

TITLE 70 PUBLIC HEALTH

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Chapter 70.06 ON-SITE SEWAGE SYSTEMS ^[1]

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70.06.010 DEFINITIONS.

This section defines terms used in these regulations for on-site sewage systems. Wahkiakum County hereby adopts the definitions given in WAC 246-272A-010, except insofar as they may conflict with the following definitions, which are adopted in addition to those already mentioned:

"Alternative system" means any on-site sewage system consisting of treatment and/or disposal components other than a septic tank and a subsurface soil absorption system (SSAS).

"Approval" means acceptance by the Health Officer or department as stated in writing.

"Department" means the Washington State Department of Health.

"Health Officer" means the Health Officer for Wahkiakum County or a representative authorized by and under the direct supervision of the Health Officer. The "Health Officer" is the Local Health Officer of Wahkiakum County.

"Larger on-site sewage system" means any on-site sewage system with design flow at any common point, between three thousand five hundred (3,500) and fourteen thousand five hundred (14,500) gallons/day. On-site sewage systems receiving State or Federal grants, or systems using mechanical treatment or lagoons with ultimate design flows above three thousand five hundred (3,500) gallons/day are excluded from this definition. Excluded systems are governed by Chapter 173-240 of the Washington Administrative Code which is administered by the Washington State Department of Ecology.

"Local Board of Health" means the Board of County Commissioners for Wahkiakum County, which serves as the Wahkiakum County Board of Health.

"Premises" means any structure where humans reside or work, including, but not limited to, dwellings, lodging houses, hotels, apartment houses, churches, schools, hospitals, nursing homes, places of public assembly, restaurants, wholesale and retail stores, service stations, commercial buildings, office buildings, municipal and other publicly owned buildings, factories and workshops, nurseries, day care centers, manufactured homes, modular homes, mobile homes, trailer houses, floating homes, houseboats, boats used as houses, and agricultural buildings.

"Reutilization" means:

1. Reconnection with an on-site sewage system that has been disconnected, unused, or abandoned for less than six years.
2. Connection of a pre-existing on-site sewage system with a new or different structure; e.g. when a structure is destroyed and a replacement structure is built.
3. The continuing use of an on-site sewage system when the connected structure or structures undergo a significant change of use, expansion, or modification.

"Sewage" means the water-carried human or domestic waste from residences, buildings, industrial establishments or other facilities, together with groundwater infiltration, that may be present.

"Subsurface soil absorption system (SSAS)" means a system consisting of trenches (three feet or less in width) or beds (more than three feet in width), together with the piping and gravel, designed and installed in original undisturbed soil for the purpose of receiving effluent from a septic tank or other pretreatment device and transmitting it into the soil.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.020 JURISDICTION.

On any premises within Wahkiakum County, Washington, where people reside or work, or where a recreational facility exists, and water is available under pressure, flush type toilet facilities shall be provided and connected to a public sewer, where accessible, or to an on-site sewage system as required under this chapter.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.030 VARIANCE.

This section enumerates conditions for waiver of the regulations set forth herein. By this reference, Wahkiakum County adopts WAC 246-272A-0420(1) as though fully set out herein.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.040 GENERAL REQUIREMENTS.

- A. No sewage from any on-site sewage system shall directly or indirectly discharge upon the surface of the ground or into any surface waters within the County.
- B. The use of cesspools is not recommended and cesspools shall not be used in conjunction with or in place of an approved drainfield.
- C. A valid on-site sewage system permit shall be required prior to the issuance of a building permit, unless a public sanitary sewer is available and used.
- D. Disposal of sewage from boats, boat houses, floating homes, mobile homes, and all camping vehicles shall be in a manner approved by the Local Board of Health.
- E. No downspout or footing drain shall be directly or indirectly connected to a sewage disposal system. Drains shall be so constructed and installed that the surface water or groundwater shall not interfere "with the proper operation of any on-site sewage system.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.050 APPLICABILITY.

This section governs the applicability of this chapter. Wahkiakum County hereby adopts WAC 246-272A-0020, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.060 CONNECTION.

This section governs when connection to a public sewer system is required. Wahkiakum County hereby adopts WAC 246-272A-0025, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.070 LOCATION.

This section governs the location of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0210, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.080 SOIL AND SITE EVALUATION.

This section governs soil and site evaluation. Wahkiakum County hereby adopts WAC 246-272A-0220, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.090 DESIGN.

- A. This section governs general design requirements. Wahkiakum County hereby adopts WAC 246-272A-0230, which is incorporated herein by this reference.
- B. This section governs septic tank sizing. Wahkiakum County hereby adopts WAC 246-272A-0232, which is incorporated herein by this reference.
- C. This section governs soil dispersal components. Wahkiakum County hereby adopts WAC 246-272A-0234, which is incorporated herein by this reference.
- D. This section governs design to facilitate operation, monitoring, and maintenance of systems. Wahkiakum County hereby adopts WAC 246-272A-0238, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.100 HOLDING TANK SYSTEMS.

This section governs holding tank sewage systems. Wahkiakum County hereby adopts WAC 46-272A-0240, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.110 INSTALLATION.

This section governs installation of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0250, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.120 INSPECTION.

This section governs inspection of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0260, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.130 DRAWINGS TO BE RECORDED.

This section governs the recording requirements of on-site sewage systems. Wahkiakum County hereby adopts WAC 246-272A-0265, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.140 REPAIR, MAINTENANCE, AND USE.

- A. This section governs the responsibilities of on-site sewage system owners regarding operation, monitoring, and maintenance. Wahkiakum County hereby adopts WAC 246-272A-0270, which is incorporated herein by this reference.
- B. This section requires annual inspection of food service establishments. Wahkiakum County hereby adopts WAC 246-272A-0275, which is incorporated herein by this reference.
- C. This section governs repair of system failures. Wahkiakum County hereby adopts WAC 246-272A-0280, which is incorporated herein by this reference.
- D. This section governs expansion of systems. Wahkiakum County hereby adopts WAC 246-272A-0290, which is incorporated herein by this reference.
- E. This section governs abandonment of systems. Wahkiakum County hereby adopts WAC 246-272A-0300, which is incorporated herein by this reference.
- F. This section governs removal of septage from systems. Wahkiakum County hereby adopts WAC 246-272A-0310, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.150 DEVELOPMENTS AND SUBDIVISIONS.

This section governs developments, subdivisions, and minimum land requirements. Wahkiakum County hereby adopts WAC 246-272A-0320, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.160 CERTIFICATION.

This section governs the certification of installers, pumpers, and maintenance service providers. Wahkiakum County hereby adopts WAC 246-272A-0340, which is incorporated herein by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.170 PERMITS.

- A. No person shall install or cause to be installed a new on-site sewage system, nor perform any alterations, extensions or relocations or connections to an existing system without a valid permit issued by the Health Officer. Larger on-site sewage systems approved by the Washington Department of Health are exempt from permit requirements. Permits for alterations or repairs shall be so identified. Application for such permit shall be made in writing in a manner prescribed by the Health Officer, containing at minimum the information listed in paragraph B., *intra* . Each permit application shall include a reminder of the applicant's right of appeal.
- B. Prior to beginning the construction process, a person proposing the installation, repair, modification, connection to, or expansion of an OSS, shall report the following and obtain a permit from the local Health Officer:
 1. General information including:
 - (a) Name and address of the property owner and the applicant at the head of each page of submission;
 - (b) Parcel number and if available, the address of the site;
 - (i) Source of drinking water supply;
 - (c) Identification if the property is within the boundaries of a recognized sewer utility;
 - (d) Size of the parcel;
 - (e) Type of permit for which application is being made, for example, new installation, repair, expansion, modification, or operational;
 - (f) Source of sewage, for example, residence, restaurant, or other type of business;
 - (g) Location of utilities;
 - (h) Name of the site evaluator;
 - (i) Name, signature and stamp of the designer;
 - (j) Date of application; and
 - (k) Name and signature of the fee simple owner, the contract purchaser of the property or the owner's authorized agent.
 2. The soil and site evaluation as specified under WAC 246-272A-0220.
 3. A dimensioned site plan of the proposed initial system, the reserve area, and those areas immediately adjacent that contain characteristics impacting design including:
 - (a) Designated areas for the proposed initial system and the reserve area;
 - (b) The location of all soil logs and other soil tests for the OSS;
 - (c) General topography and/or slope;
 - (d) Drainage characteristics;
 - (e) The location of existing and proposed encumbrances affecting system placement, including legal access documents if any component of the OSS is not on the lot where the sewage is generated; and
 - (f) An arrow indicating north.
 4. A detailed system design meeting the requirements under WAC 246-272A-0230, 246-272A-0232, 246-272A-0234, and 246-272A-0238 including:

- (a) A drawing showing the dimensioned location of components of the proposed OSS, and the system designed for the reserve area if reserve site characteristics differ significantly from the initial area;
 - (b) Vertical cross-section drawings showing:
 - (i) The depth of the soil dispersal component, the vertical separation, and depth of cover material; and
 - (ii) Other new OSS components constructed at the site.
 - (c) Calculations and assumptions supporting the proposed design, including:
 - (i) System operating capacity and design flow;
 - (ii) Soil type; and
 - (iii) Hydraulic loading rate in the soil dispersal component.
5. Maximum seasonal groundwater table.
 6. Distances of proposed system to water supply distribution lines and sources, surface water, banks or cuts, boundaries or property and structures or other improvements.
 7. Distance to public sewer system.
 8. Proposed use of on-site sewage system.
 9. Any additional information deemed necessary by the local Health Officer.
 10. The local Health Officer may develop, or assist in developing, any information required above in the local Health Officer's discretion.
- C. For any on-site sewage system proposed to serve a structure requiring a flood control zone permit under the provisions of Chapter 86.16 RCW or Chapter 86.16 RCWC, the installation permit shall not be issued until a flood control zone permit has been issued.
 - D. For new construction, no installation permit shall issue unless the applicant makes sufficient showing that the site has an adequate potable water supply.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.175 POWERS AND DUTIES OF LOCAL HEALTH OFFICER.

This section enumerates powers and duties of the local Health Officer with regard to the permitting process. Wahkiakum County hereby adopts WAC 246-272A-0200(4)—(8) by this reference.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.176 LARGER ON-SITE SEWAGE SYSTEMS.

Approval of larger on-site sewage systems is the responsibility of the Washington State Department of Health. Plans and specifications for new construction or repairs or expansions to existing larger on-site sewage systems, bearing the signature of the owner or an authorized representative, shall be submitted to and approved by the Washington State Department of Health prior to construction.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.177 SEWAGE DISPOSAL AT CONSTRUCTION SITES.

It is unlawful for any contractor or builder to engage in business on any site where adequate toilet facilities and sewage disposal are not provided in accordance with the following requirements:

- A. All persons or firms employing one or more employees at each job site shall provide adequate sanitary toilet facilities.
- B. Facilities shall be within the area of the construction site and they shall be properly constructed and maintained chemical or flush type toilets.
- C. Collection and/or disposal of sanitary wastes shall be in a manner that meets the approval of the County Health Officer.
- D. All exceptions shall be approved by the Local Health Board. Meeting the foregoing requirements shall be deemed compliance with the provisions of this chapter.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.177 INSPECTION AND APPROVAL.

- A. The Health Officer is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter.
- B. It shall be the duty of the owner or occupant of a property to give the Health Officer free access to the property at reasonable times for the purpose of making such inspections as are necessary to determine compliance with this chapter.
- C. Requests for inspection of any work done on an on-site sewage system shall be made to the office of the County Health Department not less than twenty-four (24) hours before the time set for the inspection.

Arrangements between the installer and the County Health Department as to completion and inspection dates shall be made twenty-four (24) hours before inspection. If inspector does not appear at agreed time, the installer may cover installation without penalty.

- D. If, upon inspection of the work on an on-site sewage system, the County Health Officer or his or her authorized representative shall find, at any time, that any work done, or material used, is not in accordance with this chapter, he may suspend the permit, or may notify the owner or installer in writing to make necessary corrections; and if such corrections are not made within a reasonable time, the County Health Officer shall then revoke the permit and it shall be unlawful to use such on-site sewage system.
- E. At the time of the final inspection, after the work is done on an on-site sewage system, and if such system is in accordance with the provisions of this chapter, the County Health Officer or his authorized representatives shall indicate approval of said installation by signing, immediately, the on-site sewage system permit.
- F. The County Health Officer's approval for all or any part of an on-site sewage system will be effective only if the approved on-site sewage system is completed within two years of the date of approval.
- G. If the County Health Officer upon final inspection shall disapprove the system, he or she shall so notify the owner, stating his reasons for such disapproval in writing and it shall then be unlawful to use such system.
- H. If the County Health Officer shall approve such work and such system, he or she shall so notify the owner or installer in writing and then such work shall be covered and such system may be used; except that individuals or private installers will keep the system open until County Health Department Inspection.

- I. The areas left open for inspection shall be inlet of septic tank, outlet of septic tank, ends of drainfield, and distribution box or boxes, if any.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.180 REUTILIZATION.

- A. Reutilization is a violation of this chapter unless permitted.
- B. The Health Officer shall permit reutilization of an on-site sewage system under its already existing permit if he or she determines, upon inspection, that the on-site sewage system sought to be reutilized can be effectively used for at least five years without undue risk to the public.
- C. No on-site sewage system that has been abandoned or unused for more than six years may be reutilized.
- D. In the event the Local Health Officer denies an on-site sewage system sought to be reutilized pursuant to subsection B above and no on-site sewage system that complies with this chapter can be built to replace it, the Local Health Officer will work with the applicant with the aim of developing the best possible replacement system and qualifying for a variance pursuant to RCWC 70.06.030.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.190 TRANSFER OF PERMIT.

Insofar as it is consistent with this chapter, permits for on-site septic systems should be understood to travel with the land so permitted. During the two-year period during which a permit is valid pursuant to RCWC 70.06.120(f), such permit may be transferred along with the ownership of the underlying land. The County Health Department shall provide procedures for such transfer. The procedures shall include, at minimum:

- A. Application by the new owner on a form that includes the original permit number, the original owner, and the name of the new permit holder;
- B. A re-inspection fee, to be set pursuant to RCWC 70.06.250;
- C. Re-inspection of the site to determine whether conditions and use remain the same as when the permit was issued.

After re-inspection, the permit may be denied or modified.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.200 ENFORCEMENT.

- A. It shall be the duty of the County Health Officer to enforce this chapter.
- B. For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: the Wahkiakum County Health Officer, the Administrative Officer of the Wahkiakum County Health Department, any Environmental Health Specialist employed by the Wahkiakum County Health Department.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.210 APPEALS.

Any person, firm, corporation or partnership, having applied for a permit or a variance under any section of this chapter, may, after written refusal by the County Health Officer, appeal said decision by the following procedure:

- A. By filing a written Notice of Appeal with the Wahkiakum County Board of Health. Such Notice of Appeal must be filed with the County Auditor within ten days of the date of issuance of the Health Officer's written determination.
- B. The Wahkiakum County Board of Health shall, within twenty-one (21) days after the filing of said Notice of Appeal, meet to hear said complaint and shall record its findings upon such complaint within its minutes. The decision of the Wahkiakum County Board of Health shall be final.
- C. The Wahkiakum County Board of Health shall give notice in writing not less than ten days prior to such hearing to the appealing person, firm, corporation or partnership of the date, time, and place of the hearing.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.220 VIOLATIONS—PENALTIES.

- A. Unless otherwise specifically provided herein, any violation of any provision of this chapter is a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars (\$250.00), not including statutory assessments. In the case of a continuing violation of any provision of this chapter, every day's continuance shall be a separate and distinct violation.
- B. In addition to the monetary penalties set forth in subsection A of this section, the court may also order a person found to have committed a violation of this chapter to make restitution for environmental or other damage caused by such violation.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.230 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the Court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Willful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.240 VIOLATIONS—INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED—PUBLIC NUISANCE ABATEMENT.

The Health Officer for Wahkiakum County may bring an action to enjoin a violation of any of the provisions of this chapter, or may bring any legal proceeding authorized by law, including, but not limited to, the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of the provisions of this chapter relating to the construction, maintenance, and repair of on-site sewage systems are declared to be public nuisances. The Health Officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

70.06.250 FEES.

The Wahkiakum County Health Department shall assess fees for permits, inspections, and services rendered pursuant to this chapter in accord with the Health Department's fee schedule as adopted and revised from time to time by resolution of the Board of County Commissioners.

(Ord. No. 158-15, § 1(Exh. A), 2-17-15)

FOOTNOTE(S):

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Editor's note— Ord. No. 158-15, adopted Feb. 17, 2015, replaced Ch. 70.06 in its entirety to read as herein set out. Former Ch. 70.06 pertained to the same subject matter, consisted of §§ 70.06.010—70.06.230, and derived from Ord. 118-94. ([Back](#))

Chapter 70.08 BIOSOLIDS

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[70.08.020 LAND APPLICATION OF BIOSOLIDS.](#)

[70.08.030 PENALTY.](#)

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70.08.010 DEFINITIONS.

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

(Ord. No. 151-11, 4-26-11)

70.08.020 LAND APPLICATION OF BIOSOLIDS.

No Class B biosolids, septage, or sewage sludge may be applied to any land within the County of Wahkiakum.

(Ord. No. 151-11, 4-26-11)

70.08.030 PENALTY.

- (a) Any person who fails to comply with any provision of this chapter shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation. Each application of a load of biosolids upon the land shall constitute a separate violation.
- (b) The civil penalty provided for in this section shall be imposed by a notice in writing either by certified mail with return receipt requested or by personal service, to the person incurring the same. The notice shall describe the violation with reasonable particularity and shall order the acts constituting the violation or violations to cease and desist or, in appropriate cases, may 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.

(Ord. No. 151-11, 4-26-11)

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.

(Ord. No. 151-11, 4-26-11)

Chapter 70.09 REGULATION OF FOOD SERVICE ESTABLISHMENTS ^[2]

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[70.09.230 FEES.](#)

70.09.010 MINIMUM PERFORMANCE STANDARDS.

- A. Any person owning, operating or working in a food establishment must comply with and is subject to:
 - 1. The requirements of Chapters 1 through 8 of the 2009 Food Code published by the U.S. Department of Health and Human Services, Public Health Service, Food and Drug Administration; and
 - 2. The other provisions of this chapter.
- B. If a provision or definition of the Food Code is inconsistent with a provision or definition otherwise established under this chapter, the requirement established under this chapter shall apply.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.020 DEFINITIONS.

- A. This section establishes definitions that are additional to those in the Food Code or that modify definitions in the Food Code.
- B. Abbreviations.
 - 1. "FDA" means United States Food and Drug Administration.
 - 2. "HACCP" means hazard analysis, critical control point.
 - 3. "PPM" means parts per million.
 - 4. "USA" means United States of America.
 - 5. "USDA" means United States Department of Agriculture.
 - 6. "WSDA" means Washington State Department of Agriculture.
- C. "Adulterated" means the altered condition of food including:
 - 1. Bearing or containing any poisonous or deleterious substance in a quantity rendering food injurious to health;
 - 2. Bearing or containing any added poisonous or deleterious substance where no safe tolerance has been established by regulation, or exceeding such tolerance if one has been established;

3. Consisting in whole or in part of any filthy, putrid, or decomposed substance, or otherwise being unfit for human consumption;
 4. Processing, preparing, packing, or holding potentially hazardous foods under improper time-temperature conditions or under other conditions increasing the probability of food contamination with excessive microorganisms or physical contaminants;
 5. Processing, preparing, packing, or holding food under insanitary conditions increasing the probability of food contamination or cross-contamination;
 6. Holding or packaging food in containers composed, in whole or in part, of any poisonous or deleterious substance rendering the contents potentially injurious to health; or
 7. Containing any product of a diseased animal, or an animal dying by means other than by slaughter.
- D. "Approved" means acceptable to the Health Officer based on his/her determination regarding conformance with appropriate standards and public health practice.
- E. "Approved source" means foods which are obtained by the food service establishment owner from persons who comply with applicable Federal, State and local laws, ordinances and regulations.
- F. "Aquatic foods" mean foods grown in or harvested from water, including all types of fish, shellfish and mollusks, edible crustacea, reptiles, amphibians, and mixtures containing aquatic foods and synthetic foods, such as surimi.
- G. "Base of operation" means an approved site for servicing, cleaning, sanitizing, supplying and maintaining a mobile food unit.
- H. "Bed and breakfast operation" means a private home or inn offering one or more lodging units on a temporary basis to travelers.
- I. "Bulk food" means processed or unprocessed food in containers where consumers withdraw desired quantities.
- J. "Catering operation" means a person contracted to prepare food in an approved food establishment for final cooking or service at another location.
- K. "Commissary" means an approved food establishment where food is stored, prepared, portioned, or packaged for service elsewhere.
- L. "Corrosion-resistant" means a material maintaining original surface characteristics under prolonged contact with food, cleaning compounds or sanitizing solutions.
- M. "Cross-contamination" means the process where disease-causing organisms are transferred from raw or other foods to equipment or ready-to-eat foods.
- N. "Department" means the Washington State Department of Health.
- O. "Donated food distributing organization" means a charitable nonprofit organization under Section 501(c) of the federal Internal Revenue Code that distributes food free of charge and includes any nonprofit organization that distributes food free of charge to the public.
- P. "Donor" means a person, corporation, association, or other organization that donates food to a donated food distributing organization under the provisions of Chapter 69.80 RCW, known as the Good Samaritan Food Donation Act.
- Q. "Donor kitchen" means a kitchen that is used by a donor to handle, store or prepare food for donation to needy persons through a donated food distributing organization and which is not a residential kitchen in a private home.
- R. "Drinking water" means potable water that is supplied in compliance with Chapters 246-290 and 246-291 WAC.
- S. "Durable" means capable of withstanding expected use and remaining easily cleanable.

- T. "Easily cleanable" means readily accessible with materials and finish fabricated to permit complete removal of residue by normal cleaning methods.
- U. "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, guinea or any other species of fowl.
- V. "Equipment" means all stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dish machines, steam tables and similar items used in the operation of a food service establishment.
- W. "Extensive remodel" means construction in a food service establishment requiring a building permit or plumbing permit, except for signs and fences.
- X. "Food" means any raw, cooked, or processed edible substance, ice, beverage, or ingredient used or intended for use or for sale, in whole or in part, for human consumption.
- Y. "Food additive" means substances added directly or indirectly to food.
- Z. "Food Code" means the 2009 edition of the Food Code of the United States Public Health Service, Food and Drug Administration.
- AA. "Food service establishment" is amended in Food Code subparagraph 1-201.10(B) to not mean:
 - 1. An establishment that offers only non-potentially hazardous foods prepackaged in a licensed food establishment or food processing plant;
 - 2. An establishment that offers only non-potentially hazardous, non-ready-to-eat, minimally cut, unprocessed fruits and vegetables;
 - 3. A food processing plant or other establishment for activities regulated by the Washington State Department of Agriculture or the U.S. Department of Agriculture;
 - 4. An establishment that offers only non-potentially hazardous, ready-to-eat foods, produced in a licensed food establishment or food processing plant (such as premixed soda pop, powdered creamer, pretzels, cookies, doughnuts, cake, or meat jerky) that are served without direct hand contact, with limited portioning, directly onto or into sanitary single use articles from the original package;
 - 5. An establishment that offers only non-potentially hazardous hot beverages (such as coffee, hot tea or hot apple cider) served directly into sanitary single-service articles;
 - 6. An establishment that offers only dry, non-potentially hazardous, non-ready-to-eat foods (such as dry beans, dry grains, in-shell nuts, coffee beans, tea leaves, or herbs for tea);
 - 7. An establishment that offers only prepackaged frozen confections produced in a licensed food establishment or food processing plant;
 - 8. A residential kitchen in a private home or other location, if only foods that are non-potentially hazardous baked goods are prepared and wrapped in a sanitary manner for sale or services by a nonprofit organization operating for religious, charitable, or educational purposes and if the consumer is informed by a clearly visible placard at the sales or services location that the foods are prepared in a kitchen that is not inspected by a regulatory authority;
 - 9. A location where foods that are prepared as specified in (AA)(7) of this section are sold or offered for human consumption;
 - 10. A kitchen in a private home operated as an adult family home as defined in RCW 70.128.010, used only to prepare food for residents and other people for whom the operation is licensed to provide care;
 - 11. A private home that receives catered or home-delivered food;
 - 12. A private home or other location used for a private event;
 - 13. A donor kitchen; and

14. A location used for a potluck.
- BB. "Food worker card" means a food and beverage service worker's permit as required under Chapter 69.06 RCW.
- CC. "Game meat" means warm-blooded and cold-blooded animals, excluding fish and meat food animals as defined by USDA, noncommercially raised and processed without continuous regulatory surveillance, including, but not limited to:
1. Mammals such as deer, elk, antelope, buffalo and bear; birds; and
 2. Reptiles such as alligator.
- DD. "Hazard analysis critical control point (HACCP)" means a method used to reduce the risk of food-borne illness by:
1. Identifying hazards of high risk foods;
 2. Assessing the hazards posed by each preparation step;
 3. Determining the critical points for controlling hazards;
 4. Monitoring a critical control point or points; and
 5. Implementing immediate and appropriate corrective action when control criteria are not met.
- EE. "Health Officer" means the Wahkiakum County Health Officer, or such the Wahkiakum County Health Officer's authorized representative.
- FF. "Hermetically sealed container" means a properly designed container intended to keep the contents free of contamination by microorganisms and to maintain the commercial sterility or its contents after thermal processing.
- GG. "Imminent health hazard" means a significant threat or danger to health that is considered to exist when there is evidence sufficient to show that a product, practice, circumstance, or event creates a situation that requires immediate correction or cessation of operation to prevent injury based on:
1. A breakdown or lack of equipment or power causing improper temperature control for potentially hazardous foods;
 2. A lack of water preventing adequate hand-washing or equipment cleaning and sanitizing;
 3. An emergency situation including fire, flood, building collapse, or similar accident or natural disaster;
 4. A sewage backup or sewage contamination within a food service establishment; or
 5. An occurrence of an outbreak of food-borne illness linked to the food service establishment.
- HH. "Immediate service" means foods served to the public within thirty (30) minutes of preparation.
- II. "Local Board of Health" means the County Board of Health.
- JJ. "Local Health Officer" means the legally qualified physician who has been appointed as the Health Officer for the County Public Health Department.
- KK. "Menu" means a written or graphic description of foods prepared and offered for such or service by a food service establishment.
- LL. "Mislabeled" means the presence of any false or misleading written, printed, or graphic material upon or accompanying food or food containers.
- MM. "Mobile food unit" means a readily movable food service establishment.
- NN. "Modified atmosphere packaging" means a process that completely encases food in an impermeable or partially permeable membrane, with either a partial or complete vacuum, or a gas or mixture of gases surrounding the food. Hermetically sealed containers are not considered to be modified atmosphere packaging.

- OO. "Owner" means a person owning and/or responsible for the operation of a food service establishment.
- PP. "Perishable food" means foods, other than potentially hazardous foods, where deterioration or spoilage due to loss of moisture or growth of molds and bacteria may occur.
- QQ. "Person" means any individual, partnership, corporation, association, or other legal entity or agency of State, County, or municipal government, or agency of the Federal government, which is subject to the jurisdiction of the State.
- RR. "Person in charge" means the individual present at a food establishment who is responsible for the operation at the time.
- SS. "pH" means a measure of the amount of acid in a food product.
- TT. "Potluck" means an event where:
1. People are gathered to share food;
 2. People attending are expected to bring food to share;
 3. There is no compensation provided to people for bringing food to the event;
 4. There is no charge for any food or beverage provided at the event; and
 5. The event is not conducted for commercial purposes.
- UU. "Preschool" means a program that provides organized care and education for children below the age required for kindergarten entry. A preschool operates for two or more days per week with no child enrolled on a regular basis for more than four hours per day. A preschool does not include:
1. Programs where the parent or guardian is present at each session;
 2. Parent-child classes where the focus is on parent education;
 3. Short-term parks and recreation programs;
 4. Informal parent and child groups;
 5. Irregular babysitting;
 6. Licensed child care; or
 7. Food preparation and service operations otherwise under permit or license by the regulatory authority.
- VV. "Private event" means a private gathering restricted to members and guests of members of a family, organization, or club, where the event is not open to the general public; and where food is provided without compensation.
- WW. "Public water system" means a drinking water system that is operated in compliance with Chapters 246-290 and 246-291 WAC.
- XX. "Regulatory authority" means the local, State, or Federal enforcement body or authorized representative having jurisdiction over the food establishment. The local Board of Health, acting through the local Health Officer, is the Regulatory Authority for the activity of a food establishment, except as otherwise provided by law.
- YY. "Restructured" means potentially hazardous foods processed and formed so surface contaminants may become incorporated inside the final product.
- ZZ. "Sanitary design" means smooth, nonabsorbent and easily cleanable.
- AAA. "Sanitized" means effective bacterial treatment by a process providing enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level on food contact surfaces.
- BBB. "Sealed" means free of cracks or other openings permitting entry or passage of moisture or air.

CCC. "Self-service" means any site within a food service establishment where customers dispense their own food or beverages.

DDD. "Served" means offered to a person for consumption.

EEE. "Service animal" means an animal that is trained for the purpose of assisting or accommodating a disabled person's sensory, mental or physical disability.

FFF. "Single service articles" mean utensils designed, fabricated and intended by the manufacturer for one-time use.

GGG. "Sulfiting agents" mean chemicals used to treat food to increase shelf life and enhance appearance including:

1. Sulfur dioxide;
2. Sodium sulfite;
3. Sodium bisulfite;
4. Potassium bisulfite;
5. Sodium metabisulfite; and
6. Potassium metabisulfite.

HHH. "Temporary food service establishment" means a food service establishment:

1. Operating at a fixed location, with a fixed menu, for not more than twenty-one (21) consecutive days in conjunction with a single event or celebration, such as a fair or festival; or
2. Operating not more than three days a week at a fixed location, with a fixed menu, in conjunction with an approved, recurring, organized event, such as a farmers' market.

III. "Time/temperature" means the relationship between the length of time and the specific temperatures to which potentially hazardous foods are subjected during storage, transportation, preparation, cooking, reheating, dispensing, service, or sale.

JJJ. "Utensil" means any food contact implement used in storing, preparing, transporting, dispensing, serving or selling of food.

KKK. "Water activity(A_w)" means a measure of the amount of moisture available for bacterial growth in a food.

LLL. "Wholesome" means in sound condition, clean, free from adulteration, and otherwise suitable for use as human food.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.030 EMPLOYEE HEALTH AND HYGIENE.

This section contains regulations governing employee hygiene. Wahkiakum County hereby adopts Sections 246-215-02200 to 246-15-02415 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.040 EMPLOYEE AND ESTABLISHMENT SUPERVISION.

This section contains regulations governing employee and establishment supervision. Wahkiakum County hereby adopts Sections 246-215-02100 to 246-215-02120 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.050 FOOD SUPPLIES.

This section contains regulations governing the food supplies to be used by food service establishments. Wahkiakum County hereby adopts Sections 246-15-03100 to 246-15-03800 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.060 EQUIPMENT AND UTENSILS.

This section contains regulations governing the display and services of equipment and utensils by food service establishments. Wahkiakum County hereby adopts Section 246-215-04100 to 246-215-04945 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.070 WATER, PLUMBING AND WASTE.

This section contains regulations governing water, plumbing and waste. Wahkiakum County hereby adopts Sections 246-215-05100 to 246-215-05595 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.080 POISONOUS OR TOXIC MATERIALS.

This section contains regulations governing poisonous or toxic materials. Wahkiakum County hereby adopts Section 246-215-07100 to 246-215-07300 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.090 PHYSICAL FACILITIES.

This section contains regulations governing the permit handler. Wahkiakum County hereby adopts Sections 246-215-06100 to 246-215-06570 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.100 MOBILE FOOD UNITS.

This section contains regulations governing to the mobile food units. Wahkiakum County hereby adopts Section 246-15-09100 to 246-15-09180 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.110 TEMPORARY FOOD ESTABLISHMENTS.

This section contains regulations governing the temporary food establishments. Wahkiakum County hereby adopts Sections 246-215-09200 to 246-215-09240 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.120 BED AND BREAKFAST OPERATION.

This section contains regulations governing the bed and breakfast operation. Wahkiakum County hereby adopts Sections 246-215-09300 to 246-215-09310 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.130 DONATED FOOD DISTRIBUTING ORGANIZATIONS.

This section contains regulations governing the donated food distributing organizations. Wahkiakum County hereby adopts Sections 246-215-09400 to 246-215-09435 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.140 PRESCHOOLS.

This section contains regulations concerning preschools. Wahkiakum County hereby adopts Sections 246-215-09500 to 246-215-09515 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.150 COMPLIANCE AND ENFORCEMENT.

This section contains regulations governing the compliance and enforcement for food services establishments. Wahkiakum County hereby adopts Sections 246-215-08100 to 246-215-08610 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.160 PERMITS REQUIRED, SUSPENSION, REVOCATION, ENFORCEMENT.

This section contains regulations governing permits required, suspension, revocation, and enforcement for food services establishments. Wahkiakum County hereby adopts Sections 246-215-08100 to 246-15-08610 of the Washington Administrative Code by reference.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15; Ord. No. 160-15, 2-24-15)

70.09.170 SEVERABILITY CLAUSE.

If any section, paragraph, clause or phrase of these rules and regulation be declared unconstitutional or invalid for any reason, the remaining rules and regulations will not be affected.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.180 VARIANCES.

The Health Officer, upon written petition of the owner of the food service establishment, may grant a variance to any provision of this chapter covering physical facilities, equipment standards and food source requirements when:

- A. No health hazard would exist as a result of this action; and
8. The variance is consistent with the intent of this chapter.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.190 ENFORCEMENT.

- A. It shall be the duty of the County Health Officer to enforce this chapter.
- B. For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW, for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: The Wahkiakum County Health Officer, the Administrative Officer of the Wahkiakum County Health Department, any Environmental Health Specialist employed by the Wahkiakum County Health Department.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.200 VIOLATIONS—PENALTIES.

- A. Any person operating a food service establishment without a valid permit issued by the Health Officer is guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00), or to imprisonment in the County Jail for not more than ninety (90) days, or to both such fine and imprisonment.
- B. Except as provided in subsection A of this section, any violation of any provision of this chapter is a Class 1 civil infraction that will be heard and determined by the Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars (\$250.00), not including statutory assessments. In the case of a continuing violation of any provision of this chapter, every day's continuance shall be a separate and distinct violation.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.210 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Willful failure to pay the penalty constitutes a misdemeanor. If a penalty

is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.220 VIOLATIONS—INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED—PUBLIC NUISANCE ABATEMENT.

The Health Officer for Wahkiakum County may bring an action to enjoin a violation of any of the provisions of this chapter, or may bring any legal proceeding authorized by law, including, but not limited to, the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of the provisions of this chapter are declared to be public nuisances. The Health Officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

70.09.230 FEES.

The Wahkiakum County Health Department shall assess fees for permits, inspections and services rendered pursuant to this chapter in accord with the Health Department's fee schedule as adopted and revised from time to time by resolution of the Board of County Commissioners.

(Ord. No. 159-15, § 1(Exh. A), 2-17-15)

FOOTNOTE(S):

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Editor's note— Ord. No. 159-15, adopted Feb. 17, 2015, replaced in its entirety Ch. 70.09, which pertained to the same subject matter, consisted of §§ 70.09.010—70.09.290, and derived from Ord. 143-06. ([Back](#))

Chapter 70.10 SOLID WASTE DISPOSAL—K-M DROP BOX FACILITY

[70.10.010 DEFINITIONS.](#)

[70.10.020 RATE SCHEDULE.](#)

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70.10.010 DEFINITIONS.

"Garbage can" means the standard household use type garbage can not exceeding fifty (50) gallons in capacity. "Garbage can" also means a tied off or closed plastic garbage bag not exceeding fifty (50) gallons in capacity.

"Loose garbage" means any solid waste or garbage not contained in a garbage can as defined in this section.

(Res. 60-95 § 1)

70.10.020 RATE SCHEDULE.

The following amount shall be collected for the deposit of solid waste at the K-M Drop Box Facility:

- A. Garbage can rate: Four dollars and fifty cents (\$4.50) per can.
- B. Weighed garbage rate:

Volume of Garbage (In Pounds)	Charge
1—140	\$10.00
141—200	14.00
201—250	17.50
251—300	21.00
301—350	24.50
351—400	28.00
401—450	31.50
451—500	35.00
501—550	38.50
551—600	42.00
601—650	45.50
651—700	49.00

701—750	52.50
751—800	56.00
801—850	59.50
851—900	63.00
901—950	66.50
951—1000	70.00
1001—1050	73.50
1051—1100	77.00
1101—1150	80.50
1151—1200	84.00
1201—1250	87.50
1251—1300	91.00
1301—1350	94.50
1351—1400	98.00
1401—1450	101.50
1451—1500	105.00
1501—1550	108.50
1551—1600	112.00
1601—1650	115.50
1651—1700	119.00
1701—1750	122.50

1751—1800	126.00
1801—1850	\$129.50
1851—1900	133.00
1901—1950	136.50
1951—2000	140.00
In excess of 2,000 lbs.	\$140.00 plus 0.07 per lb. for each additional lb.

(Res. 069-05 § 1: Res. 153-00 § 1: Res. 179-99 § 1: Res. 121-97 § 1: Res. 60-95 § 2)

70.10.030 REGULATIONS.

- A. Any vehicle transporting any loose garbage shall be weighed and shall be assessed the weighed garbage rate.
- B. Vehicles transporting more than three garbage cans must go through the scales, shall be weighed, and shall be assessed the weighed garbage rate.
- C. Vehicles transporting no loose garbage and three or fewer garbage cans shall not be weighed and shall be assessed the garbage can rate.

(Res. 60-95 § 3)

70.10.040 RECYCLABLES.

As an incentive to recycling, recyclables, except appliances, may be off loaded at the recycling bins prior to proceeding through the scales. Appliances shall be weighed and assessed the weighed garbage rate.

(Res. 60-95 § 4)

Chapter 70.12 SOLID WASTE NUISANCE ORDINANCE

[70.12.010 PURPOSE.](#)

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[70.12.030 CERTIFICATION OF JUNK VEHICLE.](#)

[70.12.040 CERTIFICATION OF JUNK.](#)

[70.12.050 CERTIFICATION OF SOLID WASTE.](#)

[70.12.060 JUNK, JUNK VEHICLES AND SOLID WASTE PROHIBITED.](#)

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[70.12.080 PROCEDURES FOR ABATEMENT.](#)

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[70.12.120 ABATEMENT AND REMOVAL.](#)

[70.12.130 COSTS OF REMOVAL AND DISPOSAL.](#)

70.12.010 PURPOSE.

- A. All property owners have the right to the full use and enjoyment of their property where such does not infringe on the rights of adjacent property owners.
- B. In instances where an individual's actions significantly infringe on the use and enjoyment rights of adjacent property owners, the County may act to abate a nuisance.
- C. The keeping of public nuisance junk, junk vehicles, and/or solid waste that create conditions that reduce the value of adjacent private property, become hiding places for rodents, breeding places for mosquitoes and other insects, safety hazards for children, environmental hazards to the soils, surface and ground waters, and blights on the landscape, all detrimental to the health, safety, welfare, peace and well-being of the general public. Therefore, the purpose and intent of this ordinance is to regulate the proliferation of junk, junk vehicles, and/or solid waste from private property, provide monetary penalties for violations of this ordinance, and to provide procedures for the removal of junk, junk vehicles and/or solid waste.

(Ord. No. 161-15, § 1, 1-19-16)

70.12.020 DEFINITIONS.

For the purpose of this ordinance,

- A. "Department" means the Wahkiakum County Department of Health and Human Services.
- B. "Director" means the director of the Department.
- C. "Agricultural equipment" is machinery originally manufactured for the purpose of:
 - 1. Planting, harvesting, or transporting crops.
 - 2. Feeding, watering, transporting, or caring for livestock.
 - 3. Maintaining farmland.
- D. "Junk" is defined as old appliance(s), equipment, junk vehicle(s), or significant parts thereof, scrap metal, automotive tires, and any items which are not being used for their intended purpose.
- E. "Junk vehicle" means an unregistered vehicle or vessel meeting at least three of the following criteria:
 - 1. Is three years old or older;
 - 2. Is extensively damaged;
 - 3. Is apparently inoperable;

4. Has a fair market value equivalent only to the value of scrap.
- F. "Premises: means any building, lot, parcel, real estate, land, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.
- G. "Responsible person(s)" means any legal property owner(s) and/or representative as indicated by Wahkiakum County assessor records.
- H. "Significant parts" of a junk vehicle means more than fifty (50) percent of any of the following:
 1. Chassis;
 2. Body;
 3. Engine.
- I. "Solid waste" is defined as two or more cubic yards of material including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, junk vehicles or parts thereof, and recyclable materials, unless kept in covered bins or receptacles: Provided that nothing herein shall prohibit the maintenance of a compost pile as long as the usage of the same is intended for the household s use.
- J. "Vehicle" means every device capable of being moved upon a roadway and in, upon, or by which any person or property is or may be transported or drawn upon a roadway, and includes without limitation, automobiles, trucks, trailers, motorcycles, recreational vehicles, travel trailers, campers, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- K. "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. (RCW 88.02.010)

(Ord. No. 161-15, § 2, 1-19-16)

70.12.030 CERTIFICATION OF JUNK VEHICLE.

Any person duly authorized under the authority of the Director shall inspect and declare under penalty of perjury that a vehicle meets the requirements of a junk vehicle. Such declaration shall be in writing and shall record the vehicle make and/or model if available. The declaration shall also describe in detail the damage or missing equipment to verify that the requirements under Section 70.12.020(E) are met.

(Ord. No. 161-15, § 3, 1-19-16)

70.12.040 CERTIFICATION OF JUNK.

Any person duly authorized under the authority of the Director shall inspect and declare under penalty of perjury that the junk meets the requirements as defined in Section 70.12.020(D). Such certification shall be in writing and shall describe the junk in detail to verify that the requirements under Section 70.12.020(D) are met.

(Ord. No. 161-15, § 4, 1-19-16)

70.12.050 CERTIFICATION OF SOLID WASTE.

Any person duly authorized under the authority of the Director shall inspect and declare under penalty of perjury that the solid waste meets the requirements as defined in Section 70.12.020(I). Such

certification shall be in writing and shall describe the junk in detail to verify that the requirements under Section 70.12.020(l) are met.

(Ord. No. 161-15, § 5, 1-19-16)

70.12.060 JUNK, JUNK VEHICLES AND SOLID WASTE PROHIBITED.

It shall be unlawful to deposit, park, store or abandon junk and/or junk vehicles on private property that is within view from public right-of-way, public property or private property with exceptions as provided in Section 70.12.070. Such violation shall be subject to the abatement procedure set out in this ordinance.

(Ord. No. 161-15, § 6, 1-19-16)

70.12.070 EXCEPTIONS.

This ordinance shall not apply to:

- A. Up to three junk vehicles which are not parked within 50 feet from the centerline of a public road or on a shared easement; and placed so as to minimize public view, and which are kept free of accumulating garbage and other health hazards.
- B. Any junk and/or junk vehicles or significant parts thereof stored behind a sight-obscuring fence or densely planted evergreen hedge which is not less than six feet in height or within a completely enclosed building where it is not visible from the public right-of-way, public property, or private property. The fence shall conform to current Wahkiakum County codes and be approved by the Director.
- C. Any junk and/or junk vehicle that is completely enclosed within a building in a lawful manner where it is not visible from a public or private street or road or other public or private property.
- D. A junk vehicle that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler/wrecker where the premises are fenced according to RCW 46.80.130.
- E. Inoperable agricultural equipment located on land classified by the Wahkiakum County Assessor as farm and agricultural land (land use code 81xx, 82xx, or 83xx).

(Ord. No. 161-15, § 7, 1-19-16)

70.12.080 PROCEDURES FOR ABATEMENT.

- A. initiation of Abatement: Enforcement of this section may be initiated by the Director through his/her observation and/or upon receipt of a complaint given by a citizen or property owner of Wahkiakum County. Citizen or property owner initiated complaints must indicate the specific address of the property suspected to be in violation.
 1. Entry for the purpose of junk, junk vehicle and/or solid waste certification per Section 70.12.030, Section 70.12.040 and Section 70.12.050 of this ordinance;
 - (a) With permission of the landowner, the Director or a law enforcement officer is authorized to enter onto property upon which suspected junk, junk vehicles and/or solid waste exist, for the purpose of certification per Section 70.12.030, Section 70.12.040 and Section 70.12.050 of this ordinance.
 2. Notice of Violation. If the responsible person(s) are found to be in violation of this ordinance, a notice of violation shall be given by hand or mailed via certified mail to the responsible

person(s). Notices of violation sent by certified mail shall have a five-day return receipt requested. This notice shall include the following:

- (a) The name and address of the responsible person(s);
- (b) The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the violation has occurred or is occurring;
- (c) A description of the violation and a reference to the regulation which has been violated;
- (d) The necessary corrective action to be taken, and a date or and/or time by which correction must be completed;
- (e) This notice may include a request of the responsible persons(s) to attempt to secure a voluntary abatement agreement with the Department within fifteen (15) days of hand delivery or the date of the postmark of the certified mailing.
 - i. Voluntary Abatement Agreement. The responsible person(s) may enter into a voluntary correction agreement with the Department, acting through the Director, if requested by the Director in the notice of violation.
 - ii. Content. The voluntary abatement agreement is a contract between the County and the responsible person(s) in which the responsible person(s) agrees to abate the violation according to the timeline and conditions specified within the voluntary abatement agreement. The voluntary abatement agreement shall include the following:
 - 1. The name and address of the responsible person(s);
 - 2. The street address or other 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 the regulation which has been violated;
 - 4. The necessary corrective action to be taken, and a date or and/or time by which correction must be completed;
 - 5. An agreement by the responsible person(s) that the director may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary abatement agreement;
 - 6. An agreement by the responsible person(s) that the director may abate the violation and recover its costs and expenses (including administrative, hearing and removal costs) and/or a monetary penalty pursuant to this chapter from the responsible person(s) if the terms of the voluntary abatement agreement are not satisfied.
 - iii. Extension and Modification. The director may grant an extension of the time limit for abatement or a modification of the required corrective action if the responsible person(s) has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.
 - iv. Abatement by the County. The county may abate the violation in accordance with Section 70.12.120 of this ordinance if all terms of the voluntary abatement agreement are not met.
 - v. Circumstances in which a voluntary abatement agreement may not be included in the notice of violation. Under the following circumstances the director may issue a notice violation which does not include a voluntary abatement agreement request:
 - 1. When an emergency exists; or

2. When a repeat violation occurs.
 - vi. Collection of Costs. If all terms of the voluntary abatement agreement are not met, the responsible person(s) shall be assessed a fine per section (B)(l)(d) and costs of abatement in accordance with Section 70.12.130 of this ordinance.
- B. Notice of Abatement and Infraction. When the director determines that a violation of this ordinance is occurring beyond the date and/or time set in the notice of violation, or is unable to secure a voluntary abatement agreement, he or she may issue a notice of abatement and infraction. A notice of abatement and infraction shall be given by hand or mailed via certified mail to the responsible person(s). A notice of abatement and infraction sent by certified mail shall have a five-day return receipt requested.
 1. Content. The notice of abatement and infraction shall include the following:
 - (a) The name and address of the responsible person(s).
 - (b) 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;
 - (c) A description of the violation and a reference to the provision(s) of the county regulation(s) that has been violated.
 - (d) Fines. Monetary penalties may be assessed for violations of this ordinance via issuance of a notice of abatement and infraction. Monetary penalties for violations of this ordinance will be graduated as follows:
 - i. First violation - One hundred twenty-five dollars (\$125.00).
 - ii. Second violation - Two hundred fifty dollars (\$250.00).
 - iii. Third and subsequent violations - Five hundred dollars (\$500.00).
 - (e) The required corrective action and a date and time by which the correction must be completed and, after which the county may abate the unlawful condition in accordance with this ordinance.
 - (f) A notice that a public hearing may be requested before a hearing officer within fifteen (15) days from the date of hand delivery or from the date of the postmark of the notice of abatement and infraction if mailed.
 - (g) A notice that the county may recover its costs and expenses (including administrative, hearing and removal costs) and/or a monetary penalty pursuant to this chapter from the responsible person(s) per Section 70.12.130 of this ordinance.
 2. Hearing Request. If a request for hearing is received by Wahkiakum County within fifteen (15) days of the hand delivered notice or of the postmark of the mailed notice, a notification giving the time, location and date of such hearing on the questions of abatement and removal of the junk and/or junk vehicle(s) or part(s) thereof will be sent to the person requesting the hearing of his/her authorized representative by certified mail with a five-day return receipt requested.
 3. No Hearing Request or Voluntary Abatement. If no hearing is requested within fifteen (15) days from the date of hand delivery or from the date of the postmark of the notice of abatement if mailed and the violation has not been voluntarily abated, the junk, junk vehicle, significant parts thereof, or solid waste will be caused to be removed by the Wahkiakum County Sheriff at the expense of the responsible person(s) per Section 70.12.130 of this ordinance.
 4. Hearing officer. The Director as defined in this ordinance shall serve as the Hearing Officer.

(Ord. No. 161-15, § 8, 1-19-16)

70.12.090 DETERMINATION OF RESPONSIBILITY.

The responsible person(s) shall appear in person at the hearing or present a written statement in time for consideration at the hearing.

(Ord. No. 161-15, § 9, 1-19-16)

70.12.100 HEARING.

Hearings are for the purpose of contesting the county's intent to remove junk, junk vehicle(s), or solid waste after a notice of abatement has been hand delivered or sent by certified mail to the responsible person(s). A copy of the hearing officer's written opinion will be given to the party at the conclusion of the hearing. In the event the hearing officer must take the decision under advisement, the written order will issue within fourteen (14) days and be mailed by certified mail to the party who sought the hearing.

(Ord. No. 161-15, § 10, 1-19-16)

70.12.110 APPEALS.

The responsible person(s) may appeal the decision of the Hearing Officer directly to the Wahkiakum Board of County Commissioners. The appeal must be filed within ten (10) days of service of the final order. The petitioner will notify the hearing officer and the sheriffs' office in writing of the petitioner's intent to appeal.

(Ord. No. 161-15, § 11, 1-19-16)

70.12.120 ABATEMENT AND REMOVAL.

- A. The Sheriffs' Office will cause the removal of the junk, junk vehicle, and/or solid waste after:
1. Fifteen (15) days have elapsed after the date of the hand delivered notice or of the postmark of the mailed notice;
 2. Fifteen (15) days have elapsed after the hearing officer's final decision is received by the responsible person(s) and an appeal has not been filed; or
 3. Ten (10) days after an appeal to the Board of Commissioners of Wahkiakum County has been heard and denied.
- B. Vehicle(s) or part(s) thereof will be removed by a license tow company, licensed vehicle wrecker, hulk hauler or scrap processor with notice given to the Washington State Patrol and to the Department of Licensing that the vehicle has been wrecked.
- C. All other junk and/or solid waste will be removed by and disposed of by a licensed disposal company.

(Ord. No. 161-15, § 12, 1-19-16)

70.12.130 COSTS OF REMOVAL AND DISPOSAL.

The costs of removal and disposal shall be assessed against the responsible person(s).

(Ord. No. 161-15, § 13, 1-19-16)

Chapter 70.15 SANITARY SEWERS

[70.15.010 SANITARY SEWER AND SEWAGE TREATMENT EXTENSION.](#)

70.15.010 SANITARY SEWER AND SEWAGE TREATMENT EXTENSION.

- A. The "Facilities Plan for Upgrading Sewage Treatment and Extending Sewers of the Town of Cathlamet" as revised January 1977 and adopted by the Town is approved insofar as said plans include the Rosedale and Morgan Tracts areas in Wahkiakum County outside the Town limits and adjacent to the Town.
- B. The Town of Cathlamet is authorized to make said improvements as provided in said plan insofar as it involves areas outside its Town limits, and to levy and collect such assessment and other charges as are permitted by law to the same extent as might be done by Wahkiakum County, provided, however, that such assessment and charges shall be uniform and nondiscriminatory within said areas.
- C. Wahkiakum County withdraws, insofar as is provided by said plan, from providing and supplying said, or similar services within said areas proposed in the plan to the extent that the same be provided by the town of Cathlamet within a period of ten years from the date hereof (March 21, 1977).

(Res. 8-77 §§ 1—3)

Chapter 70.16 SMOKE-FREE COURTHOUSE

[70.16.010 DEFINITIONS.](#)

[70.16.020 ACTIONS PROHIBITED.](#)

[70.16.030 DESIGNATED SMOKING AREA.](#)

[70.16.040 POSTING.](#)

[70.16.050 VIOLATION—PENALTY.](#)

70.16.010 DEFINITIONS.

"Courthouse" means and includes the Wahkiakum County courthouse and suites of the Hanigan Building owned by Wahkiakum County and located adjacent to the Wahkiakum County courthouse.

"Violation" means an incident occurring within the courthouse by an individual "smoking" as that term is defined in RCW 70.160.020(1).

(Ord. 111-90 § 2)

70.16.020 ACTIONS PROHIBITED.

No person shall smoke in the courthouse on or after July 1, 1990, subject to the provisions contained in Section 70.16.030.

(Ord. 111-90 § 3)

70.16.030 DESIGNATED SMOKING AREA.

The coffee/lunchroom located on the third floor of the Wahkiakum County Courthouse is designated as the only smoking area within the courthouse. Because the room is located within a restricted area, only county employees and officers of the court may smoke in this designated smoking area.

(Ord. 111-90 § 4)

70.16.040 POSTING.

In accordance with the provisions of RCW 70.160.050 signs shall be posted at all courthouse entrances giving notice that the courthouse is a smoke-free building. The one designated area shall be conspicuously posted.

(Ord. 111-90 § 5)

70.16.050 VIOLATION—PENALTY.

Any person intentionally violating any provision of this chapter or any person removing, defacing or destroying a sign required by this chapter is subject to a civil fine of up to one hundred dollars. The Wahkiakum County sheriff's office is charged with enforcement of this chapter and shall issue notices of infraction in accord with the procedures contained in RCW 70.160.070, as now existing or later amended. Any penalty assessed and recovered in an action brought hereunder shall be paid to the County current expense fund.

(Ord. 111-90 § 6)

Chapter 70.94 OUTDOOR BURNING

[70.94.010 DEFINITIONS.](#)

[70.94.020 PERMIT REQUIRED FOR OUTDOOR BURNING.](#)

[70.94.030 BURNING PERMITS.](#)

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[70.94.110 PENALTIES.](#)

[70.94.120 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.](#)

[70.94.130 VIOLATIONS—INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED—PUBLIC NUISANCE ABATEMENT.](#)

70.94.010 DEFINITIONS.

Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

"Agricultural burning" means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

"Ceremonial fire" means a fire associated with a ceremony or ritual conducted by a federally recognized Indian tribe or authorized member thereof.

"Department" means the Washington State Department of Ecology.

"Local air authority" means the Southwest Air Pollution Control Authority.

"Nuisance" means an emission of smoke or other emissions from any open fire that unreasonably interferes with the use and enjoyment of the property deposited on.

"Outdoor burning" means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.

"Recreational fire" means barbecues and campfires, using charcoal, natural gas, propane or natural wood which occur in designated areas or on private property. Fires used for debris disposal purposes are not considered recreational fires.

"Silvicultural burning" means burning on any land the Department of Natural Resources protects pursuant to RCW 70.94.030(13), RCW 70.94.660, RCW 70.94.690, and pursuant to Chapter 76.04 RCW.

"Small fire" means a fire consisting of one pile not larger than four feet by four feet by three feet.

"Large fire" means any fire larger than a "small fire" as defined in this section.

(Ord. 122-94 § 1)

70.94.020 PERMIT REQUIRED FOR OUTDOOR BURNING.

The unincorporated areas of Wahkiakum County, Washington, shall be and are designated as a limited outdoor burning area. Outdoor burning shall not be allowed within the unincorporated areas of Wahkiakum County, Washington, unless the person conducting the outdoor burning shall first obtain a burning permit as provided in Section 70.94.030.

(Ord. 122-94 § 2)

70.94.030 BURNING PERMITS.

- A. Permit Required. A written burning permit is required for all outdoor burning, except for recreational fires, ceremonial fires, agricultural burning (governed by Chapter 173-430 of the Washington Administrative Code), silvicultural burning (governed by Chapter 173-430 of the Washington Administrative Code), and fires set for training to fight structural fires as authorized by Chapter 28, Washington Laws of 1994.

- B. Small Fire Permits. Small fire permits shall be issued without charge. Such permits shall be effective through December 31st of the year of issuance. Small fire permits may be issued on a self-service basis with the permittee completing the permit form and leaving a copy of said form with either the Wahkiakum Public Works Department or the jurisdictional fire protection district. The following conditions shall govern small fire permits:
1. The fire must not include any prohibited materials listed in Section 70.94.050, except what paper is necessary to start the fire;
 2. A person capable of extinguishing the fire must attend it at all times and the fire must be extinguished before the attendant leaves it;
 3. No fires are to be within fifty feet of structures;
 4. The pile must not be larger than four feet by four feet by three feet;
 5. Only one pile at a time may be burned, and each pile must be extinguished before lighting another;
 6. No outdoor fire is permitted in or within five hundred feet of forest slash without a written large fire permit;
 7. Either the designated permitting authority must be called to confirm burning conditions for each day or current information on burning conditions must be obtained from another designated source;
 8. If the fire creates a nuisance, it must be extinguished;
 9. Permission from a landowner, or owner's designated representative must be obtained before starting the fire; and
 10. The fire must be started no earlier than one-half hour after sunrise and must be extinguished one-half hour after sunset.
- C. Large Fire Permits. Large fire permits shall be issued by the Public Works Department. No permit fee shall be charged for issuance of a large fire permit. Large fire permit applications shall be evaluated on a case-by-case basis by the Public Works Department using fire protection, air pollution and availability of alternatives to burning as criteria. Large fire permits may be issued for a time period not to exceed thirty days. The Public Works Director is authorized to develop a large fire permit application form that includes the following information: have alternatives been explored, size, nature and location of proposed burn, number of piles to be burned at one time, total number of piles to be burned, and duration of the proposed burn. The burning rules contained in Section 70.94.060 shall constitute the minimum conditions for any large fire permit.

(Ord. 122-94 § 3)

70.94.040 FIRES ALLOWED.

The following outdoor fires described in this section may be burned subject to the provisions of Chapter 70.94 of the Revised Code of Washington, the provisions of this chapter, and the laws and rules enforced by the Department of Natural Resources and by the Department of Ecology of the State of Washington:

- A. Fires consisting of leaves, clippings, prunings and other natural vegetation originating on lands where burning occurs;
- B. Fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects or agricultural pursuits for pest or disease control, provided, however, burning must be restricted to natural vegetation grown on the property where burning occurs.

(Ord. 122-94 § 4)

70.94.050 PROHIBITED MATERIALS.

- A. The following materials shall not be burned in any outdoor fire: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal or any substance (other than natural vegetation) which when burned releases toxic emissions, dense smoke or odors.
- B. Prohibited materials may be burned in certain circumstances:
 - 1. Diseased Animals and Infested Material. When ordered by the Wahkiakum County Health Officer and authorized by the department or local air authority, diseased animals and other infested material may be burned, as required, to keep the infestation from spreading.
 - 2. Dangerous Material. When ordered by a jurisdictional fire protection district and when authorized by the department or local air authority, fires to dispose of materials presenting a danger to life, property or public welfare may be burned, if no approved practical alternate method of disposal is available.

(Ord. 122-94 § 5)

70.94.060 BURNING RULES.

All outdoor fires requiring a burning permit pursuant to this chapter are subject to the following rules:

- A. No outdoor burning shall be done when a burn ban is in effect.
- B. No outdoor burning shall be done during the declared period of impaired air quality. Burning conditions shall be obtained each day before starting to burn.
- C. Burning must be done with the following clearances from structures, property lines and other combustible materials:
 - 1. Not less than fifteen feet when using an approved burning appliance;
 - 2. Not less than twenty-five feet for pile sizes four feet by four feet or less;
 - 3. Not less than fifty feet for pile sizes greater than four feet by four feet but less than ten feet by ten feet;
 - 4. Not less than fifty feet from any structure, regardless of pile size.
- D. A person capable of extinguishing the fire shall attend it at all times and the fire must be totally extinguished before leaving it. A sufficient water supply and shovel must be at the burning site and ready to use.
- E. Burning shall be conducted only during daylight hours and only one pile may be burned at a time and it must be extinguished before starting another.
- F. No fires are permitted in or within five hundred feet of a forest slash and without a slash burning permit.
- G. If a fire creates a nuisance, it must be extinguished upon direction from the jurisdictional fire protection district, the local air pollution control authority, or the Wahkiakum County Public Works Director.

(Ord. 122-94 § 6)

70.94.070 BURN BANS.

- A. Burning may be banned for either air quality or fire safety reasons.
- B. The Public Works Director is authorized to ban all outdoor burning in unincorporated Wahkiakum County for fire safety reasons. A fire safety burning ban shall be effective upon posting of the Public Works Director's written order on the main bulletin board of the Wahkiakum County Courthouse. When a fire safety burn ban is issued, the Public Works Director shall also notify the Wahkiakum County E-911 Center, all county fire protection districts, and the Southwest Air Pollution Control Authority open burning hotline.
- C. The Southwest Air Pollution Control Authority is authorized to ban all outdoor burning in unincorporated Wahkiakum County for air quality reasons.

(Ord. 122-94 § 7)

70.94.080 FIELD RESPONSES.

- A. The Public Works Department shall be responsible for responding to complaints regarding open burning. This response may be by phone, in writing, or in person.
- B. The jurisdictional fire protection district shall be responsible for abating fire safety hazards created by outdoor burning. The jurisdictional fire protection district shall be notified of all outdoor burning which occurs when a fire safety burn ban is in effect.

(Ord. 122-94 § 8)

70.94.090 VIOLATIONS.

It is unlawful for any person to:

- A. Violate any condition or conditions of a permit issued under this chapter;
- B. Ignite any outdoor fire when either a fire safety or air quality burn ban is in effect pursuant to Section 70.94.070;
- C. Burn prohibited materials in an outdoor fire;
- D. Ignite any open fire without having first obtained a burning permit as required by Section 70.94.030;
- E. Fail to extinguish any outdoor fire that is burning when either a fire safety or air quality burn ban is declared;
- F. Ignite or maintain any fire which causes emissions to detrimental to health;
- G. Ignite or maintain any fire which causes emissions that unreasonably interfere with property use and enjoyment.

(Ord. 122-94 § 9)

70.94.100 ENFORCEMENT.

- A. It shall be the duty of the County Public Works Director to enforce this chapter.
- B. For purposes of issuing a notice of corrective action or notice of civil infraction pursuant to Chapter 7.80 RCW for violations of this chapter, the following persons are designated "enforcement officers" and are authorized to enforce the civil provisions of this chapter: the Wahkiakum County Public

Works Director, the Wahkiakum County Building Inspector/Permit Coordinator, the officers and firefighters of any local fire protection district, the Wahkiakum County Sheriff, and any deputy sheriff.

(Ord. 122-94 § 10)

70.94.110 PENALTIES.

- A. Any violation of any provision of this chapter is a Class 1 civil infraction that will be heard and determined by Wahkiakum County District Court in accord with the provisions of Chapter 7.80 of the Revised Code of Washington as now or hereafter amended. The maximum penalty and the default amount for a Class 1 civil infraction shall be two hundred fifty dollars per day for each violation, not including statutory assessments and costs of response and control which may be assessed by the court. Each such violation shall be a separate and distinct offense, and in case of a continuing violation each day's continuance shall be a separate and distinct violation.
- B. Each act of commission or omission which procures, aids or abets in the violation of any provision of this chapter shall be considered a violation of this chapter and shall be subject to the penalties set forth in this section.
- C. In addition to any other penalty prescribed by this chapter, a fire protection district called to respond to, control or extinguish an illegal or out-of-control fire may charge and recover from the person responsible for the fire the costs of its response and control action plus costs of collection and a reasonable attorney's fee, if any.

(Ord. 122-94 § 11)

70.94.120 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Wilful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. 122-94 § 12)

70.94.130 VIOLATIONS—INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED—PUBLIC NUISANCE ABATEMENT.

The Public Works Director for Wahkiakum County may bring an action to enjoin a violation of any of the provisions of this chapter, or may bring any legal proceeding authorized by law, including but not limited to the special proceedings authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of the provisions of this chapter are declared to be public nuisances. The Public Works Director may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

(Ord. 122-94 § 13)

Chapter 70.95 LITTER AND SOLID WASTE CONTROL

[70.95.010 SHORT TITLE.](#)

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[70.95.090 SWEEPING LITTER INTO GUTTER PROHIBITED.](#)
[70.95.100 THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES.](#)
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[70.95.230 APPEALS.](#)
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70.95.010 SHORT TITLE.

The ordinance codified in this chapter shall be known and may commonly be referred to as the "County Litter and Solid Waste Control Code."

(Ord. 137-04 § 1)

70.95.020 DEFINITIONS.

As used in this chapter:

"Active area" means 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.

"Active life" means the period of operation beginning with the initial receipt of solid waste and ending at completion of closure activities in accordance with WAC 173-351-500, Closure and Post-Closure Care.

"Agricultural composting" means composting of agricultural waste as an integral component of a system de-signed to improve soil health and recycle agricultural wastes. Agricultural composting is conducted on lands used for farming.

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

"Agronomic rates" means the application rate (dry weight basis) that will provide the amount of nitrogen or other critical nutrient required for optimum growth of vegetation, and that will not result in the violation of applicable standards or requirements for the protection of ground or surface water as established under Chapter 90.48 RCW, Water Pollution Control and Related Rules, including Chapter 173-200 WAC, Water Quality Standards for Ground Waters of the State of Washington, and Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington.

"Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in Chapter 173-400 WAC, General Regulations for Air Pollution Sources.

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

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

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

"Arid" means locations in the State of Washington having less than twelve inches (thirty centimeters) of precipitation annually.

"Ashes" means the residue, including any air pollution flue dusts, from combustion or incineration of material including solid wastes.

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

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

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

"Biosolids" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC, Biosolids and Septic Tank Sludge, also known as septage, that can be beneficially recycled and meets all applicable requirements under Chapter 173-308 WAC, Biosolids Management.

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

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

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

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

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

"Captive insurance companies" means companies that are wholly owned subsidiaries controlled by the parent company and established to insure the parent company or its other subsidiaries.

"Channel migration zone" means the lateral extent of likely movement of a stream or river channel along a stream reach.

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

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

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

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

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

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

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

"Composite line." See WAC 173-351-300(2)(a)(ii).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Department" means the Washington State Department of Ecology.

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

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

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

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

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

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

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

"Domestic septage" means Class I, II, or III domestic septage as defined in Chapter 173-308 WAC, Biosolids Management.

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

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

"Energy recovery" means recovery of energy in a useable 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 twelve hundred degrees Fahrenheit) processing.

"Establish" means to construct a new or laterally expanded MSWLF unit.

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

"Expanded facility" means a facility adjacent to an existing facility for which the land is purchased and approved by the jurisdictional health department after the effective date of the ordinance codified in this chapter. A vertical expansion approval and permitted by the jurisdictional health department after the effective date of the ordinance codified in this chapter shall also be considered an expanded facility.

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

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

"Facility structures" means buildings, sheds, utility lines, and drainage pipes on the facility.

"Fault" See WAC 173-351-130(5)(B)(i).

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

"Floodplain, one-hundred year" means any land area which is subject to one percent or greater chance of flooding in any given year from any source.

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

"Garbage" means animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods.

"Gas condensate." See WAC 173-351-200(9)(c)(ii).

"Ground water" means that part of the subsurface water which is in the zone of saturation.

"Health Officer" means the Wahkiakum County Health Officer duly appointed by the Wahkiakum County Board of Health pursuant to RCW 70.05.050.

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

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

"Household hazardous wastes" means any waste which exhibits any of the properties of dangerous wastes that is exempt from regulation under Chapter 70.105 RCW, Hazardous Waste Management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous waste management plan prepared to Chapter 70.105 RCW, Hazardous Waste Management.

"Household waste" means any solid waste (including garbage, trash, and sanitary waste in septic tanks) derived from households (including household hazardous waste) (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic

grounds, and day-use recreation areas). This term does not include commercial, industrial, inert and demolition waste, or wood waste.

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

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

"Incineration" means reducing the volume of solid wastes by use of a device using controlled flame combustion.

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

"Industrial solid wastes" means solid waste generated from manufacturing operations, food processing, or other industrial processes.

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

"Inert waste" means solid wastes that meet the criteria for inert waste in WAC 17-350-990.

"Inert waste landfill" means a landfill that receives only inert wastes.

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

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

"Intermodal facility" means any facility operated for the purpose of transporting closed containers of waste and the containers are not opened for further treatment, processing or consolidation of the waste.

"Junk vehicle" has the meaning as defined in RCW 46.55.010.

"Jurisdictional health department" means the Wahkiakum County Health and Human Services Department.

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

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

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

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

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

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

"Limited moderate risk waste" means waste batteries, waste oil, and waste antifreeze generated from households.

"Limited moderate risk waste facility" means a facility that collects, stores, and consolidates only limited moderate risk waste.

"Limited purpose landfill" means a landfill which is not regulated or permitted by other state or federal environmental regulations that receives solid wastes limited by type or source. Limited purpose landfills include, but are not limited to, landfills that receive segregated industrial solid waste, construction, demolition and land-clearing debris, wood waste, ash (other than special incinerator ash), and dredged material. Limited purpose landfills do not include inert waste landfills, municipal solid waste landfills regulated under Chapter 173-351 WAC, Criteria for Municipal Solid Waste Landfills, landfills disposing of special incinerator ash regulated under Chapter 173-306 WAC, Special Incinerator Ash Management Standards, landfills regulated under Chapter 173-303 WAC, Dangerous Waste Regulations, or chemical waste landfills used for the disposal of polychlorinated biphenyls (PCBs) regulated under Title 40 CFR Part 761, Polychlorinated Biphenyls (PCBs) Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions.

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

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

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

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

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

"Litter receptacle" means those containers adopted by the State Department of Ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter.

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

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

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

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

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

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

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

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

"MRW facility" means a solid waste handling unit that is used to collect, treat, recycle, exchange, store, consolidate, and/or transfer moderate risk waste. This does not include mobile systems and collection events or limited MRW facilities that meet the applicable terms and conditions of WAC 173-350-360(2) or (3).

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

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

1. Dangerous wastes other than wastes excluded from the requirements of Chapter 173-303 WAC, Dangerous Waste Regulations, in WAC 173-303-071 such as household hazardous wastes;
2. Any solid waste, including contaminated soil and debris, resulting from response action taken under Section 104 or 106 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9601), Chapter 70.105D RCW, Hazardous Waste Cleanup—Model Toxics Control Act Cleanup Regulation or a remedial action taken under those rules; nor
3. Mixed or segregated recyclable material that has been source-separated from garbage, refuse and similar solid waste. The residual from source separated recyclables is NSW.

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

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

"New facility" means a facility which begins operation or construction after the effective date of the ordinance codified in this chapter (see also definition of "existing facility").

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

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

"Nonconforming site" means 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 jurisdictional health department.

"Nuisance" consists in unlawfully doing an act, or omitting to perform a duty, which act or omission either annoys, injures, or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, any lake or navigable river, bay, stream, canal, or basin, or any public park, square, street or highway; or in any way renders other persons insecure in life, or in the use of property.

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

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

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

"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.

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

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

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

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

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

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

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

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

"Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.

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

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

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

"Post-closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to meet the post-closure requirements for the facility.

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

1. Cigarettes, cigars, or other tobacco products that are capable of starting a fire;
2. Glass;
3. A container or other product made predominantly or entirely of glass;
4. A hypodermic needle or other medical instrument designed to cut or pierce;
5. Raw human waste, including soiled baby diapers, regardless of whether or not the waste is in a container of any sort; and
6. Nails or tacks.

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

"Private facility" means a privately owned facility maintained on private property solely for the purpose of managing waste generated by the entity owning the site.

"Problem wastes" means (1) soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous waste; or (2) dredge spoils resulting from the dredging of surface waters of the state where contaminants are present in the dredge spoils at concentrations not suitable for open water disposal and the dredge spoils are not dangerous wastes and are not regulated by Section 404 of the Federal Clean Water Act (FL 95-217).

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

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

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

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

"Purchase" means execution of a long-term lease, securing of options to purchase or execution of agreements to purchase.

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

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

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

"Random inspection." See WAC 173-351-200(l)(b)(ii).

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

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

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

"Regulated dangerous waste." See WAC 173-351-200(1)(b)(i).

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

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

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

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

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

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

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

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

"Septage" means a semisolid consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.

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

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

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

"Soil amendment" means any substance that is intended to improve the physical characteristics of soil, except composted material, commercial fertilizers, agricultural liming agents, unmanipulated animal manures, unmanipulated vegetable manures, food wastes, food processing wastes, and materials exempted by rule of the department, such as biosolids as defined in Chapter 70.95J RCW, Municipal Sewage Sludge—Biosolids and Wastewater, as regulated in Chapter 90.48 RCW, Water Pollution Control.

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

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

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, 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 handling unit" means discrete areas of land, sealed surfaces, liner systems, excavations, facility structures, or other appurtenances within a facility used for solid waste handling.

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

"Source separation" means the separation of different kinds of solid waste at the place where the waste originates.

"Storage" means the holding of solid waste materials for a temporary period.

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

"Structural components." See WAC 173-351-30(7)(b)(ii).

"Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made 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" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the State of Washington.

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

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

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

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

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

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

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

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

"Universal wastes" means universal wastes as defined in Chapter 173-303 WAC, Dangerous Waste Regulations. Universal wastes include, but may not be limited to, dangerous waste batteries, mercury-containing thermostats, and universal waste lamps generated by fully regulated dangerous waste generators or CESQGs.

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

"Utilization" means consuming, expending, or exhausting by use, solid waste materials.

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

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

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

"Vulnerability." See WAC 173-351-140(1)Q.).

"Waste management unit" means a MSWLF unit.

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

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

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

"Waste tires" means any tires that are no longer suitable for their original intended purpose because of wear, damage or defect. Used tires, which were originally intended for use on public highways that are considered unsafe in accordance with RCW 46.37.425, are waste tires. Waste tires also include quantities of used tires that may be suitable for their original intended purpose when mixed with tires considered unsafe per RCW 46.37.425.

"Watercraft" means any boat, ship, vessel, barge, or other floating craft.

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

"Water quality standard" means a standard set for maximum allowable contamination in surface waters as set forth in Chapter 173-201 WAC, Water Quality Standards for Waters of the State of Washington.

"Wetlands" means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal circumstance do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

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

"Wood waste" means solid waste consisting of wood pieces or particles generated as a by-product, or waste from the manufacturing of wood products, construction, demolition, handling and storage of raw materials and trees and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, hogged fuel, and log sort yard waste, but does not include wood pieces or particles containing paint, laminates, bonding agents or chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

"Yard debris" means plant material commonly created in the course of maintaining yards and gardens and through horticulture, gardening, landscaping or similar activities. Yard debris includes, but is not limited to, grass clippings, leaves branches, brush, weeds, flowers, roots, windfall fruit, and vegetable garden debris.

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

(Ord. 137-04 § 2)

70.95.030 PURPOSE.

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

(Ord. 137-04 § 3)

70.95.040 LITTERING PROHIBITED.

- A. No person shall abandon a junk vehicle upon any property. In addition, no person shall throw, drop, deposit, discard or otherwise dispose of litter upon any public property in Wahkiakum County or upon any private property in Wahkiakum County not owned by him or any waters within the jurisdiction of Wahkiakum County whether from a vehicle or otherwise including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:
 - 1. When the property is designated by State of Washington agencies or the County of Wahkiakum or the Town of Cathlamet for the disposal of garbage and refuse, and the person is authorized to use such property for that purpose; or
 - 2. Into a litter receptacle or other container in a manner that will prevent litter from being carried away or deposited by the elements upon any part of the private or public property or waters.
- B. It shall be unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of Wahkiakum County except at a solid waste disposal site for which there is a valid permit. This section shall not prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him when such action does not violate statutes or ordinances, or create a nuisance.

(Ord. 137-04 § 4)

70.95.050 PLACEMENT OF LITTER RECEPTACLES.

- A. Litter receptacles shall be placed in all places in respect to the service of transient habitation, parks, trailer parks, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, marinas, boat launching areas, beaches, bathing areas and other such public places in numbers appropriate to need as specified by state regulation.
- B. It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles are required by this section to procure and place and maintain such litter receptacles at their own expense on the premises in accord with such state regulations.

(Ord. 137-04 § 5)

70.95.060 USE OF RECEPTACLES.

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

(Ord. 137-04 § 6)

70.95.070 DAMAGING RECEPTACLES.

It shall be unlawful for any person to willfully damage or deface any litter receptacle.

(Ord. 137-04 § 7)

70.95.080 REMOVAL OF LITTER.

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

(Ord. 137-04 § 8)

70.95.090 SWEEPING LITTER INTO GUTTER PROHIBITED.

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

(Ord. 137-04 § 9)

70.95.100 THROWING OR DISTRIBUTING HANDBILLS IN PUBLIC PLACES.

No person shall throw or deposit any handbill upon any public place within the county; provided, however, it shall not be unlawful for any person to hand out, without charge to the receiver thereof, any handbill to any occupant of a vehicle, or to any other person who is willing to accept it.

(Ord. 137-04 § 10)

70.95.110 DEPOSITING HANDBILLS ON UNINHABITED OR VACANT PROPERTY.

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

(Ord. 137-04 § 10)

70.95.120 LITTER THROWN BY PERSONS IN VEHICLES.

No person, while a driver or passenger in a vehicle, shall throw or otherwise deposit litter upon any public place or upon any private property.

(Ord. 137-04 § 12)

70.95.130 VEHICLE LOADING.

- A. No vehicle shall be driven or moved on any public street unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking or otherwise escaping therefrom, except that sand and gravel may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway by the public authority having jurisdiction for the same or by persons under contract or other authorization by such public authority.
- B. Any person owning or operating a vehicle from which any glass or other objects of its load have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public street, shall immediately cause such public street to be cleaned of all such glass or other objects and shall pay any cost therefor.

(Ord. 137-04 § 13)

70.95.140 PERMITS FOR SOLID WASTE DISPOSAL FACILITY.

- A. Permit Required. No solid waste storage, treatment, processing, handling or disposal facility shall be maintained, established, substantially altered, expanded or improved until the person operating or owning such site has obtained a permit or permit deferral from the Wahkiakum County Health and Human Services Department or a beneficial use exemption from the Washington State Department of Ecology pursuant to the provisions of Chapter 173-350 of the Washington Administrative Code. Facilities operating under categorical exemptions established by this chapter shall meet all the conditions of such exemptions or will be required to obtain a permit under this chapter.
- B. Application Procedure for Permits. This subsection contains the rules, regulations, and procedures which govern applying for a solid waste disposal facility and handling permits, except for permits for any facility classified as a Municipal Solid Waste Landfill (MSWLF). Wahkiakum County hereby adopts the following sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

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

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

WAC 173-351-700	Permitting Requirements;
WAC 173-351-720	Permit Application Procedures;
WAC 173-351-730	Contents of Application;
WAC 173-351-740	Permit Issuance Criteria; and

WAC 173-351-740	Permit Provisions.
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- D. Renewals. Each solid waste disposal/handling permit shall be renewed annually on or before January 31st of each year.
- E. Fees. The Wahkiakum County Health and Human Services Department shall assess fees for permits issued pursuant to this section in accord with the department's fee schedule as adopted and revised from time to time by Resolution of the Board of County Commissioners.
- F. Remedial Actions. Permits issued under this chapter are not required for remedial actions performed by this state and/or in conjunction with the United States Environmental Protection Agency to implement the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), or remedial actions taken by others to comply with a state and/or federal cleanup order or consent decree.

(Ord. 137-04 § 14)

70.95.150 ADOPTION OF SOLID WASTE HANDLING STANDARDS.

This section contains the rules regulating solid waste handling except as otherwise provided in Sections 70.95.160 and 70.95.170 of this chapter. Wahkiakum County hereby adopts the following sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

WAC 173-350-020	Applicability;
WAC 173-350-025	Owner Responsibilities for Solid Waste;
WAC 173-350-030	Effective Dates (For purposes of this chapter, the phrase "the effective date of this chapter" as used in WAC 173-350-030 is determined to be February 10, 2003);
WAC 173-350-040	Performance Standards;
WAC 173-350-200	Beneficial Use Permit Exemptions;
WAC 173-350-220	Composting Facilities;
WAC 173-350-230	Land Application;
WAC 173-350-240	Energy Recovery and Incineration Facilities;

WAC 173-350-300	On-Site Storage, Collection, and Transportation Standards;
WAC 173-350-310	Intermediate Solid Waste Handling Facilities;
WAC 173-350-320	Piles Used For Storage or Treatment;
WAC 173-350-330	Surface Impoundment and Tanks;
WAC 173-350-350	Waste Tire Storage and Transportation;
WAC 173-350-360	Moderate Risk Waste Handling;
WAC 173-350-400	Limited Purpose Landfills;
WAC 173-350-410	Inert Waste Landfills;
WAC 173-350-490	Other Methods of Solid Waste Handling;
WAC 173-350-500	Ground Waste Monitoring;
WAC 173-350-600	Financial Assurance Requirements; and
WAC 173-350-900	Criteria for Inert Waste.

(Ord. 137-04 § 15)

70.95.160 ADOPTION OF STANDARDS FOR SOLID WASTE DISPOSAL FACILITIES.

This section contains the rules regulating solid waste facilities, except for municipal solid waste landfills governed by Section 70.95.170 of this chapter. These rules remain in effect until the applicable provisions of Chapter 173-350 of the Washington Administrative Code take effect according to the phased implementation schedule set forth in WAC 173-350-030. Wahkiakum County hereby adopts the following sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

WAC 173-304-130	Locational Standards for Disposal Sites;
WAC 173-304-200	On-Site Containerized Storage, Collection and Transportation Standards for Solid Waste;

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

(Ord. 137-04 § 16)

70.95.170 ADOPTION OF STANDARDS FOR MUNICIPAL SOLID WASTE LANDFILLS.

This section contains the rules regulating municipal solid waste land fills located in Wahkiakum County. Wahkiakum County hereby adopts the following sections of the Washington Administrative Code, as now existing or as hereafter amended, by reference:

WAC 173-351-130	Location Restrictions;
WAC 173-351-140	Other Location Restrictions;
WAC 173-351-200	Operating Criteria;
WAC 173-351-210	Plan of Operation;
WAC 173-351-300	Design Criteria;
WAC 173-351-400	Ground Water Monitoring Systems and Corrective Action;
WAC 173-351-405	Performance Standards for Ground Water Monitoring System Designs;
WAC 173-351-410	Ground Water Sampling and Analysis Requirements;
WAC 173-351-415	Ground Water Reporting;
WAC 173-351-420	Statistical Method for Ground Water Monitoring;
WAC 173-351-430	Detection Monitoring Program;
WAC 173-351-440	Assessment Monitoring Program;
WAC 173-351-450	Alternate Ground Water Monitoring Programs;
WAC 173-351-460	Role of Jurisdictional Health Department in Corrective Action;
WAC 173-351-480	Ground Water Modeling;
WAC 173-351-490	The Hydrogeologic Report Content

WAC 173-351-500	Closure And Post-Closure Care; and
WAC 173-351-600	Financial Assurance Criteria.

(Ord. 137-04 § 17)

70.95.180 VARIANCES—CRITERIA.

- A. Any person who owns or operates a solid waste disposal facility may apply to the Wahkiakum County Health Officer for a variance.
- B. This subsection contains the criteria and procedures relating to the granting of variances for solid waste facilities. Wahkiakum County hereby adopts Section 173-350-710(7) of the Washington Administrative Code, as now existing or as hereafter amended, by reference.

(Ord. 137-04 § 18)

70.95.190 VIOLATIONS—PENALTIES.

- A. Except as provided in subsection (D) of this section, it is a Class 3 civil infraction as defined in RCW 7.80.120 for a person to litter in an amount less than or equal to one cubic foot.
- B. It is a misdemeanor for a person to litter in an amount greater than one cubic foot but less than one cubic yard. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or fifty dollars per cubic foot of litter, whichever is greater. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.
- C. It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more. The person shall also pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or one hundred dollars per cubic foot of litter, whichever is greater. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property, with prior permission of the legal owner or, in the case of public property, of the agency managing the property. The court may suspend or modify the litter cleanup restitution payment for a first-time offender under this section, if the person cleans up and properly disposes of the litter.
- D. It is a Class 1 civil infraction as provided in RCW 7.80.120 for a person to discard, in violation of this chapter, potentially dangerous litter in any amount.
- E. It is unlawful to operate a solid waste disposal facility without a valid permit issued pursuant to the provisions of this chapter. It is also unlawful to operate or maintain any solid waste disposal facility in violation of the terms and conditions of any permit issued pursuant to the provisions of this chapter. In addition to the injunctive remedies provided for in Section 70.05.220 of this chapter, the County Health and Human Services Department is authorized to assess a civil penalty in an amount not to exceed One Thousand Dollars per day per violation to any person who operates a solid waste facility without a valid permit or who fails to comply with the terms and conditions of any solid waste disposal permit. It is a misdemeanor for any person to wilfully operate a solid waste disposal facility without a valid permit issued pursuant to the provisions of this chapter.

F. It is Class 3 civil infraction as defined in RCW 7.80.120 for a person to violate any other provision of this chapter.

(Ord. 137-04 § 19)

70.95.200 ENFORCEMENT OFFICERS AND PROCEDURES.

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

(Ord. 137-04 § 20)

70.95.210 FAILURE TO PAY MONETARY PENALTIES—PUNISHMENT.

Whenever a monetary penalty is imposed by the Court pursuant to this chapter and Chapter 7.80 RCW, it is immediately payable. Willful failure to pay the penalty constitutes a misdemeanor. If a penalty is not paid on or before the time established for payment, the Prosecuting Attorney may proceed to collect the penalty in the same manner as other civil judgments.

(Ord. 137-04 § 21)

70.95.220 VIOLATIONS—INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED—PUBLIC NUISANCE ABATEMENT.

The Health Officer for Wahkiakum County may bring an action to enjoin a violation of any of the provisions of this chapter, or may bring any legal proceeding authorized in Title 7 RCW, in the Superior Court for Wahkiakum County. Continuing violations of the provisions of this chapter relating to the unlawful disposal, storage, or accumulation of solid waste are declared to be public nuisances, The Health Officer may commence a civil action for abatement of such public nuisances in the Superior Court for Wahkiakum County.

(Ord. 137-04 § 22)

70.95.230 APPEALS.

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

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

(Ord. 137-04 § 23)

70.95.240 SEVERABILITY.

If any section, word or words of this chapter are found to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect the remaining portions of this chapter.

(Ord. 137-04 § 24)

70.95.250 LIABILITY FOR DAMAGES.

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

(Ord. 137-04 § 25)

70.95.260 CONFLICT WITH OTHER REGULATIONS.

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

(Ord. 137-04 § 26)