsolidated earth materials, soil or
31 regolith lying at or near the earth's surface.

32 (98) "Litter" means all waste material including but not limited to disposable
packages or containers thrown or deposited as herein prohibited and solid waste that is illegally
dumped, but not including the wastes of the primary processes of mining, logging, sawmilling,
farming, or manufacturing. "Litter" includes the material defined in this Ordinance as
"potentially dangerous litter."

(99) "Litter bag" means a bag, sack, or other container made of any material which is
large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is
not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(100) "Litter receptacle" means those containers adopted by the state department of
ecology and which may be standardized as to size, shape, capacity, and color and which shall
bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of
litter;

(101) "Local fire control agency" means a public or private agency or corporation
providing fire protection such as a local fire department, the department of natural resources or
the United States Forest Services.

(102) "Lower explosive limits" means the lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five degrees centigrade and atmospheric pressure.

(103) "Material recovery facility" means any facility that collects, compacts, repackages, sorts, or processes for transport source separated solid waste for the purpose of recycling.

(104) "Maximum horizontal acceleration in lithified earth material" See WAC 173-351-200(6)(b)(ii).

(105) "Medical waste" means all the infectious, and injurious waste originating from a medical, veterinary, or intermediate care facility.

(106) "Mobile systems and collection events" means activities conducted at a temporary location to collect moderate risk waste.

(107) "Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this chapter.

(108) "Modification" means a substantial change in the design or operational plans including removal of a design element of a MSWLF unit previously set forth in a permit application or a disposal or processing activity that is not approved in the permit. To be considered a substantial change, a modification must be reasonably related to a specific requirement of this rule. Lateral expansions, a fifty percent increase or greater in design volume capacity or changes resulting in significant adverse environmental impacts that have lead a responsible official to issue a declaration of significance under WAC 197-11-736 shall not be considered a modification but would require permit reissuance under these rules.

(109) "MRW 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 MRW facilities that meet the applicable terms and conditions of WAC 173.350.360(2) or (3).

(110) "Municipal sewage sludge" means a semisolid substance consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a publicly owned wastewater treatment plant. For the purposes of this rule sewage sludge generated from publicly owned leachate waste treatment works that receive sewage from on-site sanitary facilities shall not be considered to be municipal sewage sludge.

(111) "Municipal solid waste (MSW)" means a subset of solid waste which includes unsegregated garbage, refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated. Solid waste that has been segregated by source and characteristic may qualify for management as a non-MSW solid waste, at a facility designed and operated to address the waste's characteristics and potential environmental impacts. The term MSW does not include"

* Dangerous wastes other than wastes excluded from the requirements of chapter 173-303 WAC, dangerous waste regulations, in WAC 173-303-071 such as household hazardous wastes;

* Any solid waste, including contaminated soil and debris, resulting from response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act cleanup regulation or a remedial action taken under those rules; nor

* Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is NSW.

(112) "Municipal solid waste landfill unit (MSWLF unit)" means a discrete area of land or an excavation that receives household waste, and that is not a land application unit, surface impoundment, injection well, or waste pile, as those terms are defined under chapter 173-304 WAC, the Minimum functional standards for solid waste handling or chapter 173-218 WAC, Underground injection control program. A MSWLF unit also may receive other types of RCRA subtitle D wastes, such as commercial solid waste, nonhazardous sludge, conditionally-exempt small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. A MSWLF unit may be a new MSWLF unit, an existing MSWLF unit, or a lateral expansion.

(113) "Natural background" means the concentration of chemical, physical, biological, or radiological substances consistently present in the environment that has not been influenced by regional or localized human activities. Metals at concentrations naturally occurring in bedrock, sediments and soils due solely to the geologic processes that formed the materials are natural background. In addition, low concentrations of other persistent substance due solely to the global use or formation of these substances are natural backgrounds.

(114) "New facility" means a facility which begins operation or construction after the effective date of this regulation (see also definition of "existing facility").

(115) "New solid waste handling unit" means a solid waste handling unit that begins operation or facility construction, and significant modifications to existing solid waste handling units, after the effective date of this chapter.

(116) "Nonarid" means locations in the state of Washington having equal to or more than twelve inches (30 centimeters) of precipitation annually.

(117) "Nonconforming site" means a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304400 but does comply with a compliance schedule issued in a solid waste permit by the jurisdictional health department.

(118) "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, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

(119) "Nuisance odor" means any odor which is found offensive or may unreasonably interfere with any person's health, comfort, or enjoyment beyond the property boundary of a facility.

(120) "One hundred year flood plain" means any land area that is subject to one percent or grater chance of flooding in any source.

(121) "Open burning" means the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

(122) "Operation" means those actions taken by an owner or operator of a facility or MSWLF unit beginning with waste acceptance at a facility or MSWLF unit up to and including closure of the facility or MSWLF unit.

(123) "Operator" means the person(s) responsible for the overall operation of a facility or part of a facility.

(124) "Overburden" means the earth, rock, soil, and topsoil that lie above mineral deposits.

(125) "Owner" means the person(s) who owns a facility or part of a facility.

(126) "Performance standard" means the criteria for the performance of solid waste handling facilities.

(127) "Permeability" means the ease with which a porous material allows liquid or gaseous fluids to flow through it. For water, this is usually expressed in units of centimeter per second and termed hydraulic conductivity.

(128) "Permit" means an authorization issued by the jurisdictional health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operations.

(129) "Person" means an individual, firm association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity whatsoever;

(130) "Pile" means any noncontainerized accumulation of solid waste that is used for treatment or storage.

(131) "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.

(132) "Point of compliance" means a point established in the ground water by the jurisdictional health department as near a possible source of release as technically, hydrogeologically and geographically feasible.

(133) "Poor foundation conditions" see WAC 173-351-130(7)(b)(ii).

(134) "Post-closure" means the requirements placed upon disposal sites after closure to ensure their environmental safety for at least a twenty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation).

(135) "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.

(136) "Potentially dangerous litter" means litter that is likely to injure a person or cause damage to a vehicle or other property. "Potentially dangerous litter" means:

- (a) Cigarettes, cigars, or other tobacco products that are capable of starting a fire;

- (b) Glass;
- (c) A container or other product made predominantly or entirely of glass;
- (d) A hypodermic needle or other medical instrument designed to cut or pierce;
- (e) Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container or any sort; and
- (f) Nails or tacks.

(137) "Premises" means a tract or parcel of land with or without habitable buildings.

(138) "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.

(139) "Problem wastes" means (a) Soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous waste, or (b) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by section 404 of the Federal Clean Water Act. (PL 95-217).

(140) "Processing" means an operation to convert a material into a useful product or to prepare it for reuse, recycling, or disposal.

(141) "Product take-back center" means a retail outlet or distributor that accepts household hazardous waste of comparable types as the products offered for sale or distributed at that outlet.

(142) "Public facility" means a publicly or privately owned facility that accepts solid waste generated by other persons.

(143) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests;

(144) "Purchase" means execution of along term lease, securing of options to purchase or execution of agreements to purchase.

(145) "Putrescible waste" means solid waste which contains material capable of being readily decomposed by micro-organisms and which is likely to produce offensive odors.

(146) "Pyrolysis" means the process in which solid wastes are heated in an enclosed device in the absence of oxygen to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

(147) "Qualified ground-water scientist" see WAC 173-351-400(2).

(148) "Random inspection" see WAC 173-351-200(1)(b)(ii).

(149) "Reclamation site" means a location used for the processing or the storage of recycled waste.

1 (150) "Recyclable materials" means those solid wastes that are separated for recycling
or reuse, including, but not limited to, papers, metals, and glass, that are identified as recyclable
material pursuant to a local comprehensive solid waste plan.

2 (151) "Recycling" means transforming or remanufacturing waste materials into usable
or marketable materials for use other than landfill disposal or incineration. Recycling does not
include collection, compacting, repackaging, and sorting for the purpose of transport.

3 (152) "Regulated dangerous waste" see WAC 173-351-200(1)(b)(i).

4 (153) "Representative sample" means a sample that can be expected to exhibit the
average properties of the sample source.

5 (154) "Reserved" means a section having no requirements and which is set aside for
future possible rule-making as a note to the regulated community.

6 (155) "Reusable containers" means containers that are used more than once to handle
solid waste such as garbage cans.

7 (156) "Runoff" means any rainwater, leachate or other liquid which drains over land
from any part of the facility.

8 (157) "Run-on" means any rainwater or other liquid which drains over land onto any
part of a facility.

9 (158) "Saturated zone" means that part of the earth's crust in which all voids are filled
with water.

10 (159) "Scavenging" means the removal of materials at a disposal facility, or
intermediate solid waste-handling facility, without the approval of the owner or operator and the
jurisdictional health department.

11 (160) "Seismic impact zone" means an area with a ten percent or greater probability
that the maximum horizontal acceleration in lithified earth material, expressed as a percentage of
the earth's gravitational pull, will exceed 0.10g in two hundred fifty years.

12 (161) "Septage" means a semisolid consisting of settled sewage solids combined with
varying amounts of water and dissolved materials generated from a septic tank system;

13 (162) "Setback" means that part of a facility that lies between the active area and the
property boundary.

14 (163) "Sewage sludge" means solid, semisolid, or liquid residue generated during the
treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited
to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater
treatment processes; and a material derived from sewage sludge. Sewage sludge does not
include ash generated during the firing of sewage sludge in a sewage sludge incinerator or grit
and screenings generated.

15 (164) "Sludge" means a semisolid substance consisting of settled sewage solids
combined with varying amounts of water and dissolved materials generated from a wastewater
treatment plant or other source;

1 (165) "Soil amendment" means any substance that is intended to improve the physical
2 characteristics of soil, except composted material, commercial fertilizers, agricultural liming
3 agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food
4 processing wastes, and materials exempted by rule of the department, such as biosolids as
5 defined in chapter 70.95J RCW, Municipal sewage sludge—Biosolids and wastewater, as
6 regulated in chapter 90.48 RCW, Water pollution control.

7 (166) "Sole source aquifer" means an aquifer designated by the Environmental
8 Protection Agency pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

9 (167) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and
10 semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill,
11 sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof,
12 contaminated soils and contaminated dredged material, and recyclable materials.

13 (168) "Solid waste handling" means the management, storage, collection,
14 transportation, treatment, use, processing or final disposal of solid wastes, including the recovery
15 and recycling of materials from solid wastes, the recovery of energy resources from such wastes
16 or the conversion of the energy in such wastes to more useful forms or combinations thereof.

17 (169) "Solid waste handling unit" means discrete areas of land, sealed surfaces, liner
18 systems, excavations, facility structures, or other appurtenances within a facility used for solid
19 waste handling.

20 (170) "Solid waste management" means the systematic administration of activities
21 which provide for the collection, source separation, storage, transportation, transfer, processing,
22 treatment, and disposal of solid waste.

23 (171) "Source separation" means the separation of different kinds of solid waste at the
24 place where the waste originates.

25 (172) "Storage" means the holding of solid waste materials for a temporary period.

26 (173) "Stream" means the point at which any confined freshwater body of surface water
27 reaches a mean annual flow of twenty cubic feet per second.

28 (174) "Structural components" see WAC 173-351-130(7)(b)(ii).

29 (175) "Surface impoundment" means a facility or part of a facility which is a natural
30 topographic depression, man-made excavation, or diked area formed primarily of earthen
31 materials (although it may be lined with man-made materials), and which is designed to hold an
32 accumulation of liquids, or sludges. The term includes holding, storage, settling, and aeration
pits, ponds, or lagoons, but does not include injection wells.

(176) "Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters,
salt waters and all other surface water and surface water courses within the jurisdiction of the
state of Washington.

(177) "Tank" means a stationary device designed to contain an accumulation of liquid
or semisolid materials meeting the definition of solid waste or leachate, and which is constructed
primarily of nonearthen materials to provide structural support.

(178) "Transfer station" means a permanent, fixed, supplemental collection and
transportation facility, used by persons and route collection vehicles to deposit collected solid
waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility.

1 (179) "Treatment" means the physical, chemical or biological processing of solid waste
2 to make such solid wastes safer for storage or disposal, amenable for recycling or energy
3 recovery or reduced in volume.

4 (180) "Twenty-five-year storm" means a storm of twenty-four hours duration and of
5 such intensity that it has a four percent probability of being equaled or exceeded each year.

6 (181) "Type 1 feedstocks" means source-separated yard and garden wastes, wood
7 wastes, agricultural crop residue, waxcoated cardboard, preconsumer vegetative food wastes,
8 other similar source-separated materials that the jurisdictional health department determines to
9 have a comparable low level of risk in hazardous substances, human pathogens, and physical
10 contaminants.

11 (182) "Type 2 feedstocks" means manure and bedding from herbivorous animals that
12 the jurisdictional health department determines to have a comparable low level of risk in
13 hazardous substances and physical contaminants when compared to a type 1 feedstock.

14 (183) "Type 3 feedstocks" means meat and postconsumer source-separated food wastes
15 or other similar source-separated materials that the jurisdictional health department determines to
16 have a comparable low level of risk in hazardous substances and physical contaminants, but are
17 likely to have high levels of human pathogens.

18 (184) "Type 4 feedstocks" means mixed municipal solid wastes, postcollection
19 separated or processed solid wastes, industrial solid wastes, industrial biological treatment
20 sludges, or other similar compostable materials that the jurisdictional health department
21 determines to have a comparable high level of risk in hazardous substances, human pathogens
22 and physical contaminants.

23 (185) "Universal wastes" means universal wastes as defined in chapter 173-303 WAC,
24 dangerous waste regulations. Universal wastes include, but may not be limited to, dangerous
25 waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully
26 regulated dangerous waste generators or CESQGs.

27 (186) "Unstable area" means a location that is susceptible to force capable of impairing
28 the integrity of the facility's liners, monitoring system or structural components. Unstable areas
29 can include poor foundation conditions and areas susceptible to mass movements.

30 (187) "Utilization" means consuming, expending, or exhausting by use, solid waste
31 materials.

32 (188) "Vadose zone" means that portion of a geologic formation in which soil pores
contain some water, the pressure of that water is less than atmospheric pressure, and the
formation occurs above the zone of saturation.

(189) "Vector" means a living animal, including, but not limited to, insects, rodents, and
birds, which is capable of transmitting an infectious disease from one organism to another.

(190) "Vermicomposting" means the controlled and managed process by which live
worms convert organic residues into dark, fertile, granular excrement.

(191) "Vulnerability" see WAC 173-351-140(1)(b).

(192) "Waste management unit" means a MSWLF unit.

(193) "Waste management unit boundary" means a vertical surface located at the hydraulically down gradient limit of the unit. This vertical surface extends down into the hydrostratigraphic unit(s) identified in the hydrogeologic report.

(194) "Waste recycling" means reusing waste materials and extracting valuable materials from a waste stream.

(195) "Waste reduction" means reducing the amount or type of waste generated.

(196) "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.

(197) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(198) "Water of the state" means, lakes, rivers, ponds, streams, inland waters, underground waters, salt water, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(199) "Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in chapter 173-201 WAC, water quality standards for waters of the state of Washington.

(200) "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.

(201) "Wood derived fuel" means wood pieces or particles used as a fuel for energy recovery, which contain paint, bonding agents, or creosote. Wood derived fuel does not include wood pieces or particles coated with paint that contains lead or mercury, or wood treated with other chemical preservatives such as pentachlorophenol, cooper naphthanate, or copper-chrome-arsenate.

(202) "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 and 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 copper-chrome-arsenate.

(203) "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.

(204) "Zone of saturation" means that part of a geologic formation in which soil pores are filled with water and the pressure of that water is equal to or greater than atmospheric pressure.

Section 3. Purpose. The purpose of this Ordinance is to accomplish litter and solid waste control in Wahkiakum County. This Ordinance is intended to place upon all persons within the County the duty of contributing to the public cleanliness of the County in order to promote the public health, safety and welfare and of the people of the County against unsanitary and unsightly conditions. It is further the intent of this Ordinance to protect the people against the expense incident to littering and improper disposal of solid waste.

Section 4. Littering Prohibited.

(1) No person shall abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard or otherwise dispose of litter upon any public property in Wahkiakum County or upon any private property in Wahkiakum County not owned by him or in any waters within the jurisdiction of Wahkiakum County whether from a vehicle or otherwise, including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(a) When the property is designated by State of Washington agencies or the County of Wahkiakum or the Town of Cathlamet for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose;

(b) Into a litter receptacle or other container in a manner that will prevent litter from being carried away or deposited by the elements upon any part of said private or public property or waters.

(2) It shall be unlawful 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 Wahkiakum County except at a solid waste disposal site for which there is a valid permit. This section shall not prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance.

Section 5. Placement of litter receptacles.

(1) Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need as specified by state regulation.

(2) It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such state regulations.

Section 6. Use of receptacles. Litter receptacles placed on sidewalks and other public places shall be used only for such litter material as persons may have for disposal while passing along the street or other public places and in no event shall be used for the disposal of other solid waste accumulated in residences or places of business.

Section 7. Damaging receptacles. It shall be unlawful for any person to willfully damage or deface any litter receptacle.

Section 8. Removal of litter. It shall be the responsibility of the local municipality, other agency or person owning or maintaining the same, to remove litter from litter receptacles placed in parks, beaches, campgrounds, and other public places.

Section 9. Sweeping litter into gutter prohibited. No person shall sweep into or deposit in any gutter, street, alley or other public place the accumulation of litter from any building, lot, or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalks in front of their premises free of litter.

Section 10. Throwing or distributing handbills in public places. No person shall throw or deposit any handbill upon any public place within the county. Provided, however, it shall not be unlawful, for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it.

Section 11. Depositing handbills on uninhabited or vacant property. No person shall throw or deposit any handbill in or upon any uninhabited or vacant private property, **PROVIDED, HOWEVER,** the provisions of this section shall not apply to the distribution of mail by the United States nor to newspapers except that newspapers shall be placed on private residences or other private property in such a manner as to prevent their being carried or deposited by the elements upon any public place or upon private property.

Section 12. Litter thrown by persons in vehicles. No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any public place or upon any private property.

Section 13. Vehicle loading.

(1) No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand and gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway by the public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.

(2) Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street, shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefore.

Section 14. Permits for Solid Waste Disposal Facility.

(1) Permit Required. No solid waste storage, treatment, processing, handling or disposal facility shall be maintained, established, substantially altered, expanded or improved until the person operating or owning such site has obtained a permit or permit deferral from the Wahkiakum County Health and Human Services Department or a beneficial use exemption from the Washington State Department of Ecology pursuant to the provisions of Chapter 173-350 of the Washington Administrative Code. Facilities operating under categorical exemptions established by this Ordinance shall meet all the conditions of such exemptions or will be required to obtain a permit under this Ordinance.

(2) Application Procedure for Permits. This subsection contains the rules, regulations, and procedures which govern applying for a solid waste disposal facility and handling permits, except for permits for any facility classified as a Municipal Solid Waste Landfill (MSWLF). Wahkiakum County hereby adopts the following Sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

WAC 173-350-710 Permit Application and Issuance; and
WAC 173-350-715 General Permit Application Requirements.

(3) Application Procedure For Permits for Municipal Solid Waste Landfills. This subsection contains the rules, regulations, and procedures which govern applying for a permit for a municipal solid waste landfill (MSWLF). Wahkiakum County hereby adopts the following Sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

WAC 173-351-700 Permitting Requirements;

WAC 173-351-720 Permit Application Procedures;

WAC 173-351-730 Contents of Application;

WAC 173-351-740 Permit Issuance Criteria; and

WAC 173-351-740 Permit Provisions.

(4) Renewals. Each solid waste disposal/handling permit shall be renewed annually on or before January 31 of each year.

(5) Fees. The Wahkiakum County Health and Human Services Department shall assess fees for permits issued pursuant to this Section in accord with the Department's fee schedule as adopted and revised from time to time by Resolution of the Board of County Commissioners.

(6) Remedial Actions. Permits issued under this Ordinance are not required for remedial actions performed by this state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree.

Section 15. Adoption of Solid Waste Handling Standards. This Section contains the rules regulating solid waste handling except as otherwise provided in Sections 16 and 17 of this Ordinance. Wahkiakum County hereby adopts the following Sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

- WAC 173-350-020 Applicability;
- WAC 173-350-025 Owner Responsibilities for Solid Waste;
- WAC 173-350-030 Effective Dates (For purposes of this Ordinance, the phrase "the effective date of this chapter" as used in WAC 173-350-030 is determined to be February 10, 2003);
- WAC 173-350-040 Performance Standards;
- WAC 173-350-200 Beneficial Use Permit Exemptions;
- WAC 173-350-220 Composting Facilities;
- WAC 173-350-230 Land Application;
- WAC 173-350-240 Energy Recovery and Incineration Facilities;
- WAC 173-350-300 On-Site Storage, Collection, and Transportation Standards;
- WAC 173-350-310 Intermediate Solid Waste Handling Facilities;
- WAC 173-350-320 Piles Used For Storage or Treatment;
- WAC 173-350-330 Surface Impoundment and Tanks;
- WAC 173-350-350 Waste Tire Storage and Transportation;
- WAC 173-350-360 Moderate Risk Waste Handling;
- WAC 173-350-400 Limited Purpose Landfills;
- WAC 173-350-410 Inert Waste Landfills;
- WAC 173-350-490 Other Methods of Solid Waste Handling;
- WAC 173-350-500 Ground Waste Monitoring;

WAC 173-350-600 Financial Assurance Requirements; and

WAC 173-350-900 Criteria for Inert Waste.

Section 16. Adoption of Standards for Solid Waste Disposal Facilities. This Section contains the rules regulating solid waste disposal facilities, except for Municipal Solid Waste Landfills governed by Section 17, of this Ordinance. These rules remain in effect until the applicable provisions of Chapter 173-350 of the Washington Administrative Code take effect according to the phased implementation schedule set forth in WAC 173-350-030. Wahkiakum County hereby adopts the following sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

- WAC 173-304-130 Locational Standards for Disposal Sites;
- WAC 173-304-200 On-Site Containerized Storage, Collection and Transportation Standards for Solid Waste;
- WAC 173-304-300 Waste Recycling Facility Standards;
- WAC 173-304-400 Solid Waste Handling Facility Standards;
- WAC 173-304-405 General Facility Requirements;
- WAC 173-304-407 General Closure and Post-Closure Requirements;
- WAC 173-304-410 Transfer Stations, Baling and Compaction Systems, and Drop Box Facilities;
- WAC 173-304-420 Piles Used for Storage and Treatment--Facility Standards;
- WAC 173-304-430 Surface Impoundment Standards;
- WAC 173-304-440 Energy Recovery and Incinerator Standards;
- WAC 173-304-450 Landspreading Disposal Standards;
- WAC 173-304-460 Landfilling Standard;
- WAC 173-304-461 Inert Waste and Demolition Waste Landfilling Facility Requirements;
- WAC 173-304-462 Woodwaste Landfilling Facility Requirements;
- WAC 173-304-467 Financial Assurance for Public Facilities;
- WAC 173-304-468 Financial Assurance for Private Landfill Disposal Facilities;
- WAC 173-304-470 Other Methods of Solid Waste Handling; and
- WAC 173-304-490 Ground Water Monitoring Requirements.

Section 17. Adoption of Standards for Municipal Solid Waste Landfills. This Section contains the rules regulating municipal solid waste landfills located in Wahkiakum County. Wahkiakum County hereby adopts the following Sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

- WAC 173-351-130 Location Restrictions;
- WAC 173-351-140 Other Location Restrictions;

- WAC 173-351-200 Operating Criteria;
- WAC 173-351-210 Plan of Operation;
- WAC 173-351-300 Design Criteria;
- 1 WAC 173-351-400 Ground Water Monitoring Systems and Corrective Action;
- 2 WAC 173-351-405 Performance Standards for Ground Water Monitoring System
- 3 Designs;
- 4 WAC 173-351-410 Ground Water Sampling And Analysis Requirments;
- 5 WAC 173-351-415 Ground Water Reporting;
- 6 WAC 173-351-420 Statistical Method for Ground Water Monitoring;
- 7 WAC 173-351-430 Detection Monitoring Program;
- 8 WAC 173-351-440 Assessment Monitoring Program;
- 9 WAC 173-351-450 Alternate Ground Water Monitoring Programs;
- 10 WAC 173-351-460 Role of Jurisdictional Health Department in Corrective Action;
- 11 WAC 173-351-480 Ground Water Modeling;
- 12 WAC 173-351-490 The Hydrogeologic Report Contents;
- 13 WAC 173-351-500 Closure And Post-Closure Care; and
- 14 WAC 173-351-600 Financial Assurance Criteria.

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17 **Section 18. Variances - Criteria.**

18 (1) Any person who owns or operates a solid waste disposal facility may apply to the
19 Wahkiakum County Health Officer for a variance.

20 (2) This subsection contains the criteria and procedures relating to the granting of
21 variances for solid waste facilities. Wahkiakum County hereby adopts Section 173-3350-710(7)
22 of the Washington Administrative Code, as now existing or as hereafter amended, by reference.

23 **Section 19. Violations/Penalties**

24 (1) Except as provided in subsection (4) of this Section, it is a class 3 civil infraction
25 as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic
26 foot.

27 (2) It is a misdemeanor for a person to litter in an amount greater than one cubic foot
28 but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal
29 to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is
30 greater. The court may, in addition to or in lieu of part or all of the cleanup restitution payment,
31 order the person to pick up and remove litter from the property, with prior permission of the legal
32 owner or, in the case of public property, of the agency managing the property. The court may
suspend or modify the litter cleanup restitution payment for a first-time offender under this
section, if the person cleans up and properly disposes of the litter.

1 (3) It is a gross misdemeanor for a person to litter in an amount of one cubic yard or
2 more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost
3 of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court may,
4 in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick
5 up and remove litter from the property, with prior permission of the legal owner or, in the case of
6 public property, of the agency managing the property. The court may suspend or modify the
7 litter cleanup restitution payment for a first-time offender under this section, if the person cleans
8 up and properly disposes of the litter.

9 (4) It is a class 1 civil infraction as provided in RCW 7.80.120 for a person to discard,
10 in violation of this Ordinance, potentially dangerous litter in any amount.

11 (5) It is unlawful to operate a solid waste disposal facility without a valid permit
12 issued pursuant to the provisions of this Ordinance. It is also unlawful to operate or maintain any
13 solid waste disposal facility in violation of the terms and conditions of any permit issued
14 pursuant to the provisions of this Ordinance. In addition to the injunctive remedies provided for
15 in Section 22 of this Ordinance, the County Health and Human Services Department is
16 authorized to assess a civil penalty in an amount not to exceed one thousand dollars per day per
17 violation to any person who operates a solid waste facility without a valid permit or who fails to
18 comply with the terms and conditions of any solid waste disposal permit. It is a misdemeanor for
19 any person to willfully operate a solid waste disposal facility without a valid permit issued
20 pursuant to the provisions of this Ordinance.

21 (6) It is class 3 civil infraction as defined in RCW 7.80.120 for a person to violate any
22 other provision of this Ordinance.

23 **Section 20. Enforcement officers and procedures.** Enforcement of this Ordinance
24 may be any law enforcement official, or any person with environmental health expertise
25 designated by the Director or Health Officer of the Wahkiakum County Department of Health
26 and Human Services. All such enforcement officers are empowered to issue citations to persons
27 violating the provisions of this Ordinance. Said enforcement officers may serve and execute all
28 warrants, citations, and other process issued by the Courts. In addition, mailing by registered
29 mail of such warrant, citation or other process to the last known place of residence of the
30 offender shall be deemed as personal service upon the person charged.

31 **Section 21. Failure to Pay Monetary Penalties - Punishment.** Whenever a monetary
32 penalty is imposed by the Court pursuant to this Ordinance and Chapter 7.80 RCW, it is
immediately payable. Wilful failure to pay the penalty constitutes a Misdemeanor. If a penalty
is not paid on or before the time established for payment, the Prosecuting Attorney may proceed
to collect the penalty in the same manner as other civil judgments.

**Section 22. Violations - Injunctions and Legal Proceedings Authorized - Public
Nuisance Abatement.** The health officer for Wahkiakum County may bring an action to
enjoin a violation of any of the provisions of this Ordinance, or may bring any legal proceeding
authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations
of the provisions of this Ordinance relating to the unlawful disposal, storage, or accumulation of
solid waste are declared to be public nuisances. The health officer may commence a civil action
for abatement of such public nuisances in the Superior Court for Wahkiakum County.

Section 23. Appeals . Whenever the Wahkiakum County Health and Human
Services Department denies a permit or suspends a permit for a solid waste disposal site, it shall,
upon request of the applicant or holder of the permit, grant a hearing on such denial or
suspension within thirty (30) days after the request for hearing is made. The hearing shall be
before the Wahkiakum County Health Officer. Notice of hearing shall be given to all interested
parties including the county or town having jurisdiction over the site and the Washington State
Department of Ecology. Within thirty days after the hearing, the health officer shall notify the
applicant or the holder of the permit in writing of his/her determination thereof and the reasons
therefore. Any party aggrieved by such determination may appeal to the State pollution control
hearings board by filing with the hearings board a notice of appeal within thirty (30) days after
receipt of the notice of the determination of the health officer. The hearings board shall hold a

hearing in accordance with the provisions of the State Administrative Procedures Act, chapter 34.05 RCW, as now or hereafter amended. Procedures for appealing beneficial use exemptions are contained in WAC 173-350-200(5)(a).

Section 24. Severability. If any section, word or words of this Ordinance is found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the remaining portions of this Ordinance.

Section 25. Liability for Damages. This Ordinance shall not be construed to hold Wahkiakum County, its officers, employees or agents responsible for any injury or damage resulting from the failure of any person subject to this Ordinance to comply with this Ordinance, or by reason of enforcement of this Ordinance on the part of Wahkiakum County, its officers, employees or agents.

Section 26. Conflict with other regulations. Where other Wahkiakum County ordinances, resolutions, or regulations, or other State or local regulations are in conflict with this Ordinance, the more restrictive regulation shall apply and such application shall extend to those specific provisions which are more restrictive.

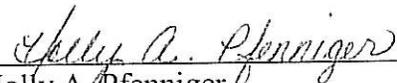
Section 27. Effective date. This Ordinance is necessary for the immediate preservation of the public peace, health, or safety, and shall therefore take effect immediately upon its adoption.

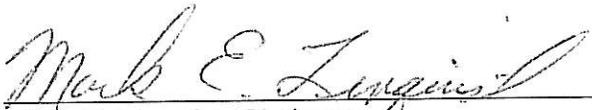
Section 28. Codification. This Ordinance shall be codified in the Revised Code of Wahkiakum County as Chapter 70.95.

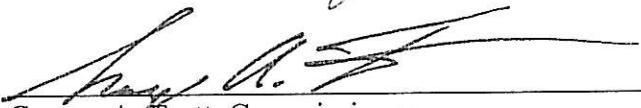
DULY PASSED AND ADOPTED In Regular Session following a public hearing thereon this 13th day of April, 2004.

**BOARD OF COUNTY COMMISSIONERS
OF WAHKIAKUM COUNTY, WASHINGTON**

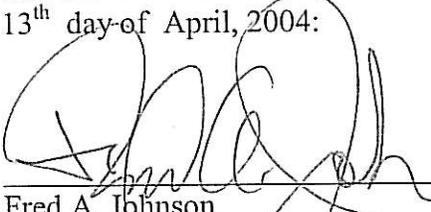
ATTEST:

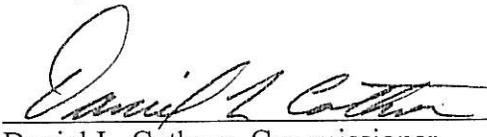

Holly A. Pfenniger
Clerk of the Board


Mark E. Linquist, Chairman


George A. Trott, Commissioner

APPROVED AS TO FORM this
13th day of April, 2004:


Fred A. Johnson
Prosecuting Attorney


Daniel L. Cothren, Commissioner