

ORDINANCE NO. ____

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON, RELATING TO SOLID WASTE MANAGEMENT; REVISING THE COUNTY'S SYSTEM OF SOLID WASTE HANDLING; AMENDING CHAPTER 8.56 SPOKANE COUNTY CODE AND RELATED ORDINANCES REGULATING SOLID WASTE HANDLING AND THE DISPOSAL OF SOLID WASTE GENERATED AND COLLECTED WITHIN SPOKANE COUNTY; DIRECTING SOLID WASTE TO TRANSFER STATIONS AND FACILITIES WITHIN THE COUNTY'S SYSTEM OF SOLID WASTE DISPOSAL; DESIGNATING THE "COUNTY REGIONAL SOLID WASTE SYSTEM" UNDER CHAPTER 36.58 RCW; PROVIDING FOR MONITORING AND ENFORCEMENT OF SOLID WASTE FLOW CONTROL WITHIN THE COUNTY; AND, REPEALING CHAPTER 8.20 AND SECTION 8.56.140 SPOKANE COUNTY CODE.

THE BOARD OF COMMISSIONERS OF SPOKANE COUNTY, WASHINGTON ORDAINS as follows:

Section 1. Recitals and Findings.

1.1 Spokane County (the "County") is a political subdivision duly organized and existing under the Constitution and laws of Washington State. The County operates and maintains a system of solid waste handling as authorized by the Constitution and laws of the State, including RCW 36.58.040.

1.2 In accordance with chapter 70.95 RCW, the County adopted and maintains a Spokane County Comprehensive Solid Waste Management Plan (the "SCCSWMP") to, in part, control the disposal of solid waste generated and collected within the County. The County is in the process of updating the SCCSWMP. This ordinance and the SCCSWMP apply to the unincorporated County and the jurisdictions participating in the SCCSWMP and County System under chapter 70.95 RCW.

1.3 Under the authority of chapter 36.58 RCW, the County established by Ordinance No. 85-0395, as subsequently amended by other ordinances (the "Ordinance"), a comprehensive County-wide system of solid waste disposal for all solid waste generated in unincorporated areas of the County (the "System"). The Ordinance, and Spokane County Code ("SCC"), designates the System as the exclusive solid waste disposal site and facility for all solid waste collected in the County's unincorporated areas ("Flow Control").

1.4 In 1989, the County and the City of Spokane (the "City") entered into an "Amended and Restated Interlocal Agreement between the City of Spokane and Spokane County, Washington Spokane Regional Solid Waste Management System" (the "1989 Interlocal

Agreement”) to create the Spokane Regional Solid Waste System (the “Spokane Regional System”). Consistent with the 1989 Interlocal Agreement, the County adopted Ordinance No. 88-1267, designating the Spokane Regional System for solid waste disposal for all solid waste generated in unincorporated areas of the County.

1.5 The City administered the Spokane Regional System. The Spokane Regional System’s facilities included four primary facilities: a transfer station in Spokane Valley (the “Valley Transfer Station”), a transfer station in unincorporated north Spokane County (the “North County Transfer Station”), a waste-to-energy facility (the “WTE Facility”)(together the transfer stations and WTE are jointly referred to as the “Transfer Stations”), and the Northside Landfill. Those facilities are currently operated and owned by the City.

1.6 The County has now entered into an “Interlocal Agreement between the City of Spokane and Spokane County Regarding Transfer and Disposal of Solid Waste” (the “City/County Interlocal Agreement”). The City/County Interlocal Agreement

1.6.1 terminates the 1989 Interlocal Agreement as of November 16, 2014;

1.6.2 provides for the transfer of ownership on November 17, 2014 of the Transfer Stations from the City to the County;

1.6.3 establishes the terms and conditions for the delivery and disposal of all solid waste collected in the County at the Transfer Stations to the WTE Facility for disposal for a term of seven (7) years; and

1.6.4 recognizes the “County Regional Solid Waste System” or the “County Regional System.”

Subject to limitations, the County may terminate the City/County Interlocal Agreement after an initial three (3) years.

1.7 The Board finds that the integrity of the County Regional System and its effective administration are essential to promote the health, safety and general welfare of County residents. Accordingly, consistent with the City/County Interlocal Agreement, state law and the SCC, the Board finds it necessary to amend the Ordinance and the SCC to designate the County Regional System as the System. The Board further finds that additional monitoring and enforcement provisions are necessary to enforce Flow Control within the County to ensure effective administration of the System.

Section 2. Amendments. Chapter 8.56 SCC and Ordinance No. 85-0395, as amended by Ordinance Nos. 88-1268, 92-1500 and 95-0481, are amended as follows:

8.56.010 Purpose.

(a) The purpose of this chapter is to establish a comprehensive county-wide system 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. (~~Spokane County singly or jointly~~)

~~with other public entities, may desire to acquire and construct a solid waste resource recovery facility capable of disposing of solid waste in a manner which creates a useful product and reduces the environmental pollution caused by landfill operation. To do so requires the county to effectively control the disposal of all nonexempted solid waste generated and collected within the unincorporated areas of the county at a site or sites consistent with its comprehensive plan and as approved by the board of county commissioners.~~

~~(b) To carry out this purpose, this chapter is adopted to regulate the establishment and operation of all solid waste disposal sites in the unincorporated areas of Spokane County, to require that all such sites meet minimum standards, and to provide a framework for interlocal cooperation in disposal of solid wastes, all in the interest of protecting the public health, preventing air and water pollution, and avoiding the creation of nuisances.~~

~~(e))~~(b) Spokane County ((now desires to-))exercises its right 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 System disposal sites when authorized by contract with the County or pursuant to state law.

8.56.020 Definitions.

For the purposes of this chapter:

(a) “Agricultural wastes” means waste resulting from the production of farm or agricultural products including manures.

(b) “Approval” or “approved” by the board ~~((of county commissioners-))~~or the authorized designee means an approval given after all other permitting processes have been completed, but no special duty to any permittee or third party is created, by the terms of this chapter or any approval given pursuant thereto.

(c) “Ashes” means the residue of burning of combustible materials.

(d) “Authorized designee” means the director of the utilities department of Spokane County, the County Regional Solid Waste Manager, or either of their authorized representatives unless ~~((by order of-))~~the board ~~((of county commissioners-))~~designates another public official ~~((as shall be designated-))~~to carry ~~((such-))~~out the duties under this chapter.

(e) “Board” means the board of county commissioners of Spokane County.

(f) “Chapter” means this chapter of the Spokane County Code, which includes Spokane County Ordinance No. 85-0398, adopted on May 14, 1985, as amended under Spokane County Ordinance No. 88-1268 adopted on December 20, 1988, Spokane County Ordinance No. 92-1500 adopted on October 20, 1992,

and Spokane County Ordinance No. 95-0481 adopted on May 2, 1995, and as now or may be further amended from time to time.

(g) “Collecting agent” means any person involved in the collection and disposal of solid waste generated in the unincorporated areas of Spokane County. This definition may further apply to incorporated areas as may be included by interlocal cooperation agreement with other governmental entities.

(h) “Composting” means the controlled microbial degradation of organic waste yielding a nuisance-free product, as determined by the authorized designee(~~director of utilities~~).

(i) “Comprehensive plan” or “Spokane County comprehensive solid waste management plan” or “SCCSWMP” means the plan adopted or amended from time to time pursuant to (~~RCW C~~)chapter 70.95 RCW by Spokane County and approved by the Department of Ecology governing, among other items, the disposal of solid waste in Spokane County.

(j) “Department of Ecology” means the Washington State Department of Ecology.

(k) “Director” means the director of the Washington State Department of Ecology.

(l) “Disposal site” means a site or sites (~~approved by the board of county commissioners or authorized designee~~) where any final treatment, utilization, processing or deposition of solid waste occurs. This includes, but is not limited to, transfer stations (~~included as part of the disposal system of the county~~), sanitary landfills, incinerators and the location of a facility 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. Delivery of solid waste to disposal sites is regulated by this chapter, including without limitation SCC 8.56.160 and .165.

(m) “Garbage” means, but shall not be limited to, offal or animal and vegetable wastes which may be mixed with refuse. “Garbage” includes scrap, waste materials, dead animals, discarded articles, garbage disposal and swill. The term does not include sewage disposal of cesspool wastes which are hauled in special equipment as an incidental part of a septic tank or cesspool cleaning service.

(n) “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 board, such waste shall have the meaning as defined by the Washington State Department of Ecology.

(o) “Health officer” means the health officer of the Spokane Regional Health District or his or her representative.

(p)~~((t))~~ “Incineration” means the controlled combustion of solid waste that yields satisfactory nonputrescible residues and air effluents.

(q)~~((p))~~ “Incinerator” means a furnace and associated building designed to burn solid wastes under controlled conditions of more than fifty-pounds-per-hour capacity.

(r)~~((q))~~ “Industrial wastes” means waste byproducts of manufacturing and/or processing operations.

(s) “Inert waste” means material meeting the criteria for inert waste in WAC 173-350-990.

(t)~~((r))~~ “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. Public nuisances may be declared by the board.

(u)~~((s))~~ “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, as determined by the Spokane County air pollution control authority.

(v)~~((t))~~ “Permit” means a solid waste disposal site permit at a site consistent with the comprehensive plan and approved as such by the board ~~((of county commissioners))~~ or the authorized designee.

(w)~~((u))~~ “Person” is an individual, firm, association, copartner ship, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever.

(x)~~((v))~~ “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.

(y)~~((w))~~ “Processing” means the conversion of solid waste into a useful product or otherwise prepares solid waste for sale and reuse.

(z)~~((x))~~ “Putrescible material” means any organic material which will decompose and may give rise to foul-smelling, offensive products, as determined by the board.

(aa)((~~yy~~)) “Reclamation” means the disposal process 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.

(bb)((~~zz~~)) “Reclamation site” means a location used for the processing or the storage of reclaimed material.

(cc)((~~aa~~)) “Recycling” means a method of reclamation.

(dd)((~~bb~~)) “Refuse” means all commercially worthless, useless, discarded, rejected or refused material, except offal and animal and vegetable waste material; also, it includes scrap, waste materials, rubbish, noncommercial lamp black, waste acid, sludge, broken building and firebricks, discarded rubber tires, noncommercial sawdust, debris, trade waste, discarded articles and industrial waste. This term does include earth or dirt mixed with refuse but not commercially saleable earth which is used as fill, road ballast, aggregate, etc. The incidental hauling of pure refuse as herein defined may be part of a regular garbage and collection disposal service.

(ee)((~~ee~~)) “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.

(ff)((~~dd~~)) “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.

(gg)((~~ee~~)) “Solid waste” means and includes garbage and refuse and means all putrescible and nonputrescible 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 does not include recyclable materials or hazardous waste. For purposes of this paragraph, “recyclable materials” shall mean those materials, other than recovered materials, which are separated from solid waste, either at the source of such solid waste or mechanically at any transfer station, recycling facilities or other location, as the case may be, and which are capable of being returned to the economic mainstream by the system, including yard debris delivered to a composting facility and processed into a commercially marketable item. All materials deposited in cans

or containers for collection (other than “recyclable materials” and hazardous waste) shall be deemed solid waste.((;))

(hh)((ff)) “Solid waste handling” means the storage, collection, transportation, treatment, utilization, processing and final disposal of solid waste.

(ii)((gg)) “System” means the “County Regional Solid Waste System” established under State Law, including chapter 36.58 RCW; any successor solid waste system to the County Regional Solid Waste System; and all property, real or personal, tangible or intangible, that is a part of the County Regional Solid Waste System. The System includes, without limitation, the following: (1) transfer and disposal of all solid waste collected at the Transfer Stations for all of unincorporated Spokane County as well as transfer and disposal of all solid waste collected at the Transfer Stations for incorporated municipalities in Spokane County who have executed an interlocal agreement with Spokane County to participate in the County Regional Solid Waste System, (2) ancillary services related to solid waste management as required under chapter 70.95 RCW as well as litter control, and (3) all facilities associated with the performance of the activities addressed in this chapter. The System constitutes a system of solid waste handling for purposes of chapter 36.58 RCW((the existing Spokane regional solid waste management system comprised of all property, real or personal, tangible or intangible, that is now owned or hereafter acquired by the city and used or useful by the city (i) in connection with the collection and disposal of solid waste generated within the city’s boundaries, and (ii) in connection with the disposal of solid waste generated and collected elsewhere and delivered to the system for disposal. As of the date hereof, the system includes without limitation (a) the city’s northside landfill, (b) the right of the city to dispose of solid waste at the county’s mica landfill pursuant to the county interlocal agreement executed under Spokane County resolution No. 80-993, and (c) the city’s refuse collection system and all facilities and equipment appurtenant thereto, together with all equipment, rolling stock facilities, properties, whether real or personal, and vehicles necessary or incident thereto)).

(jj)((hh)) “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 Spokane County or hereafter created by it, is part of the System((Spokane County solid waste disposal system)), including the solid waste facility known as the North County Transfer Station, located at 22123 North Elk-Chattaroy Road, Colbert, WA 99005, and the solid waste facility known as the Valley Transfer Station, located at 3941 North Sullivan, Spokane Valley, WA 99206, and the solid waste facility known as the Waste to Energy Facility (WTE) located at 2900 South Geiger Boulevard, Spokane WA 99224, together with all structures and site improvements, and such other facilities as may be later designated by the county.

~~(kk)~~~~((ii))~~ “Wood waste” means a byproduct 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.

~~(ll)~~~~((jj))~~ “Wood waste landfill” means a method and operation of disposing of wood waste on land without creating nuisances or hazards to public health or safety, by utilizing principles of engineering. This includes, but is not necessarily limited to, all landfills using wood waste as at least fifty percent of the fill material (the other fifty percent shall be inert waste) covering an area of one acre or more filled to a depth of one and one-half feet or more; or all those landfills filled to depth of thirty feet or more regardless of the area covered; and shall not include landfills whose individual size or area would not qualify, but whose total size or area would qualify if such landfills are located on the same contiguous property.

8.56.030 System of disposal.

(a) Pursuant to RCW 36.58.040~~((050))~~, this chapter establishes a system of solid waste disposal for all solid waste generated in unincorporated areas of the county, as determined by the SCCSWMP~~((CSWM plan))~~, adopted and approved as required under ~~((in RCW C))~~chapter 70.95 RCW.

(b) The System ~~includes~~~~((system may include))~~, as identified in the SCCSWMP~~((CSWM plan))~~, designation of a particular disposal site or sites, and method of disposal, for all solid waste generated in the unincorporated areas of the county. Subject to interlocal cooperation agreements between the county and other local government entities in the county and region, the System~~((system))~~ may include additional areas.

(c) The System ~~is~~~~((system of disposal shall be))~~ binding upon public and private entities, and it is unlawful to dispose of solid waste at a disposal ~~((facility))~~ site or in a manner not authorized or encompassed in the System~~((system established herein))~~.

~~(d) Unless otherwise permitted by state law, authorized in writing by the board of county commissioners or exempt by virtue of this chapter, it is unlawful for any collecting agency or other person to deliver or deposit any solid waste generated and collected within the unincorporated areas of the county outside the borders of Spokane County or within the county except at a disposal site consistent with the comprehensive plan and approved as a disposal site by the board of county commissioners.~~

~~(e) —~~The System disposal sites are ~~((is determined to be))~~the exclusive solid waste disposal sites and facilities for the purposes of this chapter, except for

~~((nonconforming sites and facilities, as provided for in Section 8.56.140)) waste disposed consistent with Health Department permits at: the privately owned Graham Road limited purpose landfill; the following private businesses within the county that accept inert waste only: Busy Bee, Inland Asphalt, Diversified Recycling Industry, and Spokane Rock Products; and, such other facilities as may be designated in the future in an amended SCCSWMP.~~

8.56.160 Unlawful disposal and transportation of solid waste.

~~(a) It is unlawful for any person(~~(, firm or corporation))~~ to dump or deposit or permit the dumping or depositing of any solid waste originating in(~~in the incorporated areas of~~) Spokane County (other than as exempted by this chapter (~~under Section 8.56.070~~)) onto or under the surface of the ground or into any waters of the state of Washington(~~within Spokane County~~) except at a solid waste disposal site that is(~~which is consistent with the Spokane County solid waste management plan and~~) a part of the System(~~county's solid waste management disposal system and for which there is a valid permit issued pursuant to this chapter; p~~)). Provided, (~~that nothing herein shall prohibit~~) a person may (i) dump or deposit(~~from dumping or depositing~~) solid waste resulting from his or her own activities onto or under the surface of ground owned or leased by him or her when such action does not violate any statute, ordinance or regulation, or create a nuisance; (ii) use or apply a waste-derived soil amendment that has been approved by the Department of Ecology under RCW 70.95.205; or (iii) use or apply a commercial fertilizer that has been registered with the Washington State Department of Agriculture as provided in RCW 15.54.325 and that is applied in accordance with the standards established under RCW 15.54.800(3).~~

~~(b) It is unlawful for any person, except the following, to haul solid waste originating in the county in or through the county:~~

~~(i) Military establishments or their contractors.~~

~~(ii) The County's solid waste contractors.~~

~~(iii) Any person authorized to collect solid waste in a city or the county under chapter 81.77 RCW.~~

~~(iv) Business concerns, as to solid waste originating within their own establishments.~~

~~(v) Residents, as to solid waste originating on their own residences.~~

~~(c) Except as otherwise provided in this chapter, it is unlawful for every owner, tenant, occupant, or other person responsible for the condition of private property to fail to deliver, or fail to ensure lawful delivery of, solid waste originating in Spokane County to a System disposal site.~~

8.56.170 Enforcement.

(a) It is the duty of the authorized designee ((or his authorized representatives)) to enforce the provisions of((Sections 8.56.060 through 8.56.170 of—))this chapter((,)) and the regulations of the board ((of county commissioners))promulgated pursuant thereto. If the authorized designee determines through investigation, inspection, or other means that a person has violated any provision of this chapter, he or she may issue a notice of violation containing:

- (i) The name and address of the person in violation of this chapter.
- (ii) A brief description of the violation.
- (iii) A statement assessing a civil penalty for each violation that must be paid to the county within 20 days from the date of issuance.
- (iv) A statement advising that if any civil penalty is not timely paid, the matter will be referred to a collection company.
- (v) A statement advising:
 - (A) That the notice of violation may be appealed to the Spokane County hearing examiner pursuant to the provisions of chapter 1.46 SCC.
 - (B) That any per diem civil penalty will not accrue during the pendency of such administrative appeal.
 - (C) That the failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under the SCC.

(b) The authorized designee must serve on the person in violation of this chapter either personally or by mailing a copy of the notice by certified mail, postage prepaid, return receipt requested, to the person at his last known address. Proof of personal service of the notice must be made at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring time, date and manner in which service was made.

8.56.190 Penalties.

(a) Any person((, firm or corporation)) that((which)) intentionally violates or refuses to or fails to comply with any of the provisions of this chapter or regulations promulgated ((hereunder))and orders issued under this chapter ((pursuant hereto))or who files or supplies any false, incomplete or inaccurate information in conjunction with any permit application or permit renewal or in supplying any other information requested by this chapter is((shall be deemed))

guilty of a misdemeanor and ~~is~~~~(shall be)~~ punishable~~(ed)~~ by imprisonment in the county jail for a maximum term fixed by the court of not more than ninety days, or by fine in the amount fixed by the court of not more than one thousand dollars, or both ~~((such-))~~ imprisonment and fine.

(b) In addition to, or as an alternative to, any other penalty provided by this chapter or by law, any person who violates this chapter is subject to a civil penalty as follows:

(i) Penalties for noncommercial violations will be assessed at the rate of \$50.00 per violation. Any person engaged in the hauling, processing, or disposal of solid waste generated exclusively by the person or his or her immediate family is engaged in a noncommercial action for purposes of this chapter.

(ii) Penalties for commercial violations will be assessed at the rate of \$500.00 per violation. Any violation other than a noncommercial violation is a commercial violation.

(iii) Each and every day or portion thereof during which any violation is committed is a violation for purposes of this chapter.

(iv) Second, third or repeated, but separate, violations of a like nature, by the same person, are repeat violations. Penalties for repeat violations will be assessed at two times (2X) the rates identified in subsections (b)(i) and (ii) of this section.

(c) In addition to, or as an alternative to, any other penalty provided by this chapter or by law, any person who violates SCC 8.56.165 (Unlawful removal of waste from county) is subject to a civil penalty as follows:

(i) Penalties for noncommercial violations will be assessed at the rate of \$50.00 per violation. Any person engaged in the hauling, processing, or disposal of solid waste generated exclusively by the person or his or her immediate family is engaged in a noncommercial action for purposes of this chapter.

(ii) Penalties for commercial violations will be assessed at the following rates:

(A) Where the vehicle used is less than five tons gross weight, the penalty will be assessed at the rate of \$500.00 per violation.

(B) Where the vehicle used is greater than five tons gross weight but less than 10 tons gross weight, the penalty will be assessed at the rate of \$1,000 per violation.

(C) Where the vehicle used is greater than 10 tons gross weight, the penalty will be assessed at the rate of \$1,500 per violation.

Any violation other than a noncommercial violation is a commercial violation.

(iii) Each and every day or portion thereof during which any violation is committed is a violation for purposes of this chapter.

(iv) Second, third or repeated, but separate, violations of a like nature, by the same person, are repeat violations. Penalties for repeat violations will be assessed at two times (2x) the rates identified in subsections (c)(i) and (ii) of this section.

(d) This section does not~~((Nothing contained shall be construed to))~~ exempt an offender from any other suit, prosecution or penalty provided in any section of this code or as otherwise~~((Nothing herein contained shall be construed to exempt an offender from any other suit, prosecution or penalty))~~ provided by law.

8.56.200 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 ~~((shall be and the same))~~ is ~~((declared to be))~~ unlawful and a public nuisance. The prosecuting attorney, at the direction of the board ~~((of county commissioners))~~, may take any~~((such))~~ steps or commence ~~((such))~~ legal or equitable actions as are necessary to abate ~~((such))~~ nuisances under this section and to restrain and enjoin further unlawful acts. This section does ~~((shall))~~ not limit or restrict any other power or authority authorized by law.

Section 3. New Section. A new section 8.56.085 is added to chapter 8.56 SCC, as follows:

8.56.085 Reclamation site reporting requirements.

- (a) Any reclamation site operating within the county that accepts recyclable inert waste for processing must file with the County a copy of all reports filed with Ecology within 10 days after filing with Ecology.
- (b) Any reclamation site operating within the county and accepting recyclable inert waste for processing is subject to inspection at all reasonable times by the authorized designee to ensure solid waste disposal and reporting requirements are being met.
- (c) Reclamation sites which are permitted by the Spokane Regional Health District to compost organic materials are exempt from the reporting requirements under this Section with regard to the materials that are composted.

Section 4. New Section. A new section 8.56.165 is added to chapter 8.56 SCC, as follows:

8.56.165 Unlawful removal of solid waste from county.

- (a) Except as permitted by state law or 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 at a disposal site or other facility that is not a System disposal site designated by and located in Spokane County.
- (b) Inert waste may be delivered to System disposal sites and to disposal sites exempt under SCC 8.56.140.
- (c) The contents of any container of solid waste consisting of 10% or more, by volume, of non-recyclable materials must be disposed of at a System disposal site, except as otherwise permitted by this chapter. The contents of any container consisting of 90% or more, by volume, of recyclable materials may be delivered to any reclamation site, no matter where it is located, including a disposal site that is not a System facility. For containers that do not consist of 90% or more, by volume, of recyclable materials, these containers can be further sorted to reduce the volume of non-recyclable waste, prior to being transported off-site, to qualify as a container of recyclable materials.
- (d) Source-separated recyclable materials collected from residents in scheduled-routed-curbside programs may be delivered to any recycling or reclamation site, no matter where it is located, including a site that is not a System facility.
- (e) Residual waste generated from a recycling or reclamation site where the processing of materials has occurred must be transported directly to a System disposal site.
- (f) Solid waste removed from a container in which it was transported into Spokane County is considered solid waste generated within Spokane County for purposes of this chapter.

Section 5. New Section. A new section 8.56.175 is added to chapter 8.56 SCC, as follows:

8.56.175 Appeals – procedure.

- (a) The person served with a notice of violation under SCC 8.56.170 may appeal to the hearing examiner. Appeals must be filed and processed in accordance with the provisions of chapter 1.46 SCC.
- (b) At the appeal, the authorized designee will have the burden of proving the violation by a preponderance of the evidence.

(c) The decision of the hearing examiner on any appeal will be final and conclusive. An aggrieved party may seek judicial review in the Spokane County Superior Court within 21 calendar days of the issuance of the examiner's final decision.

Section 6. New Section. A new section 8.56.210 is added to chapter 8.56 SCC, as follows:

8.56.210 Solid waste disposal site regulations.

(a) It is unlawful for any person to dump or cause to dump solid waste in any county-owned or operated System disposal site other than as designated by the authorized designee and only during designated open hours. Permits upon special applications may be allowed upon terms and conditions established by the authorized designee.

(b) It is unlawful for any person to dispose of solid waste within a county-owned or operated System disposal site without paying all applicable fees as established by the authorized designee.

(c) It is unlawful for any person to violate the following regulations when using county-owned or operated System disposal sites:

- (i) The maximum speed is ten miles per hour unless otherwise posted.
- (ii) Users must keep children and pets inside vehicles.
- (iii) Users may not start fires or smoke in or near areas where uncovered refuse is located.
- (iv) Users may not scavenge. Salvaging will be permitted only when authorized in writing by the authorized designee.
- (v) All liquid containers must be emptied by the user.
- (vi) Users must inform the authorized designee prior to unloading any material considered hazardous to other users or to disposal site workers.

(d) The following restrictions apply to the acceptance of refuse at county-owned or operated System disposal sites:

- (i) No more than five whole or split tires will be accepted per load unless prior arrangements have been made with the authorized designee.
- (ii) Any load of waste determined to be dangerous or potentially dangerous by the authorized designee or the health officer will not be accepted without prior approval of the authorized designee and the health officer.

(iii) Septic tank pumpings, sludges and liquid waste will not be accepted except in emergency circumstances and with the approval of the health officer and the authorized designee.

(iv) Moderate risk and hazardous waste disposal will be limited to those wastes, facilities, or specific portions of facilities so designated by the authorized designee.

(v) Infectious wastes will not be accepted.

(vi) Pharmaceutical wastes including expired, unused or contaminated drugs and vaccines will not be accepted.

(vii) Animal carcasses will not be accepted.

Section 7. New Section. A new section 8.56.300 is added to chapter 8.56 SCC, as follows:

8.56.300 Service fees—Generally.

Solid waste service fees (including gate fees or other rates and charges) as may be established from time to time by board resolution shall be collected as directed in this chapter.

Section 8. New Section. A new section 8.56.310 is added to chapter 8.56 SCC, as follows:

8.56.310 Service fees—Mode of payment.

(a) All service fees, other than those authorized to be paid on a periodic basis by the County, must be paid to and collected by the authorized designee at the applicable county-owned System disposal site.

(b) System disposal site users desiring to be billed on a periodic basis must arrange authorization in advance with the authorized designee. All users must comply with the billing and collection procedures of the authorized designee, and usage of county-owned or operated System disposal sites may be conditioned upon compliance.

Section 9. New Section. A new section 8.56.320 is added to chapter 8.56 SCC, as follows:

8.56.320 Service fees—Schedule.

(a) All persons using county-owned or operated System disposal sites must pay the service fees set forth in the solid waste service fee schedule. The solid waste service fee schedule and any revisions to the service fee schedule will be prepared by the authorized designee and submitted to the board for approval by resolution. Listed fees will be subject to applicable taxes. The solid waste service fee schedule may include, but is not limited to, fees for special service wastes, toxic substances (e.g., asbestos and other substances requiring special handling as

determined by the authorized designee) and solid waste, as determined by the authorized designee.

(b) Service fees for solid waste disposal will be based upon measured weights whenever possible. In the absence of weight information, service fees will be based upon the cubic yard or as otherwise defined in the solid waste service fee schedule. All vehicles must be charged a minimum fee regardless of weight or volume, as established in the solid waste service fee schedule.

(c) In the absence of exact measurements of weight or quantity, the estimate of the authorized designee will be final and binding on the user.

(d) Service fees do not apply to specific source separated recyclable materials accepted by county-owned or operated System disposal sites for recycling, except for those materials for which specific fees have been designated in the established solid waste service fee schedule.

(e) There is no service fee for the disposal of household generated hazardous waste from Spokane County residents.

Section 10. New Section. A new section 8.56.330 is added to chapter 8.56 SCC, as follows:

8.56.330 Secured loads—Additional charge.

All loads arriving at any county-owned or operated System disposal site must be covered or secured so as to prevent any solid waste being transported from unintentionally falling or being blown out of the vehicle.

(a) After January 1, 2015, any vehicle arriving at a disposal site that contains waste that is not covered or secured will be charged an additional fee as follows:

(i) For vehicles with gross vehicle weights up to and including 8,000 pounds, the additional charge will be \$5.00.

(ii) For vehicles with gross vehicle weights over 8,000 pounds, the additional charge will be \$10.00.

(b) Until January 1, 2015, the operator of any vehicle meeting the conditions described in (a)(i) or (ii) of this section will be issued a written warning alerting the operator to the requirements of this section.

Section 11. New Section. A new section 8.56.400 is added to chapter 8.56 SCC as follows:

8.56.400 Departmental rules.

The authorized designee may adopt rules providing for the implementation and enforcement of this chapter.

Section 12. New Section. A new section 8.56.410 is added to chapter 8.56 SCC, as follows:

8.56.410 Remedies not exclusive

The remedies for violations of this chapter are not exclusive.

Section 13. New Section. A new section 8.56.420 is added to chapter 8.20 SCC, as follows:

8.56.420 Solid waste disposal emergencies.

(a) Notwithstanding the provisions of this chapter, the board by motion may reduce or eliminate any or all disposal fees under the following conditions:

(i) a state of emergency for all or part of Spokane County has been declared by a state or federal official empowered to declare an emergency, and

(ii) the event leading to the state of emergency results in the necessity for residents to quickly and safely dispose of solid wastes in order to maintain public health and safety.

Section 14. New Section. A new section 8.56.430 is added to chapter 8.56 SCC, as follows:

8.56.430 Severability.

If any section or provision of this chapter is adjudged to be invalid or unconstitutional, the adjudication will not affect the validity or constitutionality of the chapter, as a whole or any section or provision which is not specifically adjudged invalid or unconstitutional.

Section 15. Repealer. Chapter 8.20 SCC and Resolution No. 89-0861, as modified by Resolution No. 89-0748 or other resolutions or ordinances, and SCC 8.56.140 are repealed.

Section 16. Ordinance Controls. All ordinances and sections of the Spokane County Code in conflict with this Ordinance are, to the extent of the conflict, superseded and have no further force or effect.

Section 17. Effective Date. This ordinance takes effect and shall be in force on and after November 17, 2014.

ADOPTED by the Board of County Commissioners of Spokane County, Washington, at a [regular] meeting held on _____, 2014.

BOARD OF COUNTY COMMISSIONERS
OF SPOKANE COUNTY, WASHINGTON

AL FRENCH, Chair

TODD MIELKE, Vice-Chair

SHELLY O'QUINN, Commissioner

ATTEST:

Daniela Erickson, Clerk of the Board

DRAFT