

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2006-301

| CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to: |
|--------------------|--------------------|----------------|--|-------------|----------------|
| Originator: | JH | 6/26/06 | RECEIVED JUL 03 2006 WHATCOM COUNTY COUNCIL | 7/11/06 | Introduction |
| Division Head: | | | | 7/25/06 | Public Hearing |
| Dept. Head: | <i>DAD</i> RAD | <i>6/26/06</i> | | | |
| Prosecutor: | <i>[Signature]</i> | 6-29-06 | | | |
| Purchasing/Budget: | <i>[Signature]</i> | | | | |
| Executive: | | | | | |

TITLE OF DOCUMENT:

Ordinance amending WCC 24.12, *Mushroom Substrate Production Facility Rules*

ATTACHMENTS:

Ordinance Form
Proposed amendments to WCC 24.12, *Mushroom Substrate Production Facility Rules*

SEPA review required? () Yes () NO
 SEPA review completed? () Yes () NO
 [SEPA Official has issued a Determination of Non-Significance for the amendments]

Should Clerk schedule a hearing? () Yes () NO
 Requested Date: Introduction on July 11, 2006 for Public Hearing on July 25, 2006

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

The purpose of the proposed amendments to WCC 24.12 is to allow existing mushroom substrate production facilities the opportunity for a limited, incremental increase of production capacity. Existing facilities, that were in operation as of the effective date of the original ordinance, may increase the production of substrate in increments of 25% and 50% subject to quantity threshold limits, performance standards, engineering controls and the use of best management practices. All substrate must be used on site for the farming of mushrooms, and any existing facility exceeding the quantity threshold limits is required to operate indoors and under permit.

COMMITTEE ACTION:

COUNCIL ACTION:

7/11/06: Introduced
 7/25/06: Council Amended and Adopted 6-0
 McShane absent

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:
 Ord. 2006-030

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.

SPONSORED BY: Consent

PROPOSED BY: Health

INTRODUCTION DATE: 7/11/06

ORDINANCE NO. 2006-030

**AN ORDINANCE AMENDING HEALTH CODE WCC 24.12, MUSHROOM
SUBSTRATE PRODUCTION FACILITY RULES, TO ALLOW EXISTING FACILITIES
A LIMITED INCREMENTAL EXPANSION OF PRODUCTION CAPACITY**

WHEREAS, on October 26, 2004 the Whatcom County Council, acting as the Whatcom County Board of Health, adopted Ordinance 2004-054, establishing requirements for the design and operation of mushroom substrate production facilities; and

WHEREAS, there is no allowance in Ordinance 2004-054 for small existing mushroom substrate production facilities, that have been in operation as of the effective date of the ordinance, to implement a limited increase in production capacity without being fully subject to the same design, operating and permitting requirements as large facilities; and

WHEREAS, an allowance for a limited incremental increase of production capacity, for such existing small facilities, is not considered to necessarily present a risk to public health and the environment, when such allowance is subject to quantity threshold limits, performance standards, engineering controls and the use of best management practices; and

WHEREAS, the proposed amendments to WCC 24.12, as outlined in Exhibit A of this ordinance, provide for such an allowance; and

WHEREAS, the SEPA official issued a Determination of Non-Significance for the proposed amendments to WCC 24.12 on June 16, 2006.

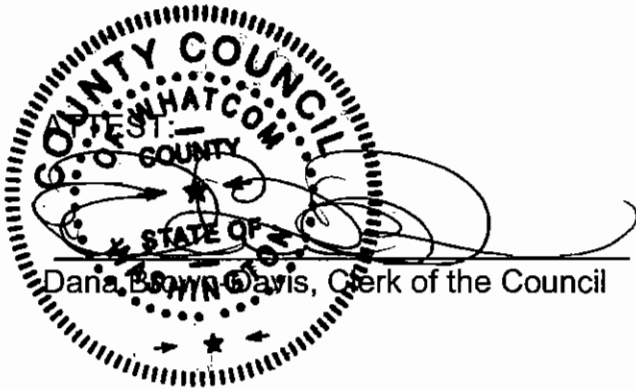
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, acting as the Whatcom County Board of Health, that the proposed amendments to WCC 24.12, Mushroom Substrate Production Facility Rules, as outlined in Exhibit A to this ordinance, be adopted.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or

more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, and the original ordinance or ordinances shall be in full force and effect.

ADOPTED this 25 day of July, 2006.

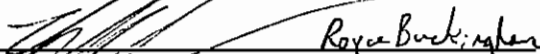
WHATCOM COUNTY BOARD OF HEALTH
WHATCOM COUNTY, WASHINGTON




Laurie Casky-Schreiber, Chair

APPROVED AS TO FORM:

Approved Denied


for: Randal Watts, Chief Civil Deputy Prosecutor


Pete Kremen, County Executive

Date: 8-2-06

EXHIBIT A

Chapter 24.12 MUSHROOM SUBSTRATE PRODUCTION FACILITY RULES

- 24.12.010 Authority and purpose.
- 24.12.020 Definitions.
- 24.12.030 Performance standards.
- 24.12.040 Applicability.
- 24.12.050 Location standards.
- 24.12.060 Design standards.
- 24.12.070 Operating standards.
- 24.12.080 Closure requirements.
- 24.12.090 Construction records.
- 24.12.100 Permit application requirements.
- 24.12.110 Notifications, public hearings and application review.
- 24.12.120 Permit suspension.
- 24.12.130 Permit revocation.
- 24.12.140 Permit eligibility.
- 24.12.150 Enforcement.
- 24.12.160 Appeals.
- 24.12.170 Inspection.
- 24.12.180 Severability.
- 24.12.190 Fees.

24.12.010 Authority and purpose.

- (1) The director shall administer this chapter under the authority of RCW 70.05.060, *Powers and duties of the local health officer*. If a conflict arises between this chapter and any other local, state or federal regulation, the more restrictive requirement shall apply.
- (2) The purpose of this chapter is to protect public health from the potential negative impacts of large or improperly operated mushroom substrate production facilities through the establishment of permit requirements and minimum design and operating standards.

24.12.020 Definitions.

The following specific definitions shall apply:

- (1) "Active area" means that part of a facility where mushroom substrate production activities are conducted, including feedstock storage, substrate production, and leachate collection structures.
- (2) "Air quality standard" means a standard set for maximum allowable contamination in ambient air as set forth in WAC 173-400, *General Regulations for Air Pollution Sources*.
- (3) "Best management practices" means operating standards, schedules of activities, maintenance of procedures, use of engineering controls, or other common practices utilized within an industry to protect human health and the environment.

- (4) "Biofilter" means a bed of organic media designed to treat odors via adsorption and biological degradation. Proper operation requires attention to contact time, moisture, bed construction, and selection of media.
- (5) "Closure" means those actions taken by the owner or operator of a facility to cease operations and to ensure that all such facilities are closed in conformance with applicable regulations at the time of closure.
- (6) "Closure plan" means a written plan developed by an owner or operator of a facility detailing how a facility is to close at the end of its active life.
- (7) "Composting" means the biological degradation and transformation of organic matter under controlled conditions designed to promote aerobic decomposition. Natural decay of organic matter under uncontrolled conditions is not composting.
- (8) "Contaminant" means any chemical, physical, biological, or radiological substance that does not occur naturally in the environment or that occurs at concentrations greater than natural background levels.
- (9) "Contaminate" means the release of leachate, particulate or odor such that the contaminant enters the environment at a concentration that may pose a threat to human health or the environment, or cause a violation of any applicable environmental regulation.
- (10) "Department" means the Whatcom County Health Department.
- (11) "Director" means the administrative director of Whatcom County Health Department, or a representative authorized by the administrative director.
- (12) "Excessive process odor" means any odor generated from the production or use of substrate that is demonstrated to unreasonably interfere with public health.
- (13) "Existing facility" means a facility which is in operation and actively engaged in mushroom substrate production on or before the effective date of this chapter.
- (14) "Facility" means all contiguous land (including setbacks) and structures, other appurtenances, and improvements on the land.
- (15) "Facility structures" means constructed infrastructure such as buildings, sheds, utility lines, and piping on the facility.
- (16) "Ground water" means that part of the subsurface water that is in the zone of saturation.
- (17) "Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with organic materials that are being stored, processed, or composted.
- (18) "Local" means within Whatcom County.
- (19) "Mushroom substrate" means a highly specific, nutrient-rich product prepared from selective organic and inorganic materials for the purpose of cultivating mushrooms.
- (20) "Mushroom substrate production" means any stage of a process where the ingredients necessary for the production of mushroom substrate are assembled, blended, and/or composted.
- (21) "Nuisance odor" means the discharge of air contaminants from any source, with the exception of odors addressed in Section 535 of the jurisdictional air quality regulation, that have been discharged in sufficient amounts and of such characteristics and duration as is likely to be injurious or cause damage to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property.
- (22) "On-site" means the property where the mushroom substrate production facility is located.
- (23) "Operator" means a person or corporation who operates all or part of a mushroom substrate production facility.

- (24) "Owner" means a person or corporation who owns all or part of a mushroom substrate production facility.
- (25) "Permit" means an authorization issued by the department which allows a person to perform mushroom substrate production activities at a specific location and which includes specific conditions for such facility operations.
- (26) "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity.
- (27) "Plan of operation" means the written plan developed by an owner or operator of a facility detailing how a facility is to be operated during its active life.
- (28) "Runoff" means any rainwater, leachate or other liquid that drains over land from any part of the facility.
- (29) "Run-on" means any rainwater or other liquid that drains over land onto any part of a facility.
- (30) "Setback" means that part of a facility that lies between the active area and man-made or geologic features (i.e. well or surface water).
- (31) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquids or sludges. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.
- (32) "Surface water" means all lakes, rivers, ponds, wetlands, streams, inland waters, salt waters and all other surface water and surface water courses within the jurisdiction of the state of Washington.
- (33) "Tank" means a stationary device designed to contain an accumulation of liquid or semisolid materials meeting the definition of leachate, and which is constructed primarily of nonearthen materials to provide structural support.
- (34) "Twenty-five-year storm" means a storm of twenty-four hours duration and of such intensity that it has a four percent probability of being equaled or exceeded each year.
- (35) "Vector" means a living animal, including, but not limited to, insects, rodents, and birds, which is capable of transmitting an infectious disease from one organism to another.

24.12.030 Performance standards.

- (1) The owner or operator of all mushroom substrate production facilities subject to this chapter shall:
 - (a) Design, construct, operate, and close all facilities in a manner that does not pose a threat to human health or the environment;
 - (b) Protect surface water and ground water through the use of best management practices and all known available and reasonable methods of prevention, control, and treatment, as appropriate. This includes, but is not limited to, setbacks from wells, surface waters, property lines, roads, public access areas, and site-specific setbacks when appropriate. The facility shall comply with RCW 90.48, *Water Pollution Control* and implementing regulations, including WAC 173-200, *Water Quality Standards for Ground Waters of the State of Washington*, as regulated by the Washington State Department of Ecology;
 - (c) Control excessive process odors to prevent migration that results in adverse impact to public health;

- (d) Control nuisance odors to minimize migration beyond property boundaries and comply with RCW 70.94 *Washington Clean Air Act*, as determined and implemented by the Northwest Clean Air Agency;
- (e) Conform with industry standard best management practices, as defined in WCC 24.12.020, and as approved by the Natural Resource Conservation Service.
- (f) Manage the operation to prevent attraction of flies, rodents, and other vectors; and
- (g) Comply with all other applicable local, state, and federal laws and regulations.

WCC 24.12.040 Applicability.

- (1) This chapter applies to all existing and proposed mushroom substrate production facilities in Whatcom County and its incorporated cities on and after the effective date of this chapter.
 - (a)
- (2) Existing mushroom substrate facilities in operation prior to and on the effective date of this chapter are exempt from the requirements of this chapter, and are subject solely to the requirements of WCC 24.12.040(3), provided that:
 - (a) The facility does not expand its operation resulting in an increase in monthly substrate production, based on the average production rate over the three (3) months prior to the effective date of this chapter; or
 - (b) The facility expands production in compliance with WCC 24.12.060(2); or
 - (c) The facility operates with a total volume of material on-site at any one time of not more than eighty (80) cubic yards. Material on-site includes feedstocks (except baled hay, straw or sawdust), mixed feedstocks, and finished substrate.

An existing mushroom substrate production facility that is not in compliance with WCC 24.12.040(3) shall no longer be exempt and shall be subject to the full requirements of this chapter. In addition, violations of the terms and conditions of WCC 24.12.040(3) may be subject to the penalty provisions of WCC 24.07, *Administrative Notice Proceedings, Civil Penalties and Abatement*.
- (3) Operations identified in WCC 24.12.040(2) shall be managed according to the following terms and conditions to maintain their exemptions:
 - (a) Comply with the performance standards of WCC 24.12.030; and
 - (b) Allow the department to inspect the site at reasonable times.

24.12.050 Location standards.

- (1) Mushroom substrate production facilities must be in compliance with local zoning regulations.

24.12.060 Design standards.

- (1) The owner or operator of a new mushroom substrate production facility, or an existing facility not exempt from the requirements of this chapter as defined in WCC 24.12.040(2), shall submit engineering reports/ plans and specifications, including a construction quality assurance plan, to address the design standards of this section. Scale drawings of the facility including the location and size of feedstock and substrate storage areas, substrate processing areas, fixed equipment, buildings, leachate collection devices, access roads and other appurtenant facilities; and design specifications for the building, biofilter, storm water run-on prevention system, and leachate collection and conveyance

systems shall be provided. All substrate production facilities shall be designed and constructed to meet the following requirements:

- (a) The mixing and composting of all organic materials must occur in an enclosed building with the following or equivalent technology:
 - (i) An aerated floor;
 - (ii) A biofilter;
 - (iii) An ammonia scrubber, as applicable, preceding the biofilter; and
 - (iv) Other system components, including but not limited to fans and monitoring systems, as specified by a qualified professional engineer.
 - (b) Leachate collection structures shall be enclosed and maintained under negative pressure with all air emissions collected and treated by an ammonia scrubber and biofilter or other approved emission control technology.
 - (c) The biofilter, or equivalent, shall be designed to treat all air emissions from the composting and mixing processes. The biofilter shall be designed according to published industry standards and be approved by the department. Biofilter design shall account for all of the following: volumetric flow rate of air to be treated, specific air contaminants and concentrations, media characteristics, and moisture control.
 - (d) The mixing and substrate production buildings shall be designed so that a negative pressure differential is maintained between the inside of the building and ambient air. All exhausted air must be treated via the ammonia scrubber and biofilter or other approved emission control technology. Monitoring equipment shall be installed to verify that the building maintains negative pressure.
 - (e) The mixing and substrate production buildings shall be designed to maintain their integrity under the inherently corrosive conditions that are associated with the production of mushroom substrate in an enclosed building.
 - (f) Facilities shall separate storm water from leachate by designing storm water run-on prevention systems, to divert storm water from areas of feedstock preparation, and substrate production;
 - (g) Facilities shall collect any leachate generated from areas of feedstock storage, preparation, and substrate production. The leachate shall be conveyed to a leachate holding pond, tank or other containment structure. The leachate holding structure shall be of adequate capacity to collect the amount of leachate generated, and the volume calculations shall be based on the facility design, and monthly water balance. Leachate holding ponds and tanks shall be designed according to the following:
 - (i) Leachate ponds shall meet the design standards established in WAC 173-350-220(3)(c)(ii); and
 - (ii) Tanks used to store leachate shall meet the design standards established in WAC 173-350-330(3)(b).
- (2) As per WCC 24.12.040(2), existing mushroom substrate production facilities in operation prior to and on the effective date of this chapter, that remain in compliance with WCC 24.14.040(3), may:
- (a) Expand the production capacity of mushroom substrate, over the production level existing as of the effective date of this chapter, by up to 25%, not to exceed 2,150 cubic yards per month, provided that:
 - (i) Industry standard best management practices are employed; and

- (ii) Composting ricks are formed to maximize aeration; and
 - (iii) An odor response plan, as approved by the director, is developed and implemented; and
 - (iv) All mushroom substrate produced at the facility is used solely for the on-site farming of mushrooms, except for:
 - (A) Sample sized quantities of up to 1 cubic yard that may be shipped off-site for analytical testing purposes; and
 - (B) Equal exchanges of limited quantities of finished substrate, solely between facilities owned by the same operator, for substrate quality testing purposes. Such exchanges will be conducted only following prior approval by the director and notification to the public, and will be substantiated by proper shipping documentation. Such exchanges shall not exceed 1,600 cubic yards per year. Public notification of approved exchanges shall be provided by publication in the newspaper of general circulation in the county. The publication shall indicate that interested parties who request notice of exchanges from the department will be notified.
- (b) Expand the capacity to produce mushroom substrate over the production level established in WCC 24.12.060(2)(a), by up to an additional 50%, not to exceed 3,200 cubic yards per month, provided that:
- (i) The facility has remained in compliance with WCC 24.12.040(3) at the production level established in WCC 24.12.060(2)(a); and
 - (ii) Preconditioning heaps are operated over a subsurface aeration system, and maintained under the full cover of breathable tarps or a permanent roof; and
 - (iii) Composting ricks are operated under cover of a permanent roof; and
 - (iv) A leachate aeration system, as approved by the director, is used for the recirculation of leachate applied to the preconditioning heaps; and
 - (v) The facility remains in compliance with the requirements of WCC 24.12.060(2)(a)(i)-(iv).
- (c) Facilities that expand the production capacity of mushroom substrate under WCC 24.12.060(2), and fail to remain in compliance with WCC 24.12.030, shall immediately reduce production capacity to a level that maintains compliance with WCC 24.12.030.

24.12.070 Operating standards.

- (1) The owner or operator of a facility shall:
- (a) Operate the facility to:
 - (i) Control dust, excessive process odors, nuisance odors, and other contaminants to prevent unreasonable migration of air contaminants beyond property boundaries;
 - (ii) Prevent the attraction of vectors;
 - (iii) Ensure that only feedstocks identified in the approved plan of operation are accepted at the facility;
 - (iv) Ensure all organic materials, except baled straw or hay, are stored under cover to prevent contact with precipitation.

- (v) Ensure that, for all facilities subject to WCC 24.12.060(1), all mixing and processing of feedstocks, including the pre-wet phase, occur in an enclosed building with emission control as outlined in WCC 24.12.060(1)(a).
 - (vi) Ensure the facility operates under the supervision and control of a properly trained individual during all hours of operation, and access to the facility is restricted when the facility is closed; and
 - (vii) Ensure facility employees are trained in appropriate facility operations, maintenance procedures, and safety and emergency procedures according to individual job duties and according to an approved plan of operation.
- (b) Inspect the facility to prevent malfunctions and deterioration, operator errors, and discharges to the environment which may present a risk to human health. Inspections shall be conducted at least weekly, unless an alternate schedule is approved by the department as part of the permitting process. For facilities with leachate holding ponds, conduct regular liner inspections at least once every five years, unless an alternate schedule is approved by the department as part of the permitting process. The frequency of inspections shall be specified in the operations plan and shall be based on the type of liner, expected service life of the material, and the site-specific service conditions. The department shall be given sufficient notice and have the opportunity to be present during liner inspections. An inspection log or summary shall be kept at the facility or other convenient location if permanent office facilities are not on-site, for at least five years from the date of inspection. Inspection records shall be made available to the department upon request.
- (c) Maintain daily operating records of the following:
- (i) Process monitoring data as prescribed in the plan of operation; and
 - (ii) Facility inspection reports shall also be maintained in the operating record. Significant deviations from the plan of operation shall be noted in the operating record. Records shall be kept for a minimum of five (5) years and shall be available upon request by the department.
- (d) Prepare and submit a copy of an annual report to the department by April 1 on forms supplied by the department. The annual report shall detail the facility's activities during the previous calendar year and shall include the following information:
- (i) Name and address of the facility;
 - (ii) Calendar year covered by the report;
 - (iii) Annual quantity of substrate produced, in cubic yards; and
 - (iv) Any additional information required by the department as a condition of the permit.
- (e) Develop, keep and abide by a plan of operation approved as part of the permitting process. The plan of operation shall convey to site personnel the concept of operation intended by the designer. The plan of operation shall be available for inspection at the request of the department. If necessary, the plan shall be modified with the approval or at the direction of the department. Each plan of operation shall include the following:

- (i) List of feedstocks to be used in process, including a general description of the source of feedstocks;
- (ii) A description of how feedstocks are to be handled on-site during the facility's active life including:
 - (A) Acceptance criteria that will be applied to the feedstocks;
 - (B) Procedures for ensuring that only the feedstocks described will be accepted;
 - (C) Procedures for handling unacceptable feedstocks;
 - (D) Mass balance calculations for feedstocks and amendments to determine an acceptable mix of materials for efficient decomposition;
 - (E) Material flow plan describing general procedures to manage all materials on-site from incoming feedstocks to finished substrate;
 - (F) A description of equipment, including equipment to add water to substrate as necessary;
 - (G) Process monitoring plan, including temperature, moisture, and porosity;
 - (H) Odor management plan (air quality control plan), including progressive steps outlining operational and design changes to be taken when excessive process or nuisance odors at the property boundary are confirmed, with the objective of odor abatement.
 - (I) Leachate management plan; and
 - (J) Storm water management plan;
- (iii) A description of how equipment, structures and other systems are to be inspected and maintained, including the frequency of inspections and inspection logs to ensure proper operation and maintenance of the facility;
- (iv) A neighbor relations plan describing how the owner or operator will manage complaints;
- (v) Safety, fire and emergency plans;
- (vi) Forms for record keeping of daily weights or volumes of incoming feedstocks by type and finished substrate, and process monitoring results;
- (vii) For facilities subject to WCC 24.12.060(1), procedures for ensuring that negative pressure is maintained between the inside of the building and ambient air, including a description of the monitoring equipment to be used and record keeping; and
- (viii) Other such details to demonstrate that the facility will be operated in accordance with this chapter.

24.12.080 Closure requirements.

- (1) The owner or operator of a mushroom substrate production facility shall:
 - (a) Notify the director sixty (60) days in advance of closure. At closure, all organic material, including but not limited to mixed feedstocks, finished substrate and leachate shall be removed to another facility that conforms with the applicable regulations for handling the material; and
 - (b) Develop, keep and abide by a closure plan approved by the director as part of the permitting process. At a minimum, the closure plan shall

include the methods of removing all organic waste materials including leachate from the facility.

24.12.090 Construction records.

- (1) The owner or operator of a mushroom substrate production facility shall provide copies of the construction record drawings for engineered facilities at the site and a report documenting facility construction, including the results of observations and testing carried out as part of the construction quality assurance plan, to the director. Facilities shall not commence operation until the director has determined that the construction was completed in accordance with the approved engineering report/ plans and specifications and has approved the construction documentation in writing.

24.12.100 Permit application requirements.

- (1) The owner or operator of all existing and proposed mushroom substrate production facilities shall obtain a permit from the department, unless the permit exemption criteria of WCC 24.12.040(2) are met. All applications for permits shall be submitted on forms provided by the department and include:
 - (a) Contact information for the facility owner, and the facility operator and property owner if different, including contact name, company name, mailing address, phone fax, and e-mail;
 - (b) Identification of the type of facility that is to be permitted;
 - (c) Identification of any other permit (local, state or federal) in effect or required at the site;
 - (d) A vicinity plan or map (having a minimum scale of 1:24,000) showing the area within one mile (1.6 km) of the property boundaries of the facility in terms of the existing and proposed zoning and land uses within that area, residences, and access roads, and other existing and proposed man-made or natural features that may impact the operation of the facility;
 - (e) A plan of operation meeting the requirements of this chapter;
 - (f) Engineering reports/plans and specifications that address the design standards of this chapter;
 - (g) A closure plan meeting the requirements of this chapter;
 - (h) Evidence of compliance with WAC 197-11 and WCC 16.08, *SEPA* ;
 - (i) A list of property owners within one thousand (1,000) feet of the property line of the existing or proposed facility; and
 - (j) Any additional information as requested by the department.
- (2) Engineering plans, reports, specifications, programs, and manuals submitted to the department shall be prepared and certified by an individual licensed to practice engineering in the state of Washington, in an engineering discipline appropriate for the facility type or activity.
- (3) Signature and verification of applicants:
 - (a) All applications for permits shall be accompanied by evidence of authority to sign the application and shall be signed by the owner or operator as follows:
 - (i) In the case of corporations, by a duly authorized principal executive officer of at least the level of vice-president; in the case of a partnership or limited partnership, by:
 - (A) A general partner;
 - (B) Proprietor; or
 - (C) In case of sole proprietorship, by the proprietor;

- (ii) In the case of a municipal, state, or other government entity, by a duly authorized principal executive officer or elected official.
- (b) Applications shall be signed or attested to by, or on behalf of, the owner or operator, in respect to the veracity of all statements therein; or shall bear an executed statement by, or on behalf of, the owner or operator to the effect that false statements made therein are made under penalty of perjury.
- (c) The signature of the applicant shall be notarized on the permit application form.

24.12.110 Notifications, public hearings and application review.

- (1) Upon receipt of a complete new permit application, permit renewal application, permit modification or variance request for a mushroom substrate production facility, the director shall send notice to all property owners within one thousand (1,000) feet of the property line of the existing or proposed facility, to all tenants occupying property within one thousand (1,000) feet of the property line of the existing or proposed facility in such cases where the owner is not a resident, and to any persons who have requested notification.
 - (a) A public hearing shall be held for all new facilities.
 - (b) A public hearing shall be scheduled if a written request for a hearing is received for an existing permit renewal, modification or variance request.
- (2) Copies of new permit applications, permit renewal applications, permit modifications and variance requests shall be publicly available for at least twenty (20) calendar days before a permit decision is made. This public review period begins the day that the notice has been mailed to all property owners, tenants and other interested parties.
- (3) For all public hearings, the director shall publish notice in the official county newspaper no fewer than ten (10) calendar days prior to the hearing date, and mail notice to all property owners within one thousand (1,000) feet of the property line of the existing or proposed facility.
- (4) At all public hearings, oral and written public comment will be taken to assist the director with a permit decision.
- (5) 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 within one thousand (1,000) feet of the property line of the existing or proposed facility, and to all tenants occupying property within one thousand (1,000) feet of the property line of the existing or proposed facility in such cases where the owner is not a resident and to any persons who have requested notification.
- (6) Copies of all permit applications and all administrative notes, memos, and correspondence including public comments, regarding any existing or proposed facility shall be collected and maintained by the director for public inspection or research.

24.12.120 Permit suspension.

- (1) Any permit issued pursuant to this chapter may be suspended by the director when:
 - (a) The permit holder has been found in violation of this chapter more than three (3) times within the previous three (3) years; or
 - (b) 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.
- (2) When the director finds that cause exists, as provided in WCC 24.12.150(1) for permit suspension, the continued operation of the mushroom substrate production facility may be conditioned upon:
 - (a) Compliance with corrective actions specified by the director. The corrective actions will be specified in a notice issued pursuant to WCC 24.07 and designed to protect public health; and/or
 - (b) The assessment and payment of civil penalties assessed pursuant to WCC 24.07.
 - (3) The suspension shall be effective upon service of the notice upon the permit holder, owner or operator of the facility. All notices shall be served in accordance with WCC 24.07.100.

24.12.130 Permit revocation.

- (1) Any permit issued under this chapter may be revoked by the director when:
 - (a) Operations under the permit have violated the requirements of this chapter, and continued operation of the facility poses a hazard to public health and cannot be remedied by corrective action; or
 - (b) The permit holder has failed to comply with corrective action detailed in a notice served pursuant to WCC 24.07.100.
- (2) The permit revocation shall be effective upon service of a notice upon the permit holder, owner or operator of the facility. All notices shall be serviced in accordance with WCC 24.07.100.

24.12.140 Permit eligibility.

- (1) Whenever a permit is suspended or revoked, the director may deny the application for a permit renewal.
- (2) The director may deny an application for a permit if it is determined 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 (3) years immediately preceding the date of application.

24.12.150 Enforcement.

- (1) When an owner, operator or person violates the provisions of this chapter, the director 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 WCC 24.07, 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 24.12.120 and WCC 24.12.130; and
 - (d) Civil penalties as per WCC 24.07 (Ord. 2002-021; Ord. 2000-021).

24.12.160 Appeals.

- (1) An aggrieved party may appeal any permit decision, including approval, modification, variance decision, denial, suspension or revocation in accordance with WCC 24.07.090, *Hearing and Appeals*.

24.12.170 Inspection.

- (1) The director shall have the authority to inspect any permitted facility, or permit exempt facility, at any reasonable time for the purpose of evaluating compliance with the facility's written plan of operation and/ or provisions of this chapter.
- (2) The director shall have the authority to inspect any site or facility to assure compliance with the provisions of this chapter.

24.12.180 Severability.

- (1) 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.

24.12.190 Fees.

- (1) All facilities or proposed facilities shall pay applicable fees as established by the Whatcom County Council in the Unified Fee Schedule.
- (2) Permit fees will not be refunded to owners or operators of facilities with suspended or revoked permits. (Ord. 2002-021; Ord. 2000-021).