

RECEIVED

SNOHOMISH COUNTY  
EXECUTIVE OFFICE

C 30 1983 508

COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON



CO00028691

W.T. \_\_\_\_\_ K.B. \_\_\_\_\_  
T.C. \_\_\_\_\_ S.W. \_\_\_\_\_  
G.L. \_\_\_\_\_ D.J. \_\_\_\_\_

AMENDED  
ORDINANCE NO. 83-151

AN ORDINANCE RELATING TO SOLID WASTE; ENACTING A  
NEW SNOHOMISH COUNTY CODE CHAPTER 7.35; REPEALING  
CH. 7.36 OF SNOHOMISH COUNTY CODE AS ADOPTED BY  
RESOLUTION ON DECEMBER 17, 1962; AND REPEALING  
CHAPTER 7.40 OF THE SNOHOMISH COUNTY CODE  
ADOPTED BY RESOLUTION ON AUGUST 14, 1972,  
AND AMENDED BY ORD. 80-121, SECTION 2,  
ADOPTED JANUARY 7, 1981

WHEREAS Snohomish County is charged by state law with responsibilities with respect to the disposal of solid waste generated and collected within its borders as provided by Ch. 70.95 RCW and;

WHEREAS Snohomish County has heretofore adopted a Comprehensive Plan for the disposal of such solid waste, as amended from time to time, approved by the incorporated municipalities of the County and approved as required by state law; and

WHEREAS Snohomish County has continued to examine and study the problems relating to the disposal of solid waste generated and collected in both the incorporated and unincorporated areas of Snohomish County and as a result of such study and examination finds that:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this county, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, commercial and industrial activities.

(2) Traditional methods of disposing of solid wastes in this County are no longer adequate to meet the ever-increasing problems. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

(3) Considerations of natural resource limitations, potential energy shortages, economics and the environment make necessary the development and implementation of solid waste resource recovery and/or recycling plans and programs.

NOW THEREFORE, BE IT ORDAINED:

Section 1. A new chapter of the Snohomish County Code is adopted as follows:

Chapter 7.35

Solid Waste Disposal

Sections:

- 7.35.010 Purpose
- 7.35.020 Definitions
- 7.35.030 Acquisition of solid waste disposal

- sites by County
- 7.35.040 Operation of solid waste disposal sites by County
- 7.35.050 Interlocal operations
- 7.35.060 Establishment and operation of solid waste disposal sites
- 7.35.070 Exempt Operations
- 7.35.080 Reclamation
- 7.35.090 Solid waste disposal site permit-- Regulations
- 7.35.100 Nonconforming sites and facilities
- 7.35.110 Abandoned sites
- 7.35.120 Unlawful disposal of solid waste
- 7.35.125 Unlawful to remove solid waste from County
- 7.35.130 Unlawful burning of garbage
- 7.35.140 Penalties
- 7.35.150 Public nuisance
- 7.35.160 Severability

7.35.010 Purpose. The purpose of this chapter is to establish a comprehensive county-wide program for solid waste handling and solid waste recovery and/or reclamation which will prevent land, air and water pollution and conserve the natural, economic, and energy resources of the County. Snohomish County desires to create, publicly or with the assistance of the private sector, a solid waste resource recovery facility capable of disposing of solid waste in a manner which is economically feasible and creates a useful product and reduces the environmental pollution caused by landfill operation. To do so requires effective control of the disposal of all non-exempted solid waste generated and collected within the unincorporated areas of Snohomish County at a site or sites consistent with its Comprehensive Plan.

Snohomish County desires to exercise its right to provide facilities to control the disposal of all solid waste generated and collected within the unincorporated areas of its borders and to permit the incorporated municipalities of the County to use its facilities and to further implement its Comprehensive Plan by providing for the location of resource recovery facilities and to the extent necessary ratifies and re-adopts its existing Solid Waste Comprehensive Plan.

7.35.020 Definitions.

"Agricultural Wastes" means waste resulting from the production of farm or agricultural products including manures;

"Approval" or "Approved" by the County Executive or his Authorized Designee means an approval given after all other permitting processes have been completed;

"Ashes" means the residue of burning of combustible materials;

"Authorized Designee" means the Director of the Department of Public Works of Snohomish County unless by order of the County Executive another public official as shall be designated to carry out such duties under this Ordinance.

"Board of Health" means the Board of Health of the Snohomish Health District;

"Chapter" shall mean Chapter 7.35 of the Snohomish County Code and amendments thereto.

"Collecting Agent" means any person involved in the collection and disposal of solid waste generated in the unincorporated areas of Snohomish County;

"Composting" means the controlled microbial degradation of organic waste yielding a nuisance-free product;

"Comprehensive Plan" or "Snohomish County Comprehensive Solid Waste Management Plan" means the plan heretofore adopted by Snohomish County by Resolution No. 82-004 adopted January 11, 1982 and approved by the Department of Ecology and any amendments thereto governing, among other things, the disposal of solid waste in Snohomish County;

"Council" means the County Council of Snohomish County;

"Department of Ecology" means the Washington State Department of Ecology;

"Director" means the Director of the Washington State Department of Ecology;

"Disposal site" means an approved site or sites where any final treatment utilization, processing, or deposition of solid waste is permitted and occurs. This includes, but is not limited to, transfer stations (included as part of the disposal system of the County), sanitary landfills, incinerators, composting plants, and the location of a facility for the recovery of energy resources from solid wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof;

"Garbage" means and includes all putrescible wastes, except sewage and body wastes, including vegetables, animal offal and carcasses of dead animals, but not including recognized industrial by-products, and shall include all such substances from all public and private establishments and from all residences;

"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;

"Health District" means the Snohomish Health District;

"Health Officer" means the health officer of the Snohomish Health District;

"Incineration" means the controlled combustion of solid waste that yields satisfactory nonputrescible residues and air effluents;

"Incinerator" means a furnace and associated building designed to burn solid wastes under controlled conditions of more than fifty-pounds-per-hour capacity;

"Industrial wastes" means waste by-products of manufacturing and/or processing operations;

"Nuisance" means unlawfully doing an act, or failing to perform an act which act or omission either unreasonably annoys, or injures, or unreasonably endangers the comfort, repose, health or safety of others or unlawfully interferes with, obstructs or could obstruct any navigable waterway or any publicly travelled place or unreasonably renders other persons, acting in good faith, insecure in their actions or the use of their property;

"Open burning" means the burning of solid wastes in an open area, or pile, or in a barrel or furnace with inadequate controls which yields an unsatisfactory residue and an unsatisfactory air effluent;

"Permit" means a solid waste disposal site permit issued by the Snohomish Health District at a site consistent with the

Comprehensive Plan and approved as such by the County Executive or Authorized Designee;

"Person" is an individual, firm, association, co-partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever;

"Problem Waste" means bulky wastes, abandoned vehicles or parts, waste oil, scrap tires, construction and demolition wastes, industrial wastes, manure, hazardous wastes, fly ash and such other solid wastes which may require special handling;

"Processing" means the conversion of solid waste into a useful product or otherwise prepares solid waste for sale and reuse;

"Putrescible material" means any organic material which will decompose and may give rise to foul-smelling, offensive products;

"Reclamation" means the disposal processes in which there is hand and/or mechanical segregation of solid waste for sale and reuse, including source separation. Materials which can be removed through Reclamation include but are not limited to newsprint, cardboard, aluminum, glass, plastics and ferrous metal. Reclamation does not include combustion of solid waste or preparation of a fuel from solid waste;

"Reclamation site" means a location used for the processing or the storage of reclaimed material;

"Recycling" means a method of reclamation;

"Resource Recovery Facility" means a facility for the recovery of energy resources from solid wastes or the conversion or processing of solid waste to a more useful form or a combination thereof;

"Sanitary landfill" means a method of disposing of solid waste on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary;

"Solid waste" means all putrescible and non-putrescible wastes, whether in solid or in liquid form, except liquid-carried industrial wastes and sewage, and including garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, digested sludge, vegetable or animal solid and semi-solid wastes, dead animals, and other discarded solid and semi-solid materials;

"Solid waste handling" means the storage, collection, transportation, treatment, utilization, processing, and final disposal of solid waste;

"Transfer station" means a staffed, fixed, supplemental, collection/transportation/disposal facility, used by collection agents, other persons and route collection vehicles to deposit solid wastes into a larger transfer vehicle for transport to a disposal site. This does not include a detachable container or solid waste drop box. Any transfer station currently in use by Snohomish County or hereafter created by it is part of the Snohomish County Solid Waste Disposal System;

"Woodwaste" means a by-produce 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, or any other material composed largely of wood which has no significant commercial value at the time in question, but shall not include slash developed from logging operations unless disposed of on a different site.

7.35.030 Acquisition of solid waste disposal sites by County. The County shall acquire, by purchase, lease, contract with private parties or otherwise, disposal sites and facilities which are adequate for disposal of all solid waste generated and collected in Snohomish County and the municipal corporations situated therein, to the extent such other jurisdiction enter into or maintain interlocal agreements with the county for this purpose. Selection of such disposal sites and facilities shall be consistent with the Snohomish County Comprehensive Plan, and all federal, state and local requirements, including, but not limited to, comprehensive land use planning, zoning, fire protection, water pollution prevention, air pollution prevention, and the consideration of esthetics. Disposal site acquisition shall be consistent with, and may be conditioned upon compliance with, all requirements of Section 7.35.060 of this chapter. The county shall acquire disposal sites on a continuing basis, as is required by the volume of solid waste generated and collected within the county.

7.35.040 Operation of solid waste disposal sites by County. The Snohomish County Public Works Department shall be the operating authority for all solid waste disposal sites owned or operated by Snohomish County. The Director of the Public Works Department shall prepare operating rules for such solid waste disposal sites, which rules, upon adoption by the County Council, shall govern hours of operation, disposal fees charged, acceptable solid waste products, and all matters necessary to assure compliance with federal, state and local regulations applicable to such sites. The county reserves the right to provide in said operating rules that certain solid wastes, such as bulky wastes, problem wastes, and wood waste, based on source, type, or volume, shall not be accepted, or only conditionally accepted, at sites owned or operated by the county. The public works department may designate different disposal sites for different types of wastes. The operating rules for such sites shall be consistent with this chapter and with regulations promulgated by the Board of Health.

7.35.050 Interlocal operations. Solid waste disposal sites owned or operated by the County shall be available to accept solid wastes generated and collected in municipal corporations situated within Snohomish County and solid wastes generated in other counties; provided, that the governing bodies of such jurisdictions enter into or maintain interlocal agreements with the County Council and comply with the conditions contained therein and herein. Nothing in this chapter shall be construed to modify in any way any existing interlocal agreements between Snohomish County and the incorporated municipalities of Snohomish County.

7.35.060 Establishment and operation of solid waste disposal sites. No disposal site in Snohomish County, whether acquired publicly or privately, shall be established, altered, expanded or improved, or hereafter operated or maintained without prior compliance with the following:

1. The disposal site shall be as designated by the county in accord with its Comprehensive Solid Waste Management Plan; and
2. The disposal site 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; and

3. The disposal site shall be approved by conditional use permit as required by the County Code and in all respects comply with Chapter 43.21C RCW; and

4. The proposed operation shall be a sanitary landfill, composting plant, incinerator, or resource recovery facility constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations.

7.35.070 Exempt Operations. Only such solid waste operations as are exempt from the permit requirements and other regulations of the Health District are exempt from the provisions of this chapter; Provided however that such operation may be subject to prosecution under section 7.35.120 and .130 or otherwise subject to civil and/or criminal prosecution for the maintenance of a nuisance or a violation of any provision of the Snohomish County Code not contained in this chapter. Any exempted solid waste operation must be established, maintained, managed and/or operated in compliance with all other requirements of local, state or federal health rules.

The following shall remain exempt from the operation of this chapter, provided that this exemption shall not affect any authority of the Health District to control, through permits or otherwise, any of the following solid waste disposal operations:

1. Dumping or depositing solid waste generated by a single family or household produced incidental to routine household activities onto or under the surface of the ground owned or leased by that family or household.

2. Wrecking automobiles and parts thereof including storage and handling facilities, minor reclamation of scrap metal, glass, discarded clothing, paper, and their associated facilities which leads to resale or reuse of said material.

3. Depositing soil, rock, tree stumps, gravel, broken concrete, broken asphalt, and similar inert wastes onto the surface of the ground whereby such depositing is to be temporary in nature, graded, and otherwise worked to fill an existing depression or low area of ground.

4. Depositing agricultural solid waste onto or under the surface of the ground when said waste is being utilized primarily for fertilizer or a soil conditioner, or is being deposited on ground owned or leased by the person responsible for the production of said waste, as long as depositing such waste does not create a nuisance.

5. Depositing sewage and/or sewage sludge onto or under the surface of the ground at a disposal site which has otherwise been issued a permit by a local, State or Federal agency to be operated, maintained or managed for that purpose.

6. Depositing hazardous waste onto or under the surface of the ground at a disposal site which has otherwise been issued a permit by a local, State or Federal agency to be operated, maintained or managed for this purpose.

7. Establishment and operation of a woodwaste landfill site.

7.35.080 Reclamation. Nothing in this chapter shall be construed to prohibit or inhibit reclamation of solid waste at reclamation sites so long as otherwise conducted in accord with applicable laws, rules and regulations. A reclamation site shall be subject to permit requirements of the Health District.

7.35.090 Solid waste disposal site permit--Regulations. Adoption of regulations governing the establishment, alteration, expansion, improvement, operation and maintenance of all solid waste disposal sites and applying for processing, reviewing, and suspending permits therefor is within the jurisdiction of the Health District. Such regulations set procedures, standards and conditions for the issuance of solid waste disposal site permits designed to assure that disposal sites and facilities are located, maintained and operated in a manner so as to properly protect the public health, prevent air and water pollution, and avoid the creation of nuisances. Such regulations are consistent with, but may be more stringent than, the minimum functional standards adopted by the Washington State Department of Ecology (WAC 173-301), and the guidelines for sanitary landfill design and operation adopted by the United States Environmental Protection Agency.

7.35.100 Nonconforming sites and facilities. Nonconforming sites and facilities shall comply with the Health District's regulations applicable to nonconforming sites.

7.35.110 Abandoned sites. All existing solid waste disposal sites which are abandoned shall be compacted, covered and reseeded in compliance with the regulations of the Health District.

7.35.120 Unlawful disposal of solid waste. It is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground or into the waters of this state except at a solid waste disposal site for which there is a valid permit: Provided, 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 when such action does not violate statutes or ordinances, or create a nuisance. Any person violating this section shall be guilty of a misdemeanor.

7.35.125 Unlawful to remove solid waste from County. Except as permitted by state law or exempt by virtue of this chapter, it is unlawful for any collecting agent or other person to deliver or deposit any solid waste generated and collected within the unincorporated areas of the County outside the borders of Snohomish County. This section shall be effective July 1, 1984.

7.35.130 Unlawful burning of garbage. It is unlawful for any person, firm or corporation to burn any garbage or solid waste containing garbage, or to burn any other waste materials of a type that creates an offensive odor, except in an incinerator for which there is a valid permit issued pursuant to this chapter and as permitted by the regulations of the Puget Sound Air Pollution Control Agency.

7.35.140 Penalties. Any person, firm or corporation which violates or refuses to or fails to comply with any of the provisions of this chapter shall be deemed guilty of a misdemeanor and liable to punishment as provided in Section 1.01.100 of the Snohomish County Code. Nothing herein contained shall be construed to exempt an offender from any other suit, prosecution, or other penalty otherwise provided by law.

7.35.150 Public nuisance. Any solid waste disposal site hereafter established, altered, expanded, improved, operated or maintained in violation of any of the provisions of this chapter and/or as a nuisance as defined in section 7.35.020 is unlawful

and a public nuisance. The prosecuting attorney may take such steps or commence such legal or civil actions as are necessary to abate such nuisances and to restrain and enjoin further unlawful acts.

7.35.160 Severability. If any portion of this chapter, its application to any person or circumstances is held invalid, the remainder of the act and the application of the provisions to other circumstances is not affected.

Section 2. Snohomish County Code Chapter 7.36 as adopted by resolution on December 17, 1962, and Snohomish County Code Chapter 7.40 as adopted by resolution on August 14, 1972, and amended by Section 2, Ordinance 80-121 adopted January 7, 1981, are each repealed.

PASSED this 28<sup>th</sup> day of December, 1983.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

Cliff Bailey  
Chairperson D-20

Approved as to Form:

\_\_\_\_\_  
Deputy Prosecuting Attorney

ATTEST:

Ellie Snyder  
Clerk of Council

- (  ) APPROVED
- (     ) VETOED
- (     ) EMERGENCY

DATE: 1-5-84

Willis D. Truelson  
County Executive

PUBLISHED \_\_\_\_\_ and \_\_\_\_\_