

OKANOGAN COUNTY

ORDINANCE 2006-7

IN THE MATTER OF AN ORDINANCE AMENDING THE INFECTIOUS WASTE CODE AND ADOPTING REGULATIONS AND PENALTIES FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF.

WHEREAS, the Board of Okanogan County Commissioners adopted Ordinance 2002-7, the "Infectious Waste Management " Code, but did not provide a mechanism to enforce the provisions of that code; and,

WHEREAS, RCW 36.32.120 authorizes counties within the State of Washington to make and enforce by resolution or ordinance police and sanitary regulations and to declare by ordinance what shall be deemed a nuisance; and RCW 7.05.060 which authorizes the Board of Health to enact and enforce local rules and regulations to preserve, promote, and improve the public health; and to control and abate nuisances detrimental to public health.

WHEREAS, the Board of Okanogan County Commissioners has heretofore examined and understands the scope and purpose of the amendments to the Infectious Waste Management code adopted under this ordinance, and deems it to be in the public interest and for the general health, safety and welfare of the citizens of the County that such amendments be adopted as the law of Okanogan County: and,

WHEREAS, a duly noticed public hearing was held regarding the adoption of this ordinance and that one (1) copy of this ordinance was filed in the County Auditor's Office ten (1) days prior to the public hearing; and all persons desiring to speak for and against the adoption of this ordinance have been heard as required by law; now therefore,

BE IT ORDAINED BY THE BOARD OF OKANOGAN COUNTY COMMISSIONERS AS FOLLOWS:

Section 1. Repealer. Chapters 8.62.080 and 8.62.090, adopted by Ordinance 2002-7, are hereby repealed.

Section 2. Chapters 8.62.100, 8.62.110 and 8.62.120 and certain section thereunder are hereby enacted as set forth below:

8.62.100 Administration and enforcement.

- A. Enforcement of this chapter may be by any law enforcement officer, fire department, HAZMAT response official, or jurisdictional health officer. All such enforcement officers are empowered to issue citations and/or notice of violation to persons violating the provisions of this chapter. Nothing in

this chapter prohibits citizen's complaint or arrests as may be otherwise permitted under applicable state regulations, state statute, and ordinance or court rule.

- B. The citations and/or notice of violation shall contain:
 - a. A description of the location where the violation occurred;
 - b. A statement identifying the Generator who has committed the violation of this chapter with a brief and concise description of the conditions found to be in violation;
 - c. A statement specifying the amount of any civil penalty assessed on account of the violation;
 - d. Statement advising that if any assessed civil penalty is not paid, the Generator's privileges at all Okanogan County disposal facilities may be suspended until the penalty is paid.
 - e. A statement advising that the order shall become final unless, no later than ten (14) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the Board of Health.

8.62.110 Penalties.

- A. Enforcement. All violations of this chapter are determined to be detrimental to the public health, safety and welfare and are hereby declared to be public nuisances.
- B. Any Generator who violates or fails to comply with any of the provision of this chapter shall be subject to the following penalties:
 - a. For a first violation, the Generator shall pay a \$150 civil penalty; attend a mandatory biomedical waste training course designated through the Okanogan County Public Health District; and submit a biomedical waste management plan to the Okanogan County Public Health District within 30 days of being issued a citation and/or notice of violation. In addition to the civil penalty, the Generator shall also be responsible for the cost of reviewing the biomedical waste management plan at a rate of not less than \$65 per hour; and shall reimburse the County for all mitigation, clean-up, and decontamination costs resulting from the violation at a rate of not less than \$185.86 per hour.
 - b. For a second violation within one calendar year, the violator shall pay a \$1,000 civil penalty. In addition to the civil penalty, the Generator and shall reimburse the Okanogan County Public Health District at a rate of \$65 per hour, and the County for all mitigation, clean-up, and decontamination costs resulting from the violation at a rate of not less than \$185.86 per hour.
 - c. For a third violation within one calendar year, the Generator shall pay a \$4,000 civil penalty. In addition to the civil penalty, the Generator shall reimburse the Okanogan County Public Health District at a rate of \$65 per hours, and County for all mitigation,

- clean-up, and decontamination costs resulting from the violation at violation within a calendar year at a rate of not less than \$185.86 per hour.
- d. For a fourth or any subsequent violation within one calendar year, the Generator shall pay a \$10,000 civil penalty and shall lose any and all waste disposal privileges at Okanogan County landfills for a period of 6 months. In addition to the civil penalty, the Generator and shall reimburse the Okanogan County Public Health District at a rate of \$65 per hour, and County for all mitigation, clean-up, and decontamination costs resulting from the violation at a rate of not less than \$185.86 per hour.
 - e. A Generator, whose waste disposal privileges have been suspended, may apply in writing for probationary reinstatement of waste disposal privileges to the Okanogan County Public Health District. The Generator's waste disposal at Okanogan County Landfills shall be subject to monitoring by the Okanogan County Public Health District during the probationary period and the Generator shall pay all cost of monitoring at rate of not less than \$65 per hour.
 - f. Generator's waste disposal privileges shall not be reinstated under sub-section D or E until the violator has paid in full all outstanding penalties and costs.
 - g. Any Generator who fails to pay in full any assessed penalties and/or costs within 30 days of being issued a citation and/or notice of violation shall have its waste disposal privileges at Okanogan County landfills suspended until such time as payment is made in full.
 - h. Cost for decontamination of landfill equipment and/or site will be borne by violator at a minimum rate of \$185.86 per hour.

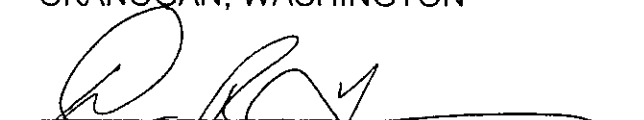
8.62.120 Appeal

- A. The citation and/or notice for a violation of this chapter shall become final unless, no later than ten (14) days after the notice and order are served, any person aggrieved by the order requests in writing an appeal before the Board of Health. The request shall cite the citation and/or notice appealed from, and contain a brief statement of the reasons for seeking the appeal hearing.
- B. Such appeal hearing shall be conducted within a reasonable time after receipt of the request for appeal. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appealing party, to the Okanogan County Public Health District and to other interested persons who have requested in writing that they be so notified. The Okanogan County Public Health District may submit a report and other evidence indicating the basis for the citation and/or notice.

- C. Each party shall have the following rights, among others:
- a. To call and examine witnesses on any matter relevant to the issues of the hearing;
 - b. To introduce documentary and physical evidence;
 - c. To cross-examine opposing witnesses on any matter relevant to the issues of the hearing;
 - d. To impeach any witness regardless of which party first called him to testify;
 - e. To rebut evidence against him;
 - f. To represent himself or to be represented by anyone of his choice who is lawfully permitted to do so.
 - g. Following review of the evidence submitted, the Board of Health shall make written findings and conclusions, and shall affirm or modify the citation and/or notice previously issued if it finds that a violation has occurred. The Board shall reverse the order if it finds that no violation occurred. The written decision of the Board shall be mailed by certified mail, postage prepaid, return receipt requested, to all the parties.
- D. An order which is subjected to the appeal procedure shall become final twenty (20) days after mailing of the Board of Health's decision unless within that time period an aggrieved person initiates review by writ of certiorari in Okanogan County Superior Court.
- E. Enforcement of final order. If, after any order duly issued by the director has become final, the person to whom such order is directed fails to pay the civil penalty assessed under such order, the director may:
- a. Institute any appropriate action to collect a civil penalty assessed under this chapter; and/or
 - b. Suspend dumping privileges at all Okanogan County disposal facilities.

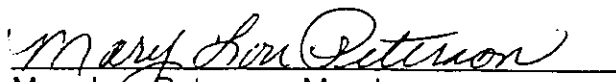
DATED at Okanogan, Washington this 16 day of oct 2006.


BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON


Don (Bud) Hover, Chairman

ABSENT

Andrew Lampe, Member


Mary Lou Peterson, Member

ATTEST:

Brenda J. Crowell, Clerk of the Board

