

**Chapter 8.08A**

**Solid Waste Regulations<sup>6</sup>**

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<sup>6</sup> Chapter 8.08A was formerly titled “Garbage and Refuse” and “Solid Waste and Sludge” and codified as ICC chapter 8.08.

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**8.08A.010 Authority**

These local standards are adopted under the authority of chapters 70.05 and 70.95 RCW and the Washington Administrative Code Chapter 173-301 and 304 for solid waste handling, and or recycling.

These regulations are adopted to ensure the proper handling of solid waste in Island County repealing Code 8.08, dated 1-1983.

(Res. HD-01-92, January 13, 1992)

**8.08A.020 Definitions**

- A. The term **active area** shall include 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.
- B. The term **agricultural wastes** shall include wastes from farms, including but not limited to manures, carcasses of dead animals, agricultural products, vegetation, and other organic matter from the production of agricultural products.
- C. The term **agronomic rates** means the rates of application of sludges, manures, or crop residues in accordance with rates specified by the appropriate fertilizer guide for the crop under cultivation.
- D. The term **asbestos containing waste** shall include any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.
- E. The term **biosolids** shall include processed wastewater treatment residual solids that can safely be managed to beneficially utilize their nutrient, soil conditioning, energy or other value.
- F. The term **bulky waste** shall include any large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.
- G. The term **Board of Health** shall mean the Board of Health of Island County pursuant to the provisions of Section 70.06.020, Revised Code of Washington.
- H. The term **buy-back recycling center or recycling facility** shall include any facility which collects, receives, or buys recyclable materials from household, commercial, or industrial sources for the purpose of accumulation, grading, or packaging recyclable materials for subsequent shipment and reuse, other than direct application to land.
- I. The term **city** means any incorporated city or town within Island County.

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- J. The term **clean soils and clean dredge spoils** shall include any soils and dredge spoils which are not dangerous wastes or problem wastes as defined in this section.
- K. The term **closure** shall include those actions taken by the owner or operator of a solid waste site or facility to cease disposal operations and 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.
- L. The term **commercial** shall include activities of, in, or, relating to commerce and/or activities related to a business, profession, or other endeavor having financial gain as an object.
- M. The term **compliance schedule** shall include a written schedule of required measures in a permit including an enforceable sequence leading to compliance with these regulations.
- N. The term **composting** shall mean the controlled degradation of organic solid waste yielding a product for use as a soil conditioner.
- O. The term **container** shall mean a device used for the collection, storage, and/or transportation of solid waste including but not limited to reusable containers, disposable containers, detachable containers and tanks, fixed or detachable.
- P. The term **demolition waste** shall include largely-inert, heterogeneous mixture of solid waste resulting from the demolition or razing of buildings, roads and other man-made structures. Demolition waste consists of, but is not limited to, wood, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Wall board (including wall board from demolished buildings), treated woodwaste or construction waste, plaster (i.e. sheet rock or plaster board), stumpage, yard debris, paper, 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.
- Q. The term **drop box facility** shall include 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.
- R. The term **existing facility** shall include a facility which is owned or leased, and in operation, or for which construction has begun, on or before the effective date of this regulation and the owner or operator has obtained permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:
1. A continuous on-site physical construction program has begun; or

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2. The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss for physical construction of the facility to be completed within a reasonable time. Lateral extension of a landfill's active area on land purchased and permitted by the health department for the purpose of landfilling before the effective date of this regulation shall be considered existing facilities.
- S. The term **garbage** shall include all putrescible material including animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; swill and carcasses of dead animals, and of such a character and proportion as to be capable of attracting or providing food for vectors.
- T. The term **ground water** shall include that part of the subsurface water which is in the zone of saturation.
- U. The term **hazardous substance** shall include any liquid, solid, gas, or sludge, including any material, substances, products, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under RCW 70.105.220
- V. The term **Health Department or Department** shall mean the Island County Health Department.
- W. The term **health officer** shall mean the Island County Health Officer or his authorized representative.
- X. The term **hazardous household substances** shall include those substances identified by the Washington State Department of Ecology as hazardous household substances in the guidelines developed under RCW 70.105.220.
- Y. The term **inert wastes** shall include noncombustible, nondangerous solid wastes that are likely to retain their physical and chemical structure under expected conditions of disposal, including resistance to biological attack and chemical attack from acidic rainwater; i.e., monolithic concrete, stone, marble, brick, masonry, glass, pottery, and ceramics.
- Z. The term **infectious control staff/committee** shall mean those individuals designated by an infectious waste generator or an infectious waste storage/treatment operator whose responsibility includes but is not limited to developing and maintaining the infectious waste generator's or infectious waste storage/treatment operator's Infectious Waste Management Plan.
- AA. The term **infectious waste** shall include but is not limited to:

1. **Cultures and stocks of infectious agents** and associated biologicals, including, without limitation, specimen cultures, cultures and stocks of microbiological agents, wastes from production of biologicals and serums, and discarded live and attenuated vaccines.
2. **Laboratory waste** which has come into contact with cultures and stocks of infectious agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, devices used to transfer, inoculate and mix cultures, paper and cloth which has come into contact with cultures and stocks of infectious agents.
3. **Contaminated Sharps** means medical and laboratory equipment generated by an infectious waste generator that may cause punctures or cuts. Such waste includes, but is not limited to, needles, syringes, lancets, scalpel blades, broken or sharp laboratory glassware including slides, coverslips, and pasteur pipettes.
4. **Pathological waste** means all human tissues and anatomical parts which emanate from surgery, obstetrical procedures, autopsy, and the laboratory.
5. **Human blood and blood products**, including but not limited to serum and plasma, in fluid form.
6. **Isolation wastes**, including waste that have come into contact with human body substances infected with anthrax, smallpox, rabies, plague, and viral hemorrhagic fevers such as Lassa fever and Ebole-Marburg virus disease.
7. **Surgical waste**, consisting of but not limited to soiled dressing, gloves or other sources which may contain infectious agents or biologically active materials in sufficient concentration to pose a risk of infection.
8. **Animal carcasses** exposed to pathogens in research, their bedding, and other waste from such animals.
9. **Other waste** identified by the health officer as infectious waste.
10. The following are not considered infectious waste:
  - a) All laboratory solid waste not contaminated.
  - b) Absorbent material containing small volumes (<20 milliliters) of blood or body fluids from nursing units, outpatients clinics and laboratories.
  - c) Solid waste from isolation rooms and operating rooms, not otherwise defined as infectious waste.

- d) All other soiled or liquid waste generated during patient care not classified as infectious waste. Examples include soiled dressings, bandages, catheters, swabs, plaster casts, latex gloves, and masks.
- BB. The term **infectious waste collection/transportation vehicle** shall include any collection/transportation vehicle used for the collection and transportation of infectious waste.
- CC. The term **infectious waste generator** shall include any producer of infectious waste to include without limitation the following categories: general acute care hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, in-patient care facilities for the developmentally disabled, chronic dialysis clinics, community clinics, health maintenance organizations, surgical clinics, urgent care clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians offices and clinics, veterinary offices and clinics, dental offices and clinics, funeral homes, or other similar facilities.
- DD. The term **infectious waste storage/treatment operators** shall mean a person who stores and/or treats infectious waste if required by this section, and is not an infectious waste generator.
- EE. The term **infectious waste transporter** shall mean a person who transports infectious waste over the highways in quantity equal to or exceeding one hundred (100) pounds per month.
- FF. The term **infectious waste treatment** shall include infectious waste treatment through:
1. **Steam Sterilization** by heating in a steam sterilizer so as to kill all microbiological agents as determined by chemical and biological indicator monitoring requirements.
  2. **Incineration** is to be conducted at sufficient temperatures and for sufficient duration that all combustible material is reduced to ash; that no unburned combustible material is evident in the ash.
  3. Other treatment approved by the health officer.
- GG. The term **laboratory** shall include a room or building equipped for scientific experimentation, research, testing, or clinical studies of specimens, fluids, tissues, cultures or stocks of etiologic agents and associated biologicals or other biologically active agents.
- HH. The term **landfill** shall include a disposal facility or part of a facility at which solid waste is permanently placed in or on land and which is not a land treatment facility.

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- II. The term **landspreading disposal facility** shall include a facility that applies sludges or other solid wastes onto or incorporates solid wastes into the soil surface at greater than vegetative utilization and soil conditioners/immobilization rates.
- JJ. The term **moderate-risk waste** shall include (1) any waste that exhibits any other properties of hazardous waste but is exempt from regulation under WAC 173-303 solely because the waste is generated in quantities below the threshold for regulation, and/or (2) any household wastes which are generated from the disposal of substances identified by the Washington State Department of Ecology as hazardous household substances.
- KK. The term **nonconforming site** shall include a solid waste handling facility which does not currently comply with the facility requirements of WAC 173-304-400 but does comply with a compliance schedule issued in a solid waste permit by the health department.
- LL. The term **nuisance** shall mean unlawfully doing an act, or failing to perform an act, which act or omission either unreasonably annoys or injures or unreasonably endangers the comfort, repose, health, or safety of others, or unlawfully interferes with, obstructs, or could obstruct any navigable waterway or any publicly traveled place, or unreasonably renders other persons, acting in good faith, insecure in their actions of the use of their property.
- MM. The term **open burning** shall include the burning of solid waste materials in an open fire or an outdoor container without providing for the control of combustion or the control of emissions from the combustion.
- NN. The term **outdoor fire** shall mean a fire where any material is burned in the open, in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.
- OO. The term **permit** shall include the authorization issued by the health department which allows a person to perform solid waste activities at a specific location and which includes specific conditions for such facility operation.
- PP. The term **person** shall mean an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation or any other entity whatsoever.
- QQ. The term **pile** shall include any noncontainerized accumulation of solid waste that is used for treatment or storage.
- RR. The term **plan of operation** shall mean the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life and during closure and post-closure.

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- SS. The term **problem waste** shall mean:
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 wastes, 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 (PL 95-217).
- TT. The term **public nuisance** or common nuisance shall be considered as that which is set up, maintained or continued so as to be injurious to the health, or an obstruction to the use of property by interfering with the repose, health, safety or life of any considerable number of persons.
- UU. The term **putrescible waste** shall include solid waste which contains material capable of being decomposed by micro-organisms.
- VV. The term **recyclable materials** shall include solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to the Island County Comprehensive Solid Waste Plan.
- WW. The term **recycling** shall mean transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
- XX. The term **residential burning** shall mean small outdoor fires, at a one or two family residence, consisting of paper, leaves, clippings, pruning and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and resulting activities connected with said dwelling and burned on such lands by the property owner or his designee.
- YY. The term **septage** shall include semisolids consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a septic tank system.
- ZZ. The term **sludge** shall include semisolid substances consisting of settled sewage solids combined with varying amounts of water and dissolved materials generated from a wastewater treatment plant or other source. Also see biosolids.
- AAA. The term **small fire** shall include a fire not more than four feet in diameter or more than three feet high.
- BBB. The term **small quantity generator-conditionally exempted** shall include commercial waste generators of moderate-risk wastes that exhibit any of the properties of hazardous waste but are exempt from WAC 173-303 solely because the waste is generated in quantities less than 220 pounds or 25 gallons a month or per batch or 2 pounds of acutely hazardous waste as defined by WAC 173-303.

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- CCC. The term **solid waste** shall include all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquids, solid and semisolid materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from a wastewater treatment plant and septage from septic tanks, woodwaste, dangerous waste, and problem wastes.
- DDD. The term **solid waste handling** shall mean the management, storage, collection, transportation, treatment, utilization, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.
- EEE. The term **solid waste handling facility** shall mean a facility and/or person that manages, stores, collects, transports, treats, utilizes, processes or is a final disposal site of solid waste. This includes 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.
- FFF. The term **solid waste management** shall include the systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.
- GGG. The term **storage** shall include the holding of solid waste materials for a temporary period.
- HHH. The term **surface impoundment** shall include 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.
- III. The term **tipping floor** shall include the unloading area for delivering solid waste to an incinerator, transfer station, resource recovery, or reclamation site.
- JJJ. The term **tire** shall include a continuous solid, semipneumatic, or pneumatic rubber covering encircling the wheel of a vehicle.
- KKK. The term **toxic** shall mean having the properties to cause or to significantly contribute to death, injury or illness to man or wildlife.

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- LLL. The term **transfer station** shall include a permanent, fixed supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle for transport to a solid waste handling facility. Transfer stations may also include recycling facilities.
- MMM. The term **treated wood** shall include wood of any species that has been chemically impregnated, coated, painted, similarity modified or treated with antimicrobial chemicals.
- NNN. The term **used oil** shall include (1) lubrication fluids that have been removed from an engine crankcase, transmission, gearbox, hydraulic device, or differential of an automobile, bus, truck, vessel, plane, heavy equipment, or machinery powered by an internal combustion engine; (2) any oil that has been refined from crude oil, used, and as a result of use, has been contaminated with physical or chemical impurities; and (3) any oil that has been refined from crude oil and, as a consequence of extended storage, spillage, or contamination, is no longer useful to the original purchaser.
- OOO. The term **utilization** shall include consuming, expending, or exhausting by use, solid waste materials.
- PPP. The term **vector** shall include a living animal, insect or other athropod which may transmit an infectious disease from one organism to another.
- QQQ. The term **vehicle** shall include every device physically capable of being moved upon a public or private highway, road, street, or watercourse and in, upon, or by which any person or property is or may be transported or drawn upon a public or private highway, road, street, or watercourse, except devices moved by human or animal power or used exclusively upon stationary rails or tracks.
- RRR. The term **vehicle batteries** shall include batteries capable for use in any vehicle, having a core consisting of elemental lead, and a capacity of six or more volts.
- SSS. The term **waste generator** shall include any individual, business, government agency, or any other organization that generates waste.
- TTT. The term **waste recycling** shall include reusing waste materials and extracting valuable materials from a waste stream.
- UUU. The term **waste tires** shall include tires that are no longer suitable for their original intended purpose because of wear, damage, or defect.
- VVV. The term **waste tire carrier** shall include a person who picks up or transports waste tires for the purpose of storage or disposal. This does not include the following:
1. Any person transporting five tires or less.
  2. Any person transporting tire-derived products.

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3. Any person transporting used tires back to a retail tire outlet for repair or exchange.
4. Any person regulated by the utilities and transportation commission.
5. Solid waste collections operating under a license or franchise from any local government unit and transporting tires as part of solid waste handling activities.
6. The United States, the State of Washington, any county, city, town, or municipality in this state, when involved in the clean up of illegal waste tire piles.
7. Tire retailers associated with retreading facilities who use company-owned vehicles to transport waste tires for the purpose of retreading.

WWW. The term **waste tire storage site owner** shall mean any person that owns a waste tire facility with a county solid waste permit.

XXX. The term **woodwaste** shall include solid waste consisting of wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, handling and storage of raw materials and trees and stumps. This includes but is not limited to sawdust, chips, shavings, bark, pulp, hog fuel, and log sort yard waste, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate or other wood treated with antimicrobial chemicals.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.030 General Provisions**

- A. **State Standards.** Minimum Functional Standards for Solid Waste Handling WAC 173-304-015 through 173-304-9901, effective November 28, 1985 and revised on October 4, 1988 and as hereafter amended are adopted by reference.
- B. **County Standards.** It shall be unlawful for any person, firm or corporation to carry or transport solid waste that originated from outside of Island County into Island County or over the roads of Island County for the purpose of disposal in Island County, and it shall be further unlawful for any person, firm or corporation to transport or dispose of solid waste that originated inside the boundaries of Island County for disposal outside the boundaries of Island County unless by authority of an approved interlocal agreement duly executed by responsible parties in the involved jurisdictions.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.040     Applicability**

These regulations apply to solid waste, as the term is defined in ICC 8.08A.020, generated within Island County.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.050     Owner Responsibilities for Solid Waste**

The owner, operator, or occupant of any premise, business establishment, or industry shall be responsible for the satisfactory and legal arrangement for the solid waste handling of all solid waste including but not limited to moderate-risk waste, toxic waste and household waste accumulated on the property.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.060     Unlawful Dumping**

- A.   **General.** 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 this State, except at an appropriate solid waste disposal site for which there is a valid permit. Provided, nothing herein shall prohibit a person from dumping or depositing agricultural waste resulting from his own activities onto or under the surface of ground owned or leased by him/her when such action does not violate any section of this code or any other statute or ordinance, or create a nuisance.
- B.   **Name Appearing on Waste Material and Presumption.** Whenever solid waste, disposed in violation of these Rules and Regulations, contains three or more items bearing the name of one individual it shall be presumed that the individual whose name appears on such items generated the waste. If solid waste contains three or more items bearing a common address of a household residence or business entity or other means of proof then it is presumed the owner or tenant generated the solid waste.
- C.   **Lack of Identification.** When the health officer investigates a case of unlawful dumping and finds inadequate identification in the solid waste or other evidence, he may then order the property owner to remove said solid waste and dispose of it at an appropriate permitted facility. Where this occurs on private lands, the property owner or occupant shall be responsible for removal. Where this occurs on public land, the appropriate governmental agency shall be responsible for removal and disposal.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.070     General Facility Requirements**

- A.   **Permit Required.** Every solid waste handling facility must obtain a permit from the health officer.

- B. **Compliance.** All solid waste handling facilities shall comply with local, state, and federal laws and regulations, including but not limited to environmental regulations and laws.
- C. **Plan of Operation.** Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in ICC 8.08A.080.A. The plan shall describe the facility's operation, convey to site operating personnel the concept of operation and shall be available for inspection upon request. The facility shall be operated in accordance with the health department approved plan.

(Res. HD-01-92, January 13, 1992)

### **8.08A.080 Solid Waste Handling Facility Permit**

- A. **Permit Required.** This section applies to solid waste handling facilities as defined in Section 8.08A.020.

A permit from the health department is required to maintain, establish, substantially alter, expand or improve a solid waste disposal site pursuant to the provisions of WAC 173-304-600. All solid waste disposal sites or solid waste handling facilities must obtain an annual permit from the health department prior to commencing operation, this includes pilot projects.

A "General Solid Waste Handling Facility Permit Application" must be submitted to the health department annually on a form provided by the health department. Applications for permits are subject to the standards of WAC 173-304 and permit fees as adopted by the Island County Board of Health.

All permits shall expire on December 31st following the date of issuance.

- B. **Effective dates.** The effective date of this regulation is:
  - 1. The permit requirements of this section apply to all existing waste handling facilities immediately after the effective date of this regulation.
  - 2. Between the effective date of this regulation and six (6) months thereafter, existing facilities will operate under the terms and conditions of existing permits valid on the effective date of this regulation. The health officer shall require the facility operator to provide a compliance schedule to the health department. Compliance schedules will be incorporated into valid existing permits; such compliance schedules shall insure existing facilities meet the requirements of ICC 8.08A.
  - 3. New and expanding waste handling facilities shall meet the requirements of this section on the effective date of this regulation.

(Res. HD-01-92, January 13, 1992)

**8.08A.090 Locational Requirements**

Locational standards for disposal sites, WAC 173-304-130, apply to all new and expanding disposal sites including landfills, landspreading disposal sites, piles and surface impoundments that are to be closed as landfills.

(Res. HD-01-92, January 13, 1992)

**8.08A.100 Collection/Transportation Vehicle Permit**

Collection/transportation companies and municipalities are regulated under chapter RCW 81.77 and/or WAC 173-304 and must obtain a permit from the Utilities and Transportation Commission, if applicable, and the Island County Health Department under section ICC 8.08A.080.A. It shall be unlawful for any person to operate a collection/transportation vehicle without a valid collection permit from the health department. Collection/Transport Solid Waste Hauler County Permits shall not be transferable and shall be valid only for the person, business, municipality, entity or vehicles for which issued. Collection/transport vehicle permits shall expire June 30th following the date of issuance.

(Res. HD-01-92, January 13, 1992)

**8.08A.110 Inspections**

The health officer shall make periodic inspections of each permitted solid waste facility. The health officer may enter, without prior notice and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with ICC 8.08A, and other relevant laws and regulations.

(Res. HD-01-92, January 13, 1992)

**8.08A.120 Non-Conforming Solid Waste Handling Facilities**

When a solid waste handling facility not fully meeting this regulation applies to the health department for a permit, a permit for a non-conforming site may be issued at the health officer's discretion. The conditions of the permit shall be outlined by the health officer and shall include a schedule of compliance or a closure schedule as appropriate.

(Res. HD-01-92, January 13, 1992)

**8.08A.130 Ground Water Monitoring Requirement**

Owners and operators of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform ground water monitoring under WAC 173-304-400 must comply with the ground water monitoring requirements of WAC 173-304-490.

(Res. HD-01-92, January 13, 1992)

**8.08A.140 Energy Recovery and Incinerator Facilities**

Incinerators and solid waste energy recovery facilities shall be designed and operated in a manner that conforms with current federal, state, regional and local solid waste regulations and any air pollution or other applicable regulation.

(Res. HD-01-92, January 13, 1992)

**8.08A.150 General On-Site Storage, Collection, Transportation and Disposal Standards for Solid Waste**

These regulations apply to all persons storing solid waste generated on-site, and to all persons who are engaged in the collection and transportation of solid waste from more than one single family residence or single family farm.

**A. On-Site Storage Regulations.**

1. The owner or occupant of any premise, business establishment, or industry shall be responsible for the safe and sanitary storage of all solid waste accumulated at that premise.
2. Where garbage is being collected, transported or stored, containers shall be cleaned as necessary to prevent nuisances, odors, insect and rodent breeding and shall be maintained in good repair.
3. Detachable containers shall be durable, corrosion-resistant, nonabsorbent, nonleaking and having either a solid cover or screen cover to prevent littering.

**B. Removal.** Solid waste shall be removed from the premise at such a frequency that a nuisance does not occur.

**C. Collection and Transporting Standards.**

1. All persons collecting or transporting solid waste shall avoid littering and creating nuisances at the loading point, while transporting and unloading at a permitted transfer station or other permitted solid waste handling facility.
2. Vehicles or containers used for the collection and transportation of solid waste, shall be durable, of easily cleanable construction and tightly covered or screened when littering may occur. Where solid waste is being collected or transported, containers shall be cleaned and kept in good repair as necessary to prevent nuisances, odors, and insect and rodent breeding.
3. Vehicles or containers used for the collection and transportation of any solid waste, shall be loaded and moved in such a manner that the contents will not fall, leak in quantities to cause a nuisance, or spill. Where such spillage or leakage does occur, the waste shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area otherwise properly cleaned.

4. All persons commercially collecting or transporting solid waste, or engaged in the collection or transportation of solid waste from more than one family residence or single family farm shall inspect collection and transportation vehicles and reusable containers at least monthly and make any repairs necessary to comply with these regulations.
5. Dangerous waste handling must conform to WAC 173-303, Dangerous Waste Regulations.
6. Infectious waste shall be transported over the highways only in a leakproof and fully enclosed container or vehicle compartment. Infectious waste shall not be transported in the same vehicle with other waste or medical specimens unless the infectious waste is contained in a separate, fully enclosed leakproof container within the vehicle compartment. Infectious waste shall be delivered only to an approved permitted facility for treatment or disposal. Surfaces of infectious waste collection/transportation vehicles that have contacted spilled or leaked infectious waste shall be decontaminated as described in this regulation. Infectious waste spills should be promptly decontaminated and cleaned.
7. Infectious waste collection/transportation vehicles used within Island County shall have a leakproof, fully enclosed vehicle compartment of a durable and easily cleanable construction and shall be identified on each side of the vehicle with the name or trademark of the infectious waste transporter.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.160 Household Hazardous Waste and Moderate-Risk Waste Collection and Storage Facilities**

These facilities may only accept household and conditionally exempted small quantity generator hazardous waste.

Household hazardous waste and moderate-risk waste collection and storage facilities must meet requirements of WAC 173-304-405 General Facility Requirements, WAC 173-304-410 Transfer Stations, Baling and Compaction Systems, Drop Box Facilities and WAC 173-304-600 Permit Requirements for Solid Waste Facilities, and Department of Labor and Industries Regulations chapter 296-24 and 296-62 Washington Administrative Code.

If other than household and moderate-risk waste is accepted, WAC 173-303 Treatment, Storage and Disposal facility permitting requirements apply.

(Res. HD-01-92, January 13, 1992)

**8.08A.170 Landfilling Standards**

All landfilling facilities shall comply with applicable WAC 173-304 and ICC 8.08A, Solid Waste Regulations.

(Res. HD-01-92, January 13, 1992)

**8.08A.180 Certified Landfill Operators**

Effective January 1, 1992 operators of solid waste incinerators and landfill facilities are required to obtain state certification. After the effective date, the following facilities must operate with an on-site Certified Landfill Operator in responsible charge during all hours of operations:

- A. Municipal solid waste landfills
- B. Problem waste landfills
- C. All special incinerator ash landfills or monofills
- D. Inert waste landfills
- E. Demolition waste landfills
- F. All limited purpose solid waste landfills
- G. Any applicable landfills as required by WAC 173-302

(Res. HD-01-92, January 13, 1992)

**8.08A.190 Demolition Waste**

- A. **Applicability.** These standards apply to facilities that landfill demolition waste, as defined in ICC 8.08A.020. These standards do not apply to asbestos containing waste regulated under WAC 173-65 and 173-303, Dangerous Waste Regulations.

Upon adoption of this regulation existing inert and/or demolition waste facilities, that do not have a permit, must obtain a permit within six months and operate the facility as either an Inert Landfill (ICC 8.08A.200) or Demolition Landfill (ICC 8.08A.190).

**B. Locational Standards.**

- 1. All applicable demolition waste facilities shall be subject to the following locational standards:
  - a) **Geology.** No facility shall be located over a holocene fault, in subsidence areas, or on or adjacent to geologic features which could compromise the structural integrity of the facility.
  - b) **Ground water**

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- (i) No facility shall be located at a site where the bottom of the cell is any less than twenty feet above the seasonal high water level of the uppermost aquifer. Test wells may be required to determine the elevation of the uppermost aquifer.
  - (ii) No facility's active area shall be located closer than one thousand feet to a down-gradient drinking water supply well.
  - (iii) New demolition sites must demonstrate that the site is located above a naturally restrictive strata that is present between the bottom of the cell and the uppermost aquifer.
- c) Flooding. All owners or operators of landfills that are located in a one hundred year floodplain shall meet the requirements set forth in WAC 173-304-460 (3)(d) and ICC 14.02, Review Procedures for Guiding Development in Flood and Landslide-Prone Areas.
  - d) Surface water. No facility's active area shall be located within two hundred feet measured horizontally, of a stream, lake, pond, river, or salt water body, nor in any wetland nor any public land that is being used by a public water system for watershed control for municipal drinking water purposes in accordance with WAC 246-290-660(4);
  - e) Slope. No facility's active area shall be located on any hill whose slope is unstable;
  - f) Land use. No facility shall be located in areas designated by the United States Fish and Wildlife Service or the Department of Game as critical habitat for endangered or threatened species of plants, fish, or wildlife;
  - g) No facility shall be located so that the active area is any closer than one hundred feet to the facility property line for land zoned as nonresidential, except that the active area may be no closer than two hundred and fifty feet to the property line of adjacent land zoned as residential existing at the time of the county's adoption of the comprehensive solid waste management plan;
  - h) No facility shall be located as to be at variance with any locally-adopted land use plan or zoning requirement unless otherwise provided by local law or ordinance; and
  - i) No facility shall be located so that the active area is any closer than one thousand feet to any state or national park.
  - j) Toxic air emissions. An owner or operator of a landfill must meet the requirements set forth in WAC 173-304-460 (2)(b), landfill performance standards.

- k) These locational standards do not apply to existing permitted demolition facilities that currently have groundwater and methane monitoring systems in place.

**C. Operating Regulations.**

1. All applicable demolition waste facilities shall be subject to the following operating regulations:
  - a) Owners or operators of demolition waste landfills shall obtain a permit, as set forth in ICC 8.08A.070.
  - b) Timbers, wood and other combustible waste shall be covered as needed during the summer months to avoid a fire hazard.
  - c) Owners or operators of demolition waste landfills shall not accept any other form of waste except demolition waste. Nondemolition waste shall be removed by the owner and/or operator and disposed in compliance with ICC 8.08A.
  - d) Owners or operators of demolition waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e. lockable gate or barrier) when the facility is not in use.
  - e) The health officer shall be allowed to make periodic inspections of each demolition landfill. The health officer may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with ICC 8.08A and other relevant regulations.
  - f) Owners or operators of demolition landfills shall close the facility by leveling the wastes to the extent practical and shall fill any voids posing a physical hazard. A minimum of one foot of soil cover shall be used to close landfills.
  - g) Owners or operators of demolition waste landfills shall record with the Island County Auditors Office that the parcel has been used for solid waste disposal.
2. **General Facility Requirements.**
  - a) **Plan of operation.** Each owner or operator shall develop, keep and abide by a plan of operation approved as part of the permitting process in ICC 8.08A.070. The plan shall describe the facilities' operation and shall convey to site operating personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the health officer. The facility must be operated in accordance with the plan or the plan must be so modified with the approval of the health department.

Each plan of operation shall include:

    - (i) How solid wastes are to be handled on-site during its active life;

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- (ii) How inspections and monitoring are conducted and their frequency;
  - (iii) Actions to take if there is a fire or explosion;
  - (iv) Actions to take if leaks are detected;
  - (v) Corrective action programs to take if ground water is contaminated;
  - (vi) A safety plan or procedure; and
  - (vii) Other such details as required by the health department.
- b) **Recordkeeping.** Each owner or operator shall maintain daily operating records on the weights (or volumes), number of vehicles entering and, if available, the types of wastes received. Major deviations from the plan of operation shall also be noted on the operating record.
- c) **Reporting.** Each owner or operator shall prepare and submit a copy of an annual report to the health department. The annual report shall cover facility activities during the previous year and must include the following information:
- (i) Name and address of the facility;
  - (ii) Calendar year covered by the report; and
  - (iii) Annual quantity, in tons, or volume, in cubic yards, and estimated in-place density in pounds per cubic yard of solid waste handled, by type of solid waste if available, for each type of treatment, storage, or disposal facility, including applicable recycling facilities.
- d) **Inspections.** The owner or operator shall inspect the facility to prevent disposal of nondemolition waste, operator errors and discharges which may cause or lead to the release of wastes to the environment or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall keep an inspection log or summary including at least the date and time of inspection, the printed name and the handwritten signature of the inspector, a notation of observations made and the date and nature of any repairs or corrective action. The log or summary must be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least three years from the date of inspection. Inspection records shall be available to the health department upon request.

(Res. HD-01-92, January 13, 1992)

**8.08A.200 Inert Waste**

- A. **Applicability.** These standards apply to facilities that landfill inert wastes, as defined in ICC 8.08A.020, including facilities that use inert waste as a component of fill. These standards do not apply to asbestos containing waste regulated under WAC 173-65, WAC 173-303, Dangerous Waste Regulations and the Northwest Air Pollution Authority.
- B. **Operating Regulations.**
1. Inert wastes landfilling facilities shall not be subject to the locational standards for disposal as sited in WAC 173-304-130 except for WAC 173-304-130 (2)(f), slope.
  2. Owners or operators of inert waste landfills shall obtain a permit, as set forth in ICC 8.08A.070.
  3. Owners or operators of inert waste landfills shall maintain a record of the weights or volumes and types of waste disposed of at each site.
  4. Owners or operators of inert waste landfills shall close the facility by leveling the wastes to the extent practical and shall fill any voids posing a physical hazard. A minimum of one foot of soil cover shall be used to close landfills.
  5. Owners or operators of inert waste landfills shall record with the Island County Auditors Office that the parcel has been used for solid waste disposal.
  6. Owners or operators of inert waste landfills shall not accept any other form of waste except inert waste. Non inert waste must be removed by the owner and/or operator from the site and disposed in compliance with ICC 8.08A.
  7. Owners or operators of inert waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e. lockable gate or barrier) when the facility is not in use.
  8. The health officer shall be allowed to make periodic inspections of each inert landfill. The health officer may enter and inspect any property, premises or place at any reasonable time for the purpose of determining compliance with ICC 8.08A and other relevant regulations.
  9. A twenty foot separation shall be maintained from the bottom of the cell to the seasonal high water level of the uppermost aquifer. Test wells may be required, prior to approval of site or during facility operation, to determine the elevation of the uppermost aquifer.

(Res. HD-01-92, January 13, 1992)

### **8.08A.210     Landspreading Disposal Facilities**

Landspreading disposal of solid wastes must conform to WAC 173-304-450, Landspreading Disposal Standards.

(Res. HD-01-92, January 13, 1992)

### **8.08A.220     Other Methods Of Solid Waste Handling**

- A.   **Applicability.** This section applies to other methods of solid waste handling such as a material resource recovery system for municipal solid waste not specifically identified elsewhere in this regulation, nor excluded from this regulation.
- B.   **Requirements.** Owners and operators of other methods of solid waste handling shall:
1.   Comply with the requirements in ICC 8.08A.070, General Facility Requirements.
  2.   Obtain a permit from the health officer by submitting an application containing information required in ICC 8.08A.080, and any other information as required by the health officer including:
    - a)   Preliminary engineering reports, plans and specifications; and
    - b)   Closure plan.

(Res. HD-01-92, January 13, 1992)

### **8.08A.230     Piles Used For Storage and Treatment**

- A.   **Applicability.**
1.   This section is applicable to solid waste stored or treated in piles as defined in ICC 8.08A.020 where putrescible waste (other than garbage) is in place for more than three weeks, other wastes not intended for recycling are placed for more than three months, and garbage is in place for more than three days. These standards are also applicable to commercial composting or storing of garbage, sludge and biosolids in piles, and tire piles where more than eight hundred tires are stored at one facility. Single family residences and single family farm compost piles are addressed in ICC 8.08A.340.
  2.   Other solid wastes stored or treated in piles prior to waste recycling including compost piles of vegetative waste, piles of woodwaste used for fuel or raw materials are subject to ICC 8.08A.290, Waste Recycling Facility Regulations.
  3.   Waste piles stored in fully enclosed buildings are not subject to these standards, provided that no liquids or sludges with free liquids are added to the pile.
- B.   **Requirements.** All owners and operators shall comply with the general facility requirements of WAC 173-304-405 and WAC 173-304-420 (2) and (3),

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1. Pile standards that apply to garbage and sewage sludge require:
  - a) An impervious surface underlying the pile; and
  - b) A run-off system to handle a twenty-four hour, 100 year storm event.
2. If a pile facility has waste piles that total over 10,000 cubic yards of capacity, it must have either:
  - a) A groundwater monitoring system that complies with the minimal standards, WAC 173-304-490, Groundwater Monitoring Requirements; or
  - b) A leachate detection, collection, and treatment system.

(Res. HD-01-92, January 13, 1992)

**8.08A.240 Problem Waste Handling**

- A. **Applicability.** This regulation applies to all problem wastes as defined in ICC 8.08A.020.
- B. **Screening.** Persons excavating soils or dredge materials intended for fill which are suspected of containing a potentially hazardous material, such as heavy or toxic metals, petroleum based hydrocarbons, halogenated hydrocarbons, pesticides or other toxic chemicals, shall contact the health officer to determine the need for screening in accordance with the Dangerous Waste Regulations, WAC 173-303.
- C. **Identification.** The health officer may require the screening of any waste suspected of being a regulated dangerous waste. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information as deemed necessary.

If during inspections of solid waste disposal facilities, the health officer observes waste suspected of being a regulated dangerous waste, the health officer shall have the authority to require the site operator to segregate and hold such waste. If the health officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis. If the generator is not known, the site owner or operator shall be responsible for such analysis. The disposal site owner, operator and/or attendants shall have similar authority to refuse suspect wastes. The site owner, or operator will assume responsibility for disposal of the waste at an approved site if the generator is unknown.

- D. **Petroleum Contaminated Soils (PCS).** PCS will be evaluated and regulated in accordance with Department of Ecology's "Guidance for Remediation of Releases from Underground Storage Tanks."
  1. On-site treatment of greater than 100 cubic yards, the health department must be notified in writing, except during an emergency cleanup phase.

2. The health department must be notified in writing if any amount of contaminated soil is to be transported off-site. Off-site treatment sites require a permit, as set forth in ICC 8.08A.070.
  3. Owners or operators of Regional Treatment Centers shall obtain a permit, as set forth in ICC 8.08A.070.
- E. **Disposal.** Problem waste must be disposed of at a solid waste disposal site approved by the health officer.

If the health officer determines that the waste is not a regulated dangerous waste but still poses a significant threat to public health, the health officer may direct the generator or transporter to dispose of the waste at a specified site. If the health officer determines that the waste is a regulated dangerous waste, the health officer shall notify the Department of Ecology which shall have full jurisdiction regarding handling and disposal.

- F. **Recordkeeping.** The site owner or operator shall maintain records of loads refused as suspected dangerous wastes. These records shall include the name and address of generators and transporters, the license plate number of the transporting vehicle, a description of the waste and a reason for refusal. The site operator shall refer this information to the health officer as soon as possible.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.250 Problem Waste Landfills**

- A. **Applicability.** These requirements apply to facilities that landfill problem wastes as defined in ICC 8.08A.020, or use problem waste as a primary component of fill.
- B. **Requirements.** Problem waste landfills shall meet the Limited Purpose Landfill Standard as outlined in WAC 173-304-460(5).
- C. **Permit Required.** Owners or operators of problem waste landfills shall obtain a permit as set forth in ICC 8.08A.080.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.260 Standards For Utilization Of Biosolids And Septage As A Soil Amendment**

- A. **State Documents Adopted By Reference.** Municipal and Domestic Sludge Utilization Guidelines, Department of Ecology WDOE 82-11, effective October 1982 and Best Management Practices for Use of Municipal Sewage Sludge WDOE 82-12, effective September 1982, and Guidance for Writing Case-by-Case Permit Requirements for Municipal Sewage Sludge, Environmental Protection Agency, May 1990, are hereafter amended and adopted by reference.

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- B. **Permit.** A permit for land utilization of biosolids is required. Applications shall be on forms provided by the health officer and submitted to the health department. All applications shall be signed by the applicant, lessee, if any, and the property owner. This includes short-term sites, one-time only sites, and dedicated sites.

Non-contiguous parcels of land with a single owner, lessee or applicant shall be treated as separate sites requiring separate permits.

Application may be approved, denied or conditioned by the health officer. The decision may be based on criteria established within the “Best Management Practice Manual” and “Municipal and Domestic Sludge Utilization Guidelines” published by the Washington State Department of Ecology. Biosolids shall be applied at agronomic rates or at a rate specified by the health officer on a case-by-case basis.

- C. **Biosolids Management Plan.** All biosolids generators within Island County must submit a Residual Solids Management Plan and/or a Biosolids Management Plan describing handling, solids contents, utilization, disposal, contingency plan, expected biosolids generated, and previous sampling results, annually to the health department for approval. The plan must be reviewed and updated annually by the generator and be consistent with the Island County Solid Waste Management Plan.

- D. **Setback.** Setbacks will be from the ordinary high-water mark. This means the mark on all lakes, streams, and tidal waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation, as the condition exists, or as it may naturally change thereafter: PROVIDED, that in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high water.

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Setbacks for biosolids applications will be considered on a case-by-case basis. The following setbacks shall be used as a guideline:

Marinewater and freshwater .....	200 feet
Seasonal streams .....	100 feet
Dwellings, Subdivisions, Schools, Playgrounds.....	100-300 feet
Property lines .....	30 feet
Drinking water wells and springs .....	200-1500 feet
Irrigation wells not utilized for domestic purposes .....	100 feet
Water table vertical separation .....	3 feet

(seasonal high)

E. **Access Control.** Biosolids utilization sites shall be posted: “CAUTION DO NOT ENTER BIOSOLIDS UTILIZATION SITE.” These signs shall be posted at a minimum interval of 300 feet on all property lines which border public roads, or other property which might provide access by the general public. Such signs shall remain in place for at least 12 months following the final biosolids application unless the area used biosolids processed in accordance with WDOE 82-12 appendix part “B.”

F. **Monitoring.**

1. **Soil Monitoring.** Land application sites are required to conduct soil sampling prior to biosolids application. The soil should not be contaminated with manure, biosolids, lime, fertilizer, or other substance. Parameters for soil monitoring will include but not limited to: pH, total nitrogen, copper, zinc, cadmium, chromium, lead, cation exchange capacity, phosphorus and potassium. Requirements for annual soil monitoring will be on a case-by-case basis and will continue once application of biosolids has ceased. Dedicated land disposal sites and land reclamation sites may be required to conduct additional soil monitoring.

2. **Ground and Surface Water.** Monitoring may be required to ensure that an application site is not contaminating the ground water aquifer or causing non-point source pollution of surface waters.

To establish a water quality baseline prior to biosolids application a minimum of three (3) nitrates and one (1) bacteriological sampling is required of nearby wells with annual sampling thereafter. Wells to be monitored will be determined by the health department.

3. **Biosolids Characteristics.** Sludges must be analyzed to determine nutrient values and heavy metals prior to land application. The biosolids analysis must have been taken

within the past twelve months and represent the biosolids proposed for land application. The analysis must include the following parameters: pH, percent solids, total nitrogen, ammonia nitrogen, nitrate nitrogen, inorganic nitrogen, total phosphorus, total potassium, cadmium, copper, lead, nickel, and zinc. Other parameters may be required by the health officer.

4. **Vegetation Monitoring.** Land disposal sites may require monitoring of the food chain vegetation being grown on the site for potentially harmful quantities of heavy metals.

- G. **Wet Soils.** Biosolids will not be applied when the soil is saturated, frozen or snow covered. The biosolids generator may be required to have adequate storage area to contain the biosolids until it can be applied. The biosolids containment area must meet the requirements of ICC 8.08A and WAC 173-304.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.270 Surface Impoundments**

A. **Applicability.**

1. These standards are applicable to solid wastes that are liquids or sludges containing free liquids as defined in ICC 8.08A.020 and applicable under WAC 173-304-015(2) and are stored or treated in surface impoundments;
2. These standards also apply to sludges and septage stored or treated in surface impoundments; and
3. These standards are not applicable to:
  - a) Surface impoundments whose facilities and discharges are otherwise regulated under federal, state, or local water pollution permits;
  - b) Retention or detention basins used to collect and store stormwater runoff; or
  - c) Agricultural animal waste lagoons.

- B. **Requirements.** All surface impoundments must be designed, constructed, and operated so as to meet the performance standards of WAC 173-304-460(2) and 173-304-430(2)(b) through (j).

(Res. HD-01-92, January 13, 1992)

**8.08A.280 Transfer Stations, Baling And Compaction Systems, and Drop Box Facilities**

All transfer stations, baling and compaction systems and drop boxes receiving solid waste from off-site shall meet the requirements of WAC 173-304-410 . Transfer stations shall meet the requirements of WAC 173-304-410 and ICC 8.08A.080. Facilities receiving solid waste from on-site containerized storage shall meet the requirements of ICC 8.08A.150.

(Res. HD-01-92, January 13, 1992)

**8.08A.290 Waste Recycling Facility**

**A. Applicability.**

1. These regulations apply to facilities engaged in recycling or utilization of solid wastes on the land, including but not limited to:
  - a) Noncontainerized composting in piles;
  - b) Utilization of sewage biosolids, septage and other organic wastes on land for beneficial use;
  - c) Accumulation of wastes in piles for recycling or utilization.
2. These regulations do not apply to:
  - a) Single family residences and single family farms engaged in the composting of their own wastes meeting the requirements of ICC 8.08A.340.C;
  - b) Facilities engaged in recycling solid waste containing garbage, such as garbage composting, which are subject to ICC 8.08A.340.C;
  - c) Facilities engaged in the storage of tires which are subject to ICC 8.08A.410;
  - d) Problem wastes as defined in ICC 8.08A.020;
  - e) Facilities engaged in the recycling of solid waste stored in surface impoundments which are subject to ICC 8.08A.270; and
  - f) Woodwaste or hog fuel piles to be used as fuel or raw materials stored temporarily in piles being actively used so long as the criteria of ICC 8.08A.290.C.3.a) are met.
3. These regulations do not apply to any facility that cycles or utilizes solid wastes in containers, tanks, vessels, or in any enclosed building, including buy-back recycling centers.

- B. Effective dates.** Between the effective date of this regulation and 6 months thereafter, existing facilities shall operate under the terms and conditions of existing permits valid on

the effective date of this regulation. The health officer shall require the facility operator to provide a compliance schedule to the health department. The compliance schedules will be incorporated into valid existing permits. Such compliance schedules shall insure that existing facilities meet the requirements of ICC 8.08A.

**C. Waste recycling requirements.**

1. All applicable solid waste recycling facilities shall apply for and obtain a solid waste permit pursuant to 8.08A.080.
2. Applicable waste recycling facilities shall submit annual reports to the health officer and the Department of Ecology by March 1 of the following year for which the data is collected on forms supplied by the Department of Ecology. The annual reports shall include quantities and types of waste recycled for purposes of determining progress toward achieving the goals of waste reduction, waste recycling, and treatment in accordance with RCW 70.95.010(4). Such facilities may request and be assured of confidentiality for their reports in accordance with chapter 42.17 RCW and RCW 43.21A.160.
3. All facilities storing solid waste in outdoor piles or surface impoundments for the purpose of waste recycling shall be considered to be storing or disposing of solid waste if:
  - a) At least fifty percent of the material has not been shown to have been recycled in the past three years and any material has been on-site more than five years; or
  - b) Ground water or surface water, air, and/or land contamination has occurred or will likely occur under current conditions of storage or in case of fire, or flood.Upon such a determination by the health officer that 3.a) or b) of this subsection are met, the health officer may require a permit application and review under section 8.08A.080 of these rules.
4. Waste recycling facilities shall not conflict with the county comprehensive solid waste management plan.
5. Waste recycling facilities shall comply with applicable local, state, and federal laws and regulations, including but not limited to environmental regulations and laws.

- D. Septage and biosolids utilization requirements.** In addition to the requirements of subsection C of this section and 8.08A.260, Standards for Utilization of Biosolids and Septage as Fertilizer, all facilities utilizing biosolids, including septage shall comply with the "Municipal and Domestic Sludge Utilization Guidelines" WDOE 82-11, dated September 1982 or as hereafter amended.

Septage and biosolids must be treated prior to land utilization by a method approved by the health department. Facilities utilizing biosolids or septage on the land in a manner not consistent with nor meeting the requirements of the 8.08A.260 are required to meet the landspreading disposal standards of section 8.08A.210.

**E. Woodwaste and other organic sludge utilization requirements.**

1. Facilities utilizing woodwaste shall comply with WAC 173-304-300(5).
2. Facilities utilizing woodwaste or other primarily organic sludges shall comply with WAC 173-304-300.

(Res. HD-01-92, January 13, 1992)

**8.08A.300 Woodwaste**

These requirements apply to facilities that landfill more than two thousand cubic yards of woodwaste including facilities that use woodwaste as a component of fill. Woodwaste is defined in section ICC 8.08A.020. These standards are not applicable to woodwaste landfills on forest lands regulated under the Forest Practices Act, RCW Chapter 76.09.

Woodwaste landfills are subject to WAC 173-304-462 and ICC 8.08A.080. Facilities that landfill less than 2,000 cubic yards of woodwaste and in the opinion of the health officer pose a health hazard must comply with WAC 173-304-462 and ICC 8.08A.300.

(Res. HD-01-92, January 13, 1992)

**8.08A.310 Animal Waste Handling**

- A. Animal waste, including but not limited to manures, dead animals, and agricultural wastes, shall be disposed of in a manner consistent with WAC Chapter 246-203, General Sanitation Regulations, or other method approved by the health officer.
1. **Dead Animals.** Dead animals shall be disposed of in a manner consistent with WAC 246-203-120, Disposal of Garbage, Trash, Rubbish, Offal, Dead Animals, and Manure. Property owners may bury dead animals on their property, provided no nuisance is created and a minimum cover of 2 feet is used.
  2. **Agriculture Waste.** Agricultural waste shall be disposed in a manner consistent with WAC 246-203, General Sanitation Regulations and WAC 173-304 Solid Waste Handling Regulations.
  3. **Dog Droppings.** Dog droppings shall be disposed of in a manner, such as by burial, which does not create a nuisance and is not in conflict with General Sanitation WAC 246-203.

(Res. HD-01-92, January 13, 1992)

### **8.08A.320 Asbestos Containing Waste Handling**

- A. **Asbestos containing waste.** Asbestos containing waste, as defined in ICC 8.08A.020, shall be handled and disposed pursuant to 40 CFR 61, WAC 173-303, Section 570 Northwest Air Pollution Control Agency (NWAPA), Labor and Industries requirements WAC 296-62 and 296-65, and the National Emission Standards for Hazardous Air Pollutants (NESHAP) regulations.
- B. **Removal.** Persons removing asbestos containing waste material shall contact NWAPA for information and instruction concerning removal and disposal. Asbestos containing waste material must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos wastes shall be sealed into leakproof containers, or placed in one or more plastic bags with a combined thickness of six (6) mils or greater and identified with the proper warning label.
- C. **Disposal.** Generators of regulated asbestos containing waste material shall contact the health officer before transporting asbestos waste to an approved asbestos waste disposal site. The asbestos containing waste material shall be disposed in accordance with NWAPA Section 570.8, 40 CFR 61.156, and NESHAP. The waste must be covered with at least six inches of non-asbestos containing waste material immediately following disposal. The need for direct supervision of asbestos disposal will be determined on a case-by-case basis by the health officer. Generators of asbestos waste must notify the health department and the operator of the waste disposal site prior to disposal.

(Res. HD-01-92, January 13, 1992)

### **8.08A.330 Bulky Waste**

Bulky wastes shall be stored and transported in such a manner so as not to create a nuisance or safety hazard. Bulky waste should be recycled if feasible. If recycling is not feasible, these wastes shall be taken directly to an appropriately permitted disposal site. Nothing herein shall prevent these wastes from being salvaged and/or used as firewood if appropriate arrangements are made with the solid waste department (e.g., hours, personnel, liability, safety, etc.).

(Res. HD-01-92, January 13, 1992)

### **8.08A.340 Composting**

- A. **Household.** The composting of household food waste, grass clippings and/or other compostable material, excluding fecal matter, resulting from the activities of single family residences or single family farms, shall be maintained in a manner which does not create a nuisance, or attract rodents and/or other vectors. Single family composting sites are exempted from permit requirements.

- B. **Commercial.** Commercial composting facilities shall meet the applicable facility standards found in WAC 173-304, ICC 8.08A.290 and other sections of these regulations.
1. Commercial generators of compost for retail sales shall submit chemical and bacteriological analyses reports, as specified in the permit, to the health officer to demonstrate that the resulting product does not contain levels of hazardous substances or pathogens that could create a public health risk.

(Res. HD-01-92, January 13, 1992)

**8.08A.350 Sewage Biosolids, Septage And/Or Garbage Composting**

Biosolids and septage shall be handled in accordance with the General Facility Requirements, ICC 8.08A.080, WAC 173-304-405 and the Piles Facility Standards, WAC 173-304-420. Generators of biosolids compost shall follow the policy and procedures established in the “Best Management Practices for Use of Municipal Sewage Sludge”, Washington State Department of Ecology.

- A. The following standards shall apply:
1. A detailed plan of operation including how the wastes will be handled, inspection and monitoring provisions, proposed actions/programs to correct contamination sources;
  2. Daily record keeping;
  3. Reporting, including quantity of wastes handled and results of groundwater monitoring;
  4. Inspection records;
  5. Compliance with all state and local requirements;
  6. Generators shall provide written notice to the compost user of the potential public health risks;
  7. Odorous material such as spoiled foods, blood and slaughterhouse wastes shall be immediately processed to prevent odor;
  8. The compost material shall not reheat upon standing, shall be innocuous, and shall contain no sharp particles which could cause injury to persons handling the compost;
  9. Co-composted material will be labeled and distribution and marketing will be defined by CFR Part 503 and the health officer; and
  10. Prior to public use, composted material will be analyzed for metals, chemicals and other parameters as required by CFR Part 503 and the health officer.

(Res. HD-01-92, January 13, 1992)

**8.08A.360 Excavated Soil/Fill Material**

The health officer shall have the authority to inspect and require screening of any excavated dirt, soil or other material intended for use as fill if the material is suspected of containing contaminants at significant levels to endanger the public health, safety or environment. If the material is determined not to be a dangerous waste, but contains a significant level of contaminants which could create a problem with regard to becoming airborne, skin contact, leaching into surface or ground waters or entering the food chain, the health officer may regulate the material as solid waste.

(Res. HD-01-92, January 13, 1992)

**8.08A.370 Infectious Waste**

- A. **Infectious Waste Management Plan.** Each infectious waste generator (IWG) and infectious waste storage/treatment operator (IWSTO) shall develop a written infectious waste management plan with an internal annual review. The plan shall include all aspects of the IWG's or IWSTO's infectious waste management. The plan must be followed by the IWG and IWSTO. The plan must include a listing of the IWG's or IWSTO's infectious control staff/committee member(s), phone numbers of responsible individuals, definitions of wastes handled by the system, department and individual responsibilities, procedures for waste identification, segregation, containment, transport, treatment, treatment monitoring, disposal, contingency planning, staff/housekeeping training for infectious waste identification, when applicable, and compliance with infectious waste regulations. The plan must be approved by the chief executive officer of the facility. The plan shall be available for inspection at the request of the health officer.
- B. **Storage and Containment Of Infectious Waste.**
1. Storage of infectious waste shall be in a manner and location which affords protection from animals, rain and wind; does not provide a breeding place or a food source for insects or rodents; and is accessible only to personnel authorized in the infectious waste generator's infectious waste management plan.
  2. Infectious wastes shall be segregated by separate containment from other waste at the point of origin.
  3. Infectious waste, except for sharps, shall be contained in disposable leakproof red plastic bags with a minimum thickness of two (2) mils, and have a strength to preclude ripping, tearing or bursting under normal conditions of use. The bags shall be appropriately marked by the generator as containing infectious waste. The bags shall be secured to prevent leakage or expulsion of solid or liquid waste during storage, handling or transport. Bags are not recommended for infectious waste that cannot be secured.

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4. Sharps must be contained in leakproof, rigid, puncture resistant, break resistant, labeled containers with lids secured in such a manner to prevent spills during storage, handling and transport.
5. Infectious waste contained in disposable bags as described in ICC 8.08A.370.B.3 shall be placed for storage, handling or transport in containers such as disposable or reusable pails, cartons, boxes, drums, or portable bins. The containers shall be conspicuously labeled with the international biohazard symbol, labeled to clearly denote the presence of infectious waste (e.g. “Biomedical Waste” or Infectious Waste”) or words that clearly denote the presence of infectious waste.
6. Liquid wastes shall be segregated into leakproof, labeled, containers that are capable of transporting without spillage, leakage or breakage.
7. Reusable containers.
  - a) Reusable containers for infectious waste storage, handling or transport shall be thoroughly washed and decontaminated by an approved method each time they are emptied, unless the surfaces of containers have been completely protected from contamination by disposable bags, liners, or other devices removed with the waste.
  - b) Approved methods of decontamination include agitation, to remove visible solid residue, combined with one of the following procedures:
    - (i) Chemical disinfection. Chemical disinfectants should be used in accordance with the manufacturer’s recommendations for tuberculicidal and viracidal (Polio type 1 or 2, SA Rotovirus) killing capacities or the disinfectant concentration/contact times approved in writing by the health officer.
    - (ii) Other methods approved in writing by the health officer.
  - c) Reusable pails, drums, or bins used for containment of infectious waste shall not be used for any other purpose except after being disinfected by procedures described in this section and after the international biohazard symbol and labels are removed.
8. Trash chutes shall not be used to transfer infectious waste.
9. Unless approved in writing by the health officer, infectious waste other than sharps shall be treated in accordance with 8.08A.370.C within eight (8) days if said waste is stored at temperatures exceeding thirty two degrees Fahrenheit (32F) or zero degrees centigrade (0C), or within thirty (30) days if said waste is stored at temperatures at or below thirty two degrees Fahrenheit (32F) or zero degrees centigrade (0C)

commencing from the time of generation. Treated sharps waste shall be transported as described in Section 8.08A.150.C subsection 6 and 7 within ninety (90) days commencing from the time of generation. Sharps waste treated by incineration shall be treated within ninety (90) days commencing from the time of generation.

10. Infectious waste shall not be subject to compaction prior to treatment.
11. Infectious waste shall not be placed into the general solid waste stream prior to treatment.
12. Treated Infectious waste shall be disposed of in bags as described in section ICC 8.08A.370.B.3 when disposing at a solid waste facility.
13. At no time shall treated sharps waste, be disposed into the general solid waste stream, unless approved in writing by the health officer.
  - a) Treated sharps waste, shall be transported separately from the general solid waste stream in approved sharps container for disposal at the Sanitary Landfill or other facility approved in writing by the health officer.
  - b) The transporter of treated sharps waste, must notify the disposal site operator prior to transporting the sharps waste to allow for adequate site preparation and staff availability. The sharps waste shall be covered with at least six (6) inches of compacted waste material within twenty four (24) hours of disposal.
14. Physicians should provide information on proper infectious waste and sharps disposal to patients that are generators of infectious waste.

**C. Infectious Waste Treatment.**

1. Infectious waste (as defined in ICC 8.08A.020) shall be treated prior to disposal by one or more of the following methods:
  - a) Cultures and stocks of infectious agents and associated biologicals: steam sterilization, incineration, or other treatment method approved in writing by the health officer.
  - b) Laboratory waste: steam sterilization, incineration, or other treatment method approved in writing by the health officer.
  - c) Sharps: incineration, containment as defined in this chapter, steam sterilization or other treatment method approved in writing by the health officer.
  - d) Pathological waste: incineration, interment, steam sterilization or other method approved in writing by the health officer.

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- e) Human blood and blood products: direct pour via a utility sink drain or toilet to an approved sewage disposal system, incineration, or other treatment method approved in writing by the health officer.
  - f) Wastes that have come into contact with human body substances from patients diagnosed with infectious diseases: steam sterilization, incineration, or other treatment method approved in writing by the health officer.
  - g) As determined by the infectious waste generator's infection control staff person or committee, wastes that have come into contact with human body substances which may create a significant risk of disease: steam sterilization, incineration, or other treatment method approved in writing by the health officer.
  - h) Animal carcasses exposed to pathogens in research: incineration, or other treatment method approved in writing by the health officer.
2. Infectious waste treatment and disposal shall be one of the following:
- a) Steam sterilization
  - b) Incineration
  - c) Other treatment/disposal method approved in writing by the health officer.
3. **Contingency Planning.** Each infectious waste generator and infectious waste storage/treatment operator must develop a contingency plan for the treatment of infectious waste. Provisions must be made for an alternate treatment plan in the event of equipment breakdown with an incinerator, steam sterilizer, or other method approved in writing by the health officer, for treating the waste prior to disposal.

**D. Transfer Of Infectious Waste To Off-Site Treatment And Disposal Facilities.**

- 1. **Off-site Transfer.** The transfer of infectious waste to an off-site treatment and/or disposal facility must be accomplished in compliance with WAC 480-70-550 and WAC 480-70-560.
- 2. **Reporting of Accidents.** Each common or contract infectious waste transporter shall report to Island County Health Department (679-7350) as soon as possible, but in no event later than 12 hours after any leakage or spillage of infectious waste which could endanger the public at the scene of an accident occurring within Island County.

(Res. HD-01-92, January 13, 1992)

**8.08A.380 Moderate-Risk Waste**

Hazardous household substances become moderate risk waste when discarded. A list of hazardous household substances is available at the Health Department. It is the owner's

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responsibility to dispose of all moderate risk waste, toxic waste or hazardous waste in accordance with ICC 8.08A. Conditionally exempted small-quantity generators of hazardous waste, as defined in section 8.08A.020, are exempt from the disposal requirements of WAC 173-303, Dangerous Waste Regulations, therefore the waste becomes a moderate-risk waste when discarded. Conditionally exempted small-quantity generators must dispose of their moderate risk waste at a Moderate-Risk Waste Facility, an approved landfill or other facility approved by the Department of Ecology for industrial and municipal waste. Household hazardous waste, moderate-risk waste or toxic waste shall not:

1. be disposed of into a sewer system, or on-site sewage system;
2. be poured onto the ground or down a storm drain;
3. be deposited in the household waste collection system;
4. be buried, even if empty;
5. be discarded along the road or other locations;
6. have product labels removed;
7. be removed from their original containers for storage or future use;
8. have empty containers refilled, even with the same material unless the label recommends it.

Hazardous household substances should be disposed of separately from the household waste collection system. Items will be accepted at the Moderate-Risk Waste Facility at the Coupeville Transfer Station with certain items accepted at the Transfer Stations.

(Res. HD-01-92, January 13, 1992)

**8.08A.390 Outdoor And Indoor Fires**

A. The following material shall not be burned in open burning or any outdoor or indoor fire:

Garbage, dead animals, asphaltic products, waste petroleum products, paints, rubber products, plastics, treated wood, tires, crankcase oil or any substance which normally emits dense smoke, obnoxious odors or creates a nuisance.

Fires for salvage of materials or reclamation of materials are not permitted.

B. One small fire on the premises of a residence may be allowed to dispose of wood, paper, and/or natural vegetation if:

1. The provisions of subsections A and B of this section are violated;
2. The wood and paper cannot be recycled;

3. The burning will not violate any regulations of a local fire protection agency authorized to issue burning permits to prevent or abate nuisances, city ordinance, air pollution authority, or resolution pertaining to a nuisance;
  4. Reasonable precautions are taken to prevent particulate emissions when paper is being burned;
  5. Fires are started only between the hours of 10:00 A.M. and sunset;
  6. There is a person in attendance at the site of the fire at all times and the fire is extinguished before leaving the site.
- C. Outdoor Fires -Business establishments. It shall be unlawful to cause or allow outdoor fires from any business establishment unless a permit is obtained from the Northwest Air Pollution Authority.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.400 Waste Oil**

Used oil shall be recycled. These wastes can be taken to an Island County Transfer Station/Recycle Park or other approved facility that collects used oil for subsequent reprocessing. Used oil shall not be disposed onto or into the ground, sewer or sewage systems, storm drains, surface waters, or into the waste stream. Used oil collection tanks shall be placed above ground on an impermeable platform with sides to prevent ground contamination in the event of spills and/or leaks from tanks.

(Res. HD-01-92, January 13, 1992)

#### **8.08A.410 Waste Tires**

- A. **Disposal.** Waste tires meeting the definition of ICC 8.08A.020 shall be disposed of at an Island County or Washington State permitted storage site. At no time may a person drop, deposit, discard, or otherwise dispose of vehicle tires on any public property or private property or in the waters of this state. Accumulation of waste tires in excess of one hundred (100) requires a Waste Tire Storage Permit from the Island County Health Department. The requirement for a permit to store more than one hundred (100) waste tires does not apply to waste tires utilized in a recognized agricultural, recreational, industrial or commercial use.

Any person who violates this section shall be subject to a fine as described in RCW 70.95.560 and WAC 173-314.

- B. **Permit.** The owner and/or operator of a tire storage yard of one hundred (100) or more waste tires is required to apply to the health department for an Island County Waste Tire Storage Site Permit.

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1. Each pile of tires shall not be greater than ten (10) feet in height.
  2. Piles of tires shall not be within twenty (20) feet of a property line or right-of-way, or within sixty (60) feet of a building or structure.
  3. Piles of tires shall not be in excess of forty (40) feet in any horizontal dimension.
  4. There shall be a minimum separation of twenty (20) feet between piles of tires and such separation shall be free of rubbish, equipment and other materials at all times.
  5. Access to the tire pile must be controlled by fencing of at least six (6) feet in height surrounding the tire storage yard and built in a manner as to obstruct the view of the tire storage yard.
  6. Records of number of waste tires received and shipped must be kept at the facility and available upon request by the health officer.
- C. Waste tire storage sites must contact a licensed tire carrier and dispose of the tires at one of the following locations:
1. A business that is actively retreading or recycling tires and if required under conditions set forth in WAC 173-304-420 has a County Waste Tire Storage Permit.
  2. A county permitted Waste Tire Storage Facility that has a Washington State Department of Ecology (WDOE) approved Waste Tire Storage Sites Owner's License.
  3. A site that has been declared exempt by local health departments and WDOE under WAC 173-314-310.
- D. Owner or operators of waste tire storage sites (greater than 800 waste tire) shall:
1. Obtain a permit from the health department, obtain a license from Department of Ecology and follow the requirements outlined in WAC 173-304, 173-314 and RCW 70.95.555 and 70.95.263.

(Res. HD-01-92, January 13, 1992)

**8.08A.420 Vehicle Batteries**

No person may dispose of a vehicle battery except by delivery to: an authorized person or entity selling lead acid batteries; or a person or entity authorized by the Department of Ecology to accept batteries; or to a secondary lead smelter.

Any person who violates this section shall be subject to a fine as described in RCW 70.95.610.

(Res. HD-01-92, January 13, 1992)

**8.08A.430 Administration**

The Island County health officer shall administer these rules and regulations under the supervision of the Island County Board of Health RCW 70.95.160, RCW 70.05.

(Res. HD-01-92, January 13, 1992)

**8.08A.440 Public Hearing**

The Island County Board of Health has the authority to require a public hearing prior to the issuance of any permit with or without variances.

(Res. HD-01-92, January 13, 1992)

**8.08A.450 Variances**

Any person who owns or operates a solid waste handling facility may apply to the health department for a variance.

Whenever a strict interpretation of these rules and regulations would result in extreme hardship, the health officer may, upon concurrence of the Board of Health and the Secretary of the State Department of Ecology, grant a variance. Provided, that the variance is consistent with the intent of these rules and regulations and that no public health hazard will result. Variances requested which would not require the review of the Department of Ecology will be processed administratively by the health officer.

(Res. HD-01-92, January 13, 1992)

**8.08A.460 General Provisions**

General provisions shall be in accordance with Island County Code, chapter 8.01.

(Res. HD-01-92, January 13, 1992)

**8.08A.470 Civil Penalty**

A. **Penalty.** It shall be unlawful and punishable as a civil infraction under RCW 7.80 for any person to violate or refuse to or fail to comply with any of the provisions of this chapter.

1. Violations of solid waste handling requirements by a person engaged in commercial activities shall constitute a Class 1 civil infraction.
2. All other violations of this chapter and all violations by a person engaged in non-commercial activities shall constitute a Class 2 civil infraction.

Each day or portion thereof during which any infraction occurs or continues shall be a separate infraction and separately punishable. Adjudication of the infraction shall not excuse the violation or allow the continuation of the violation.

**B. Enforcement Authority.** The Island County Health Officer, the Health Services Director, the Environmental Health Director, and the Island County Sheriff or his deputies are enforcement officers within the meaning of RCW Chapter 7.80.

(Res. HD-01-92, January 13, 1992)

**8.08A.480 Abatement**

In addition to any other remedy provided herein or by law, the health officer may require any person, who creates or maintains a violation of any solid waste regulation, to commence corrective work and to complete the work within such time as the health officer determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the health officer may proceed to abate the violation and cause the work to be done. The cost thereof will be charged as a lien against the property and as a joint and separate personal obligation of each person who is in violation. The cost of the abatement may include administrative costs.

(Res. HD-01-92, January 13, 1992)

**8.08A.490 Imminent Hazard**

Notwithstanding any provisions of these rules and regulations, the health officer may take immediate action as necessary to prevent or abate an imminent and substantial danger to the public health resulting from the improper management of any waste.

(Res. HD-01-92, January 13, 1992)

**8.08A.500 Severability**

Provisions of these rules and regulations are hereby declared to be separable, and if any section, subsection, sentence, clause, phrase, or portion of these rules and regulations is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of these rules and regulations.

(Res. HD-01-92, January 13, 1992)