

STEVENS COUNTY ORDINANCE NO. _____

AN ORDINANCE relating to the disposal of solid waste delivered to the Stevens County Solid Waste System, prohibiting the disposal of such solid waste except at a facility consistent with the Comprehensive Solid Waste Management Plan and approved by the Stevens County Board of County Commissioners and repealing the prior ordinance No. 4-1990

PREAMBLE:

Stevens County finds it is necessary to establish a more comprehensive system for ensuring adequate, environmentally-sound and cost-effective solid waste disposal in order to protect the health, safety and public welfare of the citizens of Stevens County. The Solid Waste Advisory Committee has recommended certain changes to the prior ordinance No. 4-1990.

SECTION 1.

A. Definitions. For the purposes of this Chapter, the following definitions shall apply in the interpretation and enforcement of this Chapter:

1. "Bulky waste" means large items of refuse, such as appliances, furniture, and other oversize wastes which would typically not fit into reusable or disposable containers.
2. "Commercial hauler" means any person, firm or corporation collecting solid waste for hire or other consideration.
3. "Commercial user" means any person not engaged in the business of solid waste handling.
4. "Controlled solid waste" means all solid waste generated and/or collected within the unincorporated areas of Stevens County or within any other jurisdiction with which an interlocal agreement exists pursuant to Section 2 of this ordinance.
5. "Dangerous wastes" means any solid waste designated as dangerous waste by the Department of Ecology under chapter 173-303 WAC, Dangerous waste regulations.
6. "Disposal" means the discharge, deposit, injection, dumping, leaking, or placing of any solid waste into or on any land or water.
7. "Disposal facility" means a solid waste site, processing or transfer facility designated by the County where any final treatment, utilization, processing or disposition of solid waste occurs. This includes, but is not limited to, transfer

stations included as part of the County disposal system, sanitary landfills, incinerators, composting plants, and facilities for the recovery of energy resources from solid wastes or the conversion of the energy from such wastes to more useful forms or combinations thereof.

8. "Hazardous wastes" means and includes, but is not limited to explosives, medical wastes, radioactive wastes, pesticides and chemicals which are potentially harmful to the public health or the environment. Unless otherwise defined by the Northeast Tri-County Health District, such waste shall have the meaning as defined by the Washington State Department of Ecology and the Washington Administrative Code.
9. "Health District" means the Northeast Tri-County Health District.
10. "Manager" means the Manager of the Solid Waste Division of the Department of Public Works of Stevens County.
11. "Moderate Risk Waste" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in WAC 173-350.
12. "Person" means any individual, association, firm, corporation, partnership, political subdivision, municipality, or any other entity.
13. "Plans" means the Comprehensive Solid Waste Management Plan adopted pursuant to and consistent with Chapter 70.95 RCW by Stevens County.
14. "Problem wastes" means: (a) soils removed during the cleanup of a remedial action site, or a dangerous waste site closure or other cleanup efforts and actions and which contain harmful substances but are not designated dangerous wastes.
15. "Public Works" means the Department of Public Works of Stevens County.
16. "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration. Recycling does not include collection, compaction, repacking and sorting for the purpose of transport.
17. "Solid Waste" means all putrescible and nonputrescible solid and semi-solid wastes, including those identified in WAC's 173-304, 173-350 and 173-351.
18. "Transfer Station" means a permanent, fixed, supplemental collection and transportation facility, used by persons and route collection vehicles to deposit collected solid waste from off-site into a larger transfer vehicle or container for transport to a permanent disposal site and may include recycling activities.

19. "Woodwaste" means a by-product resulting from the handling and processing of wood, including, but not limited to, hog fuel, sawdust, shavings, chips, bark, small pieces of wood, stumps, limbs and any other material composed largely of wood.

B. System of Disposal

1. Under the authority provided by RCW 36.58.040, a system is hereby established for disposal of all solid waste generated and/or disposed in unincorporated Stevens County. Additionally this system shall include all solid waste generated and/or collected in any other jurisdictions with which an interlocal agreement exists pursuant to Section 2.

2. Disposal in Stevens County. It is unlawful for any person to dispose of controlled solid waste except at disposal facilities and in a manner authorized by Stevens County; except that nothing herein shall prohibit a person from dumping or depositing solid waste resulting from his own activities onto or under the surface of ground owned or leased by him/her when such action does not violate any statute, ordinance or regulation, or create a nuisance.

3. Disposal outside Stevens County. Unless specifically permitted by state law or specifically authorized by Stevens County ordinance, it is unlawful for any commercial hauler or other person or entity to deliver or deposit any controlled solid waste outside the borders of Stevens County unless it is authorized by the adopted Stevens County Comprehensive Solid Waste Management Plan.

C. Acquisition of Solid Waste Disposal Sites. The County may acquire by purchase, lease, contract with private parties or other necessary means, disposal facilities which are needed for disposal of solid waste generated and collected in Stevens County and other jurisdictions with which an interlocal agreement exists, pursuant to Section 2. Selection of such disposal facilities shall be consistent with the Stevens County Comprehensive Plan and all federal, state, and local requirements, including, but not limited to, comprehensive land use planning, fire protection, water quality, air quality, and the consideration of aesthetics. The County may acquire disposal sites on a continuing basis as is required by the volume of solid waste to be disposed.

D. Operation of Solid Waste Disposal Sites by County. Public Works shall be the operating authority for all solid waste disposal facilities owned or operated by Stevens County. Nothing herein shall prohibit the County by resolution from contracting with another entity, public or private, to own, construct and/or operate a disposal facility. The County shall establish by resolution the hours of operation of disposal facilities, disposal fees charged, and types of waste for which each facility is intended. The County will operate the solid waste disposal facilities to assure compliance with federal, state and local regulations

applicable to such facilities. The County reserves the right to provide operating rules that state that certain solid wastes, based on source, type or volume, shall not be accepted, or only conditionally accepted, at facilities owned or operated by the County. The operating rules for such sites shall be consistent with regulations promulgated by the Health District.

E Use of County Disposal Sites.

1. Interlocal Operations.

a. Solid waste disposal facilities owned or operated by the County shall be available to accept solid wastes generated and collected in municipal corporations situated within the County which have been using County disposal facilities, provided an interlocal agreement with any such jurisdiction is executed pursuant to Section 2.

b. Any jurisdiction or any commercial hauler not using a County disposal facility, shall be required to enter into an agreement with Stevens County subject to Stevens County approval prior to commencing use of any County disposal facility.

c. Any City, County, commercial hauler or other businesses outside of Stevens County desiring to dispose of solid waste at Stevens County facilities must enter into an interlocal agreement with Stevens County subject to such terms and conditions as Stevens County determines to be in the best interest of the economic longevity of it's facilities and the best interests of the residents of Stevens County.

2. Individuals. Any individual may use Stevens County disposal facilities designated for individual use, in compliance with any applicable rules and regulations.

3. Dangerous and Hazardous Waste. Under no circumstances shall any person deliver for disposal any waste that is defined as "hazardous waste" per the Federal Resource Conservation and Recovery Act or rules or regulation thereunder, "extremely hazardous wastes" or dangerous wastes" per Chapter 70.105 RCW or rules or regulations thereunder.

F. Establishment and Operation of Solid Waste Disposal Sites. Pursuant to RCW Chapter 70.95, no disposal facility in Stevens County, whether acquired publicly or privately, shall be established, altered, expanded, improved, operated or maintained without prior compliance with the following:

1. The disposal facilities and proposed method of operation shall be consistent with the Stevens County Solid Waste Management Plan and shall be approved by the Health District, and

2. The disposal facilities shall be constructed, operated and maintained in accord with terms of permit from the Health District and such other permits as are required by

law.

3. All other federal, state and local laws, ordinances and regulations shall be met.

G. Exempt Operations.

1. Any solid waste operation exempt from obtaining a permit under Site 70.95 must be established, maintained, managed and/or operated in compliance with all other requirements of local, state or federal health rules.

H. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, found to be unconstitutional or otherwise invalid by a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions.

SECTION 2.

INTERLOCAL
AGREEMENTS

A. After adoption of this ordinance Public Works shall request each City in the County to provide to Public Works within 30 days of written notification from Public Works, written notification of its intent to use County disposal facilities. Any City which does intend to use County disposal facilities shall enter into an interlocal agreement with the County within 60 days of written notification from Public Works. Any City failing to notify Public Works of its intent to use County disposal facilities or failing to enter into an interlocal agreement within the allotted time shall be prohibited from disposing its solid waste at any County disposal facility until or unless specifically so authorized by the Board of Stevens County Commissioners.

B. These interlocal agreements shall provide for Cities to designate by resolution the County disposal system for disposal of solid waste generated within their corporate limits as specified in the interlocal agreement and shall grant to the County the authority to designate specific facilities for disposal. Nothing in these contracts shall prevent any City from implementing programs to achieve maximum recycling of waste.

C. Within 30 days of written notification from the Department of Public Works any City, County, commercial hauler or other businesses outside of Stevens County desiring to dispose of solid waste at Stevens County facilities must enter into an interlocal agreement with Stevens County subject to Section 1. C above. Upon notice by an out-of-county City,

commercial hauler or other businesses Public Works will contact the affected County to ensure compliance with all local ordinances. In addition to such other terms and conditions described in Section 1.E.1.c above a surcharge for accepting out-of-county waste will be assessed based on the percentage outlined in the County's rate fee schedule passed by ordinance and included in the Solid Waste Operations Plan. Nothing in these contracts shall prevent anyone from implementing programs to achieve maximum recycling of waste.

SECTION 3

PENALTIES

A. Any person, firm or corporation which violates or refuses to or fails to comply with any of the provisions of this chapter or regulations promulgated hereunder and orders issued pursuant hereto shall be deemed guilty of a misdemeanor and shall be punished as provided by law. Nothing herein contained shall be construed to exempt an offender from any other suit, prosecution or penalty provided by law.

SECTION 4

REPEALER

A. Ordinance 4-1990 is hereby repealed and replaced and superceded by this ordinance.

Passed by the Board of Stevens County Commissioners meeting in regular session at Colville, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the ___ day of _____, 2008.

_____ YEA; _____ NAY; _____ ABSTAIN; and _____ ABSENT

BOARD OF COUNTY COMMISSIONERS OF STEVENS COUNTY, WASHINGTON

Chairman

Attest:

Commissioner

Polly Coleman
Clerk of the Board

Commissioner