

BEFORE THE BOARD OF NORTHEAST TRI COUNTY HEALTH DISTRICT

IN THE MATTER OF ADOPTING
SOLID WASTE REGULATION
NO. 01-2004 RELATING TO
PUBLIC HEALTH

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RESOLUTION 01-2004
ADOPTING REGULATION NO. 01-2004
ESTABLISHING SOLID WASTE HANDLING
STANDARDS FOR THE REGULATION OF SOLID
WASTE IN NORTHEAST TRI COUNTY HEALTH
DISTRICT

WHEREAS, solid waste rules and regulations are promulgated under the authority of Chapters 70.05, 70.46 and 70.95 Revised Code of Washington and Chapter 173-350 Washington Administrative Code;
AND

WHEREAS, Northeast Tri County Health District Health Officer is charged with administering these regulations;

NOW, THEREFORE:

IT IS HEREBY RESOLVED by the Board of Health of the Northeast Tri County Health District in accordance with the provisions of RCW.70.95.160 the Northeast Tri County Health District hereby adopts all sections of WAC 173-350, solid waste handling standards except where modified and specified herein.

Done this 21st day of January, 2004 in Colville, Washington and effective immediately upon signatures as of this date.

Fred W. Bremner
Board Member, City of Republic

Dennis A. Smith
Board Member, Ferry County

Ann Doy
Board Member, Town of Marcus

Board Member, Ferry County

Robert Jensen
Board Member, Town of Cusick

Mike Hanson
Board Member, Pend Oreille County

Anthony M.P.
Health Officer

Mitchell Brown
Board Member, Pend Oreille County

Merill J. Ott
Board Member, Stevens County

Board Member, Stevens County

**NORTHEAST TRI-COUNTY HEALTH DISTRICT
SOLID WASTE REGULATION NO. 01-2004**

A REGULATION RELATING TO PUBLIC HEALTH; ESTABLISHING SOLID WASTE HANDLING STANDARDS FOR THE REGULATION OF SOLID WASTE IN NORTHEAST TRI-COUNTY HEALTH DISTRICT.

BE IT ADOPTED BY THE BOARD OF HEALTH OF THE NORTHEAST TRI-COUNTY HEALTH DISTRICT AS FOLLOWS:

Section I Scope

These regulations shall apply to all territory embraced within the limits of the Northeast Tri-County Health District.

Section II Authority and Purpose

These solid waste rules and regulations are promulgated under the authority of Chapters 70.05, 70.46, and 70.95 Revised Code of Washington (RCW), and Chapter 173-350 Washington Administrative Code (WAC), to protect public health, safety, environment, and welfare of the Northeast Tri-County Health District citizens. These regulations govern the handling of solid waste within Northeast Tri-County Health District, including permit issuance.

Section III Administration

The District Health Officer shall administer the provisions of these regulations.

Section IV General Adoption of WAC 173-350

In accordance with the provisions of RCW 70.95.160 the Northeast Tri-County Health District hereby adopts all sections of WAC 173-350, solid waste handling standards, except where modified and specified herein.

Section V Definitions (WAC 173-350-100)

WAC 173-350-100 "Definitions" is hereby adopted by reference with the following additions:

"Health District" means the Northeast Tri County Health District.

"Health Officer" means the Health Officer of the Northeast tri-County Health District or his duly authorized representative.

"Jurisdictional Health District" means the Northeast Tri-County Health District.

"Northeast Tri-County Health District" means the Northeast Tri-County Health District as established pursuant to RCW 70.46.

Section VI Composting Facilities (WAC 173-350-220)

WAC 173-350-220 "Composting Facilities" is hereby adopted by reference with the following additions:

Section (c)(ii) shall be revised to read as follows:

(c)(ii) Protect surface water and ground water through the use of best management practices and all known available and reasonable methods of prevention, control, and treatment as appropriate and determined by the Health Officer. This includes, but is not limited to, setbacks from wells, surface waters, property lines, roads, public access areas, and site-specific setbacks when appropriate;

Section VII Financial Assurance Requirements (WAC 173-350-600)

WAC 173-350-600 "Financial assurance requirements" is hereby adopted by reference with the following additions:

Section (1) shall be amended to include an additional section as follows:

(1) (d) Other solid waste handling facilities as determined by the Health Officer. Examples of such facilities are.

- (i) permitted facilities found to be out of compliance with these regulations;
- (ii) facilities exempt from permit found to be out of compliance with these regulations.

Section VIII Permit Application and Issuance (WAC 173-350-710)

WAC 173-350-710 "Permit application and issuance" is hereby adopted by reference with the following additions:

Section (6)(b) shall be revised to read as follows:

(6)(b) Whenever the jurisdictional health department denies a permit or suspends a permit for a solid waste handling facility, it shall:

(i) Upon request of the applicant or holder of the permit, grant a hearing with the Health Officer or the Health Officer's designee on such denial or suspension within thirty days after the request;

(ii) Provide notice of the hearing to all interested parties including the county or city having jurisdiction over the site and the department; and

(iii) Within thirty days after the hearing, notify the applicant or the holder of the permit in writing of the determination and the reasons therefore. Any party aggrieved by such determination may request a hearing before the NETCHD Appeal Board as specified in the NETCHD "Procedure Policy for Health Officer Hearing and Appeal Board Hearing".

(iv) Any party aggrieved by the determination of the Health District Appeal Board may appeal to the pollution control hearings board by filing with the board a notice of appeal within thirty days after receipt of notice of determination of the health officer.

Section IX Penalties

Any person, firm or corporation who violates or refuses or fails to comply with the provisions of these regulations shall be guilty of a misdemeanor in accordance with these regulations and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment not to exceed ninety (90) days or to both fine and imprisonment. Each day a violation is allowed to continue shall be considered a separate violation.

Section X Severability

If any section, subsection, sentence, clause or phrase of these regulations is held invalid, such decision shall not effect the validity of the remaining portions.

Section XI Effective Date

These regulations shall become effective upon approval and adoption by the Northeast Tri-County Health District Board of Health.