

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:			RECEIVED JAN 05 2004 WHATCOM COUNTY COUNCIL	1/13/04	Health Board - Intro
Division Head:				1/27/04	Pub Wks /Council as Health
Dept. Head:	RAD	12/26/03			
Prosecutor	Romy	12/25/03			
Purchasing/Budget:	PK	1/5/04			
Executive:					

SUBJECT:

Ordinance proposing a revision to Whatcom County Code 24.06, *Solid Waste Rules and Regulations – Standards and Permits*, and repealing Whatcom County Code 24.08, *Demolition and Inert Landfill Regulations*.

ATTACHMENTS:

- Ordinance Form
- Proposed revision to WCC 24.06 – *Solid Waste Rules*
- WCC 24.08 – *Demolition & Inert Landfill Regulations* (to be repealed)
- Chapter, 173-350 WAC

SEPA review required? () Yes (X) NO
 SEPA review completed? () Yes () NO

Should Clerk schedule a hearing: NO / _ / YES / X / Requested Date:

SUMMARY STATEMENT:

The proposed revision of WCC 24.06 is necessary to adopt the newly promulgated State solid waste management rule, Chapter 173-350 WAC, by reference. Repeal of WCC 24.08 is necessary because the new state rules contained in 173-350 WAC are more stringent and comprehensive than WCC 24.08.

Distribution Request

Indicate those who should receive a copy after Council action. List specific names to the right.

ADS Facilities Management	
ADS Finance	
ADS Human Resources	
ADS Info Services	
Assessor	
Auditor	
Cooperative Extension	
District Court	
Executive	
Health	Regina Delahunty
Hearing Examiner	Michael Bobbink
Jail	
Juvenile	
Parks	
Planning	Hal Hart
Prosecutor	
Public Works	
Sheriff	
Superior Court	
Treasurer	
Other	

COUNCIL ACTION TAKEN:

2004 - 61 1/13/2004: Introduced
 1/27/2004: Adopted 7-0, Ord. #2004-002

Ordinance or Resolution Number (this item): **ORD # 2004-002**

SPONSORED BY: Consent
PROPOSED BY: Health Dept.
INTRODUCTION DATE: 1/13/04

ORDINANCE NO. 2004-002

ADOPTION OF WAC CHAPTER 173-350, BY REFERENCE, INTO WCC 24.06
SOLID WASTE RULES AND REGULATIONS AND ASSOCIATED REVISIONS TO
WCC CHAPTER 24.

WHEREAS, the Washington State Department of Ecology has adopted a new solid waste management rule, Chapter 173-350 WAC *Solid Waste Handling Standards*, effective February 10, 2003; and

WHEREAS, WAC Chapter 173-350-700 (2) *Local ordinances*, requires each jurisdictional health department to adopt a local ordinance implementing the new rule no later than one year from the effective date; and


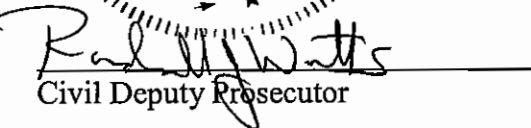
WHEREAS, the adoption by reference of WAC Chapter 173-350 into WCC 24.06 *Solid Waste Rules and Regulations* requires associated revisions to Chapter 24 Health Code in order to be consistent with, and not less stringent than, the State rule.


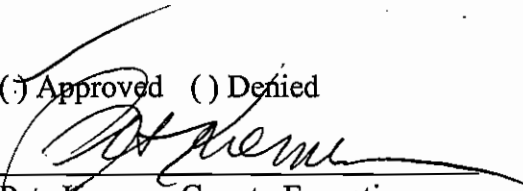
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Health Board that Exhibit "A" containing revisions to WCC Chapter 24.06 *Solid Waste Rules and Regulations* is hereby adopted.

AND, THEREFORE, BE IT ALSO ORDAINED by the Whatcom County Health Board that Exhibit "B" Chapter 24.08 *Demolition and Inert Landfill Regulations* is hereby repealed.

ADOPTED this 27th day of January 2004.

WHATCOM COUNTY HEALTH BOARD
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Clerk of the Council
APPROVED AS TO FORM:

Paul J. Watts
Civil Deputy Prosecutor


Dan McShane, Health Board Chair
 Approved Denied

Pete Kremen, County Executive

Chapter 24.06
SOLID WASTE RULES AND REGULATIONS – STANDARDS
AND PERMITS¹

Sections:

24.06.010 Authority, purpose.

24.06.020 Adoption by reference.

24.06.030 Definitions.

24.06.040 Biomedical waste.

24.06.050 Permits.

24.06.060 Notifications, public hearings and application review.

24.06.070 Permit modification by director.

24.06.080 Permit suspension.

24.06.090 Permit revocation.

24.06.100 Permit eligibility.

24.06.110 Enforcement.

24.06.120 Appeals.

24.06.130 Inspection.

24.06.140 Severability.

24.06.150 Fees.

24.06.160 Limits.

24.06.170 Citizen suits.

24.06.180 Violation – Penalty.

24.06.010 Authority, purpose.

A. The director shall administer this chapter under the authority of Chapter 70.05 RCW, RCW 70.95.160 ~~and~~, WAC 173-304-010 and WAC 173-350-010.

B. The purpose of this chapter is to protect the public health by assuring the proper handling of solid waste, including biomedical waste, in Whatcom County and its incorporated cities. (Ord. 2002-021; Ord. 2000-021).

24.06.020 Adoption by reference.

A. The Minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, effective November, 1985, is hereby adopted by reference. If a conflict arises between Chapter 173-304 WAC and this chapter, the more restrictive regulation shall apply. Any subsequent amendment to Chapter 173-304 WAC shall be considered to have been incorporated into this chapter without the need for further amendment.

B. The Criteria for Municipal Solid Waste Landfills, Chapter 173-351 WAC, is hereby adopted by reference. If a conflict arises between Chapter 173-351 WAC and this chapter, the more restrictive regulation shall apply. Any subsequent amendment to Chapter 173-351 WAC shall be considered to have been incorporated into this chapter without the need for further amendment. (Ord. 2002-021; Ord. 2000-021)

C. Solid Waste Handling Standards, Chapter 173-350 WAC, effective February 10, 2003, is hereby adopted by reference. If a conflict arises between Chapter 173-350 WAC and this chapter, the more restrictive regulation shall apply. Any subsequent amendment to Chapter 173-350 WAC shall be considered to have been incorporated into this chapter without the need for further amendment.

24.06.030 Definitions.

In addition to the definitions adopted by reference from WAC 173-304-350-100, the following specific definitions shall apply:

The following definition of "biomedical waste" is adopted from Chapter 70.95K RCW. Any subsequent amendment to the definition of "biomedical waste" in Chapter 70.95K RCW shall be considered to have been incorporated into this chapter without the need for further amendment.

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

1. "Animal waste" is waste animal carcasses, body parts, and bedding of animals known to be infected with, or that have been inoculated with, human pathogenic microorganisms infectious to humans.

2. "Biosafety Level 4 disease waste" is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to Biosafety Level 4 by the Centers for Disease Control, National Institutes of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

3. "Cultures and stocks" are wastes infectious to humans and includes specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

4. "Human blood and blood products" is discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

5. "Pathological waste" is waste human source biopsy materials, tissues, anatomical parts, that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains, and anatomical parts that are intended for interment or cremation.

6. "Sharps waste" is all hypodermic needles, syringes with needles attached, intravenous tubing with needles attached, scalpel blades, and lancets that have been removed from the original sterile package.

"Biomedical waste generator" means any producer of biomedical 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, home health care facilities or other person whose act or process produces biomedical waste as defined in this chapter.

“Biosafety Level 2” means the level of safety applicable for handling broad-spectrum indigenous moderate-risk agents present in the community and associated with human disease of varying severity. Hepatitis B virus, the salmonellae, and *Toxoplasma* spp. are representative of microorganisms assigned to Biosafety Level 2 by the Centers for Disease Control and Prevention (CDC), National Institutes of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

“Biosafety Level 3” means the level of safety applicable for handling indigenous or exotic agents with a potential for respiratory transmission, and which may cause serious and potentially lethal infection. *Mycobacterium tuberculosis*, St. Louis encephalitis virus, and *Coxiella burnetii* are representative of microorganisms assigned to Biosafety Level 3 by the CDC, National Institutes of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

“Board of Health” means the Whatcom County Council.

“Bulk container” means packaging, other than a vessel or barge, including a transport vehicle or freight container, in which untreated biomedical wastes are loaded with no intermediate form of containment and which has:

1. A maximum capacity greater than 450 liters (119 gallons) as a receptacle for liquid; or
2. A maximum net mass greater than 400 kilograms (882 pounds) and a maximum capacity greater than 450 liters (119 gallons) as a receptacle for a solid.

“Chemical disinfection” means a biomedical waste treatment and decontamination method which utilizes appropriately formulated chemical solutions to disinfect biomedical waste and contaminated areas.

“Commercial” means having profit as the primary aim.

“Container” means any portable device in which materials are transported, treated, disposed of or otherwise handled.

“Contaminated” means all regulated medical waste which has come in contact with material capable of producing infection.

“Control point” means an operation at which preventive and/or control actions are taken because of best management practices, regulations, or company policy.

“Critical control point” means an operation at which a preventive or control measure can be exercised that will eliminate, prevent or minimize a hazard.

"Critical limit" means one or more prescribed tolerances that must be met to insure that a critical control point effectively controls the specified hazard. Critical limits on critical control points represent the boundaries for safety.

"Director" means the administrative director of Whatcom County Health Department, or a representative authorized by the administrative director.

"Disinfect" means killing of infectious agents outside the body by directly applied chemical or physical means.

~~"Facility" means any place where activity occurs as defined and regulated by this chapter.~~

means all contiguous land (including buffers and setbacks) and structures, other appurtenances, and improvements on the land used for solid waste handling.

"Gas/vapor sterilization" means a biomedical waste treatment method, only for use under very controlled circumstances, that uses gases or vaporized chemicals as sterilizing agents.

"Generators" means medical or research facilities including hospitals, laboratories, and clinics, which produce infectious waste.

"Handling" means the direct physical management of biomedical waste.

"Hazard analysis" means identification of hazards and assessment of their severity and the risks associated with the hazards.

~~"Incineration" means a processing method using an engineered apparatus capable of withstanding heat and having as its purpose the efficient thermal oxidation and/or conversion of combustible material into noncombustible residues (ash) and product gases.~~

means a processing method using an engineered apparatus capable of withstanding heat and having as its purpose the efficient thermal oxidation and/or conversion of combustible material into noncombustible residues (ash) and product gases, or reducing the volume of solid wastes by use of an enclosed device using controlled flame combustion.

"Infectious waste" means a subset of biomedical waste which poses a risk of infection, including, but not limited to:

1. Contaminated Laboratory Wastes.

- a. Human or animal specimen cultures from medical and pathology laboratories.

- b. Cultures and stocks of infectious agents from clinical, research, and industrial laboratories (CDC biohazard levels I, II and III).

- c. Wastes from production of bacteria, viruses, spores, discarded vaccines, and biologicals from health care or research, and contaminated dishes, or contaminated devices used to transfer, inoculate, and mix cultures.

2. Human surgical specimens, tissues, organs, placentas, and limbs (pathology waste only, exclusive of preservative agents).

3. Fluid blood, fluid blood products, or body fluids, and containers, equipment, or articles contaminated with fluid blood, blood products, or body fluids.

4. Regulated medical waste contaminated with excretions, exudated secretions, or body fluids including, but not limited to, isolation waste, or other regulated medical waste as determined by the infection control staff, physician, veterinarian, or local health officer to be isolated and handled as such.

5. Contaminated sharps waste including, but not limited to:

a. Used or contaminated suture needles, hypodermic needles, syringes, needles with attached tubing, scalpel and razor blades, dental wires, disposable surgical instruments, and electrosurgical needles or blades.

b. Used or contaminated medical or laboratory glassware such as slides, pipettes, blood tubes, vials, bottles, broken or unbroken glass articles which could be broken during handling and transportation thus rendering them contaminated sharps waste.

c. Infectious contaminated international waste from ocean liners, ships, and planes.

6. All waste which has commingled or otherwise been contaminated with infectious waste.

"Infectious waste treatment" means the decontamination of infectious waste by methods approved by state statutes and the local health department.

"Irradiation" means the use of ionizing radiation for the treatment of biomedical waste.

"Local" means within Whatcom County.

"Operator" means a person or corporation who operates all or part of a solid waste handling facility.

"Owner" means a person or corporation who owns all or part of a solid waste handling facility.

~~"Permit" means solid waste handling facility permit.~~

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

~~"Person" means an individual, trust, firm, joint stock company, corporation, partnership, association, state, county, commission, political subdivision of a state, an interstate body or the federal government or an agency of the federal government.~~

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

"Personnel" means all persons who work at or oversee the operations of a facility involved in biomedical or solid waste handling.

"Regulated medical waste" means medical waste generated by medical or research facilities including, but not limited to, hospitals, laboratories, and clinics, and subject to federal, state or local statutes, which may include infectious waste and non-infectious, regulated medical waste. Also called biomedical, biohazardous or red bag waste.

"Respiratory isolation waste" is waste contaminated with blood or other potentially infectious bodily fluids, exudates or secretions from humans maintained in hospital or domiciliary isolation for disease spread by respiratory or droplet transmission as defined in the CDC Recommendations for Isolation Precautions in Hospitals. Examples of this waste include pulmonary suction canisters, gowns, masks, or other articles contaminated with potentially infectious bodily fluids, exudates or secretions as described above.

~~"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including, but not limited to, garbage, rubbish, ashes, industrial wastes, biomedical waste, swill, demolition, and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, 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 woodwaste, dangerous wastes, and problem wastes.~~
means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, biomedical waste, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

"Solid waste handling" means the management, storage, collection, transportation, treatment, 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.

"Steam disinfection" means a treatment method for biomedical waste utilizing saturated steam within a pressure vessel, e.g., steam sterilization, autoclave or retort, at time lengths and temperatures sufficient to disinfect biomedical wastes.

"Transporter" means a person engaged in the off-site transportation of solid waste by air, rail, highway or water.

~~"Treatment" means any method, technique or process designed to change the biological character or composition of biomedical waste and render it noninfectious.~~

means any method, technique, or process designed to change the biological character or composition of biomedical waste to render it non-infectious or the physical, chemical, or biological processing of solid waste to make such solid wastes safer for storage or disposal, amenable for recycling or energy recovery, or reduced in volume.

"Vehicle" means any motor vehicle, rail car, watercraft, trailer or motorized or nonmotorized cargo-carrying body used for the movement of solid waste.

"Violation" means an amount of infectious waste accepted at any treatment facility within Whatcom County which exceeds the 0.3 percent limit imposed on a monthly basis.

"Whatcom County's solid waste stream" means the amount of mixed, unseparated solid waste from residential, commercial, institutional, and industrial sources that is generated within Whatcom County, and delivered for disposal to a permitted disposal facility within Whatcom County. This does not include waste delivered for disposal to private industrial landfills, or to construction/demolition landfills. (Ord. 2002-021; Ord. 2001-011 Exh. A; Ord. 2000-021).

24.06.040 Biomedical waste.

A. Exemptions.

1. Residential Generator Exemption. Biomedical waste generated from self-treatment and disposed of with residential wastes from a single-family residence or single-family dwelling unit are exempt from the requirements of this chapter, except subsections (B)(8) and (C)(3) of this section.

B. General Requirements.

1. All biomedical waste shall be segregated from other solid waste by separate containment at the point of generation. Containment must meet the requirements of subsection (C) of this section.

2. All biomedical waste must be treated prior to disposal into the municipal solid waste stream. Treatment must be provided by one of the methods described in subsection (F) of this section.

3. All respiratory isolation waste must be treated prior to disposal into the municipal solid waste stream. Treatment must be provided by one of the methods described in subsection F of this section.

4. All Biosafety Level 3 and 4 stocks and cultures must be treated on-site prior to transportation off-site. Treatment must be provided by one of the methods described in subsection (F) of this section. Generators of cultures containing microorganisms that may be transmitted to humans via airborne droplet nuclei shall treat those cultures before transport from the facility. Such cultures include infectious agents associated with diseases that include but are not limited to tuberculosis, measles, and varicella. Stocks and cultures that have not been treated in accordance with this section shall not be accepted or processed at any facility in Whatcom County.

5. No Biosafety Level 4 waste shall be accepted or processed at any facility in Whatcom County.

6. A biomedical waste generator that treats biomedical waste on-site must obtain a permit.

7. A biomedical waste generator may be granted an exemption from the permitting requirements if all the following conditions are met:

a. Less than 50 pounds of biomedical waste are treated per month;

b. A biomedical waste treatment plan is submitted to the director for approval prior to operation;

c. Generator registration is obtained from the director after the treatment plan is approved;

d. Treated sharps waste is delivered to a permitted solid waste transfer station or disposed of in the municipal solid waste stream after:

- i. Treatment pursuant to subsection (F) of this section; and
- ii. Plaster encapsulation in a manner approved by the director;

or

iii. Alternative encapsulation technology approved by the director;

e. Exempt biomedical waste generators may only treat waste generated on-site.

8. A residential generator shall not dispose of sharps into cans, carts, drop boxes or other containers in which refuse, trash or solid waste is placed for collection if a sharps collection station has been established for residential sharps waste.

C. Containment and Handling.

1. Untreated biomedical waste shall not be compacted, ground or shredded.

2. No person shall accept, handle, load, unload, process, treat or transport biomedical waste unless the waste is packaged and handled in a manner that protects workers and other persons from exposure to the waste and meets all of the following requirements:

a. Biomedical waste and respiratory isolation waste shall be packaged in containers that have undergone testing in accordance with, and meets the U.S. Department of Transportation (DOT) packaging specifications detailed in 49 CFR 173.197. Packaging shall include the following:

i. A red plastic disposable bag clearly labeled with the word "Biohazard" and the biohazard symbol. The bags must be impervious to moisture and have strength sufficient to preclude ripping, tearing or expulsion of the contents under normal handling conditions. The bags shall be securely sealed to prevent leakage or expulsion of the contents during storage, transport and handling.

ii. Any bag containing biomedical waste shall be placed in a rigid container, including a corrugated cardboard container or a covered reusable container. The rigid container shall be labeled with a visible biohazard symbol and the word "Biohazard."

iii. All reusable containers shall be clean, leakproof and kept in good repair.

iv. Bulk containers shall not be used in the packaging or handling of biomedical waste.

3. Sharps shall be contained in rigid, puncture-resistant, leakproof containers made of materials including, but not limited to, metal or plastic, designed to prevent the loss of the contents and clearly labeled with a visible biohazard symbol and the words "Biohazard" and "Sharps."

4. Sharps may only be compacted after treatment pursuant to subsection (F) of this section, at a permitted solid waste transfer station.

D. Sharps Collection Stations. No person shall operate or maintain a sharps collection station unless the facility meets all of the following requirements:

1. The collection station accepts only sharps in sharps containers from residential and biomedical waste generators that generate less than 50 pounds of sharps per month, including items which may be mixed with the sharps.

2. The sharps collection station stores no more than 500 pounds of sharps at any one time.

3. All sharps shall be contained in accordance with the requirements of subsections (C)(3) and (C)(4) of this section.

4. The owner or operator submits a plan of operation to the director for review and approval prior to operation.

5. The owner must obtain registration from the director. A permit is not required.

6. Transportation shall be in accordance with the requirements of subsection (E) of this section.

E. Transportation.

1. No person shall receive for transport or transport biomedical waste that is not contained, handled or treated in accordance with this chapter.

2. No person shall transport biomedical waste in Whatcom County unless the following requirements are met:

a. Vehicles used for transport shall be registered with the director.

The following are required:

i. Registration documentation shall be submitted on forms provided by the director.

ii. Registration shall include the owner and operator's full name and address and vehicle identification number (VIN).

iii. Registration information shall also include documentation that demonstrates that biomedical waste will be packaged in accordance with subsection (C) of this section.

b. The vehicles used to transport biomedical waste must meet all of the following requirements:

i. The portion of the vehicle where the biomedical waste is contained shall be completely enclosed to prevent littering, spillage, or leakage.

ii. The surface area of all equipment and vehicles used to transport biomedical waste shall be impermeable to liquids and be maintained in good repair.

iii. Vehicles must carry a written contingency plan, approved by the director, for spills and accidents and shall carry tools and materials, including a spill kit, sufficient to implement the contingency plan pursuant to subsection (H) of this section, Spill Management.

c. The surface areas of all equipment and vehicles used to transport biomedical waste that has come into contact with spilled or leaked biomedical waste shall be disinfected pursuant to subsection (H) of

this section, Spill Management. All drainage shall be discharged to a sanitary sewer system.

d. Persons or biomedical waste generators transporting less than 100 pounds per month of biomedical waste are exempt except from the requirements of subsection (E)(3) of this section. Sharps waste must be contained in rigid, puncture-resistant, leakproof containers and clearly labeled with the word "Biohazard" and/or a visible "biohazard" symbol. Non-sharps biomedical waste must be sealed in a red plastic bag labeled with the words "biohazard."

e. Biomedical waste vehicle drivers must be trained in accordance with the requirements of subsection (J) of this section.

3. Biomedical waste shall only be transported to a facility permitted to accept biomedical waste.

a. Biomedical waste shall not be stored more than 48 hours at any off-site location, except at a facility permitted to treat biomedical waste.

b. Biomedical waste shall be segregated and transported separately from other solid wastes.

F. Treatment.

1. Prior to disposal in the municipal solid waste stream, all biomedical waste must be effectively treated by one or more of the following methods which will change the composition so as to minimize the risk of transmitting infectious disease:

a. Incineration. Treatment by incineration shall consist of incineration in a controlled air, multichambered incinerator that provides complete combustion of the waste to carbonized or mineralized ash.

b. Steam Sterilization. Treatment by steam sterilization shall subject all the waste to a combination of operational temperature, pressure and time proven to render the waste non-infectious at the design capacity of the installed equipment.

c. Alternative Technologies. Alternative technologies include, but are not limited to:

- i. Chemical disinfection;
- ii. Gas/vapor disinfection;
- iii. Irradiation;
- iv. Radio wave treatment.

Any person seeking approval of an alternative technology must demonstrate to the director that the proposed method is capable of disinfecting the biomedical waste prior to disposal in the municipal solid waste stream. The proposed method must be in compliance with all applicable state and federal regulations relative to employee safety.

G. Treatment Facilities.

1. Any facility treating biomedical waste must obtain a permit prior to operation.

2. All new, expanded or altered biomedical waste treatment facilities must file an environmental checklist as required by SEPA.

3. A biomedical waste treatment facility shall not receive biomedical waste that has not been contained, handled, transported or treated in accordance with the requirements of this chapter.

4. Permitted facilities shall operate in accordance with a plan of operation approved by the director prior to operation. The plan of operation shall include, but not be limited to:

- a. Complete process description:
 - i. Maximum volume of waste to be processed and stored;
 - ii. Waste receiving and handling and storage procedures;
 - iii. Waste handling procedures that minimize employee exposure;
 - iv. Waste processing equipment descriptions and diagrams;
 - v. Reusable container disinfection procedures;
 - vi. Emergency procedures;
 - vii. Equipment testing procedures;
 - viii. Efficacy of treatment testing;
 - ix. Employee decontamination procedures;
- b. Facility site plan;
- c. Operations and maintenance procedures;
- d. Inspection and monitoring procedures;
- e. Employee health and safety:
 - i. Training;
 - ii. Medical monitoring;
 - (A) Initial and annual TB testing;
 - (B) Hepatitis B vaccination;
 - iii. Exposure control plan;
 - iv. Personal protective equipment;
 - v. Safety rules and regulations;
- f. Environmental compliance sampling procedures;
- g. Environmental contamination correction procedures;
- h. Vector control procedures;
- i. Recordkeeping.

5. Any biomedical waste being stored at a commercial biomedical waste treatment facility prior to treatment or transport shall be:

- a. Treated within 12 hours of receipt of the biomedical waste; or
- b. Refrigerated at a temperature of zero degrees Celsius (32 degrees Fahrenheit) for a maximum period of 30 days prior to treatment or transport. Daily temperature logs shall be maintained; or
- c. Kept separate from other solid wastes;

6. All reusable containers for biomedical waste may be reused for other purposes after being disinfected by one of the following methods:

- a. Exposure to hot water of at least 82 degrees Celsius (180 degrees Fahrenheit) for at least 15 seconds;
- b. Exposure to an OSHA approved tuberculocide by rinsing or immersion as directed by the manufacturer.

7. Prior to operation, the facility must conduct a validation test using biological indicator spores to determine the efficacy of the treatment unit. The validation test procedure must be approved by the director and must render biomedical waste noninfectious. A six-log biological spore reduction is required.

8. After startup, the facility must test the treatment unit at a minimum of every 40 hours of operation or as specified by the manufacturer's recommendations whichever assures the more frequent testing to assure the efficacy of the treatment unit. A six-log biological spore reduction is required.

9. After startup, the director shall test the treatment unit at a minimum of every 100 hours of operation to assure the efficacy of the treatment unit. A six-log biological spore reduction is required.

10. Prior to operation, the facility shall develop a hazard analysis critical control point (HACCP) Plan for on-going operation at the facility. The HACCP shall include, but not be limited to the following:

- a. Identify hazards and assess their severity and associated risks;
- b. Determine critical control points and control points for employee exposure and determine the critical limits;
- c. Determine critical control points and control points for adequate biomedical waste treatment and the critical limits;
- d. Corrective actions for critical control points;
- e. A monitoring program that includes recordkeeping.

The director shall assure implementation of any corrective action.

H. Spill Management.

1. Written policies and procedures for spill management of biomedical waste shall be developed by each transporter and treatment facilities that handles biomedical waste. The plan shall be approved by the director prior to operation.

2. The policies and procedures for spill management shall include, but not be limited to, the following:

- a. Spill containment and cleanup equipment shall be kept in areas utilized for the collection, storage, transport or treatment of biomedical waste.
- b. Spill containment equipment shall include the following items:
 - i. Disposable absorbent material for spilled liquids;
 - ii. OSHA approved tuberculocide to disinfect area of spill;
 - iii. Biomedical waste bags;
 - iv. Disposable, moisture-resistant or moisture-proof protective clothing, gloves, boots, hard hat and face-shield, or other equivalent personal protective equipment;
 - v. Equipment for the physical cleanup of biomedical waste. The equipment shall be capable of being disinfected or disposed of in accordance with the provisions of this chapter as biomedical waste.
- c. Employees shall wear protective clothing during spill management and practice personal hygiene after cleanup.

d. Contaminated items shall be properly disposed of or disinfected.
e. Contaminated areas shall be disinfected after debris is removed.

f. Employees shall use mechanical methods for cleaning spills such as a broom, shovel, or tongs. Employees shall not physically handle any biomedical waste with bare or gloved hands.

3. All spills must be reported by personnel to employers and records of spills kept for three years. Any spill that has a volume greater than 32 gallons of nonliquid waste or one gallon of liquid waste must be reported to the director within 48 hours with written documentation of the spill and cleanup activities.

4. Any employee exposure as a result of a spill or other accident should be reported to the director within 24 hours.

5. The director shall be immediately notified when a spill occurs in transit within Whatcom County.

I. Recordkeeping.

1. All transporters and treatment facilities that handle biomedical waste shall maintain the following records:

a. A current list of all personnel responsible for compliance with this chapter;

b. The date, time, persons involved and description of spill events. The date, time, persons involved and description of activities of spill events during transport;

c. Treatment methods of biomedical waste;

d. Type and amount of biomedical waste produced, transported, stored and/or treated per month;

e. The plan of operation approved by the director and any additional policies and procedures for handling biomedical waste;

f. Daily temperature logs for refrigerated biomedical waste;

g. All startup and subsequent routine validation test results;

h. Training and medical monitoring.

2. Records shall be maintained for a minimum of three years.

J. Training. Treatment facilities involved in the handling of biomedical waste shall provide training to all employees involved in the handling of biomedical waste. Such training shall include, but not be limited to the following:

1. Identification and definition of all biomedical waste handled by the facility;

2. An explanation of the facility's plan of operation that includes the requirements of this chapter regarding handling, treatment, transport, storage, spill management and disposal of biomedical waste;

3. Assignment of roles and responsibilities;

4. Implementation of training when the plan of operation is developed and implemented, when new employees are hired and when management procedures change;

5. Continuing education shall be provided annually and shall refresh and maintain personnel awareness of potential hazards as well as reinforce policies and procedures detailed in the plan of operation;

6. Blood-borne pathogen standards;

7. Personal hygiene practices. (Ord. 2002-021; Ord. 2000-021).

24.06.050 Permits.

A. Any new, renewed or modified permit shall be issued in accordance with ~~WAC 173-304-600350-710, Permit requirements for solid waste facilities~~ Permit Application and Issuance.

B. A variance from this chapter and Chapter ~~173-304350~~ WAC may be granted by the director, pursuant to the requirements of ~~WAC 173-304-700350-710 (7)~~, Variances.

C. Solid waste handling facilities, including only the following types, may be issued a five-year permit that expires on December 31st of the fifth year following permit issuance:

1. Moderate risk waste facilities;
2. Transfer stations;
3. Recycling facilities;
4. Drop box facilities.

All other permits shall expire on December 31st of the year following permit issuance. (Ord. 2002-021; Ord. 2000-021).

24.06.060 Notifications, public hearings and application review.

A. Upon receipt of a complete new permit application, permit renewal application, permit modification or variance request for a solid waste handling facility, the director shall send notice to all property owners adjacent to the solid waste handling facility, to all tenants occupying property adjacent to the facility in such cases where the owner is not a resident and to any persons who have requested notification.

1. A public hearing shall be held for all new solid waste handling facilities.

2. A public hearing shall be scheduled if a written request for a hearing is received for an existing permit renewal, modification or variance request.

B. Copies of new permit applications, permit renewal applications, permit modifications and variance requests shall be publicly available for at least 20 calendar days before a permit decision is made. This 20-day time period begins the day notice has been mailed to all adjacent landowners, tenants and other interested parties.

C. The director shall publish a notice of all public hearings in the official county newspaper no fewer than 10 calendar days prior to the hearing date.

D. At all public hearings, oral and written public comment will be taken to assist the director with a permit decision.

E. The director shall publish a notice of permit decisions for all new permits, permit renewals, permit modifications or variance requests in the official county newspaper and mail notice to all property owners adjacent

to the solid waste handling facility, to all tenants occupying property adjacent to the facility in such cases where the owner is not a resident and to any persons who have requested notification.

F. Copies of all permit applications and all administrative notes, memos, and correspondence including public comments, regarding any existing or proposed solid waste handling facility shall be collected and maintained by the director for public inspection or research. (Ord. 2002-021; Ord. 2000-021).

24.06.070 Permit modification by director.

The director may modify a permit after its issuance if necessary to make it conform to promulgation or revisions of applicable solid waste regulations or to respond to newly discovered information pertinent to the permitted activity. No additional fee or penalty shall be imposed. The permit holder shall be notified of modifications made to the permit after they are completed. (Ord. 2002-021; Ord. 2000-021).

24.06.080 Permit suspension.

A. Any permit issued pursuant to this chapter may be suspended by the director when:

1. The permit holder has violated the Washington State or Whatcom County solid waste regulations more than three times within the last five years; or

2. The permit holder knowingly, or with reason to know, made a false statement or an omission of material fact in the application for a permit or any data attached thereto, or in any matter pertaining to the director's administration of the permit.

B. When the director finds that cause exists, as provided in subsection (A) of this section for permit suspension, the continued operation of the solid waste handling facility may be conditioned upon:

1. Compliance with corrective actions specified by the director. The corrective actions will be specified in a notice issued pursuant to Chapter 24.07 WCC and designed to protect the public's health; and/or

2. The assessment and payment of civil penalties assessed pursuant to Chapter 24.07 WCC.

C. The suspension shall be effective upon service of the notice upon the permit holder, owner or operator of the solid waste handling facility. All notices shall be served in accordance with WCC 24.07.100. (Ord. 2002-021; Ord. 2000-021).

24.06.090 Permit revocation.

A. Any permit issued under this chapter may be revoked by the director when:

1. Operations under the permit have violated Washington State or Whatcom County solid waste regulations and continued operation of the solid waste handling facility poses a hazard to public health and cannot be remedied corrective action; or

2. The permit holder has failed to comply with corrective action detailed in a notice served pursuant to WCC 24.07.100.

B. The permit revocation shall be effective upon service of a notice upon the permit holder, owner or operator of the solid waste handling facility. All notices shall be serviced in accordance with WCC 24.07.100. (Ord. 2002-021; Ord. 2000-021).

24.06.100 Permit eligibility.

A. Whenever a permit is suspended or revoked, the director may deny the application for a permit renewal.

B. The director may deny an application for a permit if it finds that the permit applicant has experienced a permit suspension or revocation under this chapter, or any other comparable regulations issued by a governmental entity of similar jurisdiction, any time within the three years immediately preceding the date of application. (Ord. 2002-021; Ord. 2000-021).

24.06.110 Enforcement.

When an owner, operator or person violates the provisions of this chapter, the director or local prosecuting attorney's office, may initiate enforcement or disciplinary actions or any other legal proceedings authorized by law, including but not limited to any one or combination of the following:

A. Administrative hearings convened at the request of the director;

B. A notice, issued pursuant to Chapter 24.07 WCC, and directed to the owner or operator and/or person causing violations of this chapter;

C. Suspension or revocation of permits or approvals pursuant to WCC 24.06.080 and 24.06.090;

D. Civil penalties as per Chapter 24.07 WCC. (Ord. 2002-021; Ord. 2000-021).

24.06.120 Appeals.

An aggrieved party may appeal any permit decision, including approval, modification, variance decision, denial, suspension or revocation in accordance with RCW 70.95.210. (Ord. 2002-021; Ord. 2000-021).

24.06.130 Inspection.

A. The director shall have the authority to inspect any permitted facility, transporter, biomedical waste storage and/or treatment facility at any reasonable time for the purpose of evaluating compliance with the facility's written plan of operation and to determine if the facility is handling biomedical waste and/or solid waste in accordance with this chapter.

B. The director shall have the authority to inspect any site or facility to assure compliance with the provisions of this chapter. (Ord. 2002-021; Ord. 2000-021).

24.06.140 Severability.

Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason,

such decision shall not affect the validity of the remaining portions of this regulation. (Ord. 2002-021; Ord. 2000-021).

24.06.150 Fees.

A. All solid waste handling facilities or proposed solid waste handling facilities shall pay applicable fees as established by the Whatcom County council in the Unified Fee Schedule.

B. Permit fees will not be refunded to owners or operators of facilities with suspended or revoked permits. (Ord. 2002-021; Ord. 2000-021).

24.06.160 Limits.

Acceptance of infectious waste shall be limited at any treatment facility to 0.3 percent of Whatcom County's solid waste stream. Limits shall be maintained on a monthly basis based on the previous year's annual solid waste amount divided by 12. Treatment facilities will report the amount of infectious waste accepted during the previous month to Whatcom County health and human services department no later than the fifteenth of each month. For purposes of this section, generators which only treat their own waste are not considered treatment facilities. (Ord. 2001-011 Exh. A).

24.06.170 Citizen suits.

Citizen suits may be commenced only if enforcement has not created compliance with this chapter within the timeframes stipulated in subsections (B)(1) and (B)(2) of this section.

A. Except as provided in subsection (B) of this section, any citizen may commence a civil action on his or her own behalf:

1. Against any person, including Whatcom County, who is alleged to be in violation of any requirement or prohibition under this chapter or an order issued by the county health officer with respect to this chapter; or

2. Against the county health officer where there is alleged a failure of such officer to perform any act or duty under this chapter which is not discretionary with the officer.

An action under this subsection (A) shall be brought in Whatcom County superior court.

B. No action may be commenced:

1. Under subsection (A)(1) or (A)(2) of this section:

a. Prior to 30 days after the plaintiff has given notice of the alleged violation to the county health officer and to any alleged violator of the requirement, prohibition or order; or

b. If the county health officer has commenced and is diligently pursuing a civil action in court to require compliance with this chapter; but, in any action brought under this chapter, any citizen may intervene as a matter of right.

2. Under subsection (A)(2) of this section prior to 70 days after the plaintiff has given notice of such action to the county health officer.

C. The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney

and expert witness fees), and may assess fines against any violator of the requirements of this chapter.

D. Nothing in this section shall restrict any right to which any person (or class of persons) may have under any statute or common law to seek any relief regarding disposal of infectious waste (including relief against the county health officer). (Ord. 2001-011 Exh. A).

24.06.180 Violation – Penalty.

Penalties for any violations of this chapter shall be at least \$5,000 for the first violation; \$25,000 for the second violation and loss of permit for the third violation. However, the county retains the right to revoke a permit at any time for willful or egregious violations. The county administration, working with the Washington State Utilities and Transportation Commission, shall be authorized to direct any certificated hauler to cease use of a facility found to be in violation of this chapter. (Ord. 2001-011).

Footnotes

1. Prior legislation: Ords. 89-24, 90-10, 96-007 and 2000-003.

Chapter 24.08 DEMOLITION AND INERT LANDFILL REGULATIONS

Sections:

~~24.08.010 Authority and purpose.~~

~~24.08.020 Applicability.~~

~~24.08.030 Permit requirements.~~

~~24.08.040 Definitions.~~

~~24.08.050 Effective dates.~~

~~24.08.060 Location and design standards.~~

~~24.08.070 Plan of operation.~~

~~24.08.080 Environmental site monitoring controls.~~

~~24.08.090 Groundwater monitoring.~~

~~24.08.100 Closure and post-closure requirements.~~

~~24.08.110 Severability.~~

24.08.010 Authority and purpose.

~~This regulation is promulgated under the authority of Chapter 173-304 WAC to protect public health, to prevent land, air, and water pollution, and to conserve the state's natural, economic, and energy resources. (Ord. 90-56 (part)).~~

24.08.020 Applicability.

~~These regulations apply to all facilities utilized for the disposal of demolition and inert waste materials as defined, if in excess of 2,000 cubic yards on the property of origin or any quantity transported to another parcel of land. (Ord. 90-56 (part)).~~

24.08.030 Permit requirements.

~~Owners or operators of inert waste and demolition waste landfills shall obtain a permit, as set forth in WAC 173-304-600 from the Whatcom County health department, (hereinafter "health department"). (Ord. 90-56 (part)).~~

24.08.040 Definitions.

As used in this chapter:

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

~~"Demolition waste" means solid waste, which mostly is considered inert, resulting from demolition, razing, or construction of buildings, roads and other manmade structures. Demolition waste consists of, but is not limited to, concrete, and brick, bituminous concrete, masonry, milled lumber (treated and untreated), stumps, incidental plaster and sheet rock when less than 25 percent by volume of the delivered load, composition roofing, roofing paper, steel, and minor amounts of other metals like copper.~~

~~"Nondemolition waste" means materials not considered to be demolition waste for the purposes of this regulation include but are not limited to:~~

~~1. Significant concentrations, in excess of 25 percent by volume of delivered load, of plaster (i.e., sheetrock or plaster board) or any material, other than wood, likely to produce gases or a leachate during the decomposition process (considered solid waste);~~

~~2. Asbestos wastes (regulated by CFR 40);~~

~~3. Clean concrete and asphalt from the demolition of road surfaces which meet engineering criteria for fill and grade purposes is considered fill and not regulated as solid waste.~~

~~"Inert waste" means 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 (pH 5.0) rain and groundwater.~~

~~"Drainage layer" means the porous stratum used to direct the flow of leachate from the deposited material. Deposited demolition material may be utilized as a drainage layer.~~

~~"Base" means the point at which the soil interfaces with the drainage layer.~~

~~Other terms to be used as defined by WAC 173-304-100. (Ord. 90-56 (part)).~~

~~24.08.050 Effective dates.~~

~~All facilities shall be in compliance with the plan of operation and environmental site monitoring control sections within 30 days of adoption of these regulations. All new or expanded facilities shall be in full compliance with these regulations. (Ord. 90-56 (part)).~~

~~24.08.060 Location and design standards.~~

~~A. Slope.~~

~~1. No facility's active area shall be located on any hill having an unstable slope.~~

~~2. The base of the landfill must have a uniform minimum of two percent slope to avoid standing water. This may be reduced with supporting engineering documentation.~~

~~3. The slope is not to exceed 33 percent.~~

~~B. No facility's active area shall be located within 100 feet of property boundaries except that this distance may be reduced to no less than 50 feet if a treed or other buffer strip is maintained which is capable of obstructing ground level views of the operation from adjacent properties or if the site is within heavy industrial zoning boundaries.~~

~~C. Surface Water. No facility's active area will be located within 100 feet upgradient or 50 feet downgradient of nonintermittent surface water.~~

~~D. Rain Water Run-On/Run-Off Controls.~~

~~1. Surface water run-off from the site shall be controlled and directed to specified discharge location(s). The drainage plan must have the approval of the Whatcom County engineering division.~~

~~2. Surface water run-off controls will be designed to control erosion and siltation.~~

~~E. No facility's active area shall be permitted within the following setback distances from a water well which is existing at the time of application receipt by the health department:~~

- ~~1. One hundred feet from an upgradient private water well;~~
- ~~2. Two hundred feet from an upgradient public water supply well;~~
- ~~3. One thousand feet from any downgradient drinking water well unless it can be demonstrated to be no less than 90-day travel time hydraulically to the nearest downgradient well in the uppermost aquifer.~~

~~F. Facility's active areas, which are not located within heavy industrial zones, shall be designed to be consistent with the surrounding topography upon final closure. A site topography survey shall be provided.~~

~~G. Soils.~~

~~1. The active area must be located on a natural soil base which meets the following performance standards except that an engineered bottom liner meeting the specifications will be acceptable.~~

~~2. A minimum of two soil log holes per acre spaced no closer than 100 feet shall be developed to a minimum depth of six feet below the proposed base and logged by a licensed soils engineer/geologist to determine the consistency of the site soils.~~

~~3. The soil stratum shall meet an infiltration rate equivalent to a saturated soil permeability of 10 to the minimum five cm/sec, extending from a point of leachate generation to the point at which the leachate leaves the property. The undisturbed soil base must be a minimum of two feet in depth or an engineered equivalent. This layer must be located directly below the drainage layer.~~

~~H. Leachate run off shall be controlled within the drainage layer and directed to specified discharge locations. This drainage plan must have the approval of the Whatcom County engineering division.~~

~~I. The design plan shall anticipate that demolition landfills shall be closed by leveling the wastes to the extent practical and by filling any voids posing a physical hazard for persons after closure and creating an aesthetic appearance. A minimum of one foot of compacted soil cover shall be used as a closing cover and shall be graded and seeded to protect against erosion and standing water. A design plan shall include:~~

~~1. A discussion of final cover requirements and availability of materials, including projected closure cost estimates is required.~~

~~2. A projection of final closure topography must be submitted. (Ord. 90-56 (part)).~~

24.08.070 Plan of operation.

~~A plan of operation is to be developed by a professional engineer which incorporates the use of limited active areas and includes discussions of the following:~~

~~A. On-Site Material Handling. Discuss how the material will be handled on-site, including site filling progression and discussion of intermediate cover and availability.~~

~~B. Handling Combustibles. Timbers, wood and other combustible waste shall be covered as needed during the summer months to avoid fire hazard.~~

~~C. Dust Control. Owners or operators of inert wastes and demolition landfills shall employ measures to prevent emission of fugitive dusts, when weather conditions or climate indicate that transport of dust off-site is liable to create a nuisance. Preventive measures include watering of roads and covering.~~

~~D. Monitoring and Sampling. Discuss monitoring and sampling techniques to be used for required environmental monitoring controls, with provision of a corrective action program if surface or groundwater contamination is detected.~~

~~E. Safety Plan. Provide a safety plan for employee personnel, including provisions for communications to emergency responders for fire and/or injury.~~

~~F. Record Keeping. Make provisions for:~~

~~1. Describing the method used to determine and record weights and volumes;~~

~~2. Maintaining daily operating records on weights or volumes, number of vehicles entering and, if available, the types of wastes received;~~

~~3. Notification of major deviations from the plan of operation;~~

~~4. Daily inspection logs;~~

~~5. The details of load inspections and steps to take if unacceptable material is found deposited on site.~~

~~G. Reporting. Each owner or operator shall prepare and submit a copy of an annual report to the health department by March 1st of each year.~~

~~1. Owners or operators of inert wastes and demolition landfills shall meet the requirements of WAC 173-304-405(6), regarding recording with the county auditor.~~

~~H. Owners or operators of inert waste or demolition waste other than landfills shall not accept any form of waste other than inert and demolition waste. In the event unacceptable waste is inadvertently received the operator shall provide for onsite, weatherproof, containerized storage for unacceptable solid waste prior to disposal in an approved solid waste facility.~~

~~I. Owners or operators of inert waste and demolition waste landfills shall prevent unauthorized disposal during off-hours by controlling entry (i.e., lockable gate or barrier) when the facility is not being used. (Ord. 90-56 (part)).~~

24.08.080 Environmental site monitoring controls.

~~A. Surface Water Monitoring. All facilities shall monitor, prior to initial deposition and thereafter on a quarterly basis, the approved upgradient point(s) and all downgradient discharge surface water point(s) for the following parameters or as specified by the health department. Sampling techniques, preservation and transport shall be as defined in the plan of operation.~~

1. Conductivity;
2. PH;
3. Temperature;
4. Total organic carbon;
5. Iron, dissolved;
6. Lead, dissolved;
7. Chromium, dissolved;
8. Zinc, dissolved;
9. Copper, dissolved;
10. Polyaromatic hydrocarbons*;
11. BTX*;
12. Phenol scan*;
13. BOD;
14. Sulfate.

* To be tested initially and once annually thereafter or as specified by health department.

~~B. Reporting of Sample Results.~~

~~1. Sample Results. Sample results received from the testing lab (raw data) must be forwarded to the health department upon receipt. Data interpretation must be developed and submitted within 30 days following receipt of the raw data.~~

~~2. Test methods used to detect parameter values shall be EPA Publication Number SW-846, Test methods for evaluating solid waste-physical/chemical methods.~~

~~3. The owner or operator shall use a statistical procedure for determining whether a significant change over background has occurred. The health department will approve such a procedure.~~

~~4. Upon determining that a statistically significant increase in parameter values exists at any sample location, the owner or operator must:~~

~~a. Notify the health department of the finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters have shown statistically significant increases.~~

~~b. Immediately resample the water in all sampling locations and determine the concentration of all constituents listed, and additional constituents identified in the permit and whether there is a statistical significant increase such that the water performance standard has been exceeded, and notify the health department within 14 days of receipt of the sampling data.~~

~~5. The health department may require corrective action programs including facility closure if the performance standard of WAC 173-304-460 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-304-600.~~

~~C. Corrective Action. An owner or operator required to establish a corrective action program under this section must at a minimum, with the approval of the health officer:~~

~~1. Implement a corrective action program that reduces contamination limits at the compliance point by removing the constituents, treating them in place, or other remedial measures;~~

~~2. Begin corrective action according to a written schedule after a statistically significant increase has been confirmed;~~

~~3. Terminate corrective action measures once the concentrations of constituents were reduced to levels below the limits under WAC 173-304-460(2)(a). (Ord. 90-56 (part)).~~

24.08.090 Groundwater monitoring.

~~All facilities proposing to exceed or exceeding 300,000 cubic yards shall install a groundwater monitoring system (as described in WAC 173-304-490) in the uppermost aquifer and all hydrologically connected aquifers. The monitoring system is to include, at a minimum, one upgradient and three downgradient monitoring wells.~~

~~A. Reporting of Sample Results. Sample results received from the testing lab (raw data) must be forwarded to the health department upon receipt. Data interpretation must be developed and submitted within 30 days following the receipt of the raw data.~~

~~B. Groundwater Monitoring Requirements.~~

~~1. The groundwater monitoring system must consist of at least one background or upgradient well and three downgradient wells, installed at appropriate locations and depths to yield groundwater samples from the uppermost aquifer and all hydraulically connected aquifers below the active portion of the facility. The groundwater monitoring system must:~~

~~a. Represent the quality of background water that has not been affected by leakage from the active area; and~~

~~b. Represent the quality of groundwater passing the point of compliance. Additional wells may be required by the health department in complicated hydrogeological settings or to define the extent of contamination detected.~~

~~2. All monitoring wells must be encased in a manner that maintains the integrity of the monitoring well bore hole. The casing must allow collection of representative groundwater samples. Wells must be constructed in such a manner as to prevent contamination of the samples, the sampled strata, and between aquifers and water bearing strata and in accordance with WAC 173-160, Minimum Standards for Construction and Maintenance of Water Wells.~~

~~3. The groundwater monitoring program must include at a minimum, procedures and techniques for:~~

~~a. Decontamination of drilling and sampling equipment;~~

~~b. Sample collection;~~

~~c. Sample preservation and shipment;~~

~~d. Analytical procedures and quality assurance;~~

~~e. Chain of custody control;~~

~~f. Procedures to ensure employee health and safety during well installation and monitoring.~~

~~4. All facilities shall test for the following parameters:~~

- ~~a. Conductivity;~~
- ~~b. pH;~~
- ~~c. Temperature;~~
- ~~d. Total organic carbon;~~
- ~~e. Iron, dissolved;~~
- ~~f. Lead, dissolved;~~
- ~~g. Chromium, dissolved;~~
- ~~h. Zinc, dissolved;~~
- ~~i. Copper, dissolved;~~
- ~~j. Polyaromatic hydrocarbons*;~~
- ~~k. BTX*;~~
- ~~l. Phenol scan*;~~
- ~~m. BOD;~~
- ~~n. Sulfate;~~

~~* To be tested initially and once annually thereafter or as specified by health department.~~

~~5. The health department may specify additional or fewer constituents depending upon the nature of the waste.~~

~~6. Test methods used to detect parameter values of (4) of this subsection shall be EPA Publication Number SW 846, Test Methods for Evaluating Solid Waste-Physical/Chemical Methods.~~

~~7. The groundwater monitoring program must include a determination of the groundwater surface elevation each time groundwater is sampled.~~

~~8. The owner or operator shall use a statistical procedure for determining whether a significant change over background has occurred. The health department will approve such a procedure.~~

~~9. The owner or operator must determine groundwater quality at each monitoring well at the compliance point at least quarterly during the life of an active area (including the closure period) and the post-closure care period. The owner or operator must express the groundwater quality at each monitoring well in a form necessary for the determination of statistically significant increases.~~

~~10. The owner or operator must determine and report the groundwater flow rate and direction in the uppermost aquifer at least annually.~~

~~11. Upon determining that a statistically significant increase in parameter values exists at any monitoring well, the owner or operator must:~~

~~a. Notify the health department of the finding in writing within seven days of receipt of the sampling data. The notification must indicate what parameters have shown statistically significant increases;~~

~~b. Immediately resample the groundwater in all monitoring wells. Determine the concentration of all constituents listed in the definition of contamination in WAC 173-304-100 including additional constituents identified in the permit. Note whether there is a statistically significant increase such that the groundwater performance standard has been~~

exceeded, and notify the health department within 14 days of receipt of the sampling data.

~~12. The health department may require corrective action programs including facility closure if the performance standard of WAC 173-304-460 (2)(a) is exceeded and, in addition, may revoke any permit and require reapplication under WAC 173-304-600.~~

~~C. Corrective Action Program. An owner or operator required to establish a corrective action program under this section must, at a minimum with the approval of the health officer:~~

~~1. Implement a corrective action program that reduces contamination and if possible prevents constituents from exceeding their respective concentration limits at the compliance point by removing the constituents, treating them in place, or other remedial measures;~~

~~2. Begin corrective action according to a written schedule after the groundwater performance standard is exceeded;~~

~~3. Terminate corrective action measures once the concentrations of constituents are reduced to levels below the limits under WAC 173-304-460 (2)(a). (Ord. 90-56 (part)).~~

24.08.100 Closure and post-closure requirements.

~~A. Closure Procedures.~~

~~1. Each owner and operator shall notify the health department of the intent to implement the closure plan in part or whole, no later than 180 days prior to the projected final receipt of waste at the entire facility unless otherwise specified in the closure plan.~~

~~2. The owner or operator shall commence implementation of the closure plan in part or whole within 30 days after receipt of the final volume of waste and/or attaining the final landfill elevation at part of or at the entire facility as identified in the approved facility closure plan unless otherwise specified in the closure plan.~~

~~3. Waste shall not be accepted for disposal or for use in closure except as identified in the closure plan approved by the health department as required in subsection B.1 of this section.~~

~~4. When facility closure is completed in part or whole, each owner and operator shall submit the following to the health department:~~

~~a. Facility closure plan sheets signed by a professional engineer registered in the state of Washington and modified as necessary to represent as-built changes to final closure construction as approved in the closure plan;~~

~~b. Certification by the owner or operator, and a professional engineer registered in the state of Washington that the site has been closed in accordance with the approved closure plan.~~

~~5. The health department shall notify the owner or operator of the date when the facility post-closure period has begun which period shall commence when the health department has verified the facility has been closed in accordance with the specifications of this section.~~

~~B. Post-closure Performance Standard. Each owner or operator shall provide post-closure activities to allow for continued facility maintenance and monitoring of air, land, and water for as long as necessary for the facility to stabilize and to protect human health and the environment.~~

~~1. Each owner or operator shall develop, keep and abide by a post-closure plan approved as a part of the permitting process in WAC 173-304-600. The post-closure plan shall address facility maintenance and monitoring activities for a 20-year period or until the site becomes stabilized (i.e., little or no settlement, gas production or leachate generation) and monitoring of groundwater, and surface water, can be safely discontinued.~~

~~2. The post-closure plan shall project time intervals at which post-closure activities are to be implemented and identify post-closure cost estimates and projected fund withdrawal intervals from the selected financial assurance instrument, where applicable, for the associated post-closure costs.~~

~~3. Each owner or operator shall not commence disposal operations in any part of a facility until a post-closure plan for the entire facility has been approved by the health department.~~

~~4. Each owner or operator shall complete the post-closure activities in accordance with the approved post-closure plan and schedule. Facility post-closure activities shall be completed in accordance with the approved post-closure plan or the plan shall be so amended with the approval of the health department.~~

~~5. The health department may determine that a facility post-closure plan is invalid and require an owner or operator to amend the facility post-closure plan.~~

~~a. The health department may direct facility post-closure activities, in part or whole, to cease until the post-closure plan amendment has received written approval by the health department.~~

~~b. When the health department determines a facility post-closure amendment is required, the health department shall, after consultation with the owner/operator, designate a compliance schedule for submittal of the amendment and its review and approval by the health department.~~

~~C. Post-closure Procedures.~~

~~1. Each owner or operator shall commence post-closure activities after completion of closure activities outlined in subsection A(4)(a) and (b) of this section. The health department may direct that post-closure activities cease until the owner or operator receives a notice to proceed with post-closure activities.~~

~~2. When post-closure activities are complete, the owner or operator shall certify to the health department, signed by the owner or operator, and a professional engineer registered in the state of Washington stating why post-closure activities are no longer necessary (i.e., little or no settlement, or leachate generation).~~

~~3. If the health department finds that post-closure monitoring has established that the facility is stabilized (i.e., little or no settlement, or leachate generation), the health department may authorize the owner or operator to discontinue post-closure maintenance and monitoring activities. (Ord. 90-56 (part)).~~

~~24.08.110 Severability.~~

~~Should any part of these rules and regulations be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remainder of these rules and regulations. (Ord. 90-56 (part)).~~