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ORDINANCE NO. 151 -11

AN ORDINANCE REGARDING THE REGULATION
OF THE USE OF BIOSOLIDS

WHEREAS, the term "biosolid" means sewage sludge that is a primarily (but not entirely) organic, semisolid product resulting from the wastewater treatment process; and

WHEREAS, the term "septage" means biosolids composed primarily of human waste from septic tanks; and

WHEREAS, RCW 70.95J.005(e) reflects the Washington State Legislature's acknowledgement that biosolids "can contain metals and microorganisms that, under certain circumstances, may pose a risk to public health;" and

WHEREAS, among the metals that may pose such risk are arsenic, cadmium, copper, lead, mercury, molybdenum, nickel, selenium, and zinc; and

WHEREAS, among the microorganisms that may pose such risk are e. coli, heliobacter pylori, legionella, cryptosporidium, giardia, and various viruses; and

WHEREAS, disease and heavy metal contamination constitute potential threats to the life and health of humans, pets, livestock, crops, and also the natural flora and wildlife of the County; and

WHEREAS, the County of Wahkiakum prides itself on the quality of its agriculture, which is of economic benefit and historical importance to the citizens of the County; and

WHEREAS, the benefits of agriculture to the County of Wahkiakum are greatly enhanced by both the quality and the perceived quality, of the County's agricultural goods; and

WHEREAS, the County of Wahkiakum is distinguished by its many rivers and sloughs, which flood to a greater or lesser extent on an annual basis; and

WHEREAS, such floods have the potential to spread items applied on the ground on one property onto such other property as the flood may affect; and

WHEREAS, regulation of the use of septage, sludge, and biosolids is necessary for the protection of the health and welfare of citizens of and visitors to Wahkiakum County and also for the protection of the good reputation of Wahkiakum County agriculture;

**NOW THEREFORE, THE COMMISSION OF THE COUNTY OF WAHAKIAKUM DOES
HEREBY ORDAIN AS FOLLOWS:**

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2 A new chapter is hereby added to the Wahkiakum County Code in Title 70, to be designated Chapter
3 70.08, and to read as follows:

4 **70.08.010: Definitions.**

- 5 (a) "Biosolids" shall have the definition given to that word in WAC 173-308-005(b), as such
6 definition may hereafter amended or recodified.
7 (b) "Class A Biosolids" means biosolids that meet the requirements for Class A pathogen
8 reduction in WAC 173-308-170, as that administrative code section now exists or may
9 hereafter be amended or recodified.
10 (c) "Class B Biosolids" means biosolids that meet the requirements for Class B pathogen reduction
11 in WAC 173-308-170, as that administrative code section now exists or may hereafter be
12 amended or recodified.
13 (d) "septage" means biosolids composed primarily of human waste from septic tanks.

14 **70.08.020: Land Application of Biosolids.**

- 15 (a) No Class B biosolids, septage, or sewage sludge may be applied to any land within the County
16 of Wahkiakum.

17 **70.08.030: Penalty.**

- 18 (a) Any person who fails to comply with any provision of this chapter shall be subject to a civil
19 penalty not to exceed one thousand dollars for each violation. Each application of a load of
20 biosolids upon the land shall constitute a separate violation.
21 (b) The civil penalty provided for in this section shall be imposed by a notice in writing either by
22 certified mail with return receipt requested or by personal service, to the person incurring the
23 same. The notice shall describe the violation with reasonable particularity and shall order the
24 acts constituting the violation or violations to cease and desist or, in appropriate cases, may
25 require necessary corrective action to be taken within a specific and reasonable time.
(c) Any civil penalty imposed pursuant to this section shall be subject to review by the Board of
County Commissioners as provided in RCWC 86.16.405, as it now exists or may hereafter be
amended or recodified.

70.08.040: Interpretation.

This chapter is intended to further regulate the use of biosolids and not to repeal or limit any
restrictions upon the use of biosolids that now exist or may hereafter be adopted.

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DULY PASSED AND ADOPTED this 26 day of April, 2011.

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

ATTEST:

Marsha LaFarge
Marsha LaFarge
Clerk of the Board

Lisa M. Marsyla, Chairman

Daniel L. Cothren
Daniel L. Cothren, Commissioner

APPROVED AS TO FORM this
____ day of April, 2011:

Blair H. Brady
Blair H. Brady, Commissioner

Daniel H. Bigelow
Prosecuting Attorney