

**KITTITAS COUNTY BOARD OF HEALTH
ORDINANCE NUMBER 1999-01**

SOLID WASTE REGULATIONS

July 15, 1999

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KITTITAS COUNTY BOARD OF HEALTH
ORDINANCE 1999
SOLID WASTE REGULATIONS

SECTION I. AUTHORITY AND PURPOSE

These solid waste rules and regulations are promulgated under the authority of Chapters 70.05 and 70.95 revised Code of Washington to protect the public peace, health, safety and welfare of the citizens and environment of Kittitas County. All regulations pertinent to solid waste are listed and hereby adopted as noted in Appendix A. These rules and regulations govern the handling, storage, collection, transportation, treatment, utilization, processing and final disposal of all solid waste within Kittitas County, including the issuance of permits and enforcement. Kittitas County has developed a Solid Waste Management Plan, Moderate Risk Waste Plan, and Used Oil Amendment that provides framework to address solid waste issues. All provisions shall be liberally construed for the accomplishment of these purposes.

It is expressly the purpose of these rules, regulations, and plans to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

It is the specific intent of these rules, regulations, and plans to place the obligation of complying with its requirements upon waste generators, haulers, and/or operators of disposal sites, and no provision of, nor term used in these rules and regulations is intended to impose any duty whatsoever upon the Health Department nor any of its officers or employees, for whom the implementation or enforcement of these rules and regulations shall be discretionary and not mandatory.

Nothing contained in these rules, regulations and plans is intended to be, nor shall be construed to create or form the basis for any liability on the part of the Health Department or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the Health Department.

SECTION II. APPLICABILITY

These regulations apply to solid waste and hazardous substances as those terms are defined in Section III of these regulations. These regulations shall not apply to the following solid wastes:

- A. Overburden from mining operations intended for return to the mine;
- B. Liquid wastes whose discharge or potential discharge is regulated under federal, state or local water pollution permits;
- C. Woodwaste used for ornamental, animal bedding, mulch and plant bedding or road building purposes;
- D. Agricultural wastes, limited to manures and crop residues, returned to the soils at rates which do not exceed agronomic rates;
- E. Clean soils and clean dredge spoils as defined in Section III of these regulations or as otherwise regulated by Section 404 of the Federal Clean Water Act (PL 95-217);
- F. Septage taken to a sewage treatment plant permitted under Chapter 90.48 RCW;
- G. Radioactive wastes, defined by Chapters 246-220 and 246-232 WAC; and

H. Wood debris resulting from the harvesting of timber and whose disposal is permitted under Chapter 76.04 RCW, the State Forest Practices Act.

SECTION III. DEFINITIONS

When used in this regulation, the following terms have the meanings given below. Chapter 173-351, 173-303, and 173-304 WAC and (NESHAP) National Emission Standards for Hazardous Air Pollutants 40 CFR Part 61 are hereby adopted by reference.

Active Area: That portion of a facility where solid waste recycling, reuse, treatment, storage or disposal operations are being, are proposed to be, or have been conducted. Buffer zones shall not be considered part of the active area of a facility.

Acute hazardous waste: Dangerous waste sources (listed in WAC 173-303-9004) F020, F021, F022, F023, F026 or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a “P”, including those wastes mixed with source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954. The abbreviation ‘AHW’ will be used in this ordinance to refer to those dangerous and mixed wastes which are acute hazardous wastes. Note – the terms acute and acutely are used interchangeably.

Agricultural Wastes: Wastes on farms resulting from the production of agricultural products including, but not limited to, manures and carcasses of dead animals weighing each or collectively in excess of fifteen (15) pounds.

Aquifer: A geologic formation, group of formations or part of a formation capable of yielding a significant amount of ground water to wells or springs.

Asbestos: Is a product that contains greater than 1% friable asbestos fibers by volume or weight. (Document 11 of EPA Policy Compendium) “Asbestos includes chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos, and any of these minerals that have been chemically treated and/or altered.” (WAC 196-62-77)

Asbestos Containing Material (ACM): Any waste that contains asbestos. This term includes asbestos waste from control devices, materials used to enclose the work area during an asbestos project, asbestos containing material(s) collected for disposal, or asbestos contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos containing flooring or roofing materials shall not be considered ACM if:

1. The asbestos-containing flooring or roofing material is in good condition and is not peeling, cracking, or crumbling; and
2. The binder is petroleum based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and
3. The asbestos-containing flooring or roofing material does not have a friable asbestos backing or friable asbestos layers in between layers of petroleum based binder; and
4. The building, vessel, or structure containing the asbestos-containing flooring or roofing material, regardless of the condition of the material, will not be demolished by burning.

Ashes: The residue, including any air pollution flue dusts, from combustion or incineration of material including solid wastes.

Batch: Any dangerous waste which is generated less frequently than once per month.

Biomedical Waste: Biomedical waste means, and is limited to, the following types of waste:

1. "Animal waste" is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.
2. "Biosafety level 4 disease waste" is the waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level 4 by the Centers for Disease Control, National Institute of Health, and Biosafety in Microbiological and Biomedical Laboratories, current edition.
3. "Cultures and stocks" are wastes infectious to humans including specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.
4. "Human blood and blood products" are waste human blood and blood components, and materials containing free-flowing blood and blood products.
5. "Pathological waste" is human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. "Pathological waste" does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.
6. "Sharps waste" is all hypodermic needles, syringes with needles attached, intravenous tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

Biosolids: Municipal sewage, sludge, and septage is no longer considered a solid waste but a beneficial use product and are therefore not found in these regulations. Refer to Chapter 173-308 WAC.

Buffer Zone: That part of a facility that lies between the active area and the property boundary.

Bulky Waste: Large items of refuse, such as appliances, furniture, junk vehicles, and other oversize wastes which would typically not fit into reusable or disposable containers.

Closure: Those actions taken by the owner or operator of a MSWLF or facility to cease waste handling/disposal operations and to ensure that all MSWLF unit or facility is closed in conformance with applicable regulations at the time of such closures and to prepare the site for the post-closure period. Closure is considered part of operation. See definition of operation.

Commercial Waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial wastes.

Compliance Schedule: A written schedule of required measures in a permit, including an enforceable sequence leading to compliance with these regulations.

Composting: The controlled degradation of organic solid waste yielding a product for use as a soil conditioner.

Container: A device used for the collection, storage and/or transportation of solid waste including, but not limited to, reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.

Contaminate: To allow to discharge a substance into soils, surface or ground water that would cause:

1. The concentration of that substance in the surface or ground water to exceed the standards or levels specified in Chapter 173-200 WAC, or
2. A statistically significant increase in the concentration of that substance in the surface or ground water where the existing concentration of that substance exceeds the maximum contaminant level specified in Chapter 173-200 WAC, or
3. A statistically significant increase above background in the concentration of a substance which:
 - a. Is not specified in Chapter 173-200 WAC; and
 - b. Is present in the solid waste; and
 - c. Has been determined to present a substantial risk to human health or the environment in the concentrations found at the point of compliance by the jurisdictional health department in consultation with Ecology and the Department of Health.

Cover Material: Soil or other suitable material that has been approved by the Health Officer as cover for wastes.

Dangerous Waste: Means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous, or extremely hazardous or mixed waste. As used in this ordinance, the words "dangerous waste" will refer to the full universe of wastes regulated by this chapter. The abbreviation "DW" will refer only to that part of the regulated universe which is not extremely hazardous waste.

Demolition Waste: Solid waste, 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 like copper. Plaster (i.e., sheet rock or plaster board), or any other material, other than wood that are likely to produce gases or leachate during the decomposition process and asbestos waste are not considered to be demolition waste for the purposes of this definition.

Detachable Containers: Reusable containers that are mechanically loaded or handled such as a "dumpster" or drop box.

Disposable Containers: Containers that are used once to handle solid waste such as plastic bags, cardboard boxes and paper bags.

Disposal or Deposition: The discharge, deposit, injection, dumping, leaking or placing of any solid waste into or on any land or water.

Disposal Site: The location where any final treatment, utilization, processing or deposition of solid waste occurs. See also the definition of interim solid waste handling site.

Drop Box Facility: A facility used for the placement of a detachable container, including the area adjacent for necessary entrance and exit roads, unloading and turnaround areas. Drop box facilities normally serve the general public with loose loads and receive waste from off-site. Drop box facilities may also include containers for separated recyclables.

Ecology: The Washington State Department of Ecology.

Emission: The release of air contaminants from solid waste into the outdoor atmosphere.

Energy Recovery: The recovery of energy in a usable form from mass burning or refuse derived fuel incineration, pyrolysis or any other means of using the heat of combustion of solid waste that involves high temperature (above 1,200 degrees Fahrenheit) processing.

EPA: The United States Environmental Protection Agency.

Existing Facility: A facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of Chapter 173-304 WAC and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

1. A continuous on-site physical construction program has begun; or
2. The owner or operator has entered into contractual obligations which cannot be canceled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the Health Department for the purpose of landfilling before the effective date of Chapter 173-304 WAC shall be considered existing facilities.

Expanded Facility: A facility adjacent to an existing facility for which the land is purchased and approved by the Health Officer after the effective date of Chapter 173-304 WAC. A vertical expansion approved and permitted by the Health Department after the effective date of Chapter 173-304 WAC shall also be considered an expanded facility.

Extremely Hazardous Waste: Those dangerous and mixed wastes designated in WAC 173-303-100 as extremely hazardous. The abbreviation "EHW" will be used in this ordinance to refer to those dangerous and mixed wastes which are extremely hazardous

Facility: All contiguous land (including buffer zones) and structures, other appurtenances, and improvements on the land used for solid waste handling.

Facility Structures: Buildings, sheds, utility lines and drainage systems on the facility.

Final Treatment: The act of processing or preparing solid waste for disposal, utilization, reclamation or other approved method of use.

Garbage: Unwanted animal and vegetable wastes and animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food, swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors, except sewage and sewage sludge.

Ground Water: That part of the subsurface water which is in the zone of saturation.

Hazardous Substance: Any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090 or WAC 173-303-100.

Hazardous Waste: Those solid wastes designated by 40CFR Part 261, and regulated as hazardous and/or mixed waste by the United States EPA. This term will never be abbreviated in this ordinance to avoid confusion with the abbreviations “DW” and “EHW”. (See “dangerous waste” and “extremely hazardous waste” definitions.)

Health Department: The Kittitas County Health Department.

Health Officer: The Health Officer or the Health Officer's representative of the Kittitas County Health Department.

Incineration: Reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

Industrial Solid Wastes: Solid waste or waste by-products generated by manufacturing or industrial processes such as scraps, trimmings, packing, pallets, and other discarded materials not otherwise designated as dangerous waste under Chapter 173-303 WAC. This term does not include commercial, inert, construction and demolition waste, woodwaste, mining waste, or oil and gas waste but does include lunchroom, office, or other similar waste generated by employees at the industrial facility.

Inert Wastes: Noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater.

Junk Vehicle: A vehicle certified under RCW 46.55.230 as meeting at least three of following requirements:

1. Three (3) years old or older;
2. Extensively damaged, such damage including but not limited to the following: a broken window or windshield, or missing wheels, tires, motor, or transmission;
3. Apparently inoperable;
4. Has approximate fair market value equal only to the approximate value of the scrap in it.

Laboratory: A room or building equipped for scientific experimentation, research, testing or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.

Land Clearing Waste: Waste resulting from site clearing operations including, but not limited to, stumps, tree trunks, brush, sod and other vegetation and plant waste, and associated rocks, mud, sand, and other mineral waste.

Landfill: A disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a landspreading disposal facility.

Leachate: A liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste.

Liquid: A substance that flows readily and assumes the form of its container, but retains its independent volume.

Liquid Waste: Any waste material that is determined to contain free liquids as defined by Method 9095 (Paint Filter Liquids Test), as described in U.S. Environmental Protection Agency publication SW-846, "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods".

Local Fire Control Agency: A public or private agency or corporation providing fire protection such as a local fire department, the Washington Department of Natural Resources or the United States Forest Service.

Lower Explosive Limits (LEL): The lowest percentage by volume of a mixture of explosive gases which will propagate a flame in air at twenty-five (25) degrees Centigrade and atmospheric pressure.

Manifest: The shipping document, which is used to identify the quantity, composition, origin, routing, and destination of a waste while it is being transported to a point of transfer, disposal, treatment, or storage.

Medical Waste: All infectious and injurious waste originating from a medical, veterinary or intermediate care facility.

Minimum Functional Standards (MFS): Chapter 173-304 WAC, the Minimum Functional Standards for Solid Waste Handling.

Mixed Waste: A dangerous, extremely hazardous, or acutely hazardous waste that contains both a nonradioactive hazardous component and, as defined by 10 CFR 20.1003, source, special nuclear, or by-product material subject to the Atomic Energy Act of 1954 (42 USC 2011 et seq.).

Moderate Risk Waste (MRW): Means any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under Chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation and any household wastes which are generated from the disposal of substances identified by Ecology as hazardous household substances."

Moderate Risk Waste Collection Facility: A dedicated site that is specifically built at a permanent or interim fixed location to collect, treat, recycle, exchange, store, and/or transfer moderate risk waste.

Moderate Risk Waste Fixed Facility (MRWFF): A staffed, dedicated site provided with secondary waste containment that is specifically built or set up at a permanent or interim fixed location to collect, treat, recycle, exchange, store, and/or transfer Moderate Risk Waste.

Moderate Risk Waste Limited Facility (MRWLF): A facility provided with secondary waste containment that is specifically built or set up at a fixed location to collect and store only one or a selected few MRW types.

Municipal Solid Waste Landfill Unit (MSWLF Unit): 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, nondangerous sludge, 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.

New Facility: A facility which begins operation or construction after the effective date of Chapter 173-304 WAC (see also definition of "Existing Facility").

Nonconforming Site: A solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400, but does comply with a compliance schedule issued in a solid waste permit by the Health Officer.

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; 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.

One-Hundred Year Floodplain: Any land area which is subject to one percent or greater chance of flooding in any given year from any source.

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.

Permit: An authorization issued by the Health Officer which allows a person to perform solid waste handling activities at a specific location and which includes specific conditions for such facility operations.

Person: An individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

Pesticide: Means, but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal which is normally considered to be a pest or which the department of agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the department of agriculture by regulation. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this ordinance.

Pile: Any non-containerized accumulation of solid waste that is used for treatment or storage.

Plan of Operation: The written plan developed by an owner or operator of a facility, and approved by the Health Department and Ecology, detailing how a facility is to be operated during its active life and during closure and post-closure.

Point of Compliance: That part of ground water that lies beneath the perimeter of a solid waste facility's active area as that active area would exist at closure of the facility.

Post-Closure: The requirements placed upon disposal facilities after closure to ensure their environmental safety for a thirty-year period or until the site becomes stabilized (i.e., little or no settlement, gas production, or leachate generation). Post-closure includes the development of a written plan which complies with the requirements of Chapter 173-303 WAC, Chapter 173-304 WAC, Chapter 173-351 WAC, and the Solid Waste

Handling Permit issued by the Health Department. The post-closure plan is approved by the Health Department and Ecology and implemented by an owner or operator of a facility or MSWLF unit after closure.

Premises: A tract or parcel of land with or without habitable buildings.

Processing: An operation to convert a solid waste into a useful product or to prepare it for disposal.

Putrescible Waste: Solid waste which contains material capable of being decomposed by microorganisms.

Pyrolysis: The process in which solid wastes are heated in an enclosed device in an oxygen-deficient environment to vaporization, producing a hydrocarbon-rich gas capable of being burned for recovery of energy.

Quantity Exclusion Limits (QEL): These limits are used to distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is subject to the full requirements of WAC 173-303.

Recycling: The source separation of recyclable materials from solid waste or the processing of solid waste mechanically or by hand to segregate recyclable materials for sale or reuse.

Recyclable Materials: Materials which can be removed from solid waste through recycling include, but are not limited to, paper and paperboard products, newsprint, cardboard, magazines, aluminum, glass, plastics, chemicals, oil, wood, compostable organics (food, yard and land clearing wastes), scrap metal, waste tires, construction and demolition debris, gypsum wallboard, and inert material.

Reusable Containers: Containers that are used more than once to handle solid waste such as garbage cans.

Rubbish: All nonputrescible wastes from all public and private establishments and from all residences.

Run-Off: Any rainwater, leachate or other liquid which drains over land from any part of the facility.

Run-On: Any rainwater or other liquid which drains over land onto any part of a facility.

Scavenging: The removal of materials at a disposal site, without the approval of the owner or operator and the Health Officer.

Small Quantity Generator (SQG):

- a) a business whose waste is dangerous waste under WAC 173-303-070 subsection (3) and the quantity of waste generated per month (or the aggregated quantity if more than one kind of waste is generated) does not equal or exceed the quantity exclusion limit (QEL) for such waste (or wastes) as described in WAC 173-303-979(7); and
- b) the quantity accumulated or stored does not exceed 2200 pounds for wastes with a 220 pound Quantity Exclusion Limit (QEL) and 2.2 pounds for waste with a 2.2 pound QEL. (Exception: The accumulation limit for the acute hazardous wastes described in WAC 173-303-081 (2)(iv) and 173-303-082(2)(b) is 220 lbs.); and
- c) the total quantity of dangerous waste generated in one month, all DW and EHW regardless of their QEL's, does not equal or exceed 220 pounds. If a person generates any dangerous wastes that exceed the QEL or accumulates or stores waste that exceeds the accumulation limits, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. A small

quantity generator who generates in excess of the quantity exclusion limits or, accumulates, or stores waste in excess of the accumulation limits becomes subject to the full requirements of WAC 173-303 and cannot again be a small quantity generator until after all dangerous waste on-site at the time he or she became fully regulated have been removed, treated, or disposed.

Sole Source Aquifer: An aquifer designated by the EPA pursuant to Section 1424e of the Safe Drinking Water Act (PL 93-523).

Solid Waste: All putrescible and nonputrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, junk vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semi-solid, materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste also includes, but is not limited to, woodwaste, dangerous waste and problem wastes.

Solid Waste Collection Service: Any agency, business, or service operated by a person for the purpose of collecting and transporting solid waste.

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

Solid Waste Management: The systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment and disposal of solid waste.

Storage: The holding of solid waste materials for a temporary period.

Stream: The point at which any confined freshwater body of surface water reaches a mean annual flow of twenty (20) cubic feet per second.

Surface Impoundment: A facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling and aeration pits, ponds or lagoons, but does not include injection wells.

Surface Water: All lakes, rivers, ponds, streams, inland waters, salt waters and all other water and water courses within the jurisdiction of the State of Washington.

Transfer Station: 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. Transfer stations may also include recycling facilities.

Treatment: The physical, chemical or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for energy or material resource recovery or reduced in volume.

Used Oil:

1. Lubricating fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, truck, bus, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; or

2. Any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; or
3. Any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser; and
4. Used oil does not include oil to which hazardous wastes have been added.(i.e. brake fluid, antifreeze, solvents, thinners, gasoline).

Utilization: Consuming, expending or exhausting by use, solid waste materials.

Vadose Zone: 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.

Vector: A living animal, insect or other arthropod which transmits an infectious disease from one organism to another.

Waste Recycling: Reusing waste materials and extracting valuable materials from a waste stream.

Waste Tires: Tires that are no longer suitable for their intended purpose because of wear, damage or defect.

Waste Tire Carrier: A person who transports waste tires over public roads for the purpose of storage, recycling or final disposal. This does not include:

1. Any person transporting five tires or less;
2. Any person transporting tire derived products;
3. Any United States government agency or political subdivision, when involved in the clean-up of illegal waste tire piles; or
4. Any person in the business of new or used tire sales, who transports more than five (5) waste tires generated by their operations for the purposes of recycling or final disposal, provided that said businesses retain complete trip manifests as provided in Section V.B.3.a.

Waste Tire Storage Facility: Any facility which stores more than two hundred (200) waste tires at any one time.

Water Quality Standard: A standard set for maximum allowable concentrations of specific parameters in surface waters as set forth in Chapter 173-201 WAC, Water Quality Standards for Waters of the State of Washington.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, such as swamps, marshes, bogs, and similar areas. This includes wetlands created, restored or enhanced as part of a mitigation procedure. This excludes constructed wetlands.

White Goods: Appliances such as stoves,dishwashers and water heaters that no longer function for which they were intended and can be salvaged for scrap.

White Goods (freon containing): Refrigerators and Air Conditioning units that no longer function for which they were intended that can be salvaged for scrap once proper removal of freon is removed by a qualified technician.

Woodwaste: Solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hog fuel and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol or copper-chrome-arsenate.

Yard Waste: A compostable organic material generated in yards, gardens, and private or public areas resulting from the maintenance or removal of ornamental vegetation, including, but not limited to, brush, branches, prunings, grass, leaves, flowers, shrubs, and small trees. Yard waste shall not include land clearing wastes, construction and demolition wastes, woodwaste, animal excrement, rocks, garbage, moderate risk waste, or dangerous waste.

SECTION IV. ON-SITE SOLID WASTE MANAGEMENT STANDARDS

A. General Standards

1. Owner Responsibilities for Solid Waste.

The owner, operator or occupant of any premise, business establishment or industry shall be responsible for the satisfactory and legal handling and/or disposal of all solid waste generated by them or accumulated on the property. Except as provided in Section IV.B.6., single-family residences and single-family farms are prohibited from dumping or depositing solid waste onto or under the surface of land owned or leased by them. All solid wastes must be stored in accordance with Section IV.A.2. until removed to a permitted solid waste handling facility.

2. Storage Requirements.

a. Responsibility. The owner and/or occupant of any premises shall be responsible for the safe and sanitary storage of all solid wastes generated or accumulated at that premises until it is removed to a permitted solid waste facility. The storage area and storage containers shall be maintained in a clean, safe, and nuisance-free condition. Provisions shall be made for the safe and sanitary disposal of leakage and drainage from sanitary compactors, drop boxes, and storage areas. Materials shall be contained to prevent blowing. Additionally, generators should refer to Section IV.B. pertaining to specific solid waste handling requirements.

b. On-Site Storage.

(1) The owner, operator or occupant of any premises, business establishment or industry shall store all garbage and rubbish in containers that meet the following requirements, except for recyclables which are addressed in Section IV.A.2.b.(3).:

(A) Disposable containers shall be sufficiently strong to allow lifting without breakage.

(B) Reusable containers, except for detachable containers, shall be:

- (i) Rigid and durable;
- (ii) Corrosion resistant;
- (iii) Nonabsorbent and watertight;
- (iv) Rodent-proof and easily cleanable;
- (v) Equipped with a close-fitting cover;
- (vi) Suitable for handling with no sharp edges or other hazardous conditions; and

(C) Detachable containers shall be durable, corrosion-resistant, nonabsorbent, non-leaking and having either a solid cover or screen cover to prevent littering.

(D) The Health Officer may require disinfection of any container. Containers shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from container cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.

(E) Any litter container required and approved pursuant to the Model Litter Control Act, Chapter 70.93 RCW, shall be exempt from the provisions of this section.

(2) Containers of garbage and rubbish shall be closed at all times except when waste is being added or removed.

(3) The owner, operator or occupant of any premises, business establishment or industry shall store all recyclable materials so as not to produce unsafe or unsanitary conditions.

3. Removal.

Putrescible waste shall be removed from the premises where it was generated to a permitted solid waste handling facility no less than once per week, or at a different frequency approved by the Health Officer due to public health and safety risk. Rubbish shall be removed to a permitted solid waste handling facility as needed so as not to create a nuisance or litter problem.

4. Collection and Transportation.

- a. All persons collecting or transporting solid waste shall prevent littering or the creation of other nuisances at the loading point, during transport, and shall be responsible for the proper unloading of the solid waste at a permitted transfer station or other permitted solid waste handling or disposal site. Non-containerized solid waste and recyclable materials shall be covered during transport to prevent spillage.
- b. Vehicles or containers used for the collection and transportation of solid waste, except biomedical waste, shall be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.

- c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.
- d. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.
- e. A fee will be imposed in addition to other solid waste charges for a person arriving at a staffed landfill or transfer station without a cover on the vehicle's waste or without the waste secured in accordance with RCW 70.93.097.
 - 1. Funds generated by these fees will be utilized for solid waste education and enforcement.
 - 2. The fees collected by Solid Waste Programs shall be deposited no less often than quarterly with the Kittitas County Health Department.
- f. A vehicle which is transporting sand, dirt, or gravel in compliance with the provisions of RCW 46.61.655 shall not be required to secure or cover a load.

5. Disposal.

- a. Generally. All solid wastes shall be disposed of at an appropriate solid waste handling facility permitted to receive such waste, or in a manner consistent with these regulations as approved by the Health Officer. Should a situation arise where disposal of solid waste is not covered under these regulations, the Health Officer shall determine acceptability of a method of disposal for the solid waste on a case-by-case basis.
- b. Unlawful Dumping. It shall be unlawful for any person to dump, deposit, bury, or allow the dumping, depositing or burying of any solid waste onto or under the surface of the ground or into the waters of this state, except at a solid waste disposal site for which there is a valid permit. Unlawful dumping shall include unauthorized deposition of solid waste into a container that is owned or leased by another person.
- c. Name Appearing on Waste Material and Presumption. Whenever solid waste dumped in violation of this regulation contains three (3) or more items bearing the name of one individual, there shall be a presumption that the individual whose name appears on such items committed the unlawful act of dumping.
- d. Identification Presumed. When the Health Officer investigates a case of unlawful dumping and finds identification in the solid waste as described in Section IV.A.5.c., or other evidence, he/she may then order the person who committed the unlawful dumping to remove and dispose of said solid waste according to these regulations. Following the disposal of said solid waste, the Health Officer may order this person to present to the Health Officer a receipt from the permitted disposal facility as proof of appropriate disposal.
- e. Lack of Identification. When the Health Officer investigates a case of unlawful dumping and finds no identification in the solid waste, nor evidence, he/she may then order the property owner to remove said solid waste from his/her land, and have the solid waste disposed of according to these regulations. Where this occurs on private land, the property owner or occupant shall be responsible

for removal and disposal. Where this occurs on public land, the appropriate governmental agency shall be responsible for removal and disposal.

- f. Burning Prohibited. It shall be unlawful for any person to burn solid waste including garbage or rubbish unless these materials are burned in an appropriate permitted energy recovery or incinerator facility.
- g. Disposal Service Required. When a person does not dispose of solid wastes in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled solid waste collection service if said person does not already have this service and if a solid waste collection service exists or is offered in the geographic area where the person resides. Said service shall be from an approved solid waste collection service with necessary certificates issued by the Washington Utilities and Transportation Commission. If said person does not have this service and resides in a geographic area where a single solid waste collection service operates exclusively under covenant or ordinance as required by local government, and said service is mandatory for persons residing within the jurisdiction of the local government, the Health Officer may schedule ongoing regularly scheduled service for said person with this solid waste collection service.

B. Specific Waste Stream Standards

1. Applicability.

This section applies to all persons who generate and/or handle the specific wastes referenced herein.

2. Moderate Risk Waste and Used Oil.

a. Storage Requirements.

- (1) Moderate Risk Waste (MRW), used oil, and hazardous substances shall be stored in containers which are:
 - (A) Compatible with the waste contained therein;
 - (B) In good condition and without any leaks, corrosion or other signs of deterioration;
 - (C) Securely covered at all times except during the addition or removal of contents; and
 - (D) In the case of hazardous substances which are unused products, stored in their original container.
 - (E) All containers shall be clearly marked with the contents (i.e. used oil, antifreeze, xylene etc.) or marked with the word "EMPTY".
- (2) Containers of MRW, used oil, and hazardous substances shall be stored on a bermed or curbed, impervious surface other than the ground, asphalt, or wood, and in a location(s) which is covered and controlled to prevent:
 - (A) Container deterioration due to weather exposure;
 - (B) Surface water run-on;

(C) Exposure to extreme temperatures; and

(D) Any other controllable condition which may cause or increase the possibility of container failure.

- b. Accumulation. In addition as listed below to the quantity exclusion limits (QELs) contained in WAC 173-303-070(8), MRW, used oil, and hazardous substances shall not be accumulated in quantities that, in the opinion of the Health Officer, present a demonstrable threat to public health or the environment.

Small Quantity Generators (SQG) shall not accumulate wastes in excess of the Quantity Exclusion Limit for the wastes generated by their business per WAC 173-303-070, 070-100, and 170(1).

Large Quantity (Regulated) Generators shall not accumulate wastes on site in excess of their monthly accumulation limit for waste in accordance with WAC 173-303-200(1)(c), (1)(d).

Medium Quantity Generators (MQG) shall not accumulate wastes on site in excess of 2,200 pounds per 173-303-201(1),(2) WAC.

Above Waste Generators shall abide by the Waste Accumulation Time Limits per 173-303-200(1), (2) WAC.

Used oil shall not be accumulated in quantities in excess of 300 gallons at any one site, home or business. The Health Officer at his discretion may restrict the amount of used oil accumulated if potential public health and safety are at risk.

- c. Transportation. MRW and used oil shall be transported in accordance with Sections IV.A.4.a. through IV.A.4.c.

- d. Treatment and Disposal.

(1) Moderate Risk Waste. All MRW shall be disposed of at a permitted moderate risk waste collection facility, or picked up by a permitted dangerous waste transporter. MRW may also be processed using an on-site treatment system approved by Ecology which renders the waste non-dangerous. MRW shall not be deposited in the general municipal solid waste collection system, a public sewer system, a storm drain, an on-site sewage system, in surface or ground water, or onto or under the surface of the ground.

(2) Pesticides. Usable pesticides shall be utilized in accordance with the Washington State Department of Agriculture authorized usage of the product. Unused or leftover pesticide materials intended for farm business use that cannot be applied in a manner consistent with the pesticide label use instructions, outdated pesticide or an unwanted pesticide is considered a waste and must be disposed of through a Department of Agriculture sponsored collection event.

Disposal of used containers of DW, EHW, AHW and pesticides. Used liquid containers shall be multiple rinsed (a minimum of three times) so that no residues remain. The rinsate shall be utilized in a manner consistent with the directions. The containers must be clean and dry inside and outside, with no apparent odor, prior to disposal in the municipal solid waste stream.

Used paper and fiber containers must be cut open. To thoroughly remove the contents strike or shake the container and utilize the contents in the manner consistent with the directions. All residue shall be emptied prior to disposal.

- (3) Used Oil. Used oil shall be recycled or disposed of in accordance with RCW 70.95 and RCW 70.105, RCW 70.94 or a facility permitted in Washington State to transport or accept used oil.

Used oil shall not be burned as fuel in a land-based facility or in state waters unless it meets the standards of RCW 70.94.610.

“A person annually selling one thousand or more gallons of lubricating oil to ultimate consumers for use or installation off the premises, or five hundred or more vehicle oil filters to ultimate consumers for use or installation off the premises within Kittitas County shall:

- Post and maintain at or near the point of sale, durable and legible signs (obtained from the Department of Ecology or Solid Waste Programs at no charge) informing the public of the importance of used oil recycling and how and where used oil may be properly recycled: and
- Provide for sale at or near the display location of the lubricating oil or vehicle oil filters, household used oil recycling containers.
- A person, who, after notice, violates this section is guilty of a misdemeanor and on conviction is subject to a fine not to exceed one thousand dollars.”

Disposal of used oil penalty

- The use of used oil for dust suppression or weed abatement is prohibited.
 - No person may sell or distribute absorbent-based kits, intended for home use, as a means for collecting, recycling, or disposing of used oil.
 - No person may knowingly dispose of used oil except by delivery to a person collecting used oil for recycling, treatment, or disposal subject to the provisions of Chapter 70.95 RCW and RCW 70.105.
 - No owner or operator of a solid waste landfill may knowingly accept used oil for disposal in the landfill.
 - Any persons who violate this section are guilty of a misdemeanor.
- e. Mitigation and Control. A company or person responsible for a spill or nonpermitted discharge of MRW, DW, EHW, AHW, used oil, and/or hazardous substances shall take appropriate and immediate action to protect public health and the environment, including any necessary measure required to protect the immediate environment or human health. In addition, the person responsible for a spill or discharge shall, in accordance with WAC 173-303-145:
- (1) Notify the Health Department and, when an imminent threat to public health or the environment exists, emergency 911;
 - (2) Notify the Central Regional Office of the Department of Ecology,
 - (3) Clean up any released hazardous substance, or take such actions as may be required or approved by federal, state, or local officials; and
 - (4) Meet applicable requirements of Section IV.C.3. as directed by the Health Officer.

3. Asbestos Containing Waste.

- a. General. Asbestos containing waste material (ACWM), as defined in Section III, shall be handled and disposed of pursuant to 40 CFR Part 61, Chapter 173-303 WAC, and Chapter 296-65 WAC as these regulations are amended.
- b. Removal. Persons removing ACWM shall contact Washington State Department of Labor and Industries for information and instruction concerning removal and disposal.

Labor and Industries ACWM must be wetted down during removal to reduce airborne emissions of particulate matter. ACWM shall be sealed into leak tight containers or double bagged in polyethylene bags with a combined six (6) mils thickness or greater and identified with the proper warning label as per 296-62-07723 WAC.

Floor tile, roofing material, packing, and gaskets (normally nonfriable Asbestos Containing Material (ACM)) must be inspected by an inspector accredited in Washington State to inspect for Asbestos, before demolition to determine if the ACM is in poor condition, indicated by peeling, cracking, or crumbling of the material. If normally nonfriable ACM is in poor condition, then the material must be tested for friability. If the ACM is friable, it must be handled in accordance with the NESHAP. The above four nonfriable ACM should be removed before demolition only if they are in poor condition and are friable.

If the nonfriable ACM is subjected to sanding, grinding, or abrading as part of demolition or renovation, then the nonfriable ACM must be handled in accordance with the NESHAP. If a building is demolished by burning, all ACM must be removed prior to the demolition.

- c. Disposal. Generators of ACWM shall contact Kittitas County Solid Waste Programs prior to disposal at the Kittitas County Asbestos Site 24 hours prior to disposal of ACM. The ACM shall be disposed of in accordance with 40 CFR Part 61 and the approved plan under Section VI.B.1.c.(4), and covered with at least fifteen centimeters (6 inches) of non-asbestos containing waste material immediately following disposal..

4. Biomedical Waste.

- a. Sections referencing "Biomedical Waste" in WAC 480-70-500, WAC 296-62, and WAC 173-304 is hereby referenced and adopted.
- b. Home Sharps. Shall be in leakproof, rigid, puncture resistant, break resistant containers which are labeled and tightly lidded during storage, handling, and transport. These containers must be capable of maintaining their structural integrity from the point of storage to deposition at an approved disposal or collection site. The containers shall be of any color and shall be conspicuously labeled with the international biohazard symbol, and the words "Biohazardous Waste" or words that clearly denote the presence of biomedical waste.

5. Animal Waste.

- a. Animal waste, including but not limited to, manure, dead animals and agricultural wastes, shall be disposed of in a manner consistent with Chapter 246-203 WAC, General Sanitation Regulations, or other method approved by the Health Officer. Any animal waste which is deemed biomedical waste as defined in Section III shall be handled, treated and disposed of as required in Section IV.B.4.

- b. Dead Animals. Except as otherwise provided in Section IV.B.5., dead animals shall be disposed of in a manner to protect the public health and the environment. Large animals shall be taken to a rendering plant, or a veterinary clinic, or property owners may bury animals on their property so long as no nuisance is created. i.e. (high water table or insufficient depth of soil so as not to completely cover the animal thereby allowing scavenging to take place). Small animals shall be taken to a veterinary clinic, an animal shelter, buried on site, or can be disposed of at transfer stations (double bagged) so as not to create a nuisance.
- c. Agricultural Waste. Agricultural waste shall be regulated pursuant to Chapter 70.95 RCW.
- d. Pet Feces. Pet feces, especially dog droppings, shall be disposed of in a manner, such as burial or bagging and placement into containers described in Section IV.A.2.b., which does not create a nuisance or pollute surface waters of the state, and shall be disposed of no less than once per week, unless a different frequency is approved by the Health Officer. Pet feces may be disposed of into the sanitary sewer if the system is served by a sewer treatment facility which will accept such waste. This waste shall not be put into a storm sewer.

6. Compost.

Composting of household food waste, grass clippings and/or other compostable material, shall be conducted in a manner which minimizes odors or emissions, does not create a nuisance, or attract rodents and/or other vectors. The Department of Ecology Best Management Practices publication #97-502 Compost Facility Handbook shall be referenced. Single family residences and single family farms which are composting materials resulting from their own activities on site, when such action does not create a nuisance, are exempt from the permit requirements in Section VI.L.

7. Bulky Waste.

Bulky wastes shall be stored and transported in such a manner so as not to create a nuisance or safety hazard. Bulky wastes should be recycled. County transfer stations provide this service(excluding junk cars) as well as independent recyclers. If recycling is not feasible, these wastes shall be disposed of at an approved solid waste facility.

8. Demolition Waste.

Generators of demolition waste should source separate and recycle the material to the maximum extent practicable. Individuals may take this material to county transfer stations. Contractors may contact Solid Waste Programs and once approved, haul directly to a permitted facility.

C. Specific Business Waste Stream Standards

1. Applicability.

This section applies to all businesses which generate and/or handle the specific wastes referenced herein.

2. Small Quantity Generators.

- a. Applicability. This section applies to small quantity generators (SQGs) as defined in Section III. In addition to the requirements of this section, SQGs must meet the requirements of Section IV.B.2.
 - b. Waste Designation. SQGs shall designate suspected or known dangerous wastes pursuant to WAC 173-303-070.
 - c. Container Labeling. SQG's shall label all containers of MRW and used oil with the name of the waste and major hazard(s) associated with the waste. Containers of MRW shall also be labeled with the words or appropriate acronyms for "dangerous waste", "extremely hazardous waste", acutely hazardous waste".
 - d. Secondary Containment. Secondary containment is required of all containers of dangerous wastes and/or used oil stored on-site. This containment must be equipped with a drain, durable, compatible with the waste it is meant to contain, and large enough to contain ten (10) percent of the total waste volume, or one hundred ten (110) percent of the largest container, whichever is greater.
 - e. Hazardous Materials Management Plans. The Health Officer may require an SQG to prepare and follow a written Health Department approved Hazardous Materials Management Plan when the SQG has violated any part of this regulation.
3. Waste Screening.
- a. All solid waste must be designated as required by WAC 173-303-070 to prevent the disposal of dangerous waste at a facility not permitted to accept dangerous waste. All solid waste which designates as dangerous waste must be managed in a manner consistent with these regulations and Chapter 173-303 WAC.
 - b. The Health Officer may require the screening of any wastes suspected of being a regulated dangerous waste as defined in Section III. The screening process may involve analytical testing, a disclosure of the waste constituents and waste generation process, and other additional information necessary to determine if the waste is dangerous. The Health Officer may establish a schedule for compliance as part of the screening process. Based on the results of the required screening, the Health Officer may require the generator or transporter to direct the waste to a facility permitted to handle such waste.
4. Waste Tires.
- a. Applicability. This section applies to all businesses which store waste tires including, but not limited to, persons involved in the business of new or used tire sales, and waste tire storage facilities. Site owners shall meet applicable regulations contained in Chapter 173-314 and 173-304-420 WAC.
 - b. Generally. No person shall enter into a contract, or use services, for the transportation of waste tires, with a transporter who does not possess applicable licensing from the state.
 - c. Storage.
 - (1) Except as provided in Section IV.C.4.c.(2) below, businesses shall at no time store more than two hundred (200) waste tires, or store any volume of waste tires in which the manner could result in vector harborage and/or fire hazard. Tires shall not be used for the construction of

fencing, corrals or any other use in which tires were not originally intended for without prior written approval of the Health Officer.

- (2) Any person who is engaged in the storage of more than two hundred (200) waste tires, shall obtain a Solid Waste Handling Permit as a waste tire storage facility in accordance with Section VI. F. Said waste tire storage facility shall comply with the provisions of WAC 173-304-420 and Chapter 173-314 WAC.

SECTION V. SOLID WASTE COLLECTION SERVICE STANDARDS

A. Operation and Maintenance Requirements

1. General.

- a. All persons operating a solid waste collection service shall prevent littering or the creation of other nuisances at the loading point, during transport, and shall be responsible for the proper unloading of solid waste at a permitted transfer station or other permitted solid waste handling or disposal site. Non-containerized solid waste and recyclable materials shall be covered during transport to prevent spillage.
- b. Vehicles or containers used for the collection and transportation of solid waste, except biomedical waste, shall be tightly covered or screened where littering may occur, durable, and of easily cleanable construction. Where garbage is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors and insect breeding.
- c. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.
- d. The Health Officer may require disinfection of any vehicle. Vehicles shall be cleaned frequently to prevent rodent/vector nuisances. All wastewater from vehicle cleaning shall be disposed of in a sanitary sewer system, unless otherwise authorized by the Health Officer.
- e. All persons operating a solid waste collection service shall inspect collection and transportation vehicles at least monthly for repairs to containers such as missing or loose fitting covers or screens, leaking containers, etc., and maintain such inspection records at the facility normally used to park such vehicles or such other location that maintenance records are kept. Such records shall be kept for a period of at least two (2) years, and be made available upon the request of the Health Officer.
- f. Any person desiring to operate a solid waste collection service shall meet the provisions of Chapter 480-70 WAC.

2. Waste Tire Carriers.

- a. Waste tire carriers shall meet the conditions in Section V.A.1.a., b., c., e., and f.
- b. Waste tire carriers shall obtain a waste tire carrier license from the Washington State Department of Licensing pursuant to WAC 173-314-200.

- c. All waste tire carriers, and businesses transporting more than five (5) waste tires generated by their own operations for the purpose of recycling, storage or disposal, shall maintain complete trip manifests for each occurrence of waste tire transportation. Completed manifests shall be retained at the point of generation for a period of two (2) years and be available to the Health Officer on request. Manifests shall be on one form and shall include:
 - (1) Date tires are transported;
 - (2) Number of tires transported;
 - (3) Name, telephone number, and location of storage, recycling or final disposal facility to which the load is destined; and
 - (4) Printed name and signature of person(s) transporting the waste tires.

SECTION VI. SOLID WASTE HANDLING FACILITY STANDARDS

A. General Facility Requirements

1. Applicability.

- a. All facilities which are subject to the standards of Chapters 173-303, 173-304 or 173-351 WAC or the amendments thereto, and all solid waste handling, storage, collection, transportation, treatment, utilization, processing, recycling, recovery, and final disposal facilities subject to these regulations are required to obtain permits. Single-family residences and single-family farms who generate waste on site are exempt from these permit requirements provided that the applicable standards of Section IV are fully complied with.
- b. Permits are not required for corrective actions at solid waste handling facilities performed by the 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 corrective actions taken by others to comply with a state and/or federal cleanup order provided that:
 - (1) The action results in an overall improvement of the environmental impact of the site;
 - (2) The action does not require or result in additional waste being delivered to the site or increase the amount of waste or contamination present at the site;
 - (3) The facility standards of Chapters 173-304 and 173-351 WAC and Sections IV.B. and VI.A.3. are met; and
 - (4) The Health Officer is informed in writing of the actions to be taken at least ninety (90) days prior to initial activities, and is given the opportunity to review and comment upon the proposed corrective action plans.
- c. Effective Dates.
 - (1) Existing facilities will operate under the terms and conditions of their existing permits valid on the effective date of this regulation. After the expiration date of existing permits, these existing facilities shall meet the requirements of this section.

- (2) New and expanded waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

2. Solid Waste Handling Permit.

No solid waste disposal site or facility, solid waste handling facility, shall be operated, established, substantially altered, expanded or improved until the county, city or other person operating or owning such site has obtained a Solid Waste Handling Permit from the Health Department pursuant to the provisions of this section.

a. Procedures for Permits.

- (1) Any owner or operator subject to the permit requirements who intends to operate a facility must apply for a permit with the Health Officer. Filing shall not be complete until three (3) copies of the application have been signed by the owner and operator and received by the Health Officer, the permit fee has been submitted, and the applicant has filed an environmental checklist required under the State Environmental Policy Act Rules, Chapter 197-11 WAC.
- (2) Except for municipal solid waste landfills which shall follow the permitting requirements of WAC 173-351-700 through WAC 173-351-750, all applications for a permit must contain the information set forth in these regulations.
- (3) Once the Health Officer determines that an application for a permit is factually complete, he/she shall refer one (1) copy to the Central Regional Office of Ecology and one (1) copy to Solid Waste Programs for review and comment.
- (4) If an application for a permit is factually incomplete, the Health Officer may deny the application without prejudice. In such a case, if the application is made factually complete within six (6) months of its denial without prejudice, it shall be considered to be a continuation of the initial application. Application fees are non-refundable.
- (5) The Health Officer shall investigate every application to determine whether the facility meets all applicable laws and regulations and complies with all zoning requirements. Solid Waste Programs reviews to ensure that the application conforms with the most recently approved Kittitas County Comprehensive Solid Waste Management Plan.
- (6) The Health Officer shall establish and collect fees for permits and renewal of permits. Fees must be submitted with the permit application.
- (7) A copy of all permit applications must be sent to the Department of Ecology for review and recommendation for or against the issuance of each permit by the Health Officer
- (8) When the Health Officer has evaluated all pertinent information, he or she may issue a permit. Every completed solid waste permit application shall be approved or disapproved within ninety (90) days after its receipt by the Health Officer or the applicant shall be informed as to the status of the application with a schedule for final determination.
- (9) After the Health Officer denies issuance of a solid waste permit, reapplication for a permit involving substantially the same proposal shall not be considered for six (6) months and shall consist of an original application.

- (10) Every permit application received by the Health Officer shall be on a format prescribed by the Health Officer and shall contain specific requirements necessary for the proper operation and development of the permitted site or facility, including the requirement that final engineering plans, specifications and other reports be submitted for approval to the Health Officer.
 - (11) The Health Department must file all issued permits with Ecology no more than seven (7) days after the date of issuance.
 - (12) The owner or operator of a facility shall apply for renewal of the facility's permit annually. The Health Officer shall annually:
 - (A) Review the original application for compliance with these regulations and such additional information as required in Section VI.A.2.c.;
 - (B) Review information collected from inspections, complaints or known changes in the operations;
 - (C) Collect the renewal fee;
 - (D) Renew the permit; and
 - (E) File the renewed permit with Ecology no more than seven (7) days after the date of issuance. Ecology shall review and may appeal the renewal as set forth in RCW 70.95.185 and RCW 70.95.190.
- b. General Application Contents for Permits for New or Expanded Facilities. Except as provided for in Section VI.C., all permit applications for facilities subject to these regulations, shall include, but may not be limited to, the following:
- (1) A general description of the facility;
 - (2) The types of waste to be handled at the facility;
 - (3) The plan of operation required by WAC 173-304-405 (2);
 - (4) The form used to record weights and volumes of each type of waste stream accepted as required by WAC 173-304-405 (3) and stipulated by the approved Kittitas County Comprehensive Solid Waste Management Plan;
 - (5) An inspection schedule and inspection log required by WAC 173-304-405 (5); and
 - (6) Documentation to show that any domestic or industrial wastewater treatment facility, such as a leachate collection and treatment system, is being reviewed by Ecology under Chapter 173-240 WAC (Submission of Plans and Reports for Construction of Wastewater Facilities).
- c. Application Contents for Existing Facilities Renewing Permits.
- (1) All owners or operators of existing facilities shall renew permits on application forms specified by the Health Officer. Previous information submitted to the Health Officer may be referred to on the application forms. Changes in operating methods or other changes must be noted on the application in order to be authorized by permit.

- (2) Evidence of general liability insurance in an amount no less than one million dollars (\$1,000,000) shall be furnished to the Health Officer, as he or she may require, prior to permit renewal for all existing facilities if the owner or operator is other than a governmental agency.
 - d. Re-Examination Fee. When plans and specifications that have been examined are altered and resubmitted, an additional fee for the re-examination of such plans shall be assessed at the current cost of the health department's hourly rate. Where a duplicate set of approved plans are submitted for examination and approval at any time after a permit has been issued on the original approved plans, a fee shall be charged at the current hourly rate for such examination and approval. Where a complete redesign of a site is submitted after one design has been examined, the current hourly rate shall also be charged in addition to the application fee for the first design. The examination of any further redesign shall be similarly charged.
3. Facility Standards.
- a. The following Ecology facility standards are hereby adopted by reference:
 - (1) WAC 173-304-467: Financial Assurance for Public Facilities, except for municipal solid waste landfills regulated under Chapter 173-351 WAC.
 - (2) WAC 173-304-400: Solid Waste Handling Facility Standards.
 - (3) WAC 173-304-405: General Facility Requirements.
 - b. Out-of-County Generated Solid Waste. No out-of -county waste shall be accepted unless the Health Officer has reviewed and presented all pertinent information to the Board of Health for their review for either acceptance or denial. The Board of Health shall then forward their recommendation to the County Commissioners. The County Commissioners shall either accept or deny the Board of Health recommendation.
 - c. Disposal Site Inspection and Screening. If during inspections of solid waste handling facilities the Health Officer observes waste suspected of being regulated dangerous waste, the Health Officer shall have the authority to require the site operator to segregate and hold any such waste. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis. If the generator is not known, the site owner or operator shall be responsible for such analysis. The disposal site owner, operator, and/or attendants shall have similar authority not to accept suspect wastes. All generators of dangerous wastes shall be subject to the conditions of the Dangerous Waste Regulations, Chapter 173-303 WAC. The site owner or operator will assume responsibility for disposal of the waste if the generator is unknown. The site owner or operator shall maintain records of loads refused as suspected dangerous wastes. These records shall include name and address of generator or transporter, license plate number of the transporting vehicle, description of waste and reason for refusal. The site operator shall refer this information to the Health Officer as soon as possible.

B. General Landfill Facilities (except Municipal Solid Waste Landfills)

1. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each landfill permit application, except for municipal solid waste landfill applications, must include, but may not be limited to, the following:

- a. A geohydrological assessment of the facility which meets the minimum requirements of WAC 173-304-600(3)(b)(i) including, but not limited to, information which addresses:
 - (1) Local/regional geology and hydrology, including faults, unstable slopes and subsidence areas on site;
 - (2) Evaluation of bedrock and soil types and properties;
 - (3) Depths to ground water and/or aquifer(s);
 - (4) Direction and flow rate of local ground water;
 - (5) Direction of flow of regional ground water;
 - (6) Number, location and construction (where available) of private and public wells within a two-thousand (2,000) foot radius of the site;
 - (7) Tabulation of all water rights for ground water and surface water within a two-thousand (2,000) foot radius of the site;
 - (8) Identification and description of all perennial surface waters within a one-mile radius of the site, and all ephemeral streams, wetlands, and lakes within a two-thousand (2,000) foot radius of the site;
 - (9) Background ground water quality assessment, for the drinking water parameters indicated in WAC 173-304-9901 and WAC 173-200-040 (2), which accounts for both dry and wet weather conditions, and for expanded facilities, identification of impacts of existing facilities of the applicant, to date, upon ground waters from landfill leachate discharges or stormwater surface run-off;
 - (10) Background surface water quality assessment for temperature, pH, fecal coliform bacteria, conductivity, turbidity, suspended solids, dissolved oxygen, heavy metals, hardness, chloride, nitrate, nitrite, ammonia, sulfate, chemical oxygen demand, total organic carbon, and organics, which account for both dry and wet weather conditions, and for expanded facilities, identification of impacts of existing facilities of the applicant, to date, upon surface waters from landfill leachate discharges or stormwater surface run-off, or other information specified by the Health Officer;
 - (11) Calculation of a site water balance;
 - (12) Conceptual design of a ground water and surface water monitoring system, including proposed installation methods for these devices and where applicable, a vadose zone monitoring plan;
 - (13) Land use in the area, including the location of nearby residences; and

- (14) Topography of the site and drainage patterns for both pre- and post-development conditions.
- b. Preliminary engineering report/plans and specifications and development and operation plans are subject to the requirements of WAC 173-304-600(3)(b)(ii), and shall include, but not be limited to:
- (1) How the facility will meet the locational standards of WAC 173-304-130;
 - (2) Relationship of the facility to the most recently approved Kittitas County Solid Waste Management Plan, and the basis/calculations for determining the facility's life;
 - (3) The design of bottom and side liners, and final cover system;
 - (4) Identification and analysis of borrow sources for liner construction, and daily and final cover;
 - (5) Interim/final leachate collection, treatment and disposal methodology;
 - (6) Ground water monitoring;
 - (7) Landfill gas control and monitoring;
 - (8) Stormwater surface run-off quality and quantity control, discharge, and monitoring;
 - (9) Trench design, fill methods, elevation of final cover and bottom liner, and equipment requirements; and
 - (10) Closure/post-closure design, construction, maintenance and land use.
- c. The operation plan is subject to the requirements of WAC 173-304-600(3)(b)(iii), and shall address, at a minimum:
- (1) Operation and maintenance of leachate collection, treatment and disposal systems;
 - (2) Operation and maintenance of landfill gas control systems;
 - (3) Operation, maintenance, and monitoring plans for ground water, surface water and landfill gases to include sampling technique, frequency, handling and analyses requirements;
 - (4) Plans for handling solid wastes on-site including plans for handling asbestos and problem wastes;
 - (5) Safety and emergency plans;
 - (6) Routine filling, grading, cover and housekeeping, including dust control and blowing litter;
 - (7) Record system to address records on weights and volumes of each waste stream type, number of vehicles and the types of waste received;
 - (8) A method to perform an annual waste capacity analysis study of the site to determine total amount of the site capacity filled to date, and total site life remaining based upon the frequency, volumes, and compaction effectiveness of solid wastes brought to the site;
 - (9) Vector control plans;

- (10) Noise control;
 - (11) How inspections are conducted and their frequency;
 - (12) Actions to be taken if there is a fire or explosion;
 - (13) Actions to be taken if a leak is detected;
 - (14) Corrective action programs to take if ground water or surface water is contaminated; and
 - (15) Actions to be taken if there is a failure of the surface water containment system.
- d. The closure plan is subject to the requirements of WAC 173-304-600(3)(b)(iv), and shall address, at a minimum:
- (1) Estimate of closure season/year for individual cells (if applicable) and for the facility in whole;
 - (2) Capacity of site in volume and tonnage;
 - (3) Maintenance of active fill versus completed, final covered acreage;
 - (4) Estimated closure construction timing and notification procedures; and
 - (5) Inspection by regulatory agencies.
- e. The post-closure plan is subject to the requirements of WAC 173-304-600(3)(b)(v), and shall address, at a minimum:
- (1) Estimated time period for post-closure activities;
 - (2) Site monitoring of landfill gas, ground water, surface water, and leachate;
 - (3) Deed clause changes, land use and zoning restrictions;
 - (4) Maintenance activities to maintain final cover, stormwater run-on and run-off systems, and monitoring systems; and
 - (5) Identification of final closure costs, including cost calculations and the funding mechanism for financial assurance, as described in WAC 173-304-467 and WAC 173-304-468, as amended.

2. Facility Standards.

- a. Ecology Facility Standards Adopted by Reference. Ecology solid waste facility standards contained in Chapters 173-304 WAC, as amended, and as hereafter adopted by Ecology, are hereby adopted by reference. These facility standards include, but may not be limited to the following:
- (1) WAC 173-304-130: Locational Standards for Disposal Sites.
 - (2) WAC 173-304-460: Landfilling Standards, except for municipal solid waste landfills regulated under Chapter 173-351 WAC.

- (3) WAC 173-304-468: Financial Assurance for Private Landfill Disposal Facilities, except for municipal solid waste landfills regulated under Chapter 173-351 WAC.
 - (4) WAC 173-304-490: Ground Water Monitoring Requirements, except for municipal solid waste landfills regulated under Chapter 173-351 WAC.
 - (5) WAC 173-304-9901: Maximum Contaminant Levels for Ground Water, except for municipal solid waste landfills regulated under Chapter 173-351 WAC.
- b. Methane Monitoring. All landfills where methane gas is generated shall provide for adequate venting, collecting, redirecting, or elimination of gases generated by solid waste. It shall be the responsibility of the landfill operator and/or owner to develop a sampling and testing program to monitor gas production and migration. Such program shall be submitted for review and approval by the Health Officer prior to work initiation.
- c. Development and Closure.
- (1) WAC 173-304-407: General Closure and Post-Closure Requirements is hereby adopted by reference.
 - (2) Any person desiring to close an existing landfill facility must apply for a post-closure permit with the Health Officer, on a form to be provided by the Health Officer. The application shall address compliance with the facility's post-closure plan as described in Section VI.B.1.e.

C. Municipal Solid Waste Landfills

1. General.

Municipal solid waste landfills shall comply with the Kittitas County Solid Waste Management Plan and all provisions of Chapter 173-351 WAC: Municipal Solid Waste Landfills, which is hereby adopted by reference. Municipal solid waste landfills shall follow the permitting and permit application content requirements of WAC 173-351-700 through WAC 173-351-750.

2. Facility Standards.

a. General. Municipal solid waste landfills shall comply with the facility standards in Chapter 173-351 WAC and the additional requirements in this section.

b. Waste Screening.

(1) Municipal solid waste landfill operators shall develop and implement a waste acceptance and screening program to prevent dangerous waste from entering the facility. This waste screening program shall be reviewed and approved by the Health Department prior to implementation. At a minimum, the waste screening program shall include the following:

(A) A waste disposal application to be used by the facility to summarize the generator's waste designation procedures. The application shall include, at a minimum:

- (i) The company name, contact name, address and telephone number of the generator, the generator's consultant, the generator's contractor, and the analytical laboratory providing data to support the application.
- (ii) The site name, street address, city, county and state where the waste proposed for disposal originated. If the site is a remedial action identified by EPA or Ecology, the name and telephone number of the site manager representing the respective agency shall be included.
- (iii) A description of how the waste was generated.
- (iv) A description of the physical and chemical nature of the waste proposed for disposal including a description of the potential waste contaminants.
- (v) Whether the application is for a one-time or on-going disposal authorization. Applications for on-going disposal must identify the procedures used to ensure that the application being submitted will remain representative of the waste proposed for disposal.
- (vi) The quantity of waste proposed for disposal in cubic yards and tons and the manner in which the waste is stored on-site. Applications for on-going disposal must identify the quantity of waste that will be disposed of per month, or other frequency if monthly quantification cannot be achieved due to the manner in which the waste is generated.
- (vii) A checklist identifying that each requirement of the waste designation procedures in WAC 173-303-070(3) was followed by the generator.
- (viii) A description of the sampling frequency and sampling method. The sampling frequency recommended in Table I of Ecology document 91-30, "Guidance for Remediation of Petroleum Contaminated Soils" (April 1994 and as amended) shall be used. If the number of samples collected differs from the number recommended in Table I of this reference or required in the Health Department approved waste screening program a narrative shall be included which provides justification that the number of samples collected is representative of the entire waste stream proposed for disposal.
- (ix) A description of the analytical procedures selected to designate the waste proposed for disposal including justification why certain parameters were chosen for analysis and others excluded from analysis. Analyses shall be performed by a professional laboratory accredited by the Washington State Department of Ecology waste water accreditation program, or other equivalent accreditation program(s), for the parameters tested. Equivalency of accreditation programs must be determined by the facility as part of the approved waste screening program. Analytical methods used must be those identified in the following Ecology and EPA guidance documents and their respective amendments:
 - (aa) Ecology document 80-12, "Biological Testing Methods".
 - (bb) Ecology document 91-30, "Guidance for Remediation of Petroleum Contaminated Soils".

- (cc) Ecology document 93-51, "Chemical Testing Methods for Complying with the Dangerous Waste Regulations".
- (dd) EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods".
- (ee) Waste proposed for disposal that contains free liquid must also be analyzed pursuant to EPA Method 9095, "Paint Filter Liquids Test" contained in EPA publication SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods".
- (x) Copies of laboratory and/or field analysis reports used to designate the waste proposed for disposal, including quality assurance and quality control data and chain-of-custody's associated with the samples used to designate the waste.
- (xi) For petroleum contaminated soils (PCS), the appropriate soil classification from Ecology document 91-30, as amended, shall be stated.
- (xii) End use of the waste proposed for disposal shall be described. For PCS, end use shall be consistent with those listed in Table V of Ecology document 91-30, as amended.
- (xiii) Certification by the generator and preparer of the application that the application is complete and correct and that the waste has been fully designated pursuant to WAC 173-303-070.
- (xiv) Certification that the application has been reviewed for accuracy and completeness by the facility operator, certification that the waste does not designate as a dangerous waste under Chapter 173-303 WAC, and a recommendation by the facility operator as to whether to accept or deny request for disposal.
- (B) Random inspections of incoming waste loads. Waste shall be inspected at a minimum of two (2) locations: entrance and active tipping area. If a public drop box is available at the facility, this location shall also be inspected. Inspections shall be recorded and records maintained of loads refused as suspected dangerous waste. These records shall include the name and address of the generator or transporter, license plate number of the transporting vehicle, and reason for denial. This information shall be submitted to the Health Department immediately.
- (C) Development and implementation of a Health Department approved contingency plan should unacceptable waste be observed during inspections or during other facility operations.
- (D) Training of facility personnel to recognize regulated dangerous waste and PCB wastes.
- (2) The waste screening program may be amended by the Health Department. Alterations to the facility's waste screening program initiated by the facility operator shall be approved by the Health Department prior to implementation.

- (3) The facility shall reimburse the Health Department for all time spent reviewing waste screening applications, applicable data, and supplemental information for continuous waste streams at the current hourly rate approved by the Kittitas County Board of Health.

D. Transfer Stations, Drop Box Stations, and Baling and Compaction Systems

1. General.

Any facility or site must comply with the Kittitas County Solid Waste Management Plan.

2. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each application for a permit must contain preliminary engineering report/plans and specifications that include, but may not be limited to:

- a. The proposed facility's zoning status;
- b. The relationship to the most recently approved Kittitas County Comprehensive Solid Waste Management Plan and the area to be served by the facility; and
- c. The facility design to address how the facility shall meet requirements of WAC 173-304-410, including closure.

3. Facility Standards.

WAC 173-304-410: Transfer Stations, Baling and Compaction Systems, and Drop Box Facilities, is hereby adopted by reference.

E. Surface Impoundments

1. General

Any facility or site must comply with the Kittitas County Solid Waste Management Plan.

2. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each application for a permit must include, but may not be limited to, the following:

- a. A geohydrological assessment of the facility that addresses all of the factors of Section VI.B.1.a.;
- b. Preliminary engineering report/plans and specifications that address, where applicable:
 - (1) How the proposed facility will meet the locational standards of WAC 173-304-130;
 - (2) The relationship of the facility to the most recently approved Kittitas County Comprehensive Solid Waste Management Plan;
 - (3) The design of liners and foundation to be incorporated in the facilities design, including the design of leachate collection and treatment systems;
 - (4) The design of ground water monitoring;

- (5) The design of dikes, including calculations on dike stability analyses under conditions of liner failure;
 - (6) Other design details, including sludge clean-out and disposal, overfilling alarms and inlet design; and
 - (7) Closure/post-closure design, construction maintenance and land use.
- c. An operation plan that addresses:
- (1) Operation and maintenance of leachate collection system, or ground water monitoring;
 - (2) Operation and maintenance of overfilling equipment or details of filling and emptying techniques;
 - (3) Inspection of dikes and liners for integrity; and
 - (4) Safety and emergency plans consistent with local police, fire, and emergency management policies and procedures.
- d. A closure plan to address:
- (1) Estimate of closure year and cost;
 - (2) Methods of removing wastes, liners and any contaminated soils and location of final disposal;
 - (3) Closure timing and notification procedures; and
 - (4) Final inspection by regulatory agencies.
3. Facility Standards.

WAC 173-304-430: Surface Impoundment Standards, is hereby adopted by reference.

F. Piles

1. General

Any site must comply with the Kittitas County Solid Waste Management Plan

2. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each application for a permit must include, but may not be limited to:

a. Preliminary engineering reports/plans and specifications that include, but are not limited to:

- (1) How the proposed facility will meet the locational standards of WAC 173-304-130;
- (2) The relationship of the facility to the most recently approved Kittitas County Solid Waste Management Plan and zoning;

- (3) The design of the liner or sealed surface upon which the liner rests, including an analysis of the liners ability to withstand the stress;
 - (4) The design of the run-on and run-off system;
 - (5) The design to avoid washout when the pile is located in a 100-year floodplain; and
 - (6) Maximum elevation and boundaries of the waste pile.
- b. An operation plan that addresses:
- (1) Methods of adding or removing wastes from the pile (waste screening) and equipment used;
 - (2) Inspection of the liner for integrity; and
 - (3) Safety and emergency plans consistent with local police, fire, and emergency management policies and procedures.
- c. A closure plan to address:
- (1) Estimate of closure year and cost;
 - (2) Methods of removing wastes, liners and any contaminated soils, and location of final disposal;
 - (3) Closure timing and notification procedures; and
 - (4) Final inspection by regulatory agencies.

3. Facility Standards.

WAC 173-304-420: Piles Used for Storage and Treatment Facility Standards, is hereby adopted by reference.

G. Energy Recovery and Incinerator Facilities

1. General

Any facility must comply with the Kittitas County Solid Waste Management Plan

2. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each application for a permit must include, but may not be limited to:

- a. Preliminary engineering reports/plans and specifications that include, but are not limited to:
- (1) The relationship of the facility to the most recently approved Kittitas County Comprehensive Solid Waste Management Plan and zoning;

- (2) The design of the storage, treatment, and handling facilities on-site for incoming waste, as well as the storage, treatment, and handling on-site, and/or the transportation off-site, of fly ash, bottom ash and any other wastes produced by air or water pollution controls; and
 - (3) The design of the incinerator or thermal treater, including changing or feeding systems, combustion air systems, combustion or reaction chambers, including heat recovery systems, ash handling systems and air pollution and water pollution control systems. Instrumentation and monitoring systems design shall also be included.
- b. An operation plan that includes, but is not limited to:
- (1) Cleaning of storage areas as required by WAC 173-304-440 (2)(a);
 - (2) Alternative storage plans for breakdowns as required in WAC 173-304-440 (2)(c);
 - (3) Inspection to ensure compliance with state and local air pollution laws and to comply with WAC 173-304-405 (5). The inspection log or summary must be submitted with the application; and
 - (4) How and where the fly ash, bottom ash and other solid wastes will be disposed of.
- c. A closure plan to address:
- (1) Estimate of closure year and cost;
 - (2) Methods of closure and methods of removing wastes, equipment and location of final disposal;
 - (3) Closure timing and notification procedures; and
 - (4) Final inspection by regulatory agencies.
3. Facility Standards.

WAC 173-304-440: Energy Recovery and Incinerator Standards, is hereby adopted by reference.

H. Recycling Facilities

1. General

Any facility must comply with the Kittitas County Solid Waste Management Plan.

2. Permit Application Contents.

- a. In addition to the requirements of Section VI.A.2., applications shall include a proposed methodology for a waste screening program to effectively remove and properly dispose of unacceptable waste types. Additionally, application contents for recycling facilities shall demonstrate compliance with the requirements of WAC 173-304-300.
- b. An operations plan, closure plan, health and safety plan, haul route and site layout.

3. Facility Standards.

The following Ecology facility requirements are hereby adopted by reference:

- a. WAC 173-304-300: Waste Recycling Facility Standards.

I. Moderate Risk Waste Collection Facilities

1. Applicability.

- a. Any facility must comply with the Kittitas County Moderate Risk Waste Plan, Solid Waste Plan and Used Oil Amendment to the Solid Waste Plan.
- b. Owners and operators of MRW Facilities shall obtain a permit from the Health Officer as required in Section VI.I.2.
- c. Unless otherwise directed by the Health Officer, operators of temporary MRW collection facilities, commonly referred to as “MRW collection events” or “MRW roundups”, are not required to obtain a permit under these regulations when the following conditions are met:
 - (1) The Health Department is notified of the event location and schedule at least thirty (30) days in advance of operations; and
 - (2) Adequate systems and procedures are implemented to protect public health and the environment, and the event meets the general intent of Section VI.I.3.

2. Permit Application Contents.

In addition to the requirements of Section VI.A.2., each application shall include, but may not be limited to:

- a. A description of how the facility will meet each of the operational requirements of Section VI.I.3.a.
- b. Engineering reports, plans, and specifications that include, but are not limited to:
 - (1) How the facility will meet the locational requirements of WAC 173-304-130;
 - (2) Facility drawings showing the location of fencing, signs, emergency equipment, absorbents and other supplies, shower(s), eye wash(es), fire extinguishers and other fire suppression equipment, and the location of MRW sorting, analysis, and storage, including a description of aisle spacing between containers and vertical container stacking;
 - (3) Stormwater surface run-off quality and quantity control, discharge, and monitoring; and
 - (4) Closure/post-closure design, construction, maintenance, and land use.
- c. An operations plan that includes:
 - (1) A visitor policy including requirements for safety and supervision;
 - (2) A waste acceptance protocol to preclude and redirect fully regulated dangerous waste generators and excluded waste types such as explosives and/or radioactives;

- (3) For materials exchanges, a description of the exchange program including the types of waste included and a description of how restricted wastes will be excluded;
 - (4) Standard administrative procedures, including a description of:
 - (A) How facility inspections will be performed by the operator, including the frequency and detail of inspections;
 - (B) Shipping procedures and documentation; and
 - (C) How facility records and reports will be completed and maintained;
 - (5) A description of how MRW is handled on-site including:
 - (A) MRW packing and labeling procedures;
 - (B) Methods for managing and/or identifying unknown wastes;
 - (C) Procedures for managing wastes that arrive in corroded or leaking containers or when MRW is left at the gate when the facility is unattended; and
 - (D) A MRW sorting protocol;
 - (6) Procedures for checking MRW storage containers for leaks and the signs that indicate container deterioration;
 - (7) Control measures to protect containers of MRW from weather and temperature extremes;
 - (8) Actions to take if leaks are detected in containers, tanks, or containment structures;
 - (9) Actions to take if other releases are detected such as failure of the run-off containment system, or release of gas(es) due to chemical reaction;
 - (10) How operating, environmental, and safety equipment will be maintained including personal protective equipment; and
 - (11) An outline of the Safety and Health Program prepared under Chapter 296-62 WAC and copies of all Health and Safety Plans and Procedures prepared under Chapters 296-62 and 296-24 WAC.
- d. A description of the facility's direct relationship to the recommended alternatives of the most recently approved Kittitas County Moderate Risk Waste Management Plan.
3. Facility Standards.
- a. Operation and Maintenance. MRW collection facilities subject to the requirements of this section are required to meet the following minimum standards:
 - (1) Comply with the requirements of WAC 173-304-405, "General facility requirements," except for subsections (2)(e), (2)(g), (4)(d), and (6);

- (2) Maintain daily operating records which include the number of vehicles entering the facility. Major deviations from the Plan of Operations shall also be noted on the operating record.
- (3) Maintain a log of the types and volumes of all MRW and used oil shipped off-site for final disposal or processing. The shipment date shall be included on each log entry.
- (4) Restrict public access to the facility when not open to the public and adequately control public access to MRW unloading area(s) while open to the public;
- (5) Be constructed of easily cleanable materials;
- (6) Provide secondary containment for all MRW;
- (7) Be free of potential rat harborages, and provide effective means to control rodents, insects, birds, and other vermin;
- (8) Be accessible by all weather roads;
- (9) Be designed and serviced as often as necessary to ensure safe handling, appropriate MRW removal, and adequate collection and storage capacity at all times;
- (10) Be designed to exclude underfloor spaces and underground storage tanks, except to provide for site utilities, containment spaces, and sumps;
- (11) Have an adequate buffer zone around the operating area to minimize noise and dust nuisances, and have a buffer zone of fifty (50) feet from the operating area to the nearest property line in areas zoned residential;
- (12) Comply with applicable zoning, fire, hydraulics, and building codes including approved local variances and waivers;
- (13) Provide pollution control measures to protect air quality including any applicable requirements of the Washington Clean Air Act of 1991, and its amendments;
- (14) Prohibit scavenging, with the exception of approved materials exchange programs;
- (15) Provide adequately trained staff on-site during hours of operation;
- (16) Comply with the Department of Labor and Industries standards for health and safety, including Chapters 296-62 and 296-24 WAC;
- (17) Have a sign readable from a distance of at least twenty-five (25) feet that identifies at least the facility name, the hours the facility is open for public and/or business use, and the materials not accepted at the facility;
- (18) Have communications capabilities to immediately summon fire, police, or emergency services personnel in the event of an emergency; and
- (19) Remove all wastes at closure from the facility to a solid waste handling facility permitted to receive the wastes.

- b. Development and Closure. MRW collection facilities subject to the requirements of this section are required to comply with the minimum standards in WAC 173-304-407(1) through (5), “General closure and post-closure requirements”.

J. Commercial Compost Facilities

1. General.

- a. Any facility must comply with the Kittitas County Solid Waste Management Plan.
- b. Generators of compost for retail sales shall operate under permit by the Health Officer and submit chemical analyses and reports to the Health Officer in sufficient frequency to demonstrate that the resulting product does not contain levels of chemicals or pathogens that could create a risk to the public health. Publication #97-502 Department of Ecology Compost Facility Resource Handbook shall be referenced.
- c. Generators of sewage sludge compost and/or biosolids compost shall operate under permit by the Health Officer and must follow the methods and procedures developed by Ecology and EPA.

2. Facility Standards.

- a. Commercial compost facilities shall meet the applicable facility standards found in WAC 173-304-300, as amended, which are adopted by reference in Section VI.J.2.a. herein.
- b. Generators shall provide written information to the compost user describing appropriate end uses of the compost product. This information should identify application rates, feedstock percentages, and specify if the compost is recommended for use in home gardens.
- c. Odorous materials such as spoiled foods, animal feces, blood and slaughter house wastes shall be immediately processed to prevent odors.
- d. The composted material shall not reheat upon standing, shall be innocuous and shall contain no sharp particles which would cause injury to persons handling the compost.

K. Other Methods of Solid Waste Handling

1. General.

- a. Any site must comply with the Kittitas County Solid Waste Management Plan.
- b. Other methods of solid waste handling such as a material resource recovery system for municipal waste not specifically identified elsewhere in this regulation, nor excluded from this regulation. Owners and operators of other methods of solid waste handling shall comply with the requirements contained in Chapter 173-304 WAC.
- c. Petroleum Contaminated Soils (PCS) shall be remediated in accordance with the Guidance for Remediation of Releases from Underground Storage Tanks, Washington State Department of Ecology Toxics Cleanup Program (July, 1991, 91-30) and subsequent revisions.

2. Solid Waste Handling Permit.

Owners and operators of other methods of solid waste handling shall obtain a permit from the Health Officer as required in Section VI.A. by submitting an application containing information required in Section VI.A.2. and such other information as may be required by the Health Officer and Ecology, including but not limited to:

- a. Preliminary engineering reports, plans, and specifications;
- b. Operation and development plans and specifications; and
- c. A closure plan, health and safety plan, haul route and site layout.

SECTION VII. ADMINISTRATION AND ENFORCEMENT

A. Other Laws, Regulations and Agency Requirements

1. All solid waste management shall be subject to the authority of other laws, regulations or other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by persons which exist in equity, common law or other statutes to abate pollution or to abate a nuisance.
2. Chapter 173-304 WAC and 173-351WAC, or as amended, is hereby adopted by reference. If a conflict exists in the interpretation of these chapters or these regulations, the more stringent shall apply.
3. Information revealing the identity of persons who file complaints with the Health Department, is exempt from public inspection and copying if disclosure would endanger any person's life, physical safety, or property, as stipulated in RCW 42.17.310(1)(e) which is hereby adopted by this reference. If at the time a complaint is filed the complainant, victim, or witness indicates a desire for disclosure or nondisclosure, such desire shall govern.

B. Enforcement Authority

The Health Officer shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

C. Right of Entry

1. Whenever necessary to make an inspection to enforce or determine compliance with the provisions of these regulations, and other relevant laws and regulations, or whenever the Health Officer has cause to believe that a violation of these regulations has been or is being committed, the Health Officer or his/her duly authorized inspector may enter any building, structure, property or portion thereof at reasonable times to inspect the same.
2. If such building, structure, property or portion thereof is occupied, the inspector shall present identification credentials, state the reason for the inspection, and request entry. Entry shall not be unreasonably denied by the owner or his or her agent, but may be conditioned on the owner or an agent of the owner escorting the inspector, said escort to be provided immediately upon request.
3. If such building, structure, property or portion thereof is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having charge or control of the building, structure, property or portion thereof and request entry. If the inspector is unable to locate the owner or such

other persons and he/she has reason to believe that conditions therewith create an immediate and irreparable health hazard, then he/she shall make entry.

4. If entry is refused, the Health Officer shall have recourse to the remedies provided by law to secure entry, including but not limited to search warrants.

D. Violations and Penalties - Persons Not Requiring a Permit

1. Applicability.

The requirements in this section apply to all persons who are not required to obtain a permit under these regulations. The violation of any provisions of these regulations shall constitute an infraction. Each such violation shall constitute a separate infraction for each and every day or portion thereof during which such violation is committed, continued, or not permitted.

2. Violations - Investigations - Evidence.

An authorized representative of the Health Department may investigate alleged or apparent violations of these regulations. Upon request of the authorized representative of the Health Department, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves. Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

3. Notice and Order to Correct Violation.

- a. Issuance. Whenever an authorized representative of the Health Department determines that a violation has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.

- b. Content. The notice and order to correct violation shall contain:

- (1) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
- (2) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
- (3) A description of the violation and a reference to that provision of the regulation which has been violated;
- (4) A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;
- (5) A statement that a monetary penalty in an amount per day for each violation shall be assessed against the person to whom the notice and order to correct violation is directed for each and every day, or portion of a day, on which the violation continues following the date set for correction; and
- (6) A statement requiring the person to whom the notice and order to correct violation is directed to produce receipts from a permitted solid waste disposal facility or transporter to demonstrate compliance with any order issued by the Health Department.

- c. Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the persons effecting the service, declaring the time and date of service and the manner by which service was made.
- d. Extension. Upon written request received prior to the correction date or time, the authorized representative may extend the date set for corrections for good cause. The authorized Health Department representative may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.

4. Notice of Civil Infraction - Service.

An authorized representative of the Health Department may issue a notice of civil infraction pursuant to Chapter 7.80 RCW if the authorized representative has reasonable cause to believe that the person has violated any provision of these regulations or has not corrected the violation as required in the written notice and order to correct violation. A notice of civil infraction may be served either by:

- a. The authorized representative serving the notice of civil infraction on the person named in the notice of civil infraction at the time of issuance; or
- b. The authorized representative filing the notice of civil infraction with the Department court, in which case the Department court shall issue the notice and the authorized representative shall have it served, either personally or by mail, postage prepaid, on the person named in the notice of infraction at his or her last known address.

5. Notice of Civil Infraction - Contents.

The notice of civil infraction shall include the following:

- a. A statement that the notice represents a determination that the infraction has been committed by the person named in the notice and that the determination shall be final unless contested as provided in this regulation;
- b. A statement that the infraction is a non-criminal offense for which imprisonment shall not be imposed as a sanction;
- c. A statement of the specific infraction for which the notice was issued;
- d. A statement that monetary penalties as set forth below have been established for each infraction;
- e. A statement of the options provided in these regulations for responding to the notice and the procedures necessary to exercise these options;
- f. A statement that at any hearing to contest the determination that the Health Department has the burden of proving by a preponderance of the evidence that the infraction was committed; and that the person may subpoena witnesses, including the authorized representative of the Health Department, who issued and served the notice of infraction;

- g. A statement that at any hearing requested for the purpose of explaining mitigating circumstances surrounding the commission of the civil infraction, the person will be deemed to have committed the civil infraction and may not subpoena witnesses;
- h. A statement that the person must respond to the notice as provided in this section within fifteen (15) days; and
- i. A statement that failure to respond to the notice or a failure to appear at a hearing requested for the purpose of contesting the determination or for the purpose of explaining mitigating circumstances will result in a default judgment against the person in the amount of the penalty and that this failure may be referred to the prosecuting attorney or city attorney for criminal prosecution for failure to respond or appear.

6. Notice of Civil Infraction - Filing in Department Court.

A notice of civil infraction shall be filed in Department Court within forty-eight (48) hours of issuance, excluding Saturdays, Sundays, and holidays. Kittitas County Department Court shall have jurisdiction to hear and determine violations occurring under these regulations.

7. Notice of Civil Infraction - Determination Infraction Committed.

Unless contested in accordance with this regulation, the notice of civil infraction represents a determination that the person to whom the notice was issued committed the infraction.

8. Notice of Civil Infraction - Response Requesting A Hearing - Failure To Respond Or Appear - Order To Set Aside.

- a. A person who receives a notice of civil infraction shall respond to the notice as provided in this section within fifteen (15) days of the date the notice was served.
- b. If the person named in the notice of civil infraction does not contest the determination, the person shall respond within fifteen (15) days by completing the appropriate portion of the notice of civil infraction and submitting it, either by mail or in person to the court specified in the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records and a record of the response shall be furnished to the Health Department.
- c. If the person named in the notice of civil infraction wishes to contest the determination, the person shall respond within fifteen (15) days by completing the portion of the notice of civil infraction requesting a hearing and filing it with the court specified on the notice. The court shall notify the person in writing of the time, place, and date of the hearing and that date shall not be earlier than seven (7) days nor more than ninety (90) days from the date of the notice of hearing except by agreement.
- d. If the person named in the notice of civil infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of civil infraction requesting a hearing for that purpose and filing it with the court specified in the notice. The court shall notify the person in writing of the time, place, and date of the hearing, and that date shall not be earlier than seven (7) days nor more than ninety (90) days from the date of the notice of the hearing, except by agreement.

- e. The court may enter a default judgment assessing the monetary penalty prescribed for the infraction, and may notify the prosecuting attorney of the failure to respond to the notice of civil infraction or to appear at a requested hearing if any person issued a notice of civil infraction:
 - (1) Fails to respond to the notice of civil infraction as provided in Section VII.D.8.b.; or
 - (2) Fails to appear at a hearing requested pursuant to either Section VII.D.8.c. or Section VII.D.8.d.
9. Notice. Failure To Sign, Non-Appearance - Failure To Satisfy Penalty.
- a. A person who fails without just cause to sign a notice of civil infraction is guilty of a misdemeanor.
 - b. Any person willfully violating his or her written and signed promise to appear in court or his or her written and signed promise to respond to a notice of civil infraction is guilty of a misdemeanor regardless of the disposition of the notice of civil infraction; provided that a written promise to appear in court or a written promise to respond to a notice of civil infraction may be complied with by appearance by counsel.
 - c. A person who willfully fails to pay a monetary penalty or to perform community service as required by a court under these regulations may be found in civil contempt of a court after notice and hearing.
10. Representation by Attorney.
- a. A person subject to proceedings under these regulations may appear or be represented by counsel.
 - b. The prosecuting attorney representing the Health Department may, but need not, appear in any proceedings under these regulations, notwithstanding any statute or court rules to the contrary.
11. Infraction - Hearing - Procedure - Burden of Proof - Order - Appeal.
- a. A hearing held to contest the determination that an infraction has been committed shall be without a jury.
 - b. The court may consider the notice of civil infraction and any sworn statements submitted by the Health Department's authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The person named in the notice may subpoena witnesses, including the authorized representative who has issued and served the notice, and has the right to present evidence and examine witnesses present in court.
 - c. The burden of proof is on the Health Department to establish the commission of the infraction by a preponderance of the evidence.
 - d. After consideration of the evidence and argument, the court shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered in the court's records. If it has been established that a civil infraction has been committed, an appropriate order shall be entered in the court's records.

- e. An appeal from the court's determination or order shall be to the Superior Court in the manner provided by the Rules of Appeal of Decisions of Courts of Limited Jurisdiction. The decision of the Superior Court is subject only to discretionary review pursuant to the Rules of Appellate Procedure.
12. Infraction - Explanation of Mitigating Circumstances.
- a. A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person may not subpoena witnesses. The determination that an infraction has been committed may not be contested at a hearing held for the purpose of explaining mitigating circumstances.
 - b. After the Court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's records.
13. Monetary Penalties - Restitution.
- a. In addition to or as an alternative to any other judicial or administrative remedy provided in this regulation or by law or other rules and regulations, any person found to have committed an infraction shall be assessed a monetary penalty. All violations of this ordinance shall be denominated Class I Civil Infractions.
 - b. Whenever a monetary penalty is imposed by court under this ordinance it is immediately payable. If the person is unable to pay at that time, the court may grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment, the court may proceed to collect the penalty in the same manner as other civil judgments and may notify the prosecuting attorney of the failure to pay. The court shall also notify the Health Department of the failure to pay the penalty, and the Health Department shall not issue the person any future permits or approvals until the monetary penalty has been paid.
 - c. The court may also order a person found to have committed a civil infraction to make restitution.
14. Order of Court - Civil Nature - Modification of Penalty - Community Service.
- a. An order entered after the receipt of a response which does not contest the determination, or after it has been established at a hearing that the civil infraction was committed, or after a hearing for the purpose of explaining the mitigating circumstances is civil in nature.
 - b. The court may waive, reduce to be consistent, or suspend the monetary penalty prescribed for the civil infraction. If the court determines that a person has insufficient funds to pay the monetary penalty, the court may order performance of a number of hours of community service in lieu of a monetary penalty, at the rate of the state's current minimum hourly wage.
15. Costs and Attorney's Fees.
- Each party in a civil infraction case is responsible for costs incurred by that party, but the court may assess witness fees against a non-prevailing respondent. Attorney's fees may be awarded to either party in a civil infraction case.

16. Written Assurance of Discontinuance.

The Health Officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this regulation.

17. Stop-Work and Abatement Orders.

- a. Stop-Work Orders. The Health Officer may cause a stop-work order to be issued whenever the Health Officer has reason to believe that a violation of this regulation is occurring. The effect of the stop-work order shall be to require the immediate cessation of such work or activity which has contributed to the violation until authorized by the Health Officer to proceed. The stop-work order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, at the owner's last known address.
- b. Abatement Orders. In addition to or as an alternative to any other judicial or administrative remedy provided in these regulations or by law or other rules and regulations, the Health Officer may order a violation of these regulations to be abated. The effect of the abatement order shall be to require work to be done to correct the violation within a reasonable time period. If the required corrective work is not commenced or completed within the time specified, the Health Officer will proceed to abate the violation and cause the work to be done. The abatement order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, at the owner's last known address. The property owner is responsible for the costs of all corrective action, whether done by the owner or the Health Department. The Health Department shall have the right to collect the amount expended for abatement through appropriate legal action.

18. Other Legal or Equitable Relief.

Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of these regulations, or rules and regulations adopted under them.

E. Violations and Penalties - Persons Requiring a Permit

1. Applicability.

The requirements in this section apply to all persons which are required to obtain a permit under these regulations.

2. Violations - Investigations - Evidence.

An authorized representative of the Health Department may investigate alleged or apparent violations of these regulations. Upon request of the authorized representative of the Health Department, the person allegedly or apparently in violation of these regulations shall provide information identifying themselves. Willful refusal to provide information identifying a person as required by this section is a misdemeanor.

3. Notice and Order to Correct Violation.

- a. Issuance:

- (1) Whenever an authorized representative of the Health Department determines that a violation has occurred or is occurring at an unpermitted site, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation.
 - (2) Whenever an authorized representative of the Health Department determines that a violation has occurred or is occurring at a permitted site, he/she shall pursue a reasonable attempt to secure voluntary correction, failing which he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing or participating in the violation. Pursuant to Section VII.H., the Health Department may issue a written notice and order to correct violation without first pursuing a reasonable attempt to secure voluntary correction if there is an imminent and substantial danger to public health.
- b. Content. The notice and order to correct violation shall contain:
- (1) The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
 - (2) The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
 - (3) A description of the violation and a reference to that provision of the regulation which has been violated;
 - (4) A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed; and
 - (5) A statement that a monetary penalty in an amount per day for each violation shall be assessed against the person to whom the notice and order to correct violation is directed for each and every day, or portion of a day, on which the violation continues following the date set for correction.
- c. Service of Order. The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the order to correct violations by certified mail, postage prepaid, return receipt requested, to such person at his/her last known address. Proof of service shall be made at the time of service by a written declaration under penalty of perjury executed by the persons effecting the service, declaring the time and date of service and the manner by which service was made.
- d. Extension. Upon written request received prior to the correction date or time, the authorized representative may extend the date set for corrections for good cause. The authorized Health Department representative may consider substantial completion of the necessary correction or unforeseeable circumstances which render completion impossible by the date established as a good cause.
- e. Administrative Conference. An informal administrative conference may be conducted at any time by the Health Officer for the purposes of bringing out all the facts and circumstances related to an alleged violation, promoting communications between concerned parties, and providing a forum for efficient resolution of any violation. The Health Officer may call a conference in response to a request from any person aggrieved by the Health Officer's order or the Health Officer may call a conference on his/her own motion. Attendance at the hearing shall be determined by the Health

Officer and need not be limited to those named in an order to correct violations. As a result of information developed at the conference, the Health Officer may affirm, modify or revoke his/her order. The administrative conference is optional with the Health Officer and is not a prerequisite to utilization of any of the enforcement provisions described in these regulations.

- f. Appeals. Appeals from any decision by the Health Officer made pursuant to these regulations, shall be made to the Board of Health within the stated time period and in the following manner:
 - (1) Any bona fide party aggrieved by a decision or order of the Health Officer made pursuant to these regulations pertaining to a solid waste handling or disposal site or facility in which the person has an interest may file an appeal.
 - (2) Any appellant wishing to appeal the decision of the Health Officer must file in writing a statement with the Health Officer within ten (10) calendar days of the date of serving of the order. Such notice must be delivered personally to the Administration Office of the Kittitas County Health Department (Attn: Health Officer) or sent by certified mail. The appellant shall submit specific statements in writing of the reason why error is assigned to the decision of the Health Officer, and which shall be accompanied by a fee as established in the current Health Department fee schedule.
 - (3) When an appeal of the Health Officer's decision is made to the Board of Health, the filing of such appeal shall stay the effective date of the decision until such time as the appeal is adjudicated or withdrawn, unless in the opinion of the Board of Health such decision is necessary to protect the immediate health and safety of the public.
 - (4) A Health Officer's decision which has been appealed in a timely manner shall be reviewed by the Board of Health or designated Board of Health member(s). The review shall occur not less than twenty (20) days and not more than thirty (30) days after service of the statement of appeal upon the Health Officer. Parties shall be notified of the date of review by the Board of Health or the designated Board of Health member(s). Both parties may submit additional written information, if desired, for review by Board members. Such information must be received by the Health Officer not fewer than five (5) working days prior to the hearing to permit copying and mailing to Board members.
- g. Supplemental Order to Correct Violation. The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violations procedures contained in these regulations.
- h. Finality of Order.
 - (1) Any order duly issued by the Health Officer pursuant to the procedures contained in this regulation shall become final thirty (30) days after service of the order unless a written request for hearing or statement of appeal is received by the Health Officer within the ten (10) day period.
 - (2) An order which is subjected to the appeal procedure shall become final twenty (20) days after mailing of the Board of Health's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Superior Court.
- i. Enforcement of Final Order.

- (1) If, after any order duly issued by the Health Officer has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, the Health Officer may:
 - (A) Cause such person to be prosecuted under these regulations; and/or
 - (B) Institute any appropriate action to collect a civil penalty assessed under these regulations; and/or
 - (C) Abate the health violation using the procedures of these regulations; and/or
 - (D) Pursue any other appropriate remedy at law or equity under these regulations.
- (2) Enforcement of any notice and order of the Health Officer pursuant to these regulations shall be stayed during the pendency of any appeal under these regulations, except when the Health Officer determines that the violation will cause immediate and irreparable harm and so states in the notice and order issued.

4. Written Assurance of Discontinuance.

The Health Officer may accept a written assurance of discontinuance of any act in violation of this regulation from any person who has engaged in such act. Failure to comply with the assurance of discontinuance shall be a further violation of this regulation.

5. Violation of Permit Conditions - Misdemeanor Penalty.

Any person who: (a) fails, neglects, or refuses to obey a final order of the Health Officer to correct a violation as set forth in Section VII.E.3.i. above; (b) fails, neglects, or refuses to comply with a written assurance of discontinuance pursuant to Section VII.E.4. above; (c) operates a solid waste facility or collection service without a permit; or (d) operates a solid waste facility or collection service after a permit has been revoked; is guilty of a misdemeanor, and upon conviction, shall be punished by imprisonment in the county jail for a maximum term fixed by the court, or by a fine in an amount fixed by the court, or by both such imprisonment and fine. The court may also impose restitution.

6. Stop-Work and Abatement Orders.

- a. Stop-Work Orders. The Health Officer may cause a stop-work order to be issued whenever the Health Officer has reason to believe that a violation of this regulation is occurring. The effect of the stop-work order shall be to require the immediate cessation of such work or activity until authorized by the Health Officer to proceed. The stop-work order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, at the owner's last known address.
- b. Abatement Orders. In addition to or as an alternative to any other judicial or administrative remedy provided in these regulations or by law or other rules and regulations, the Health Officer may order a violation of these regulations to be abated. The effect of the abatement order shall be to require work to be done to correct the violation within a reasonable time period. If the required corrective work is not commenced or completed within the time specified, the Health Officer will proceed to abate the violation and cause the work to be done. The abatement order shall be posted upon the property where the violation is occurring, and shall be served upon the owner of the property either personally or by certified mail, return receipt requested, at the owner's last known address. The property owner is responsible for the costs of all corrective action, whether done by the owner or

the Health Department. The Health Department shall have the right to collect the amount expended for abatement through appropriate legal action.

7. Other Legal or Equitable Relief.

Notwithstanding the existence or use of any other remedy, the Health Officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of these regulations, or rules and regulations adopted under them.

8. Permit Suspension, Revocation, and Appeal.

a. Suspension of Permits.

- (1) The Health Officer may temporarily suspend any permit issued under these regulations for: (a) failure of the holder to comply with the requirements of the permit; (b) failure to comply with any notice and order issued pursuant to these regulations related to the permitted activity; or (c) the dishonor of any check or draft used by the permit holder to pay any fees associated with the permit.
- (2) Permit suspension shall be carried out through the notice and order provisions specified in Section VII.E.3., and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided in Section VII.E.3.f. and Section VII.E.8.c.
- (3) Notwithstanding any other provision of this regulation, whenever the Health Officer finds that a violation of this regulation has created or is creating an unsanitary, dangerous or other condition which, in his/her judgment, constitutes an immediate and irreparable hazard, he/she may, without service of a written notice and order, suspend and terminate operations under the permit immediately.

b. Revocation of Permits.

- (1) The Health Officer may permanently revoke any permit issued by him/her for: (a) failure of the holder to comply with the requirements of the permit; (b) failure of the holder to comply with any notice and order issued pursuant to these regulations related to the permitted activity; (c) interference with the Health Officer in the performance of his/her duties; (d) discovery by the Health Officer that a permit was issued in error or on the basis of incorrect information supplied to him/her; or (e) the dishonor of any check or draft used by the holder to pay any fees associated with the permit.
- (2) Such permit revocation shall be carried out through the notice and order provisions specified in Section VII.E.3. and the revocation shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such revocation, as provided in these regulations.
- (3) A permit may be suspended pending its revocation or a hearing relative to revocation pursuant to the provisions of Section VII.E.8.a. above.

c. Permit Appeal.

- (1) Subject to Appeal. Any denial, suspension or revocation of a solid waste permit by the Health Officer may be appealed.

- (2) Appellant Defined. The appellant shall be the applicant for a solid waste permit or holder of a solid waste permit who appeals a decision denying, suspending or revoking a solid waste permit.
- (3) Appeal Procedure. The appeal procedure shall be carried out through the appeals process specified in VII.E.3.f.

F. Variances

1. Applicability.

Any person who owns or operates a solid waste facility may apply to the Health Officer for a variance from any section of these regulations. The application shall be accompanied by such information as the Health Officer may require. The Health Officer may grant such variance, but only after due notice (or a public hearing) if it finds that:

- a. The solid waste handling practices or site location do not endanger public health, safety or the environment; and
- b. Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.

2. Application.

- a. An application for a variance, or for the renewal thereof, submitted to the Health Officer shall be approved or disapproved by the Health Officer within ninety (90) days of receipt unless the applicant and the Health Officer agree to a continuance.
- b. Notice shall be given by mailing a notice of the variance application to persons who have written to the Health Officer asking to be notified of all variance requests.

3. Granting Requirements.

- a. No variance shall be granted pursuant to this section until the Health Officer has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.
- b. Any variance or renewal shall be granted within the requirements of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:
 - (1) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the Health Officer may prescribe;
 - (2) The Health Officer may grant a variance conditioned by a time table if:
 - (A) Compliance with this regulation will require spreading of costs over a considerable time period; and
 - (B) The timetable is for a period that is needed to comply with this regulation.

d. No variance from Chapters 173-304 and 173-351 WAC shall be granted by the Health Officer except with the approval and written concurrence of Ecology prior to action on the variance by the Health Officer. The Health Officer may grant variances from these Board of Health regulations for standards that are more stringent than the standards of Chapters 173-304 and 173-351 WAC, or from provisions in these Board of Health regulations that are not contained in Chapters 173-304 and 173-351 WAC.

4. Renewal.

Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the Health Officer finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Within ten (10) business days of receipt of an application for renewal the Health Officer shall give public notice of such application in accordance with these regulations.

G. Inspections

1. General.

At a minimum, quarterly inspections of all permitted solid waste facilities shall be performed by the authorized representative of the Health Department. Findings shall be noted and kept on file. A copy of the inspection report or annual summary shall be furnished to the site operator at the discretion of the Health Officer or upon request.

2. Pre-Operational Inspection.

Whenever plans and specifications are required by these regulations to be submitted to the Health Officer, the Health Officer shall inspect the proposed solid waste disposal site, solid waste handling facility, or solid waste collection service prior to the start of the operations.

H. Imminent and Substantial Dangers

Notwithstanding any provisions of this regulation the Health Officer may take immediate action to prevent an imminent and substantial danger to the public health by the improper management of any waste irrespective of quantity or concentration.

SECTION VIII. ADDENDUM INCORPORATION

The Health Officer shall have the authority to adopt or incorporate any addenda or amendments to these regulations, provided such addenda or amendments are not at variance with the Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, or the Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC, in accordance with due process of law.

SECTION IX. SEVERABILITY

Should any section, paragraph, phrase, sentence or clause of these regulations be declared invalid or unconstitutional for any reason, the remainder of these regulations shall not be affected thereby.

SECTION X. EFFECTIVE DATE

The effective date of this regulation shall be July 15, 1999.

APPENDIX A. REFERENCES

The following is a list of Federal, State, and local laws, regulations, and documents referenced in Kittitas County Board of Health Ordinance 1999-, Solid Waste Regulations. Copies of these documents may be found at the Kittitas County Health Department, Kittitas County Solid Waste Programs, or the Public Library.

A. Federal

1. United States Code (USC):

| | |
|-------------|---|
| 33 USC 1344 | SECTION 404 OF THE FEDERAL CLEAN WATER ACT (PL 95-217), PERMITS FOR DREDGED OR FILL MATERIAL |
| 42 USC 300 | SAFE DRINKING WATER ACT (PL 95-523) |
| 42 USC 2011 | ATOMIC ENERGY ACT OF 1954 |

2. Code of Federal Regulations (CFR):

| | |
|-----------------|--|
| 10 CFR Part 20 | STANDARDS FOR PROTECTION AGAINST RADIATION |
| 40 CFR Part 61 | NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS |
| 40 CFR Part 258 | CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS |
| 40 CFR Part 503 | STANDARDS FOR THE USE OR DISPOSAL OF SEWAGE SLUDGE |

3. Environmental Protection Agency:

| | |
|--------|--|
| SW-846 | TEST METHODS FOR EVALUATING SOLID WASTE, PHYSICAL/ CHEMICAL METHODS |
|--------|--|

B. State:

1. Revised Code of Washington (RCW), Chapters:

| | |
|--------|---|
| 7.80 | CIVIL INFRACTIONS |
| 42.17 | DISCLOSURE - CAMPAIGN FINANCES - LOBBYING - RECORDS |
| 46.55 | ABANDONED, UNAUTHORIZED, AND JUNK VEHICLES - TOW TRUCK OPERATORS |
| 49.17 | WASHINGTON INDUSTRIAL SAFETY AND HEALTH |
| 70.05 | LOCAL HEALTH DEPARTMENTS, BOARDS, OFFICERS - REGULATIONS |
| 70.93 | WASTE REDUCTION, RECYCLING, AND MODEL LITTER CONTROL ACT |
| 70.94 | WASHINGTON CLEAN AIR ACT |
| 70.95 | SOLID WASTE MANAGEMENT - REDUCTION AND RECYCLING |
| 70.95K | BIOMEDICAL WASTE |
| 70.105 | HAZARDOUS WASTE MANAGEMENT |

76.04 STATE FOREST PRACTICES ACT
90.48 WATER POLLUTION CONTROL

2. Washington Administrative Code (WAC), Chapters:

173-200 WATER QUALITY STANDARDS FOR GROUND WATERS OF THE STATE OF WASHINGTON
173-201A WATER QUALITY STANDARDS FOR SURFACE WATERS OF THE STATE OF WASHINGTON
173-218 UNDERGROUND INJECTION CONTROL PROGRAM
173-240 SUBMISSION OF PLANS AND REPORTS FOR CONSTRUCTION OF WASTEWATER UTILITIES
173-303 DANGEROUS WASTE REGULATIONS
173-304 MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING
173-314 WASTE TIRE CARRIER AND STORAGE SITE LICENSES
173-340 MODEL TOXICS CONTROL ACT
173-351 CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS
173-400 CLEAN AIR ACT
197-11 SEPA RULES
246-203 GENERAL SANITATION
246-220 RADIATION PROTECTION - GENERAL PROVISIONS
246-232 RADIOACTIVE MATERIALS - LICENSING APPLICABILITY
296-24 GENERAL SAFETY AND HEALTH STANDARDS
296-62 GENERAL OCCUPATIONAL HEALTH STANDARDS
296-65 ASBESTOS REMOVAL AND ENCAPSULATION
480-70 SOLID WASTE AND/OR REFUSE COLLECTION COMPANIES

3. Washington State Department of Ecology (Ecology):

Ecology document 80-12, "Biological Testing Methods"

Ecology document 91-30, "Guidance for Remediation of Petroleum Contaminated Soils" (revised April 1994)

Ecology document 92-13, "Moderate Risk Waste Fixed Facility Guidelines"

Ecology document 93-51, "Chemical Testing Methods for Complying with the Dangerous Waste Regulations"

C. Local:

Kittitas County Solid Waste Management Plan

Used Oil Amendment to the Solid Waste Management Plan

Kittitas County Moderate Risk Waste Management Plan