

Title 2

HEALTH AND SAFETY

Chapters:

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~~2.05 Public or Common Nuisance~~~~2.10 Fees for Health Services, Licenses, Permits~~

Division II. Solid Waste

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~~2.80~~ *Repealed*

Division I. General Sanitation

Chapter 2.05

PUBLIC OR COMMON NUISANCE

Commented [ER1]: Removing this chapter and creating a new "Public Nuisance" section in Title 1 that will apply to the entire code.

Sections:

~~2.05.010 Authority of the Board of Health and Health Officer regarding nuisances.~~

~~2.05.020 Public or common nuisance defined.~~

~~2.05.030 Public or common nuisance enumerated.~~

~~2.05.010 Authority of the Board of Health and Health Officer regarding nuisances.~~

~~According to the provisions set forth in RCW Sections 70.05.060, Powers and Duties of Local Board of Health and 70.05.070, Local Health Officer — Powers and Duties, in the Revised Code of Washington (RCW); Chapter 246-203, General Sanitation, in the Washington Administrative Code (WAC), whenever any declared nuisance, source of filth, or cause or probable cause of injury to health shall be found by the Health Officer to exist on any private or public property, he or she shall have the power and authority to order in writing the owner or occupant or user thereof, by appropriate action, at the expense of such owner, occupant, or user, to correct and remove said nuisance within 24 hours or within such reasonable time as the Health Officer may order.~~

~~In the event of the refusal or failure of such person to abate such nuisance within said time, the Health Officer may cause such nuisance to be abated at the expense of such person or persons, which cost may be recovered by the Board of Health from such person or persons in an action brought in the name of said Board of Health to recover the same in any court of competent jurisdiction. [Revised by Board of Health 11/21/00. Res. 93-32, Eff. 11/09/93. Prior code § 2.1].~~

~~2.05.020 — Public or common nuisance defined.~~

~~For the purpose of these regulations, a public or common nuisance shall be considered as that which is set up, maintained or continued so as to be injurious to the health, or an obstruction to the use of property by interfering with the health, safety, or life of any considerable number of persons.~~

Commented [ER2]: Deleted this and added a “public nuisance” and “nuisance” definition in Title 1.

~~All violations of Chapters 2.15 through 2.30 SHDC and standards required thereby, or such standards required by Health Officer’s order, are determined to be detrimental to the public health, safety and welfare and are thereby deemed a public nuisance. [Revised by Board of Health 11/21/00. Res. 93-32, Eff. 11/09/93. Prior code § 2.2].~~

~~2.05.030 — Public or common nuisance enumerated.~~

~~Public or common nuisances shall include the following:~~

~~A. Polluting of the groundwater, any water supply, or any body of water with sewage, or any solid or liquid waste harmful to humans.~~

~~B. Sale or distribution of any food which is decayed, contaminated, adulterated, or found to be otherwise unsafe for human consumption.~~

~~C. Accumulation or disposal of solid waste, toxic waste, garbage, or animal manure in any manner not in accordance with the Sanitary Board of Health Code.~~

~~D. Disposal of human sewage or sewage effluent in any manner not in accordance with the Sanitary Board of Health Code; or the use of human sewage for fertilizing purposes for crops, gardens, or lawns.~~

~~E. Harboring animals in such a manner as to pose a threat of transmitting infectious disease to the public or to otherwise present a danger to the public health.~~

~~F. Maintaining for common use any drinking cup, utensils, dishware, containers, towels, cloths, clothing or bedding which is not cleaned and sanitized between individual usage.~~

~~G. The presence of smoke, fumes, chemicals, dusts or other like substances in an enclosed public place in a manner which endangers the public health or is in violation of any specific requirements of the Sanitary Board of Health Code.~~

~~H. Activities which result in the gathering or infestation of disease carrying vectors to such an extent as to pose a threat to the public health. [Revised by Board of Health 11/21/00. Res. 93-32, Eff. 11/09/93. Prior code § 2.2.1].~~

Chapter 2.10

FEES FOR HEALTH SERVICES, LICENSES, PERMITS

(Reserved)

Commented [ER3]:

Relocating to Title 1 where we will have the entire fee schedule posted.

Division II. Solid Waste

Chapter 2.15

SOLID WASTE HANDLING REGULATIONS

Sections:

- 2.15.010 Authority and purpose.
- 2.15.020 Applicability.
- 2.15.030 Effective dates.
- 2.15.040 Definitions.
- 2.15.050 Administration.
- 2.15.060 Permit required.
- 2.15.070 Permit requirements for solid waste facilities.
- 2.15.080 Fees for service.
- 2.15.090 Administrative appeal.
- 2.15.100 Variances.
- 2.15.110 Violations and civil penalties.
- 2.15.120 Notice and order to correct violation.

1	2.15.130	Voluntary correction agreement.
2	2.15.140	Owner responsibilities for solid waste.
3	2.15.150	Performance standards.
4	2.15.160	General on-site storage, collection, transportation, and disposal standards for
5		solid waste.
6	2.15.170	Animal waste handling.
7	2.15.180	Asbestos-containing waste material handling.
8	2.15.190	Biomedical waste handling.
9	2.15.200	Garbage handling.
10	2.15.210	Moderate risk waste handling.
11	2.15.220	Waste screening.
12	2.15.230	Beneficial use permit exemptions.
13	2.15.240	Recycling.
14	2.15.250	Compost facilities.
15	2.15.260	Land application.
16	2.15.270	Energy recovery and incineration.
17	2.15.280	Intermediate solid waste handling facilities.
18	2.15.290	Moderate risk waste handling facilities.
19	2.15.300	Piles used for storage or treatment.
20	2.15.310	Surface impoundments.
21	2.15.320	Waste tire storage and transportation.
22	2.15.330	Municipal solid waste landfills.
23	2.15.340	Limited purpose landfills.
24	2.15.350	Inert waste landfills.
25	2.15.360	Active, closed and abandoned landfills.
26	2.15.370	Other methods of solid waste handling.
27	2.15.380	Groundwater monitoring.
28	2.15.390	Financial assurance requirements.
29	2.15.400	Remedial action.
30	2.15.410	Criteria for inert waste.

2.15.010 Authority and purpose.

A. *Authority.* These rules and regulations are promulgated under the authority of Chapters [70.05 RCW](#), Local Health Departments, Boards, Officers—Regulations; ~~and Chapter 70A.205 RCW 70.95~~, Solid Waste Management—Reduction and Recycling, ~~in the Revised Code of Washington (RCW)~~; Chapters [173-350 WAC](#), Solid Waste Handling Standards; [Chapter 173-351 WAC](#), Criteria for Municipal Solid Waste Landfills; and [Chapter 246-203 WAC](#), General Sanitation, ~~in the Washington Administrative Code (WAC)~~, to protect the public health of the citizens of Snohomish County. These rules and regulations govern solid waste handling, storage, collection, transportation, treatment, utilization, processing, and final disposal of all solid waste within Snohomish County.

B. *Purpose.* It is expressly the purpose of these rules and regulations to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of these rules and regulations.

It is the specific intent of these rules and regulations to place the obligation of complying with its requirements upon waste generators, haulers, operators of handling or disposal sites, and/or property owners. No provision of nor term used in these rules and regulations is intended to impose any duty whatsoever upon Snohomish ~~County Health Department~~ District, nor any of its officers or employees.

~~Nothing contained in these rules and regulations is intended to be nor shall be construed to create or form the basis for any liability on the part of Snohomish Health District or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of Snohomish Health District by its officers, employees, or agents. [Res. 04-06. Prior code § 3.1(l)].~~

**Commented [ER4]:
RATIONALE FOR CHANGE**

RCW 70.95 was recodified as [70A.205](#).

Commented [ER5]:

Section 1.03.030 applies to the entire Health Code. This section is redundant and does not protect the County, who is the legal entity that would be subject to liability not the Health Department.

2.15.020 Applicability.

For solid waste facilities ~~Refer to Chapter 2.20 SHDC, WAC 173-350-020, Applicability, for solid waste facilities and for municipal solid waste landfills es; or Chapter 2.25 SHDC, refer to WAC 173-351-010 173-351-020, Purpose, Applicability and Effective Dates, for municipal solid waste landfills,~~ as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(III)}.~~

Commented [ER6]: Deleted references to internal code chapters. Updated a WAC reference (WAC 173-351-010) for accuracy.

2.15.030 Effective dates.

For solid waste facilities ~~Refer to Chapter 2.20 SHDC, WAC 173-350-030, Effective Dates, and for municipal solid waste landfills refer to for solid waste facilities; or Chapter 2.25 SHDC, WAC 173-351-010 173-351-020, Purpose, Applicability and Effective Dates, for municipal solid waste landfills,~~ as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(III)}.~~

Commented [ER7]: Deleted references to internal code chapters. Updated a WAC reference (WAC 173-351-010) for accuracy.

2.15.040 Definitions.

In addition to the terms defined in ~~Chapter 2.20 SHDC, WAC 173-350-100, Definitions, and Chapter 2.25 SHDC, WAC 173-351-100, Definitions,~~ as now or hereafter amended, the following terms when used in ~~these regulations~~ chapters 2.15 – 2.30 SCBHC are defined as follows:

“Abandoned landfills” means municipal solid waste, wood waste or inert and demolition waste landfills operated as landfills prior to the effective date of Chapter 173-304 WAC and/or that were never closed according to the requirements in Chapter 173-304 WAC or subsequent applicable regulations.

“Animal wastes” means wastes resulting from the keeping of animals, including but not limited to manure, animal bedding, and carcasses of dead animals.

“Asbestos-containing material (ACM)” means any material containing more than one percent asbestos as determined using the method specified in EPA regulations Appendix E, Subpart E, 40 CFR Part 763, Section 1, Polarized Light Microscopy.

“Asbestos-containing waste material (ACWM)” means any waste that contains or is contaminated with friable asbestos-containing material. This term includes asbestos waste

Commented [ER8]: Deleted references to internal code chapters and now have it directly reference specific WAC sections.

from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. ACWM does not include samples of asbestos-containing material taken for testing or enforcement purposes.

“Biomedical waste” means, and is limited to, the following types of waste:

1. Animal waste is waste animal carcasses, body parts, and bedding of animals that are known to be infected with, or that have been inoculated with, pathogenic microorganisms infectious to humans.

2. Biosafety level four disease waste is waste contaminated with blood, excretions, exudates, or secretions from humans or animals who are isolated to protect others from highly communicable infectious diseases that are identified as pathogenic organisms assigned to biosafety level four by the Centers for Disease Control and Prevention, National Institute of Health, Biosafety in Microbiological and Biomedical Laboratories, current edition.

3. Culture and stocks are wastes infectious to humans and include specimen cultures, cultures and stocks of etiologic agents, wastes from production of biologicals and serums, discarded live and attenuated vaccines, and laboratory waste that has come into contact with cultures and stocks of etiologic agents or blood specimens. Such waste includes but is not limited to culture dishes, blood specimen tubes, and devices used to transfer, inoculate, and mix cultures.

4. Human blood and blood products are discarded waste human blood and blood components, and materials containing free-flowing blood and blood products.

5. **Pathological waste** is waste human source biopsy materials, tissues, and anatomical parts that emanate from surgery, obstetrical procedures, and autopsy. Pathological waste does not include teeth, human corpses, remains and anatomical parts that are intended for final disposition. ~~interment or cremation.~~

6. Sharps waste is all hypodermic needles, syringes with needles attached, IV tubing with needles attached, scalpel blades and lancets that have been removed from the original sterile package.

**Commented [ER9]:
RATIONALE FOR CHANGE**

Consistent with definition from [RCW 70A.228.010](#)

1 “Discharge or nonpermitted discharge of moderate risk waste (MRW)” means the accidental or
2 intentional release of hazardous substances, MRW, or MRW constituents such that the
3 substance, waste, or a waste constituent may enter or be emitted into the environment.
4 Release includes, but is not limited to, the actions of spilling, leaking, pumping, pouring,
5 emitting, dumping, emptying, depositing, placing, or injecting.

6 “Garbage” means unwanted animal and vegetable wastes, and animal and vegetable wastes
7 and packaging resulting from the handling, storage, sale, preparation, cooking and serving of
8 food; swill and carcasses of dead animals; and items of such a character and proportion as to be
9 capable of attracting or providing food for vectors, except sewage and sewage sludge.

10 “Hazardous substances” means any liquid, solid, gas, or sludge, including any material,
11 substance, product, commodity, or waste, regardless of quantity, that exhibits any of the
12 physical, chemical, or biological properties described in WAC [173-303-090](#) or [173-303-100](#).

13 “Hazardous waste” means those solid wastes designated by [40 CFR Part 261](#), and regulated as
14 hazardous and/or mixed waste by the United States EPA.

15 ~~“Health Officer” means the Health Officer or the Health Officer’s representative of the~~
16 ~~Snohomish Health District.~~

Commented [ER10]: Already defined in chapter 1.05.

17 “Household hazardous waste (HHW)” means any waste which exhibits any of the properties of
18 dangerous wastes that is exempt from regulation under Chapter [70.105](#) RCW, Hazardous Waste
19 Management, solely because the waste is generated by households (including single and
20 multifamily residences, hotels and motels, bunkhouses, ranger stations, crew quarters,
21 campgrounds, picnic grounds, and day-use recreation areas). HHW can also include other solid
22 waste identified in the local hazardous waste management plan prepared pursuant to Chapter
23 [70.105](#) RCW, Hazardous Waste Management.

24 “Moderate risk waste (MRW)” means solid waste that is limited to conditionally exempt small
25 quantity generator (CESQG) waste and household hazardous waste (HHW) as defined in this
26 chapter and ~~in WAC Chapter 173-350 WAC, Solid Waste Handling Standards. Chapter 2.20 SHDC.~~
27 MRW also includes, but is not limited to, antifreeze, oils, batteries, gasoline, oil based or
28 petroleum based paint, pesticides, pool chemicals, and wood preservatives.

Commented [ER11]: Deleted references to internal code chapters but added in a WAC reference.

29 “Performance standard” means standards set forth in ~~Chapter 2.20 SHDC,~~ WAC [173-350-040](#),
30 that apply to the owner or operator of any solid waste facility.

Commented [ER12]: Deleted references to internal code chapters but left in the WAC reference.

~~"Public nuisance" means that which is set up, maintained, or continued so as to be injurious to the health or the environment, or obstruction to the use of property by interfering with the health, safety, or life of any considerable number of persons.~~

Commented [ER13]: Already defined in Chapter 1.05.

~~"Sanitary code" means Snohomish Health District Sanitary Code.~~

Commented [ER14]: Sanitary Code will be Board of Health Code. That definition is in Title 1 and applies to all of the code.

"Sharps" means objects or devices having acute rigid corners, edges, points, or protuberances capable of cutting or piercing human skin and includes, but is not limited to, hypodermic needles, blades, and broken glass.

"Treatment, storage and disposal facility (TSD facility)" means a treatment, storage and disposal facility in the state of Washington which is permitted by the Washington Department of Ecology under Chapter [173-303](#) WAC, and where wastes, including hazardous wastes, can be taken. Comparable facilities in other states similarly permitted by authorized governmental agencies are also considered to be TSD facilities for the purposes of this regulation. ~~[Res. 04-06- Prior code 5-3-1(IV)].~~

2.15.050 Administration.

A. *General.* All solid waste handling shall be subject to the authority of other laws, regulations, ~~or and~~ other agency requirements in addition to these rules and regulations. Nothing in these rules and regulations is intended to abridge or alter the rights of action by the state or by person which exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

B. *Enforcement.* The Health Officer shall have the authority to enforce the provisions of these regulations equally on all persons. The Health Officer is also authorized to adopt rules consistent with the provisions of these rules and regulations for the purpose of enforcing and carrying out its provisions.

~~C. *Right of Entry.* The Health Officer or his/her duly authorized representative may enter any land, building, structure, or premises at reasonable times:~~

Commented [ER15]: Right of entry is being addressed in Title 1 and will apply to entire code. This subsection C is now redundant.

~~1. To make an inspection to enforce or determine compliance with this title;~~

~~2. When there is cause to believe that a violation of this title has been or is being committed; and~~

~~3. If entry is refused, the Health Officer shall have recourse to the remedies provided by law to secure entry including, but not limited to, search warrants. [Res. 04-06. Prior code § 3.1(V)].~~

2.15.060 Permit required.

Refer to ~~Chapter 2.20 SHDC, WAC 173-350-700, Permits and Local Ordinances,~~ or for municipal solid waste landfills Chapter 2.25 SHDC, WAC 173-351-700, Permitting Requirements, for municipal solid waste landfills, as now or hereafter amended.

Commented [ER16]: Deleted references to internal code chapters but left in WAC references. Verified WAC references.

For solid waste handling facilities engaged in closure or closed before the February 10, 2003, effective date, ~~February 10, 2003,~~ of Chapter 173-350 WAC, a permit may be required for any activity that substantially alters an existing closed or abandoned landfill. Plans and specifications for the proposed alteration shall be submitted to and approved by the Health Officer. ~~[Res. 04-06. Prior code § 3.1(VI)].~~

2.15.070 Permit requirements for solid waste facilities.

Refer to ~~Chapter 2.20 SHDC, WAC 173-350-710, Permit Application and Issuance; and WAC 173-350-715, General Permit Application Requirements.~~ Permit requirements are also cited in the particular sections that apply to the different types of solid waste facilities and in ~~Chapter 2.25 SHDC, WAC 173-351-710 through 173-351-750, for municipal solid waste landfills, as now or hereafter amended. [Res. 04-06. Prior code § 3.1(VII)].~~

Commented [ER17]: Deleted references to internal code chapters but left in WAC references. Verified WAC references were accurate.

2.15.080 Fees for service.

A. For facilities required to obtain a solid waste handling permit, the Health Officer is authorized to charge fees according to the most current approved fee schedule approved by the Snohomish County Health District Board of Health for services provided.

Commented [ER18]: Revised to match language in subsection (B) - (D).

B. For sites and facilities conditionally exempt from permitting as described in Chapter [173-350](#) WAC, Solid Waste Handling Standards, the Health Officer is authorized to charge fees according to the most current approved fee schedule for services provided.

C. For solid waste handling facilities engaged in closure or closed before the [February 10, 2003](#), effective date, ~~February 10, 2003~~, of Chapter [173-350](#) WAC, including abandoned landfills, the Health Officer is authorized to charge fees according to the most current approved fee schedule for services provided.

D. The Health Officer is authorized to charge a fee for the review of waste screening determination applications according to the most current approved fee schedule. ~~[Res. 04-06. Prior code § 3.1(VIII)].~~

~~2.15.090 Administrative appeal.~~

~~Refer to Chapter [1.20](#) SHDC, Right to Appeal, and Chapter [2.20](#) SHDC, WAC [173-350-710\(7\)](#), Permit Application and Issuance, in paragraph numbered six titled Permit Suspension and Appeals, as now or hereafter amended. [Res. 04-06. Prior code § 3.1(IX)].~~

Commented [ER19]: Will strike this for now. The plan is to make an appeals table that will be housed in Title 1 and cover everything in our code that can be appealed.

[2.15.100](#) Variances.

Refer to ~~Chapter [2.20](#) SHDC~~, WAC [173-350-710\(8\)](#), ~~173-350-715~~, Permit Application and Issuance, in paragraph numbered ~~eight~~ [seven](#) titled Variances, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(X)].~~

Commented [ER20]: Updated with correct WAC reference. Deleted internal chapter reference and updated to appropriate WAC reference on variances.

[2.15.110](#) Violations and civil penalties.

A. Violations.

1. Violations of ~~SHDC-SCBHC [2.15.160\(E\)](#)~~ may be addressed through a civil penalty as provided in subsection [\(B\)](#) of this section. Each violation shall be a separate and distinct offense.

2. A violation of any of the provisions of this chapter is an unlawful public nuisance.

B. *Civil Penalties.*

1. It is a class three civil infraction as defined in RCW [7.80.120](#) for a person to unlawfully dump solid waste in an amount less than or equal to one cubic foot.

2. A person that illegally dumps solid waste in an amount greater than one cubic foot but less than one cubic yard shall pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or \$50.00 per cubic foot of litter, whichever is greater.

3. A person that illegally dumps solid waste in an amount of one cubic yard or more shall pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or \$100.00 per cubic foot of litter, whichever is greater. ~~[Res. 04-06. Prior code § 3.1(XI)].~~

2.15.120 Notice and order to correct violation.

A. *Issuance.* Whenever the Health Officer determines that a violation of this chapter has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing, or participating in the violation.

B. *Content.* The notice and order to correct violation shall contain:

1. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;

2. The street address or description sufficient for identification of the property upon or within which the violation has occurred or is occurring;

3. A description of the violation and a reference to the provision of this chapter that has been violated;

4. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;

5. A statement that each violation of this chapter shall be a separate and distinct offense; and

6. A statement that the enumerated violations cited per [SHDC-SCBHC 2.15.110\(A\)](#) have resulted in the issuance of civil penalties as described in [SHDC-SCBHC 2.15.110\(B\)](#).

C. *Service of Order.* The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the notice and order to correct violation by first class and certified mail postage prepaid, return receipt requested, to such person at his/her last known address.

D. *Extension.* Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

E. *Supplemental Order to Correct Violation.* The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violation procedures contained in this section.

F. *Enforcement of the Notice and Order to Correct Violation.* If, after notice and order to correct violation is duly issued by the Health Officer, the person to whom such notice is directed fails, neglects, or refuses to obey such notice, the Health Officer may:

1. Cause such person to be prosecuted under this title; and/or
2. Institute any appropriate action to collect a penalty assessed under this title; and/or
3. Pursue any other appropriate remedy at law or equity under this title. ~~[Res. 04-06. Prior code § 3.1(XII)].~~

2.15.130 Voluntary correction agreement.

When the Health Officer determines that a violation has occurred or is occurring, he or she may attempt to secure voluntary correction by contacting the person responsible for the alleged violation and, where possible, explaining the violation and requesting correction.

A. *Voluntary Correction Agreement.* The person responsible for the alleged violation may enter into a voluntary correction agreement with the Health Officer. The voluntary correction agreement is a contract between the Health Officer and the person responsible for the violation in which such person agrees to abate the alleged violation within a specified time and according to specified conditions. The voluntary correction agreement shall include the following:

1. The name and address of the person responsible for the alleged violation;
2. The street address or other description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;
3. A description of the alleged violation and a reference to the regulation which has been violated;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the person responsible for the alleged violation that the Health Officer may enter the property and inspect the premises as may be necessary to determine compliance with the voluntary correction agreement;
6. An agreement by the person responsible for the alleged violation that the Health Officer may enter the property to abate the violation and recover its costs and expenses (including administrative, hearing and removal costs) from the person responsible for the alleged violation if the terms of the voluntary correction agreement are not satisfied;
7. An agreement that by entering into the voluntary correction agreement, the person responsible for the alleged violation waives the right to an appeal under these regulations or otherwise, regarding the matter of the alleged violation and/or the required corrective action; and
8. An agreement that establishes a daily fine be imposed for each and every day after the date and time the alleged violation was to be corrected.

B. *Right to Appeal Waived.* By entering into a voluntary correction agreement, the person responsible for the alleged violation waives the right to an appeal under these regulations or otherwise, regarding the matter of the violation and/or the required corrective action.

C. *Extension and Modification.* The Health Officer may, at his or her discretion, grant an extension of the time limit for correction or a modification of the required corrective action if the person responsible for the alleged violation has shown due diligence and/or substantial progress in correcting the violation, but unforeseen circumstances have delayed correction under the original conditions.

D. *Abatement by the Health Officer.* The Health Officer may cause the violation to be abated if all terms of the voluntary correction agreement are not met and all costs associated therewith shall be assessed against the person responsible.

E. *Collection of Costs.* In the event the person responsible fails to abide by the terms of the voluntary correction agreement, all cost and expense of correcting the condition, which constitutes a violation of these regulations, including inspection costs, administrative costs and, if applicable, out-of-pocket expenses incurred for the abatement of the violation, shall be assessed against the person responsible. Furthermore, administrative costs shall also include attorney's fees incurred by the Health Officer to enforce the terms and conditions of the voluntary correction agreement. ~~[Res. 04-06. Prior code § 3.1(XIII)].~~

2.15.140 Owner responsibilities for solid waste.

Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-025](#), Owner Responsibilities for Solid Waste, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(XIV)].~~

Commented [ER21]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2.15.150 Performance standards.

Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-040](#), Performance Standards, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(XV)].~~

Commented [ER22]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2.15.160 General on-site storage, collection, transportation, and disposal standards for solid waste.

Commented [ER23]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-300](#), On-site Storage, Collection, and Transportation Standards, as now or hereafter amended. In addition, the following regulations apply to the removal, disposal, collection, and transportation of solid waste.

A. *Removal.* Solid waste shall be removed from the premises to a permitted solid waste handling facility at a frequency that does not create a public nuisance, or at a frequency otherwise approved by the Health Officer. The Health Officer may require any person who stores solid waste in a manner that creates a public nuisance, to remove solid waste from the premises to a permitted solid waste handling facility no less frequently than once per week.

B. *Disposal Regulations.* Solid waste shall be disposed of in a manner consistent with these regulations and all other federal, state, and local regulations regarding the disposal of solid waste. Should a situation arise where disposal of solid waste is not covered under this title, the Health Officer shall determine acceptability of a method of disposal for the solid waste on a case-by-case basis.

C. *Disposal Service Required.* When a person does not dispose of solid waste in a manner consistent with these regulations, the Health Officer may order said person to obtain ongoing and regularly scheduled solid waste collection service. Evidence, such as a copy of the contract or a billing statement, shall be provided to the Health Officer.

D. *Disposal Receipts Required.* Any person in violation of subsection (E) of this section, to whom a notice and order to correct violation has been issued, is required to produce receipts from a permitted solid waste disposal, recycling and/or reclamation facility as evidence of compliance.

E. *Unlawful Dumping.* It shall be unlawful for any person to dump or deposit or allow 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 or her own activities onto or under the surface of ground owned or leased by him or her to the extent. Such actions comply with the standards in WAC 173-351-700(4)(b).

Commented [ER24]: Deleted reference to internal Ch 2.25. Left in WAC reference. Verified WAC reference was accurate. Revised for clarity.

1 ~~and do shall~~ not violate statutes or ordinances, or create a nuisance ~~and shall comply with the~~
2 ~~standards in Chapter 2.25 SHDC, WAC 173-351-700(4)(b).~~

Commented [ER25]: Deleted reference to internal Ch 2.25. Left in WAC reference. Verified WAC reference was accurate.

3 1. *Name Appearing on Waste Material and Presumption.* Whenever solid waste dumped
4 in violation of these rules and regulations contains three or more items bearing the name
5 of one individual, there shall be rebuttable presumption that the individual whose name
6 appears on such items committed the unlawful act of dumping.

7 2. *Lack of Identification.* When the Health Officer investigates a case of unlawful dumping
8 and finds no identification or evidence in the solid waste, he/she may then order the
9 property owner to remove said solid waste from his/her land. Where this occurs on private
10 land the property owner or occupant shall be responsible for removal. Where this occurs
11 on public land the appropriate governmental agency shall be responsible for removal.

12 F. *Solid Waste Handling Permit.* Any person commercially collecting or transporting solid
13 waste found to be in violation of ~~Chapter 2.20 SHDC,~~ WAC 173-350-300(3), may be required to
14 obtain a solid waste handling permit. Persons required to obtain a solid waste handling permit
15 shall renew the permit annually. A permit may be issued or denied for one or more activities
16 without simultaneously issuing or denying a permit for all activities. ~~{Res. 04-06. Prior code~~
17 ~~§ 3.1(XVI)}.~~

Commented [ER26]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

18 2.15.170 Animal waste handling.

19 A. *Handling and Disposal Regulations.* All animal waste shall be handled and disposed of in a
20 manner consistent with Chapter 246-203 WAC, General Sanitation ~~Regulations~~, or other
21 method approved by the Health Officer.

22 B. *Disposal of Dead Animals.* The carcass of any dead animal shall be removed and disposed of
23 ~~in a manner consistent with WAC 246-203-121, Disposal of Dead Animals, or other method~~
24 ~~approved by the Health Officer. by burial, cremation or other proper method within 24 hours~~
25 ~~after death. Proper disposal shall be made by the owner of the animal or by the owner of the~~
26 ~~property on which the dead animal is found.~~

27 1. ~~Animal Burial Sites.~~ Burial of dead animals shall comply with the following:

Commented [ER27]: ***PROPOSE TO STRIKE SUBSECTION B(1-2)***

RATIONALE FOR WHY

[WAC 246-203-121](#). This section of the WAC was updated 4/09/2022. The recent updates make Subsection B redundant.

- 1 ~~a. Locate a minimum of 100 feet from any well or spring;~~
2 ~~b. Locate a minimum of 100 feet from any surface water;~~
3 ~~c. Cover the carcass by at least two feet of soil;~~
4 ~~d. Allow at least three feet of unsaturated soil below the carcass;~~
5 ~~e. Cover the carcass in a manner to prevent other animals from digging up the remains; and~~
6 ~~f. Envelop the carcass in unslaked lime in cases of death from a communicable disease and~~
7 ~~comply with all applicable federal, state and local regulations.~~
- 8 ~~2. Burning or Cremation. Burning or cremation of animal waste shall comply with all applicable~~
9 ~~federal, state or local regulations.~~
- 10 C. Animal Manure and Pet Waste Handling and Disposal. Domestic animal waste must be
11 handled and disposed of in a manner consistent with WAC 246-203-130, Domestic Animal
12 Waste, or other method approved by the Health Officer. Handling and disposal of animal
13 manure and pet waste shall comply with the following requirements:
- 14 ~~1. Stable Manure Handling. In populous districts, stable manure must be kept in a covered~~
15 ~~watertight pit or chamber and shall be removed at least once a week during the period of~~
16 ~~April 1 to October 1 and, during the other months, at intervals sufficiently frequent to~~
17 ~~maintain a sanitary condition satisfactory to the Health Officer. Manure on farms or~~
18 ~~isolated premises other than dairy farms need not be so protected and removed unless~~
19 ~~ordered by the Health Officer. Manure shall not be allowed to accumulate in any place~~
20 ~~where it can prejudicially affect any source of drinking water.~~
- 21 ~~2. Pet Waste Disposal. Certain pet wastes, such as cat or dog excrement, shall be stored~~
22 ~~and disposed of in a manner, such as burial or bagging and placement into containers,~~
23 ~~which does not create a public nuisance or pollute surface waters of the state. These pet~~
24 ~~wastes may be disposed of into the sanitary sewer if the system is served by a sewer~~
25 ~~treatment facility that has approved acceptance of such wastes. Pet waste shall not be~~
26 ~~disposed of in a domestic on-site sewage system. [Res. 04-06. Prior code 5-3.1(XVII)].~~

Commented [ER28]: ***PROPOSE TO STRIKE
SUBSECTION C(1-2)***

RATIONALE FOR WHY

[WAC 246-203-130](#). This section of the WAC was updated 10/16/2022. The recent updates make Subsection C redundant or in conflict with WAC.

2.15.180 Asbestos-containing waste material handling.

A. *General.* Asbestos-containing waste material (ACWM), as defined in ~~SHDC~~ SCBHC 2.15.040, shall be handled and disposed of pursuant to 40 CFR 61, National Emission Standards for Hazardous Air Pollutants; Chapter 173-303 WAC, Dangerous Waste Regulations; Puget Sound Clean Air Agency (PSCAA) Regulation III Article 4; and Chapter 296-65 WAC, Asbestos Removal and Encapsulation.

B. *Removal.* Persons removing ACWM shall contact the PSCAA for information and instruction concerning removal and disposal. ACWM must be wetted down during removal to reduce airborne emissions of particulate matter. The wet asbestos wastes shall be sealed into leak-tight containers or placed in one or more plastic bags with a combined six mils thickness or greater and identified with the proper warning label.

C. *Disposal.* ACWM shall be disposed of at a permitted solid waste disposal site approved to handle ACWM. ACWM shall be disposed of in accordance with 40 CFR 61, and covered with at least 15 centimeters (six inches) of nonasbestos-containing waste material immediately following disposal.

D. *Nonfriable Asbestos-Containing Material Disposal.* Demolition debris intermixed with nonfriable asbestos-containing material shall be disposed of at a permitted solid waste disposal site and not taken to a recycling facility or other solid waste handling facility where the material may be rendered friable by grinding or abrading. Disposal shall comply with all other applicable federal, state and local regulations. ~~[Res. 04-06. Prior code 5 3.1(XVIII)].~~

2.15.190 Biomedical waste handling.

A. *Applicability.* These regulations apply to:

1. All hospitals, medical and dental clinics, medical laboratories, nursing or intermediate care facilities, veterinary facilities, and other institutions that may generate biomedical waste as defined in ~~SCBHCSHDC~~ 2.15.040, without regard to the quantity of infectious waste produced per month;

2. Businesses and individuals storing, treating, and/or transporting for disposal, biomedical waste. These requirements shall not apply to residentially generated biomedical waste from single-family dwellings unless specifically addressed in these regulations; and

3. Individuals that may generate medical or infectious wastes in quantity or quality sufficient to constitute a potential public health problem as determined by the Health Officer on a case-by-case basis.

B. *Biomedical Waste Management Plan.* Each facility shall follow a written biomedical waste management plan that includes specific policies and procedures covering the handling, treatment, transportation, storage and disposal of biomedical waste. The plan should include procedures for accidents or spills of biomedical waste. The plan shall be available for review by the Health Officer upon request.

C. *Storage and Handling.*

1. Biomedical wastes shall be segregated from the general medical waste stream at the point of origin and stored in separate containers.

2. Biomedical waste with multiple hazards (e.g., toxic, radioactive, or other hazardous chemicals) shall be segregated from the general biomedical waste stream when additional or alternative treatment is required, or in cases where the wastes are regulated under state or federal authority.

3. Sharps waste shall be contained for storage, transportation, treatment, and disposal in sharps waste containers. Sharps waste containers must be leak-proof, rigid, puncture-resistant and red containers that are taped closed or tightly lidded to prevent the loss of contents.

4. Each container used for the containment of biomedical waste shall be marked with a prominent warning sign, in English, that includes the word(s) "Biohazard," "Biomedical" or "Infectious Waste."

5. Reusable containers for biomedical waste shall be thoroughly washed and disinfected by a method approved by the Health Officer each time they are emptied, unless the surfaces of such containers have been completely protected from contamination by disposable bags, liners or other devices removed with the waste.

6. Biomedical waste storage, including vehicles used to transport biomedical waste, and treatment areas shall be accessible to authorized personnel only, marked with a prominent warning sign, in English, that includes the word(s) "Biohazard," "Biomedical" or "Infectious Waste" and kept clean and free of all vectors capable of transmitting disease. Warning signs shall be readily legible from a distance of at least 25 feet. Vehicles shall have signs legible from a distance of 50 feet.

7. The handling and storage of all biomedical waste must prevent the dissemination of biomedical waste into the environment.

8. Floors of storage areas shall be of impervious material to prevent saturation of liquid and semi-liquid substances, and a perimeter curb is recommended to contain spills. Storage areas shall also be well lighted and ventilated.

9. Storage time of biomedical waste before treatment shall be kept to a minimum if not treated the same day as generated.

D. *Treatment.* All biomedical waste shall be treated in an autoclave, incinerator, retort or other approved process to render it harmless prior to disposal at a disposal site approved by the Health Officer. It is the responsibility of the generator to provide for and assure effective treatment of all biomedical waste generated on site.

E. *Disposal.*

1. Biomedical waste shall not be disposed of prior to treatment, as described in subsection (D) of this section. All biomedical waste, including medical waste that has been rendered harmless and noninfectious waste, shall be disposed of at a solid waste disposal site approved by the Health Officer.

2. All human or animal body parts, fetuses, and other pathological specimens shall be disposed of either by appropriate interment, incineration, or other method approved by the Health Officer.

3. Untreated liquid and liquefied biomedical waste may be disposed of by release into a sanitary sewage system if approved by the jurisdictional sewer utility. The Health Officer shall have the authority to require the treatment of any biomedical liquid waste in

accordance with subsection (D) of this section prior to release into a sanitary sewage system if deemed necessary to protect the public health.

F. *Sharps*. Residentially generated sharps waste shall comply with the following standards:

1. Sharps waste shall be contained in sharps waste containers;
2. Sharps waste shall not be disposed of in any recycling container unless the container is specifically designated for sharps waste;
3. Sharps waste shall not be disposed of in refuse collection containers (e.g., garbage cans, garbage bags, dumpsters, etc.) if a source-separated collection service is provided for residential sharps waste by the public or private solid waste collection service provider; and
4. Providers of source-separated residential sharps collection shall be in compliance with the standards of Chapter ~~70.95K - 70A.228~~ RCW.

G. *Contingency Plan*. Generators of all medical waste must develop and abide by a contingency plan for the treatment of biomedical waste should failure of the primary biomedical waste treatment system occur. This plan shall be available for review by the Health Officer upon request.

H. *Inspection*. The Health Officer shall have the authority to enter any biomedical waste generating facility, at any reasonable time, for the purpose of determining if medical waste is being stored, handled, treated, and/or disposed of in accordance with this section.

I. *Solid Waste Handling Permit*. Any facility storing, handling, transporting, treating, or disposing of biomedical waste found to be in violation of this section may be required to obtain a solid waste handling permit. Persons required to obtain a solid waste handling permit shall renew the permit annually during the active life of the facility. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities. ~~[Res. 04-06. Prior code 5-3.1(XIX)]~~.

Commented [ER29]: RATIONALE FOR CHANGE:

RCW 70.95K has been recodified as [RCW 70A.228](#)

2.15.200 Garbage handling.

Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-300](#), On-Site Storage, Collection, and Transportation Standards, as now or hereafter amended.

Commented [ER30]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

In addition, all garbage stored in disposable containers shall be stored in a manner that prevents rodents, insects and other animals from access to the contents as a food source.

Garbage shall be removed from the property at a frequency that complies with ~~SCBHC SHDC 2.15.160(A)~~. ~~{Res. 04-06, Prior code § 3-1(X)}.~~

2.15.210 Moderate risk waste handling.

A. Owner Responsibility for Moderate Risk Waste.

1. *Conditionally Exempt Small Quantity Generators (CESQGs)*. CESQG as defined by ~~Chapter 2.20 SHDC~~, WAC [173-350-100](#), and the generators of household hazardous waste shall be responsible for the satisfactory and legal management and final disposal of all moderate risk waste generated or accumulated on the property.

Commented [ER31]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2. *Mitigation and Control of MRW*. The person responsible for a spill or nonpermitted discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves). In addition, the person responsible for a spill or discharge shall:

a. Clean up all released MRW, MRW constituents and hazardous substances, or take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities.

b. Designate and treat, store, or dispose of all soils, waters, or other materials contaminated by the spill or nonpermitted discharge.

B. Storage Requirements.

1. *Household Hazardous Waste (HHW)*. HHW generators must store HHW in its original container or in a container that is otherwise clearly labeled; provide some means of cover over the waste containers to prevent deterioration of the containers; and store containers

so that they are not in direct contact with the ground. The storage of HHW in leaking containers or in a manner likely to result in a release of HHW to the environment is prohibited.

2. *Conditionally Exempt Small Quantity Generator Waste.* All MRW produced and/or stored by CESQGs shall be stored in an appropriate container for the type of waste that is being stored. The containers must be clearly labeled; some means of cover over the waste containers to prevent deterioration of the containers must be provided; and containers must be stored so that they are not in direct contact with the ground. There must be proper means of storage until the waste has been removed to a permitted treatment, storage, or disposal facility or until it has been treated and rendered nonhazardous. The storage of MRW in leaking containers or in a manner likely to result in a release of MRW to the environment is prohibited.

C. *Labeling.*

1. *Household Hazardous Waste.* HHW must be clearly labeled; this is accomplished by either returning wastes to their original containers or by labeling each container stating what type of waste it contains.

2. *Conditionally Exempt Small Quantity Generators.* All containers of waste must be labeled with the following information:

a. Accumulation start date;

b. Washington State Department of Transportation labels, if necessary;

c. Description of waste, including the hazards associated with the waste; ~~and~~

d. The words "Hazardous Waste" or "Dangerous Waste" clearly marked on labels; ~~and-~~

e. If more than one gallon, label containers so they are legible and recognizable from a distance of twenty-five feet, or the lettering size be a minimum of one-half inch in height.

Commented [ER32]: ***PROPOSED CHANGES***

RATIONALE FOR CHANGE:

Consistent with [173-303-171](#) AND Ecology Dangerous Waste [Guidance](#)

D. *Secondary Containment.*

1. *Household Hazardous Waste.* No secondary containment is required for HHW.
2. *Conditionally Exempt Small Quantity Generator.* All wastes that are produced and/or stored on site must have secondary containment that is:
 - a. Covered (if not inside an enclosed building);
 - b. Made of a leak-proof material;
 - c. Sturdy in construction;
 - d. Compatible with the waste that it is meant to contain;
 - e. Capable of containing 10 percent of the volume of all the containers or tanks holding liquid, or the total volume of the largest container or tank in the area, whichever is greater; and
 - f. Containers equipped with double walls, or other effective spill prevention features, may be substituted for secondary containment as approved on a case-by-case basis by the Health Officer.

E. *Accumulation Standards.*

1. *Household Hazardous Waste.* HHW may not be accumulated in quantities that, in the opinion of the Health Officer, present a threat to public health or the environment.
2. *Conditionally Exempt Small Quantity Generators.* CESQG (e.g., businesses) shall not generate or accumulate MRW equal to or more than the quantity exclusion limit (QEL) established by Chapter [173-303](#) WAC, Dangerous Waste Regulations. The current generation QEL is less than 220 pounds of dangerous waste, or less than 2.2 pounds of extremely hazardous waste, per month or per batch. The current accumulation QEL is not more than 2,200 pounds of dangerous waste, or more than 2.2 pounds of extremely hazardous waste accumulated or stored. Persons exceeding the QEL must adhere to Chapter [173-303](#) WAC, administered by the Washington State Department of Ecology, and not these regulations.

- F. *Transportation.* Vehicles or containers used for the transportation of MRW shall be loaded and moved in such a manner that the contents will not fail, leak, or spill therefrom. Where such

1 spillage or leakage does occur, the waste shall be picked up immediately and the area properly
2 cleaned.

3 *G. Treatment and Disposal Standards.*

4 1. *Household Hazardous Waste.* HHW shall not be deposited in the solid waste collection
5 system, an on-site sewage system, a storm drain, the surface or groundwater, the surface
6 of the ground or under the ground. HHW shall not be deposited in a public sewer system
7 unless written approval is obtained from the providing sewer utility or a state waste
8 discharge permit is obtained. Usable pesticides and wood preservatives shall be utilized in
9 accordance with the Environmental Protection Agency approved label requirements, or
10 shall be disposed of at a disposal site approved by the Health Officer. Substantially empty
11 nonrestricted use pesticide containers and paint containers that are free of liquids are
12 excluded from this section and should be handled as general household waste after they
13 have been cleaned and punctured to show that they are empty. All empty restricted use or
14 banned pesticide containers must be triple rinsed with clean water or other appropriate
15 solvent prior to disposal into the solid waste stream. The rinse from restricted use pesticide
16 containers shall be utilized in the same registered manner as the pesticide previously held
17 in the container. The rinse from banned pesticide containers shall be disposed of at a
18 disposal site approved by the Health Officer.

19 2. HHW shall be disposed of at a permitted MRW facility or a product take back center
20 operating in compliance with federal, state and local regulations.

21 3. *Conditionally Exempt Small Quantity Generators.* CESQGs are prohibited from disposing
22 of MRW into the solid waste collection system, a storm drain, septic system, body of water,
23 or the environment in general. MRW shall not be deposited in a public sewer system unless
24 written approval is obtained from the providing sewer utility or a state waste discharge
25 permit is obtained. CESQGs are required to manage or dispose of MRW through a:

26 a. TSD facility, as defined in this regulation; or

27 b. Permitted MRW fixed facility, or mobile system and collection event in compliance
28 with ~~Chapter 2.20 SHDC~~, WAC [173-350-360](#); or

Commented [ER33]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

- c. Facility, such as a product take back center, that beneficially uses or reuses, or legitimately recycles or reclaims hazardous waste, or that treats waste prior to such recycling activities; or
- d. Method approved by the Washington State Department of Ecology to treat dangerous waste on site. Treat hazardous waste on site to render it nonhazardous. All treatment methods must have prior approval from the Washington State Department of Ecology.
4. If a CESQG accepts MRW that is not produced at or by the business itself, (e.g., waste oil, waste antifreeze, or other hazardous wastes from other businesses or from households), then the business will be considered a MRW facility and is subject to the MRW handling requirements of ~~Chapter 2.20 SHDC,~~ WAC [173-350-360](#). ~~{Res. 04-06. Prior code § 3-1(XII)}.~~

Commented [ER34]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2.15.220 Waste screening.

A. *Identification.* The Health Officer shall have the authority to inspect and screen any waste, excavated soil, soil like or other material suspected of being a regulated dangerous waste or containing contaminants at levels posing a threat to human health or the environment. The screening process may involve certified testing, a disclosure of the waste constituents and waste generation process, and other additional information. If the Health Officer determines that testing is required to identify the waste, the generator shall be responsible for such analysis. If the generator is not known, the property owner or business operator shall be responsible for such analysis. If the Health Officer determines that the waste is not a dangerous waste under Chapter [173-303](#) WAC, Dangerous Waste Regulations, but still poses a threat to human health or the environment, the Health Officer shall regulate the material as solid waste. As such, the Health Officer shall direct the generator, transporter, property owner or business operator to dispose or treat the material at a specified site or in a manner specified by the Health Officer. Chapters [173-303](#) and [173-340](#) WAC, Model Toxics Control Act Regulations, shall be considered when screening and making waste determinations. Any waste determinations involving solid waste shall comply with ~~Chapter 2.20 SHDC,~~ Chapter [173-350](#) WAC, Solid Waste Handling Standards.

Commented [ER35]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

B. *Disposal*. If during a solid waste facility inspection the Health Officer observes any waste suspected of being a regulated dangerous waste, waste posing a threat to human health or the environment or waste not conforming to a facility's approved waste acceptance plan, the Health Officer shall have the authority to require the property owner or business operator to stop accepting suspect waste, segregate and hold any on-site suspect waste. The Health Officer may require identification of the waste as outlined in subsection (A) of this section. The disposal site property owner, business operator and/or site attendants shall have similar authority not to accept suspect wastes. The site owner or operator will assume responsibility for disposal of the waste if the generator is unknown.

C. *Records*. The property owner or business operator shall maintain records of loads refused as suspected dangerous wastes. These records shall include name and address of generator or transporter, license plate number of transporting vehicle, description of waste and reason for refusal. The business operator shall refer this information to the Health Officer within 14 days of refusal. ~~[Res. 04-06. Prior code § 3.1(XXII)].~~

2.15.230 Beneficial use permit exemptions.

Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-200](#), Beneficial Use Permit Exemptions, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(XXIII)].~~

Commented [ER36]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

~~2.15.240 Recycling and material recovery facilities.~~

Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-210](#), ~~Recycling and Material Recovery Facilities~~, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(XXIV)].~~

Commented [ER37]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC reference title.

~~2.15.250 Composting Compost~~ facilities.

Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-220](#), ~~Compost Composting~~ Facilities, as now or hereafter amended. ~~[Res. 04-06. Prior code § 3.1(XXV)].~~

Commented [ER38]: Deleted reference to internal Ch 2.20. Left in WAC reference. Title has been updated to match WAC reference.

1 **2.15.260** Land application.

2 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-230](#), Land Application, as now or hereafter
3 amended. ~~{Res. 04-06. Prior code § 3.1(XXVI)}.~~

Commented [ER39]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

4 **2.15.270** Energy recovery and incineration ~~facilities.~~

5 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-240](#), Energy Recovery and Incineration Facilities, as
6 now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXVII)}.~~

Commented [ER40]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC reference title

7 **2.15.280** ~~Intermediate solid waste handling facilities.~~ Transfer stations and drop box
8 facilities

9 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-310](#), ~~Intermediate Solid Waste Handling~~
10 ~~Facilities~~ Transfer Stations and Drop Box Facilities, as now or hereafter amended. ~~{Res. 04-06.~~
11 ~~Prior code § 3.1(XXVIII)}.~~

Commented [ER41]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC reference title

12 **2.15.290** Moderate risk waste handling ~~facilities.~~

13 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-360](#), Moderate Risk Waste Handling; and WAC [173-](#)
14 [350-600](#), Financial Assurance Requirements, as now or hereafter amended. ~~{Res. 04-06. Prior~~
15 ~~code § 3.1(XXIX)}.~~

Commented [ER42]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC reference title

16 **2.15.300** Piles used for storage or treatment.

17 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-320](#), Piles Used for Storage or Treatment, as now or
18 hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXX)}.~~

Commented [ER43]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

1 **2.15.310** Surface impoundments and tanks.

2 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-330](#), Surface Impoundments and Tanks; and WAC
3 [173-350-500](#), Groundwater Monitoring, as now or hereafter amended. ~~{Res. 04-06. Prior code~~
4 ~~§ 3.1(XXXI)}.~~

Commented [ER44]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC title.

5 **2.15.320** Waste tire storage and transportation.

6 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-350](#), Waste Tire Storage and Transportation; and
7 WAC [173-350-600](#), Financial Assurance Requirements, as now or hereafter amended. ~~{Res. 04-~~
8 ~~06. Prior code § 3.1(XXXII)}.~~

Commented [ER45]: Deleted reference to internal Ch 2.20. Left in WAC reference. Updated WAC title.

9 **2.15.330** Municipal solid waste landfills.

10 Refer to ~~Chapter 2.25 SHDC~~, Chapter [173-351](#) WAC, Criteria for Municipal Solid Waste Landfill,
11 as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXXIII)}.~~

Commented [ER46]: Deleted reference to internal Ch 2.25. Left in WAC reference. Verified WAC reference was accurate.

12 **2.15.340** Limited purpose landfills.

13 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-400](#), Limited Purpose Landfills; WAC [173-350-500](#),
14 Groundwater Monitoring; and WAC [173-350-600](#), Financial Assurance Requirements, as now or
15 hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXXIV)}.~~

Commented [ER47]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

16 **2.15.350** Inert waste landfills.

17 Refer to ~~Chapter 2.20 SHDC~~, WAC [173-350-410](#), Inert Waste Landfills, as now or hereafter
18 amended. ~~{Res. 04-06. Prior code § 3.1(XXXV)}.~~

Commented [ER48]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2.15.360 Active, closed and abandoned landfills.

A. *Owner Responsibilities.* The owner of a closed or abandoned landfill site is responsible for preventing negative impacts to human health and environment from the site. All landfill sites that are no longer operational shall be monitored by the owner and be subject to repair, maintenance, and remediation in order to prevent a threat to human health or the environment or a violation of federal, state, or local regulation. The Health Officer shall have the authority to require the owner to conduct:

1. Landfill cap and surface repairs and maintenance;
2. Explosive gases, such as methane, monitoring and control;
3. Surface and groundwater monitoring;
4. Leachate control and treatment; and
5. Any additional measures determined by the Health Officer to be necessary to protect human health and the environment.

B. The Health Officer has the right to inspect, monitor, direct and order remedial action on any closed or abandoned landfill site.

C. *Construction Requirements.* If an owner of a closed or abandoned landfill proposes or is required to conduct site work or construction on the landfill or the property that the landfill is on, then the owner of the landfill shall submit proposed construction and remediation plans to the Health Officer for review and comment. The remediation and/or construction plans must be approved by the Health Officer before site work begins. The plans shall be prepared by a licensed professional engineer and shall contain the following:

1. A description of the proposed activities;
2. A description of potential hazards from the activities and how the potential hazards will be controlled. Potential hazards may include but are not limited to subsidence, methane and other explosive gases or volatile compounds, leachate, hazards associated with subsurface utility installation, erosion, and water quality;
3. A proposed timeline for the activities;

4. Any other information that the Health Officer requests as part of the proposed activities; and

5. A signed and stamped document by the professional engineer attesting that the construction and remediation activities were completed in accordance with her/his recommendations for preventing negative impacts from the landfill to human health or the environment.

D. Site modifications made to abandoned or closed landfill sites outside of Health Officer approved plans may result in enforcement action against the landfill property owners and other responsible parties.

E. *Explosive Gas Monitoring and Control at and Near Landfills.*

1. Owners of all operational, closed or abandoned landfills except inert waste landfills shall provide for adequate collecting, redirecting and venting of gases generated by solid waste. No explosive gas shall be allowed to migrate to or beyond the facility boundary above or below the ground in concentrations greater than the lower explosive limit for methane or in excess of 100 parts per million by volume of hydrocarbons (expressed as methane) in off-site structures, or in excess of 25 percent of the lower explosive limit for gases in facility structures (excluding gas control and recovery system components). It shall be the responsibility of the landfill owner to develop a sampling and testing program to monitor gas production and migration. Such program shall be approved by the Health Officer.

2. *Construction Standards.*

a. Any person constructing or developing any area within 1,000 feet of an active area of an active, closed or abandoned landfill shall provide documentation that demonstrates that levels of explosive gas within this 1,000-foot zone are below the lower explosive limits (LEL) under all conditions. A description of the investigation methodology, all analytical data, and conclusions shall be presented in a report submitted by a licensed professional engineer or professional geologist to the Health Officer and the local building department for review and approval.

b. Any person constructing or developing any area within 1,000 feet of an active area of an active, closed or abandoned landfill shall provide documentation that

demonstrates that all enclosed structures are protected from potential explosive gas migration. The method for ensuring a structure's protection from explosive gas shall be addressed in a report submitted by a licensed professional engineer to the Health Officer and the local building department for review and approval. Such a report shall contain a description of the mitigation measures to prevent the accumulation of explosive concentrations of gas within or under enclosed portions of a building or structure. At the time of the final inspection, the engineer shall furnish a signed statement attesting that the building or structure has been constructed in accordance with her/his recommendations for addressing the explosive gas migration.

c. The Health Officer may grant a variance to the requirements in subsection (E)(2)(b) of this section based on a review of the data submitted pursuant to subsection (E)(2)(a) of this section.

F. *Solid Waste Handling Permit.* Any owner of an active, closed or abandoned landfill found to be in violation of this section may be required to obtain a solid waste handling permit. Any owner required to obtain a solid waste handling permit shall renew the permit annually. A permit may be issued or denied for one or more activities without simultaneously issuing or denying a permit for all activities. ~~{Res. 04-06. Prior code § 3.1(XXXVI)}.~~

2.15.370 Other methods of solid waste handling.

Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-490](#), Other Methods of Solid Waste Handling, as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXXVII)}.~~

Commented [ER49]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

2.15.380 Groundwater monitoring.

~~For solid waste facilities r~~Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-500](#), Groundwater Monitoring, ~~for solid waste facilities and; or for municipal solid waste landfills, refer to Chapter 2.25 SHDC,~~ Chapter [173-351](#) WAC, Criteria for Municipal Solid Waste Landfill, ~~for municipal solid waste landfills,~~ as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXXVIII)}.~~

Commented [ER50]: Deleted reference to internal Ch 2.20 and Ch.2.25. Left in WAC reference. Verified WAC reference was accurate.

1 2.15.390 Financial assurance requirements.

2 ~~For solid waste facilities r~~ Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-600](#), Financial Assurance
3 Requirements, ~~for solid waste facilities; or Chapter 2.25 SHDC, and for municipal solid waste~~
4 ~~landfills refer to~~ WAC [173-351-600](#), Financial Assurance Criteria, ~~for municipal solid waste~~
5 ~~landfills,~~ as now or hereafter amended. ~~{Res. 04-06. Prior code § 3.1(XXXIX)}.~~

Commented [ER51]: Deleted reference to internal Ch 2.20 and Chapter 2.25. Left in WAC reference. Verified WAC reference was accurate.

6 2.15.400 Remedial action.

7 Refer to ~~Chapter 2.20 SHDC,~~ WAC [173-350-900](#), Remedial Action, as now or hereafter
8 amended. ~~{Res. 04-06. Prior code § 3.1(XL)}.~~

Commented [ER52]: Deleted reference to internal Ch 2.20. Left in WAC reference. Verified WAC reference was accurate.

9 2.15.410 ~~Criteria for inert waste.~~

10 ~~Refer to Chapter 2.20 SHDC, WAC 173-350-990, Criteria for Inert Waste, as now or hereafter~~
11 ~~amended. {Res. 04-06. Prior code § 3.1(XLI)}.~~

Commented [ER53]: This WAC reference was repealed by WSR 18-17-008 (Order 13-08), Filed 8/1/18, effective 9/1/18. See dispositions in WAC [173-350](#)

Chapter 2.20

SOLID WASTE HANDLING STANDARDS

Sections:

~~2.20.010 Chapter 173-350 WAC.~~

~~Code reviser's note: This text has been added during recodification as a placeholder for WAC~~
~~chapters adopted by reference.~~

18 2.20.010 Chapter 173-350 WAC.

19 This section adopts Chapter [173-350](#) WAC, Solid Waste Handling Standards, by reference.
20 ~~{Revised 03/25/13. Revised 05/10/05. Res. 04-06. Revised by WA Department of Ecology~~
21 ~~01/10/03. Prior code § 3.2}.~~

Chapter 2.25

CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS

~~Sections:~~~~2.25.010 — Chapter 173-351 WAC.~~~~Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.~~

2.25.010 Chapter 173-351 WAC.

This section adopts Chapter [173-351](#) WAC, Criteria For Municipal Solid Waste Landfills, by reference. ~~[Revised 11/08/12. Res. 04-06. Prior code § 3.3].~~

Chapter 2.30

MINIMUM FUNCTIONAL STANDARDS FOR SOLID WASTE HANDLING

~~Sections:~~~~2.30.010 — Chapter 173-304 WAC.~~~~Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.~~

2.30.010 Chapter 173-304 WAC.

This section adopts Chapter [173-304](#) WAC, Minimal Functional Standards for Solid Waste Handling, by reference. ~~[Res. 04-06. Prior code § 3.4].~~

Division III. Food Safety

Chapter 2.35

FOOD SERVICES

~~Sections:~~~~2.35.010 — Chapter 246-215 WAC.~~~~Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.~~

2.35.010 Chapter 246-215 WAC.

This section adopts Chapter [246-215 WAC](#), [Food Service](#), by reference. ~~[Res. 13-07, Res. 04-22, Res. 93-32, Eff. 11/09/93, Res. 88-58, Prior code § 10.1].~~

~~Chapter 2.40~~~~ENFORCEMENT PROCEDURES OF THE FOOD PROGRAM~~~~Sections:~~~~2.40.010 — Inspection frequency — Inspection form.~~~~2.40.020 — Types of closures of food establishments.~~~~2.40.030 — Suspension of food establishment permits.~~~~2.40.040 — Revocation of food establishment permits.~~~~2.40.050 — Food establishment closures — Lack of valid permit.~~~~2.40.060 — Other procedures.~~

~~2.40.010 — Inspection frequency — Inspection form.~~

~~A. — Inspection Frequency. Food establishments will be inspected as often as required according to frequencies set by the Health Officer. Establishments with identified problems and establishments about which complaints are received will be subject to a more frequent inspection schedule.~~

~~B. — Inspection Form. Form titled "Food Service Establishment Inspection Form," DOH 334-001, will be the form used. This form sets forth violations as red critical items (items directly related to foodborne illness) and as blue items (items related to sanitation, design and maintenance). [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 92-06, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(I)].~~

~~2.40.020 — Types of closures of food establishments.~~

~~Food establishments may be closed in the following three ways:~~

~~A. — Permit Suspension. By suspension of the food establishment permit.~~

~~B. — Permit Revocation. By revocation of the food establishment permit.~~

~~C. — Closure Order — Lack of Valid Permit. By Health Officer's order when a valid food establishment permit does not exist. [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(I)].~~

~~2.40.030 — Suspension of food establishment permits.~~

~~A. — Reasons for Permit Suspension. Food establishment permits shall be suspended for any of the following reasons.~~

- ~~1. — Existing Immediate Health Hazard. When an immediate health hazard exists for which there is no acceptable corrective remedy other than immediate closure of the food establishment.~~

Commented [ER54]:

PROPOSED CHANGE: Remove this section completely.

RATIONALE FOR CHANGE:

Inspection Frequency: This is covered under [WAC 246-215-08400](#)

Inspection Forms: This is loosely covered under [WAC 246-215-08430-08440](#)

Commented [ER55]: PROPOSED CHANGE: Remove entire section

RATIONALE FOR CHANGE: Types of enforcement are covered under WAC 246-215-[08600](#) AND [08300](#)

Commented [ER56]: PROPOSED CHANGE: Removal of entire section.

RATIONALE FOR CHANGE: Reasons for permit suspension & revocation as well as general procedures for carrying out suspension, revocation, and other enforcement are covered under [WAC 246-215-08600](#). The specific procedures called out in subsection B-C (procedures for suspension & reinstatement) are covered in the WAC and further detailed via internal procedures.

Subsection D: This is already called out in [WAC 246-215-08610](#) and Chapters [1.15](#) & [1.20](#)

~~Examples: Loss of refrigeration capacity or power; sewer backup and flooding; damage to the structure caused by accident or construction so that sanitary conditions cannot be maintained; loss of potable water supply; communicable disease in food workers of a severity, in the judgment of the Health Officer, to cause a serious public health hazard; red item violations (regardless of hazard points) not immediately corrected or correctable; other situations deemed by the Health Officer to represent an immediate health hazard with the potential to cause foodborne illness.~~

~~2.—Ongoing and Repeated Violations.~~ When there exist ongoing and repeated violations of food service regulations, of a nature and severity to warrant enforcement action, and when reasonable effort has been made to achieve voluntary compliance.

~~3.—Hazard Points Following Office Conference.~~ When, after an office conference has been conducted, follow-up inspection at any time results in 100 or more total hazard points or 75 or more red item hazard points.

~~4.—Failure to Inspect, Maintain and Operate an On-Site Sewage System (OSS) in Accordance with Chapter 246-272 WAC.~~ When a food service establishment fails to annually inspect, maintain and operate an OSS in accordance with WAC 246-272-15501(4).

~~B.—Procedures for Permit Suspension—~~

~~1.—Existing Immediate Health Hazard.~~ When the food program sanitarian determines that an immediate health hazard exists at a food establishment and suspension of the permit immediately is indicated, the sanitarian will confirm this opinion by calling the office and obtaining authorization to close the food establishment from a member of the environmental health supervisory staff. The food program sanitarian will then complete the “Interim Health Officer’s order” form and issue to the person in charge at the time at the food establishment. The interim order will be followed by a confirming Health Officer’s order delivered in the same manner as set forth in subsection (B)(2) of this section.

~~2.—Ongoing and Repeated Violations.~~ When the food program sanitarian determines that an ongoing and repeated violation of a significant nature has occurred in a food establishment and suspension of the permit is indicated, the sanitarian will confirm this opinion by calling the office and obtaining authorization to close the food establishment from a member of the environmental health supervisory staff. The food program sanitarian

will then complete the "Interim Health Officer's order" form and issue it to the person in charge at the time at the food establishment. The interim order will be followed by a confirming Health Officer's order mailed to the permit holder both by regular and certified mail. Notice by mail will be considered acceptable service if for some reason the order cannot be delivered to the establishment.

~~3.—Hazard Points Following Office Conference.~~ When an inspection shows the existence of 100 or more total hazard points or 75 or more red item hazard points and the red item hazard points are corrected, an office conference will be scheduled within five days' time. The problems in food handling identified by the inspection will be reviewed with the operator who will be advised that subsequent findings of a like nature, 100 or more total or 75 or more red items, will result in automatic closure. Such closure will follow the same procedures as outlined in subsection ~~(B)(2)~~ of this section. Each owner will be allowed one office conference (provided red items and significant blue items are immediately corrected), the purpose of which will be educational and instructional in nature in lieu of automatic closure. Office conferences will be followed by additional inspections beyond the routine inspection schedule as established by the Food Program Supervisor. A fee, as established by the Board of Health, will be charged for office conferences and additional inspections necessitated by high hazard points.

~~C.—Procedures for Reinstatement of Suspended Permit.~~

~~1.—Notice to Health District.~~ The food establishment permit holder will notify the Health District when the violations causing the suspension of the permit have been corrected and request a reinspection. Such notification can be made by telephone.

~~2.—Reinspection.~~ The Health District will arrange for reinspection as soon as possible and not later than 48 hours after receiving notice from the permit holder. No reinspection will be made the same day as the day of permit suspension and in no instance will permit reinstatement become effective the same day as the day of permit suspension. No permit reinstatement will occur until after a successful reinspection, and permit reinstatement will be considered interim until such time as the permit reinstatement fee is paid.

~~3.—Permit Reinstatement Fee.~~ A permit reinstatement fee, as established by the Board of Health, will be required to reinstitute a food establishment permit after the establishment has been closed by Health Officer's order. Payment must be received in the Health

~~District's Environmental Health Division office not later than the close of business (5:00 p.m.) on the first business day following the interim permit reinstatement or the permit will be considered invalid and the establishment immediately subject to SHDC 2.40.050. The permit reinstatement fee is doubled where permit suspension was the result of operations found to be continuing with an existing immediate health hazard.~~

~~D. Hearings on Suspension.~~

~~1. Request for Hearing. Any food establishment permit holder who feels that suspension of a permit is an incorrect action may request a hearing. Such request must be filed with the Health Officer not later than 10 calendar days, with the date of suspension counting as the first day. The request for a hearing must specifically state which violations cited by the food program sanitarian were incorrectly cited, or which portions of the enforcement procedures were incorrectly applied. Issues not addressed in the request for a hearing will not be considered at the time of the hearing.~~

~~2. Conduct of Hearings. The Health Officer will arrange for a hearing to be conducted by the Health Officer or the Health Officer's designee. The time and place of the hearing will be designated by the Health Officer and be within 30 calendar days of receipt of the request for a hearing. The Health Officer or designee shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or record considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Officer or designee.~~

~~3. Food Establishment Permit Remains Suspended. The request for a hearing will not stay the suspension of the food establishment permit.~~

~~4. Fee for Hearing. The filing of a request for hearing on suspension shall be accompanied by the payment of a fee. This fee shall be the same fee as the Environmental Health Division fee for a step two appeal procedure as set forth in the most recently published Environmental Health Division fee schedule. No hearing shall be scheduled or conducted without receipt of the fee payment. The fee shall be refunded if the appellant prevails in the hearing. [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(III)].~~

~~2.40.040~~ — ~~Revocation of food establishment permits.~~

~~A. — Reasons for Permit Revocation. Food establishment permits may be revoked for any of the following reasons.~~

~~1. — Serious and/or Repeated Violations. When enforcement efforts have failed and serious and/or repeated violations of Chapter 246-215 WAC continue and such violations represent a serious public health hazard or represent continued poor sanitary and maintenance practices of a serious nature, the permit may be revoked by the Health Officer.~~

~~2. — Interference with Food Program Staff. When interference has occurred in the performance of duty of Health District staff, the permit may be revoked by the Health Officer.~~

~~3. — Operation in Defiance of Closure Order. Food service operations that continue to serve food to the public without a valid permit and in defiance of a Health Officer's order to suspend permitted operations shall be subject to permit revocation for a period of not less than five days.~~

~~B. — Procedures for Permit Revocation.~~

~~1. — Hearing. The Health Officer will not revoke a food establishment permit until an opportunity has been provided for a hearing before the Health Officer or the Health Officer's designee. Written notification of the hearing, including the time and place of the hearing, shall be made to the permit holder within 30 days of the last inspection or field visit relative to the action. The Health Officer or designee shall make a final finding based upon the complete hearing record and shall sustain, modify or rescind any notice or record considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit by the Health Officer or designee.~~

~~2. — Health Officer's Order. Permits shall be revoked through issuance of a Health Officer's order, said order to be delivered to the establishment and a copy mailed to the permit holder both by regular and certified mail. Notice by mail will be considered acceptable service if for some reason the order cannot be delivered to the establishment.~~

~~3. — Application for New Permit. A permit holder whose food establishment permit has been revoked may make a written application for the purpose of obtaining a new permit. A~~

Commented [ER57]: PROPOSED CHANGE: Removal of entire section.

RATIONALE FOR CHANGE: Reasons for permit revocation, as well as general procedures for carrying out revocation and other enforcement are covered under [WAC 246-215-08600](#).

hearing will be provided before the Health Officer or designee to determine if a new permit should be issued. In no case will a permit be issued for a food establishment during a period of revocation imposed for noncompliance with these procedures. [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(IV)].

2.40.050 ~~Food establishment closures – Lack of valid permit.~~

~~A. Reasons for Closure Order.~~ Failure to obtain a food establishment permit, failure to renew a food establishment permit within the permit renewal time, or failure to pay a permit reinstatement fee.

~~B. Procedures for Closure.~~

~~1. Health Officer's Order.~~ Closure of a food establishment lacking a valid food establishment permit shall be accomplished through issuance of a Health Officer's order, said order to be prepared and delivered to the establishment and a copy mailed to the owner and operator both by regular and certified mail. Notice by mail will be considered acceptable service if for some reason the order cannot be delivered to the establishment.

~~2. Permit Fee for Reopening.~~ A food establishment closed due to lack of a valid food establishment permit may be opened upon obtaining such permit. The permit fee following closure due to lack of a valid permit shall be double the usual fee. [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(V)].

2.40.060 ~~Other procedures.~~

~~A. Red Item Violations.~~

~~1. Notification to Food Establishment.~~ The food program sanitarian will notify the owner/operator of the existence of red item violations by noting such on the inspection form and discussing with the person in charge of the food establishment's operation at the time of the inspection.

Commented [ER58]: PROPOSED CHANGE: Remove this section entirely.

RATIONALE FOR CHANGE: This section is currently covered under WAC 246-215-08300; 08600; 01115; and the food program's BOH approved [fee schedule](#).

Commented [ER59]: PROPOSED CHANGE: Remove this section entirely

RATIONALE FOR CHANGE:

A-B: "Red High Risk Factors" are defined in [WAC 246-215-01115](#). Note: Blue Items are not defined in the WAC. Red item and blue item violations ARE also described in the DOH approved inspection form/reports that are given to permit holders/operators.

Subsection C: Covered under [WAC 246-215-08340](#) and laid out in detail [Chapter 1.20](#) of this sanitary code.

Enforcement of red/blue violations are covered under internal procedures.

~~2.—Disposition of Red Item Violations.~~ The food program sanitarian will note on the inspection form the disposition of all red item violations, corrective actions taken, and dates of reinspection.

~~3.—Failure to Correct Red Item Violations.~~ Failure to correct red item violations immediately (or within 72 hours when allowed for a specific item) will result in suspension of the food establishment permit. The food program supervisor may allow an additional time for correction in unusual circumstances when correction cannot be made in the time allocated and when a serious public health hazard does not result from such extension.

~~B.—Blue Item Violations.~~

~~1.—Notification to Food Establishment.~~ The food program sanitarian will notify the owner/operator of the existence of blue item violations by noting such on the inspection form and discussing with the person in charge of the food establishment's operation at the time of the inspection.

~~2.—Correction of Blue Item Violations.~~ Blue item violations that are judged to represent a serious hazard or to present direct jeopardy to the safety of food preparation will be treated like red item violations (example, lack of hot water). Blue item violations judged not to present an immediate public health hazard including those requiring major physical alteration and remodeling will be placed upon a schedule of compliance, established through discussion between the Health District and the operator.

~~C.—Appeal of Permit Denial.~~

~~1.—Any decision of the Health District with respect to applications for food establishment permits made pursuant to these rules and regulations may be appealed.~~

~~2.—Any appeal of a decision of the Health District with respect to applications for permits under these regulations must be done in accordance with Chapter 1.20 SHDC, Right of Appeal. [Res. 01-18, Res. 96-24, Res. 95-16, Eff. 05/09/95, Res. 93-32, Eff. 11/09/93, Res. 90-01, Res. 88-59, Res. 85-43, Prior code § 10.2(VI)].~~

Chapter 2.45**FOOD SERVICE MANAGER****Sections:**

~~2.45.010 Food service manager training and certification.~~

~~2.45.020 Recertification training of restaurant managers and operators.~~

~~2.45.010 Food service manager training and certification.~~

~~Rules and regulations of the Snohomish Health District Board of Health governing food service manager training and certification course.~~

~~The Board of Health does authorize the Health Officer and his representatives to implement the following actions:~~

~~A. Create and provide a training program consisting of 12 hours of classroom instruction for food service industry managers, owners and operators.~~

~~B. Establish an interim enrollment fee initially set at \$75.00 per student for the remainder of calendar year 1990.~~

~~C. Provide and maintain a self-inspection program for managers who complete the training program. Managers who wish to enroll in the program would be obliged to submit to the food program office monthly inspection reports (Form DOH 334-001) of their establishment. Any manager who fails to submit reports in a timely manner will be dropped from the program.~~

~~D. Any facility whose manager completes the program at the end of the calendar year will be eligible for a rebate on the permit fee for that facility. That rebate amount will be initially established in the 1991 fee schedule, and thereafter by the current year fee schedule. [Res. 13-07. Res. 96-02. Res. 93-32, Eff. 11/09/93. Res. 90-32. Prior code § 10.3].~~

~~2.45.020 Recertification training of restaurant managers and operators.~~

~~Rules and regulations of the Snohomish Health District Board of Health governing food service manager training and certification course.~~

Commented [ER60]:

PROPOSED CHANGES: Propose to delete this entire chapter.

RATIONALE FOR CHANGE: We no longer do this training or allow restaurants to do a self-inspection for reduced fees. It's resource intensive and not financially sustainable. In addition, the new revisions in WAC [246-215-02107](#) require food establishments to have a certified food protection manager on-site. The certificate must come from an [accredited program](#).

~~The Snohomish Health District Food Program has established the goal of increasing its emphasis on advanced levels of training and education in the food service industry in an effort to minimize the occurrence of foodborne illness in the community.~~

~~The Board of Health does authorize the Health Officer to:~~

~~A. Create and provide a nine-hour recertification training program for those managers who have completed the manager certification course; and~~

~~B. Establish an enrollment fee as stated in the current year fee schedule. (Initially set at \$95.00 per student for calendar year 1994.) [Res. 13-07, Res. 93-34, Prior code § 10.3.1].~~

Division IV. Illegal Drug Manufacturing or Storage Sites

Chapter 2.50

DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

~~Sections:~~

~~2.50.010 — Chapter 246-205 WAC.~~

~~Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.~~

2.50.010 Chapter 246-205 WAC.

This section adopts Chapter [246-205 WAC, Decontamination Of Illegal Drug Manufacturing Or Storage Site](#), by reference. ~~[Res. 93-32, Eff. 11/09/93, Prior code § 11.1].~~

Chapter 2.55

CONTAMINATED PROPERTIES

Sections:

~~2.55.010 Chapter 64.44 RCW.~~

~~Code reviser's note: This text has been added during recodification as a placeholder for RCW chapters adopted by reference.~~

2.55.010 Chapter 64.44 RCW.

This section adopts Chapter [64.44](#) RCW, Contaminated Properties, by reference. ~~{Res. 93-32, Eff. 11/09/93. Prior code § 11.2}.~~

Chapter 2.60

RULES AND REGULATIONS REGARDING DECONTAMINATION OF ILLEGAL DRUG
MANUFACTURING OR STORAGE SITES

Sections:

- [2.60.010](#) Authority and purpose.
- [2.60.020](#) Applicability.
- [2.60.030](#) Definitions.
- [2.60.040](#) Inspections and right of entry.
- [2.60.050](#) Health Officer determination and issuance of order.
- [2.60.060](#) Decontamination.
- [2.60.070](#) Securing property and abatement.
- [2.60.080](#) Assessment of costs.
- [2.60.090](#) Violations and civil penalties.
- [2.60.100](#) Notice and order to correct violation.

2.60.010 Authority and purpose.

A. *Authority.* The Snohomish County Board of Health ~~of the Snohomish County Health Department District~~ adopts this chapter pursuant to Chapters [43.20](#), [64.44](#), [70.05](#), and [70.46](#) RCW and Chapter [246-205](#) WAC. All references to these RCWs and ~~this WACs~~ refer to the cited chapters and sections, as now or hereafter amended.

B. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for public contact with hazardous chemicals associated with the manufacture of illegal drugs and by providing a just and practicable method for decontaminating property where these hazardous chemicals commonly are present. In addition to the requirements established in Chapter [64.44](#) RCW and Chapter [246-205](#) WAC, this chapter establishes additional requirements for decontamination, abatement, assessment of costs and enforcement of the same. ~~[Res. 03-21. Res. 03-19. Prior code § 11.3(I)].~~

2.60.020 Applicability.

This chapter shall apply to any site defined as an illegal drug manufacturing or storage site in WAC [246-205-010](#). This chapter shall also apply to any property that exceeds the decontamination standards as defined in WAC [246-205-541](#). ~~[Res. 03-21. Res. 03-19. Prior code § 11.3(III)].~~

2.60.030 Definitions.

When used in this chapter, the following terms have the meanings provided below. Other terms used in this chapter that are not defined below are provided in Chapter [64.44](#) RCW and Chapter [246-205](#) WAC.

“Approved” means approved in writing by the Health Officer.

~~“Board of Health” means the Snohomish Health District Board of Health.~~

~~“Health District” means the Snohomish Health District.~~

Commented [ER61]: Removal of definitions already defined in Title 1, which will apply to the entire code.

~~“Health Officer” means the Health Officer or the Health Officer’s authorized representative, of the Snohomish Health District.~~

“Notice and order to correct violation” means the Health Officer’s order requiring correction of violations of the order, including imposition of civil penalties for violation of the order.

~~Hereinafter may be referred to as notice.~~

~~Nuisance. A public or common nuisance shall be considered as that which is set up, maintained or continued so as to be injurious to the health, or an obstruction to the use of property by interfering with the health, safety, or life of any considerable number of persons.~~

“Order” means the Health Officer’s order prohibiting use of property determined to be contaminated. ~~{Res. 03-21. Res. 03-19. Prior code § 11.3(III)}.~~

~~2.60.040 — Inspections and right of entry.~~

~~The Health Officer is authorized to make such inspections and take action as may be required to enforce the provisions of this chapter, Chapter 64.44 RCW and Chapter 246-205 WAC. The Health Officer may enter, inspect, and survey at reasonable times any properties for which there are reasonable grounds to believe that the property has become contaminated. If entry is refused the Health Officer shall have recourse to all remedies provided by law to obtain entry. {Res. 03-21. Res. 03-19. Prior code § 11.3(IV)}.~~

Commented [ER62]: Will have right of entry provision in Title 1 cover entire code.

2.60.050 Health Officer determination and issuance of order.

A. General. The requirements for site postings, inspection, determination of contamination, and issuance of the Health Officer’s order prohibiting use of contaminated property are in Chapter [64.44](#) RCW and Chapter [246-205](#) WAC.

B. Right of Appeals. The process and timeline for appealing an order declaring a property unfit and prohibiting its use, shall be pursuant to Chapter 1.20 SCHDC, Right of Appeals, except whereas more specific appeal procedures are referenced in Chapter 64.44 RCW and Chapter 246-205 WAC. This includes but is not limited to the following: Chapter 2.65 SHDC.

Commented [ER63]: When an Order is issued declaring a property unfit due to contamination and prohibiting its use, the person receiving the order has appeal rights that slightly differ than Ch. 1.20. These appeal rights are referenced in [64.44](#) RCW and [246-205](#) WAC. Cleaning up the language in this section will allow us to delete Ch.2.65 in its entirety as its mostly redundant to Ch.1.20, Right of Appeals.

1. The request for a hearing must be made within ten days of the health officer's serving of the order by the person required to be notified of the order;

2. The hearing shall be held not less than twenty days nor more than thirty days after serving of the order;

3. In any hearing concerning whether property is fit for use, the property owner has the burden of showing that the property is decontaminated or fit for use; and

4. The owner or any person having an interest in the property may file an appeal on any order issued by the local health board or officer within thirty days from the date of service of the order.

C. Stay of the Health Officer's Order. The filing of a request for an appeal for a hearing will operate as a stay from the requirement to perform corrective action ordered by the Health Officer while the hearing is pending, except:

1A. There shall be no stay from the requirement in the order prohibiting use, occupancy or the moving of any property.

2B. There shall be no stay from the requirements of immediate compliance where the order has been designated an emergency order by the Health Officer. ~~[Res. 03-21, Res. 03-19, Prior code § 11.3(V)].~~

2.60.060 Decontamination.

A. *Applicability.* The requirements in this section are in addition to the decontamination requirements in Chapter [64.44](#) RCW and Chapter [246-205](#) WAC. The requirements in this section apply to property that has been found by the Health Officer to be contaminated and unfit for use pursuant to RCW [64.44.020](#) and [64.44.030](#), and WAC [246-205-531](#) and [246-205-540](#), including property found contaminated and unfit for use by the Health Officer prior to the effective date of this chapter.

B. *Decontamination or Disposal Required.*

1. The owner, occupant, any person in control of any contaminated property, or any person responsible for contaminating the property, are required to decontaminate or dispose of the contaminated property. Decontamination or disposal of property shall be done in accordance with this chapter, Chapter [64.44](#) RCW, Chapter [246-205](#) WAC, all orders of the Health Officer, and shall comply with all applicable federal, state, and local laws, regulations, procedures and guidelines.

2. Any decontamination or disposal activities shall be performed through the services of a decontamination contractor certified by the Washington State Department of Health unless otherwise authorized by the Health Officer.

3. Prior to commencing any decontamination or disposal activities a decontamination workplan must be submitted to and approved by the Health Officer unless otherwise authorized by the Health Officer. Any deviations from the workplan must be approved in advance by the Health Officer.

4. Timelines for the performance of decontamination or disposal of property subject to the order shall be as follows, unless otherwise approved by the Health Officer:

a. Contaminated property, excluding motor vehicles, trailers, and boats, shall be decontaminated or disposed of within 45 days of notification of contamination by the Health Officer.

b. Contaminated motor vehicles, trailers, and boats shall be decontaminated or disposed of within 30 days of notification of contamination by the Health Officer.

C. *Decontamination Workplans.* All decontamination contractors certified by the Washington State Department of Health and other persons performing decontamination or disposal operations approved by the Health Officer, shall use the Washington State Department of Health's workplan template, as amended, unless otherwise approved by the Health Officer.

~~{Res. 03-21, Res. 03-19, Prior code 5-11.3(VI)}~~

2.60.070 Securing property and abatement.

A. The property owner or other persons to whom the order was directed shall take all necessary action to maintain the property, secure against entry by closing, boarding up, fencing, barricading, locking or otherwise securing the property.

In the event that the property owner or other persons to whom the order was directed do not comply, the Health Officer may take all necessary actions to maintain the property, secure against entry by closing, boarding up, fencing, barricading, locking, or otherwise securing the same.

B. Once an order is issued by the Health Officer relative to the subject property, the Health Officer shall thereafter be entitled to enter or access such property as reasonably necessary for the sake of further inspections, posting the property, securing the property, and/or abating the condition. This right of access shall expire at such time as the property has been subjected to an approved decontamination.

C. The Health Officer may prohibit the moving or removal of vehicles or any other personal property and may secure such property by attachment of a locking device or any other means to prevent the property from being removed.

D. If the property owner or other persons to whom the order was directed have failed to decontaminate or dispose of contaminated property as ordered by the Health Officer, the Health Officer may direct or cause the property to be decontaminated, closed, vacated, boarded up, removed, disposed of or demolished, pursuant to this chapter, Chapter [64.44](#) RCW and Chapter [246-205](#) WAC. ~~[Res. 03-21, Res. 03-19, Prior code § 11.3(VII)]~~.

2.60.080 Assessment of costs.

A. Any costs incurred by the Health ~~Department~~District in assessment and enforcement of the provisions of this chapter, Chapter [64.44](#) RCW and Chapter [246-205](#) WAC may be collected by any appropriate administrative fee or legal remedy.

B. Any costs, including actual administrative costs and actual attorney's fees and costs, incurred by the Health ~~Department~~District in securing property or abating the condition of the

property may be collected by any appropriate legal remedy. These costs may be assessed against the property, the persons to whom the order was directed, and the owners of the property upon which the cost was incurred.

C. Notice of costs incurred shall be sent by first class and certified mail to the owners of the property upon which the costs are assessed or other persons against whom the costs are charged. The Health Officer may modify the amount, methods, or time of payment of such costs upon considering the condition of the property and the circumstances of the person violating the provisions of this chapter. In determining any such modification, the costs may be reduced against an individual who has acted in good faith and would suffer extreme financial hardship. ~~[Res. 03-21, Res. 03-19, Prior code 5-11.3(VIII)]~~.

2.60.090 Violations and civil penalties.

A. *Violations.*

1. Violations of this chapter may be addressed through a civil penalty as provided in subsection [\(B\)](#) of this section.

2. Each violation of this chapter shall be a separate and distinct offense.

3. Any property that is declared contaminated or unfit for use is an unlawful public nuisance.

4. Once the order has been issued, the city or county in which the contaminated property is located may take action to condemn or demolish property or to require the property be vacated or the contents removed from the property, pursuant to RCW [64.44.040](#).

B. *Civil Penalties.*

1. Violators of the provisions of this chapter shall be assessed a monetary penalty as provided for in the following section.

2. The following are considered violations of the provisions of this chapter:

a. *Occupying or Permitting Occupation of Property Declared Contaminated.* Any person who occupies or permits or authorizes the occupation of any property ordered

vacated pursuant to this chapter, Chapter [64.44](#) RCW, or Chapter [246-205](#) WAC shall be assessed a monetary penalty of \$100.00 per day;

b. *Removing or Allowing to Be Removed Property Declared Contaminated.* Any person who removes or allows to be removed any property declared contaminated pursuant to this chapter, Chapter [64.44](#) RCW, or Chapter [246-205](#) WAC shall be assessed a monetary penalty of \$250.00 per item removed. The removal of a trailer, vehicle or boat shall be assessed a monetary penalty of \$1,000 per occurrence;

c. *Removing, Destroying, Defacing, or Obscuring a Notice.* Any person who removes, destroys, defaces, obscures or otherwise tampers with any notice posted pursuant to this chapter, Chapter [64.44](#) RCW, or Chapter [246-205](#) WAC shall be assessed a monetary penalty of \$250.00;

d. *Obstructing Employees or Agents of Health ~~Department~~District.* Any person who obstructs any enforcement officer, employee or agent of the Health ~~Department~~ [District](#) carrying out the duties prescribed in this chapter, Chapter [64.44](#) RCW, or Chapter [246-205](#) WAC shall be assessed a monetary penalty of \$250.00;

e. *Failure to Comply with Decontamination Requirements.* Any person who violates the decontamination requirements (~~SHDC-SCBHC 2.60.060~~), unless otherwise authorized by the Health Officer, shall be assessed a monetary penalty of \$250.00;

f. *Failure to Report Contamination.* If a property owner believes that a tenant has contaminated property that was being leased or rented, and the property is vacated or abandoned and subsequently fails to report possible contamination to the Health Officer upon gaining such knowledge, shall be assessed a monetary penalty of \$100.00.
~~[Res. 03-21. Res. 03-19. Prior code § 11.3(IX)].~~

2.60.100 Notice and order to correct violation.

A. *Issuance.* Whenever the Health Officer determines that a violation of this chapter has occurred or is occurring, he/she may issue a written notice and order to correct violation to the property owner or to any person causing, allowing, or participating in the violation.

B. *Content.* The notice and order to correct violation shall contain:

1. The name and address of the property owner or other persons to whom the notice and order to correct violation is directed;
2. The street address or description sufficient for identification of the property upon or within which the violation has occurred or is occurring;
3. A description of the violation and a reference to the provision of this chapter that has been violated;
4. A statement of the action required to be taken to correct the violation and a date or time by which correction is to be completed;
5. A statement that each violation of this chapter shall be a separate and distinct offense; and
6. A statement that the enumerated violations cited per subsection [\(B\)\(3\)](#) of this section have resulted in the issuance of civil penalties as described in ~~SCBHCHDC~~ [2.60.090\(B\)](#).

C. *Service of Order.* The notice and order to correct violation shall be served upon the person to whom it is directed, either personally or by mailing a copy of the notice and order to correct violation by first class and certified mail postage prepaid, return receipt requested, to such person at his/her last known address.

D. *Extension.* Upon written request received prior to the correction date or time, the Health Officer may extend the date set for corrections for good cause. The Health Officer may consider substantial completion of the necessary correction or unforeseeable circumstances that render completion impossible by the date established as a good cause.

E. *Supplemental Order to Correct Violation.* The Health Officer may at any time add to, rescind in part, or otherwise modify a notice and order to correct violation. The supplemental order shall be governed by the same procedures applicable to all notice and order to correct violation procedures contained in this chapter.

F. *Enforcement of Notice and Order to Correct Violation.* If, after any notice and order to correct violation is duly issued by the Health Officer, the person to whom such notice is directed fails, neglects, or refuses to obey such notice, the Health Officer may:

1. Cause such person to be prosecuted under this chapter; and/or
2. Institute any appropriate action to collect a penalty assessed under this chapter; and/or
3. Abate the health violation using the procedures of this chapter; and/or
4. Pursue any other appropriate remedy at law or equity under this chapter. ~~[Res. 03-21. Res. 03-19. Prior code § 11.3(X)].~~

~~Chapter 2.65~~

~~RIGHT OF APPEAL, DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES, HEALTH OFFICER'S ORDER – UNFIT FOR USE~~

~~Sections:~~

- ~~2.65.010 — Purpose.~~
- ~~2.65.020 — What may be appealed.~~
- ~~2.65.030 — Who may appeal.~~
- ~~2.65.040 — Pre-appeal conference recommended.~~
- ~~2.65.050 — Appeal procedure — General information.~~
- ~~2.65.060 — Appeal procedure — Step one.~~
- ~~2.65.070 — Appeal procedure — Step two.~~

~~2.65.010 — Purpose.~~

~~The purpose of this appeal procedure is to establish a system which will aid in resolving conflicts arising from the administration of these regulations where not otherwise specified, and to ensure procedural due process and fairness in such administration. [Res. 01-05. Prior code § 11.4(l)].~~

Commented [ER64]:

Propose to delete this Chapter. This chapter just repeats Ch. 1.20, Right of Appeals with some minor changes to reflect appeal requirements in [WAC 246-205](#) and RCW [64.44](#). This entire chapter should now be addressed in Section 2.60.050 of this code.

~~2.65.020 — What may be appealed.~~

~~Any local Health Officer's order with respect to the investigation of illegal drug manufacturing or storage sites made pursuant to these rules and regulations may be appealed. [Res. 01-05. Prior code § 11.4(III)].~~

~~2.65.030 — Who may appeal.~~

~~Any bona fide party of interest feeling aggrieved by a decision or order of the Health District made pursuant to these rules and regulations pertaining to a facility in which the person has an interest may file an appeal. [Res. 01-05. Prior code § 11.4(III)].~~

~~2.65.040 — Pre-appeal conference recommended.~~

~~Although not required for the purpose of initiating the appeal procedure, any bona fide party of interest feeling aggrieved by the decision of the Environmental Health Staff is encouraged to avail himself/herself of the opportunity to request an office conference with the sanitarian who made the decision under dispute. Such conference will permit a free exchange of viewpoints. The sanitarian will be expected to discuss and clarify the reason(s) for the decision and the regulations which are applicable. The individual dissatisfied with the decision may present his position and submit any information he/she feels has not been adequately considered in making the decision. An Environmental Health Supervisor may attend such conference. If the individual presents information not previously available or raises issues not previously addressed, the department may undertake an additional review of the matter following the conference. [Res. 01-05. Prior code § 11.4(IV)].~~

~~2.65.050 — Appeal procedure — General information.~~

~~A. Hereinafter "Health Officer" shall mean the Health Officer or his/her authorized representative.~~

~~B. The appeal procedure shall consist of step one and step two.~~

~~C. Step one shall be a hearing conducted by the Health Officer.~~

~~D. Step two shall be conducted by a Hearing Examiner.~~

~~E. The appeal procedure shall be initiated by the appellant within 10 days of the date of the local Health Officer's order under dispute.~~

~~F. If the Health Officer feels that additional study or information is needed, any review period can be extended up to 90 days. [Res. 01-05. Prior code § 11.4(V)].~~

~~2.65.060 — Appeal procedure — Step one.~~

~~A. General. Step one shall be a hearing held before the Health Officer with the step one decision to be rendered by the Health Officer.~~

~~B. Initiation of Step One. The person feeling aggrieved (hereinafter referred to as appellant) shall initiate the appeal procedure in writing on forms supplied and prescribed by the Health Officer. Appellant must provide the Health District with a copy of the written notice of the appeal either by hand delivery to the Environmental Health Division Office (Attention: Director of Environmental Health) or sent by certified mail within the time period set forth in SHDC 2.65.050(E). The appellant shall state the decision being appealed, the reason(s) for the appeal, and cite the regulations which the appellant feels have not been followed or correctly interpreted by the Health District.~~

~~C. Fee Required. The request for the step one appeal procedure shall be accompanied by payment of a fee as established by the Board of Health in the fee schedule.~~

~~D. Step One Review Procedure. The Health Officer shall hold a hearing not less than 20 nor more than 30 days after the date of the order. Such hearing shall consist of a review of information relevant to the order under appeal including, but not limited to: (1) review of Health District records; (2) review of information submitted by the appellant; (3) determination of what regulations/laws are applicable; (4) on-site inspection of the property in question if deemed appropriate.~~

~~E.—Step One Decision.~~ The Health Officer shall inform the appellant in writing of the decision from the step one appeal procedure. Such decision will indicate whether the original order is upheld or overruled. [Res. 01-05. Prior code § 11.4(VI)].

~~2.65.070 ——— Appeal procedure — Step two.~~

~~A.—General.~~ Step two shall be a hearing conducted by a Hearing Examiner. Step two shall follow step one of this appeal procedure if the appellant is dissatisfied with the step one decision.

~~B.—Initiation of Step Two.~~ The appellant shall initiate the step two appeal procedure by submitting a fully completed request for appeal on forms supplied and prescribed by the Health Officer. Such request may be delivered to the Environmental Health Division Office (Attention: Director of Environmental Health) or sent by registered mail within 30 days after the date the step one decision was rendered.

~~C.—Fee Required.~~ The request for the step two appeal procedure shall be accompanied by payment of a fee as established by the Board of Health in the fee schedule.

~~D.—Hearing Examiner.~~

~~1.—Selection.~~ The Health Officer shall appoint a Hearing Examiner from one of the following: (a) any Hearing Examiner employed or retained by Snohomish County; (b) any Hearing Examiner employed or retained by any city or town within Snohomish County; (c) any attorney who has served as a judge pro tem; (d) any other individual who possesses qualifications to serve as Hearing Examiner and who has been approved by the Board of Health.

~~2.—Qualifications.~~ Examiners shall be appointed solely with regard to their qualifications for the duties required and will have such experience and training as to qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge such other functions conferred upon them. Hearing Examiners will not be current or past employees or consultants for Snohomish Health District.

~~3.—Discontinuation of Services.~~ The service of any Examiner employed or retained by the Health District may be discontinued by action of the Board of Health.

~~4.—Freedom from Improper Influence.~~ No person, including Health District employees and/or members of the Board of Health, shall attempt to influence a Hearing Examiner in any matter pending before the Examiner, except at a public hearing duly called for such purpose, or to interfere with an Examiner in the performance of his/her duties in any way; provided, that this section shall not prohibit the Health District's attorneys from rendering legal service to the Examiner nor shall it prohibit Snohomish Health District staff from providing support services to the Examiner upon request.

~~5.—Conflict of Interest.~~ No Examiner shall conduct or participate in any hearing, decision or recommendation in which the Examiner has a direct or indirect substantial financial or familial interest or concerning which the Examiner has had substantial pre-hearing contacts with proponents or opponents. Nor, on appeal from an Examiner decision, shall any member of the Board of Health who has such an interest or has had such contact participate in consideration thereof.

~~6.—Hearing Rules and Procedures.~~ The Board of Health shall adopt rules for the conduct of hearings and other procedural matters related to the duties of Hearing Examiners. In adopting such rules and procedures, the Board of Health shall take into consideration recommendations of persons serving as Hearing Examiners.

~~7.—Powers and Duties.~~ Hearing Examiners shall receive and examine available information, conduct hearings, prepare records thereof, and enter decisions on step two appeal procedures. The Hearing Examiner shall have no authority to authorize a property fit for use, contrary to laws of the state of Washington, Chapter 64.44 RCW, Chapter 246-205 WAC, as now or hereafter amended, and/or applicable local rules and regulations of the Board of Health of the Snohomish Health District.

~~E.—Step Two Hearing—~~

~~1.—Scheduling.~~ The Health Officer shall, upon receiving a request from an appellant for a step two hearing, appoint a Hearing Examiner and schedule such hearing within a reasonable time after receipt of their request for appeal. Appellant shall receive written notice of the time and place of the hearing not fewer than 14 working days prior to the date of the hearing.

~~2. Notice. Notice of the time and place of the public hearing will be sent by certified mail to the appellant by the Health Officer.~~

~~3. Information for Hearing Examiner. Health District staff shall coordinate and assemble a factual statement with attached relevant documentation, along with the position statement of the Health District staff relative to said appeal, all to be delivered or mailed by certified mail to the Hearing Examiner and the appellant not fewer than seven working days prior to the scheduled hearing.~~

~~4. Information — Documentation — Admission by Appellant. Appellant shall assemble and submit any factual statement and copies of all documents or exhibits which appellant intends to submit at said hearing, together with appellant's position statement, to the Hearing Examiner and to the Snohomish Health District not fewer than three working days prior to the scheduled hearing. To the extent that the factual statement and/or documentation would be repetitious with the submission of the Health District staff, appellant shall not resubmit such factual statements or documentation unless necessary for a sense of continuity to appellant's position statement.~~

~~5. Conduct of Public Hearing. The Examiner shall conduct the public hearing following the general rules and procedures which have been adopted by the Board of Health as per subsection (D)(6) of this section.~~

~~6. Examiner's Decision. Within 15 working days of the conclusion of a hearing, unless a longer period is agreed to in writing or verbally on the record at the public hearing by the appellant, the Examiner shall render a written decision which shall include at least the following:~~

~~a. Findings based upon the record and conclusions therefrom which supports the decision. Such findings and conclusions shall also set forth the manner by which the decision would conform to governing decontamination of illegal drug manufacturing or storage site regulations.~~

~~b. A decision on the appeal which may be to grant, grant in part, return to the appellant for modification, deny or grant with such conditions, modifications, restrictions as the Examiner finds necessary to comply with governing decontamination of illegal drug manufacturing or storage site regulations.~~

~~E.—A statement which indicates the procedure for appealing the Examiner's decision. The Examiner's decision shall be mailed to the appellant, the Health Officer, and any other person who specifically requested notice of the decision by signing a register provided for such purpose at the hearing.~~

~~F.—Appeal from Examiner's Decision. The decision of the Examiner shall be final and conclusive unless an application is made to a court of competent jurisdiction by writ of certiorari, writ of prohibition, or writ of mandamus within 30 days of the Examiner's decision. [Res. 01-05. Prior code § 11.4(VII)].~~

Division V. Smoking in Public Places, Places of Employment and Other Related Matters

Chapter 2.70

LOCAL SUPPLEMENTAL DEFINITION PROVISIONS RELATIVE TO CHAPTER 70.160 RCW

Sections:

- [2.70.010](#) Adoption by reference of Chapter 70.160 RCW.
- [2.70.020](#) Authority and purpose.
- [2.70.030](#) Definitions.

2.70.010 Adoption by reference of Chapter 70.160 RCW.

~~Pursuant to and by the authority of~~Under Chapter [70.05](#) RCW, the Snohomish ~~Health District~~County Board of Health hereby adopts and incorporates by reference ~~herein~~ Chapter [70.160](#) RCW, known as Smoking in Public Places (SIPP), as ~~now or hereafter amended currently exists or as hereafter may be amended.~~ [Ord. 15-001, Eff. 02/12/16. Prior code § 13.1].

2.70.020 Authority and purpose.

~~Pursuant to the authority provided by~~Under Chapters [70.05](#) and [70.160](#) RCW, and for the sake of clarity in the application of Chapter [70.160](#) RCW, the Snohomish ~~Health District~~County Board of Health adopts and incorporates local supplemental definitions relative to certain terminology found in Chapter [70.160](#) RCW. “Smoke” or “smoking,” “public place,” “place of employment,” “employer,” and “employee” shall be defined as provided in ~~SCBHCSHDC~~ [2.70.030](#). ~~{Ord. 15-001, Eff. 02/12/16. Prior code § 13.2.1}.~~

2.70.030 Definitions.

“Employee” means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this chapter.

“Employer” means any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect monetary wages, profit or provides any other benefit in consideration for such other person’s providing services on the premises of the employer. “Employer” shall also mean the owner(s), shareholders or member(s) respectively of a sole proprietorship, corporation or limited liability corporation, association, nonprofit organization, or other business entity.

“Place of employment” means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW [70.160.075](#), of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. “Place of employment” also means an outdoor venue or workspace that is adjacent to or enjoined with a business enterprise or work environment where employees are required to pass through during the course of employment; including but not

1 limited to food/drink service areas such as on decks or outdoor areas. A private residence or
2 home-based business, unless used to provide licensed childcare, foster care, adult care, or
3 other similar social service care on the premises, is not a place of employment.

4 “Public place” means that portion of any building or vehicle used by and open to the public,
5 regardless of whether the building or vehicle is owned in whole or in part by private persons or
6 entities, the state of Washington, or other public entity, and includes a presumptively
7 reasonable minimum distance, as set forth in RCW [70.160.075](#), of 25 feet from entrances, exits,
8 windows that open, and ventilation intakes that serve an enclosed area where smoking is
9 prohibited. Public places include, but are not limited to: schools, elevators, public conveyances
10 or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters,
11 auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care
12 facilities or clinics, enclosed shopping centers, retail stores, retail service establishments,
13 financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative
14 chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting
15 areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and
16 no less than 75 percent of the sleeping quarters within a hotel or motel that are rented to
17 guests. A public place does not include a private residence. “Public place” also means any public
18 or private place that is open to the general public regardless of whether dues, cover charges or
19 a fee is charged or there are restrictions such as an age requirement for the privilege of
20 admission, and includes any place used by a membership association or club at which
21 nonmember guests are present or permitted. This chapter is not intended to restrict smoking in
22 private facilities which are occasionally open to the public except upon the occasions when the
23 facility is open to the public. A public place does not include a private residence unless the
24 private residence is used to provide licensed childcare, foster care, adult care, or other similar
25 social service care on the premises.

26 “Smoke” or “smoking” means the carrying, use or smoking of any kind of lighted, combustible,
27 smoldering, or burning cigarette, pipe, cigar or other lighted smoking equipment including but
28 not limited to tobacco, flavored tobacco products such as shisha (used with hookah smoking),
29 or marijuana. ~~{Ord. 15-001, Eff. 02/12/16. Prior code § 13.2.2}.~~

Chapter 2.75

RESTRICTIONS ON THE USE AND AVAILABILITY OF VAPOR PRODUCTS

Sections:

- 2.75.010 Title – Authority – Purpose – Applicability.
- 2.75.020 Findings.
- 2.75.030 Definitions.
- 2.75.040 Vaping prohibited in public places or places of employment.
- 2.75.050 Required signage.
- 2.75.060 Vaping prohibited within 25 feet of public places or places of employment – Application to modify presumptively reasonable minimum distance.
- 2.75.070 Enforcement procedures.

2.75.010 Title – Authority – Purpose – Applicability.

A. *Title.* The full title of this chapter is “Restrictions on the Use and Availability of Vapor Products in Snohomish County” which is codified as Chapter ~~2.75 SCBHCSHDC~~ and it shall be known as the Vapor Product Code of the Snohomish ~~Health District~~County Board of Health.

B. *Authority.* The ~~Snohomish County~~ Board of Health ~~of the Snohomish County Health Department~~District adopts this chapter ~~pursuant to and by the authority of~~under Chapter ~~70.05~~ RCW to preserve, promote, and improve the public health.

C. *Purpose.* This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for public exposure to nicotine, other drugs, and potentially harmful chemicals and by restricting sales of vapor products to reduce access and use by minors. This chapter establishes additional requirements for assessment of costs and enforcement of the same.

It is expressly the purpose of this chapter to provide for and promote the health of the general public, and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

~~It is the specific intent of this chapter to place the obligation of complying with its requirements upon the individuals and owners of each establishment within its scope. No provision of nor~~

~~term used in these rules and regulations is intended to impose any duty whatsoever upon
Snohomish Health District nor any of its officers or employees.~~

~~Nothing contained in these rules and regulations is intended to be nor shall be construed to
create or form the basis for any liability on the part of Snohomish Health District or its officers,
employees or agents, for any injury or damage resulting from the failure of any person subject
to the chapter to comply with this chapter, or by reason or in consequence of any act or
omission in connection with the implementation or enforcement of this chapter on the part of
Snohomish Health District by its officers, employees, or agents.~~

Commented [ER65]: This statement is already provided in Title 1, which will cover the entire code.

D. *Applicability.* This chapter applies to the prohibition of use of vapor products in public places and places of employment.

Except to the limited extent of ~~SCBHCSDC~~ [2.75.040](#) and [2.75.060](#), this chapter does not apply to any person or business that is licensed or endorsed for sales of recreational marijuana or medical marijuana by the state of Washington and/or the Washington State Liquor and Cannabis Board.

These regulations supplement but do not replace the regulations enacted by the state of Washington and enforced by the Liquor and Cannabis Board regarding the licensure and regulation of vapor product promotions and sales at retail [establishments](#) or the regulations adopted by the Food and Drug Administration. ~~{Ord. 16-002, Ord. 15-002, Eff. 12/10/15, Prior code § 14.1}.~~

2.75.020 Findings.

Vapor products, including e-cigarettes, vape pens, electronic drug delivery devices, and other devices, heat a solution typically containing nicotine, flavorings, solvents, and other chemicals into an aerosol that users inhale. The availability and use of vapor products has dramatically increased in recent years, nationally and locally.

Vapor products containing nicotine are commonly marketed as a preferred alternative to smoking tobacco despite many unanswered questions about product safety, efficacy for harm reduction and cessation, and overall impact on public health.

Vapor products have a high appeal to youth and use is rapidly increasing among teens and young adults, including among those who have never smoked cigarettes or used other tobacco products. Inhalation of nicotine can cause adverse effects on adolescent brain development, lead to addiction to nicotine, and potentially lead to increased smoking.

Nicotine is a highly addictive drug and nicotine exposure, firsthand or passively, can adversely impact maternal and fetal health during pregnancy, and adversely impact adolescent brain development. Concentrated nicotine solutions used in vapor products can cause poisonings or death if ingested or absorbed through the skin, especially in children.

The chemical ingredients of solutions used in vapor products are not standardized or regulated, and neither manufacturers nor retailers are required to disclose chemical content. Consumers have no way of determining exactly what substances they are inhaling or what the health consequences of such inhalation might be. Scientific analysis, including by the United States Food and Drug Administration, shows vapor products release fine and ultrafine particles of solvents, flavorings, and chemical byproducts produced in the heating process that can include carcinogens, heavy metals, and other hazardous chemicals. Adverse health consequences may result from direct or passive exposure to this unknown mixture of potentially harmful chemicals, especially in vulnerable populations including children, pregnant women, and individuals with compromised lung function.

Vapor products are commonly used to inhale marijuana or THC concentrates, and may be used to inhale illegal drugs. Enforcement of state law prohibiting use of marijuana in public places and laws against use of illegal drugs is complicated by the use of vapor products in public places because property owners and others cannot discern the substance being inhaled.

~~Pursuant to~~Under Chapter [70.05](#) RCW, local jurisdictions are not only responsible to enforce the public health statutes of the state but are also charged with the duty and empowered to enact such local rules and regulations as are necessary in order to prepare, promote and improve the public health within its jurisdiction. ~~{Ord. 16-002- Ord. 15-002, Eff. 12/10/15. Prior code § 14.2}.~~

2.75.030 Definitions.

~~“Chapter” refers to a chapter of the Snohomish Health District Sanitary Code.~~

~~“District” means the Snohomish Health District.~~

“Employee” means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this chapter.

“Employer” means any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect monetary wages, profit or provides any other benefit in consideration for such other person’s providing services on the premises of the employer. “Employer” shall also mean the owner(s), shareholders or member(s) respectively of a sole proprietorship, corporation or limited liability corporation, association, nonprofit organization, or other business entity.

“Indoor public place” means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and includes a presumptively reasonable minimum distance, as set forth in ~~SCBHCSHDC~~ [2.75.060](#), of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Public places include, but are not limited to: schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than 75 percent of the sleeping quarters within a hotel or motel that are rented to guests. An indoor public place does not include a private residence.

Commented [ER66]: Removal of definitions already listed in Title 1.

1 “Indoor public place” also means any public or private place that is open to the general public
2 regardless of whether dues, cover charges or a fee is charged or there are restrictions such as
3 an age requirement for the privilege of admission, and includes any place used by a
4 membership association or club at which nonmember guests are present or permitted.

5 This chapter is not intended to restrict smoking in private facilities which are occasionally open
6 to the public except upon the occasions when the facility is open to the public. An indoor public
7 place does not include a private residence unless the private residence is used to provide
8 licensed childcare, foster care, adult care, or other similar social service care on the premises.

9 “Minor” means any person under the age defined pursuant to RCW [26.28.080](#), as currently
10 exists or as hereafter may be amended, for selling or giving a vapor product to a minor.

11 “Outdoor public place” means a social space that is open and accessible to the public, but
12 located outside of buildings.

13 ~~“Person” means any natural person, individual, corporation, unincorporated association,~~
14 ~~proprietorship, firm partnership, joint venture, joint stock association, or other entity of~~
15 ~~business of any kind.~~

16 “Place of employment” means any area under the control of a public or private employer which
17 employees are required to pass through during the course of employment, including, but not
18 limited to: entrances and exits to the places of employment, and including a presumptively
19 reasonable minimum distance, as set forth in ~~SCBHCSHDC~~ [2.75.060](#), of 25 feet from entrances,
20 exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is
21 prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias;
22 and other common areas. “Place of employment” also means an outdoor venue or workspace
23 that is adjacent to or enjoined with a business enterprise or work environment where
24 employees are required to pass through during the course of employment; including but not
25 limited to food/drink service areas such as on decks or outdoor areas. A private residence or
26 home-based business, unless used to provide licensed childcare, foster care, adult care, or
27 other similar social service care on the premises, is not a place of employment.

28 “Vaping” means the use of a vapor product, or inhaling of vapor or aerosol from a vapor
29 product.

“Vapor product” means any: (1) device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (2) cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or (3) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. “Vapor product” includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, steam stones, or similar products or devices, as well as any parts that can be used to build such products or devices. “Vapor product” does not include any drug, device, or combination product approved for sale by the United States Food and Drug Administration that is marketed and sold for such approved purpose. ~~{Ord. 16-002, Ord. 15-002, Eff. 12/10/15, Prior code § 14.3}.~~

2.75.040 Vaping prohibited in public places or places of employment.

A. No person may use a vapor product in an indoor public place or in any place of employment except for the purpose of tastings ~~as stated under amendments to RCW Title 70 set forth in 2016 Washington Laws Chapter 38, 64th Leg., 1st Special Session under RCW 70.345.100.~~

B. No person may use a vapor product in any outdoor public place where children congregate. This includes, but is not limited to, real property that is under the control of child care facilities or schools, playgrounds, parks, beaches, athletic fields, and stadiums. ~~{Ord. 16-002, Ord. 15-002, Eff. 12/10/15, Prior code § 14.4}.~~

2.75.050 Required signage.

A. Owners, or in the case of a leased or rented space the lessee or other person in charge, shall prohibit the use of vapor products in public places and places of employment and shall post signs prohibiting the use of vapor products. Signs must be posted conspicuously at each building entrance. Signs prohibiting vaping may be combined with signs prohibiting smoking, such as “No Smoking. No Vaping” or “No Smoking or Vaping.” ~~{Ord. 16-002, Ord. 15-002, Eff. 12/10/15, Prior code § 14.5}.~~

2.75.060 Vaping prohibited within 25 feet of public places or places of employment –
Application to modify presumptively reasonable minimum distance.

Use of vapor products is prohibited within a presumptively reasonable minimum distance of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where use of vapor products is prohibited so as to ensure that vapor does not enter the area through entrances, exits, open windows, or other means. Owners, operators, managers, employers, or other persons who own or control a public place or place of employment may seek to rebut the presumption that 25 feet is a reasonable minimum distance by making application to the director of the local health department ~~or department/district~~ in which the public place or place of employment is located. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the unique circumstances presented by the location of entrances, exits, windows that open, ventilation intakes, or other factors, vapor will not infiltrate or reach the entrances, exits, open windows, or ventilation intakes or enter into such public place or place of employment and, therefore, the public health and safety will be adequately protected by a lesser distance. ~~[Ord. 16-002, Ord. 15-002, Eff. 12/10/15. Prior code § 14.6].~~

2.75.070 Enforcement procedures.

A. The Snohomish ~~County~~ Health ~~Department/District~~ is authorized to enforce the restrictions and requirements of this chapter; assess all costs of enforcement against the person or entity who is in noncompliance in accordance with ~~SCBHCSHDC~~ [1.05.030](#); and otherwise pursue compliance with this chapter.

B. The Health Officer or designee may enforce the requirements and restrictions of this chapter by one or a combination of the following by the issuance of a written order:

1. Requiring an informal administrative conference;
2. Prohibiting certain conduct or directing certain conduct;
3. Imposing a civil fine of up to \$100.00 for each violation. Each day upon which a violation occurs or is permitted to continue constitutes a separate violation.

The Health Officer or designee is authorized to pursue civil fines and costs including attorney fees by commencement of civil action ~~in the name of the Snohomish County Health Department District~~ independent of and/or as a means of enforcing written orders of the Health Officer referenced above. ~~[Ord. 16-002, Ord. 15-002, Eff. 12/10/15, Prior code § 14.7].~~

~~Division VI. Medicine Return Regulations~~

~~Chapter 2.80~~

~~SECURE MEDICINE RETURN REGULATION IN SNOHOMISH COUNTY (Repealed by Ord. 22-01)~~

Title 3

PUBLIC SERVICES

Chapters:

- 3.05 Recreation Camping Facilities
- 3.10 Mobile Home Parks
- 3.15 Group Camp Regulations
- 3.20 Schools

Chapter 3.05

RECREATION CAMPING FACILITIES

Commented [ER67]: May add in a definitions section during this code adoption.

Sections:

- 3.05.010 Recreational vehicle dump station regulations.
- 3.05.020 Buildings provided for camping.

3.05.010 Recreational vehicle dump station regulations.

Rules and regulations of the Snohomish ~~Health District~~County Board of Health governing on-site sewage disposal policies and procedures:

A. To protect public health, the Board of Health requires that all new or expanded RV facilities ~~will~~ provide RV dump station facilities.

B. To protect public health, the Board of Health requires that all new, expanded, or repaired RV dump station facilities ~~will~~ be connected to an approved sanitary sewer system or utilize holding tanks in accordance with the rules and regulations of the Snohomish County Health Department District. ~~[Res. 93-32, Eff. 11/09/93. Res. 92-18. Prior code § 4.2].~~

3.05.020 Buildings provided for camping.

Buildings provided for camping must meet the applicable physical site improvements, water supply, sewage disposal, and sanitary facilities as required per Chapter 3.15 SCBHCSHDC, as well as applicable building codes. ~~[Res. 93-32, Eff. 11/09/93. Res. 92-18. Prior code § 4.3].~~

Chapter 3.10

MOBILE HOME PARKS

Sections:

3.10.010 Definitions.

3.10.020 Sewage disposal.

3.10.030 Water supply.

3.10.040 Refuse disposal.

3.10.050 General sanitation.

3.10.060 Mobile home park providing recreation camping facilities.

3.10.010 Definitions.

The following definitions shall apply in the interpretations and the enforcement of this chapter.

~~“Health Officer” means the city, county, city-county or district Health Officer as defined in RCW 70.05.010(2) or his/her authorized representative.~~

“Mobile home park” means any real property which is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy. ~~{Res. 93-32, Eff. 11/09/93. Prior code § 12.1(I)}.~~

3.10.020 Sewage disposal.

All sewage and waste water from a mobile home park shall be drained to a sewage disposal system which is approved by the Health Officer. Sewage disposal systems shall be designed, constructed and maintained in accordance with Chapters [246-272](#) and [173-240](#) WAC and local regulations. ~~{Res. 93-32, Eff. 11/09/93. Prior code § 12.2(III)}.~~

3.10.030 Water supply.

Any public water supply system, as defined in Chapter [246-290](#) WAC, which provides water for a mobile home park shall be designed, constructed, maintained and operated in accordance with Chapter [246-290](#) WAC. ~~{Res. 93-32, Eff. 11/09/93. Prior code § 12.1(III)}.~~

3.10.040 ~~Refuse~~ Solid waste disposal.

All garbage, refuse and/or trash in a mobile home park shall be collected, stored and disposed of in accordance with Chapter [70A.205](#) ~~70.95~~ RCW, and Chapter [173-350](#) ~~173-301~~ WAC, and Chapter [2.15](#) SCBHCSHDC. ~~{Res. 93-32, Eff. 11/09/93. Prior code § 12.1(IV)}.~~

Commented [ER68]: Removed definitions already defined under Title 1.

Commented [ER69]: RATIONALE FOR CHANGE

Refuse is an antiquated term. Most local and state code calls it solid waste now. Updated WAC and RCW reference. RCW 70.95 was recodified as [70A.205](#).

~~3.10.050 General sanitation.~~

Commented [ER70]: Removed for redundancy.

~~The premises of a mobile home park shall be maintained and operated in accordance with Chapter 2.05 SCBHCSHDC. [Res. 93-32, Eff. 11/09/93. Prior code 5 12.1(V)].~~

3.10.060 Mobile home park providing recreation camping facilities.

Any mobile home park which provides recreation camping facilities must also be in compliance with Chapter [3.05 SCBHCSHDC](#), Recreation Camping Facilities, including permit and inspection requirements for those particular uses. ~~[Res. 93-32, Eff. 11/09/93. Prior code 5 12.2].~~

Chapter 3.15

GROUP CAMP REGULATIONS

Sections:

~~3.15.010 Definitions.~~

~~3.15.020 Registration.~~

~~3.15.030 Location or site.~~

~~3.15.040 Supervision.~~

~~3.15.050 Water supply.~~

~~3.15.060 Toilets and handwashing facilities.~~

~~3.15.070 Showers and laundry facilities in resident camps.~~

~~3.15.080 Sewage and liquid waste disposal.~~

~~3.15.090 Sleeping and living quarters.~~

~~3.15.100 Food handling.~~

~~3.15.110 Swimming pools — Wading pools — Bathing beaches.~~

~~3.15.120 General.~~

~~3.15.130 Responsibility.~~

3.15.010 Definitions. Chapter 246-376 WAC

~~This section adopts Chapter 246-376 WAC, Camps, by reference, as now or hereafter amended.:~~

~~The following definitions shall apply in the interpretations and the enforcement of these rules and regulations.~~

~~Camp. The term "camp" as used herein shall refer only to an established group camp which is established or maintained for recreation, education, vacation, or religious purposes for use by organized groups and wherein these activities are conducted on a closely supervised basis and wherein day to day living facilities, including food and lodging, are provided either free of charge or by payment of a fee.~~

~~"Existing camp" means a camp which was established prior to the date of adoption of these rules and regulations.~~

~~"Health Officer" means the Health Officer of Snohomish Health District, or his or her authorized representatives.~~

~~"New camp" means a camp which is established after the date of adoption of these rules and regulations.~~

~~"Owner" means any person or persons, organization, association, corporation, or agency of federal, state, county or municipal government, operating, maintaining or offering for use within the state of Washington any camp either free of charge or by payment of a fee. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.1].~~

3.15.020 Registration.

~~Every owner shall make an annual application to the Health Officer for the registration of his camp at least 30 days prior to the day it is to be opened for use. Every application for registration made pursuant to these regulations shall be on a form to be supplied by the Health Officer and the applicant shall furnish all information required by the Health Officer. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.2].~~

Commented [ER71]:
RATIONALE FOR CHANGE:

Adopting [WAC 246-376](#) by reference as it covers everything that is called out in the chapter. It is redundant to repeat this.

~~3.15.030 — Location or site.~~

~~A. All camps shall be located on land that provides good natural drainage. The site shall not be subject to flooding or located adjacent to swamps or marshes which might have an adverse effect on the health of the occupants.~~

~~B. No camp shall be so located as to endanger any public or private water supply or the health of the public or health of the occupants.~~

~~C. Where corrals or stables exist, or where large animals are maintained in connection with any camp, the quarters for any animals shall be located so as not to create a nuisance or health hazard. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.3].~~

~~3.15.040 — Supervision.~~

~~A. All camps shall be under the supervision of an adult having mature judgment and ability to understand and apply state laws and regulations relating to operation and maintenance of the camp.~~

~~B. The director, or a responsible person reporting to him, shall make or have made frequent inspections of the premises and sanitary equipment for the purpose of maintaining proper sanitation and compliance with these regulations.~~

~~C. The director shall maintain all sanitary facilities, and other equipment of camps, in good repair and appearance.~~

~~D. The supervision and equipment shall be sufficient to prevent littering of the premises with rubbish, garbage, or other wastes and to maintain general cleanliness. Fly tight metal garbage containers shall be provided for the collection of garbage. These containers shall not be permitted to become foul smelling, unsightly, or breeding places for flies, and the contents shall be disposed of by incineration or some other method approved by the Health Officer.~~

~~E. All toilet rooms, eating, sleeping and other living facilities shall be cleaned at least daily.~~

~~F. The owner or director of every camp shall maintain the buildings and grounds free from flies, mosquitoes and other insects through the use of screens and/or approved sprays or other effective means. All premises shall be kept free from rats, mice and other rodents.~~

~~G. Where bedding is furnished it shall be kept clean and aired at least once a week. Where sheets and pillow cases are furnished they shall be freshly laundered at least for each new user.~~

~~H. Mattress covers to completely cover the mattress shall be provided and shall be freshly laundered at least for each new user. [Res. 93-32, Eff. 11/09/93. Prior code 5-5.1.4].~~

~~3.15.050 ——— Water supply.~~

~~A. Every camp shall have an adequate supply of water which meets the requirements of Chapter 246-290 WAC, rules and regulations of the State Board of Health governing public water supplies.~~

~~B. At new camps, only water under pressure will be allowed except upon the special permission of the Health Officer.~~

~~C. The use of common drinking cups or containers is prohibited.~~

~~D. Where possible, drinking fountains of a sanitary type meeting the standards of the American Standards Association shall be provided with a ratio of one fountain for each 50 users. In the event that fountains cannot be provided, individual or single-service drinking cups shall be supplied. Containers for drinking water shall be constructed of smooth noncorrodible material, shall have a tight fitting cover, shall be equipped with a faucet or spigot for water removal and shall be washed with reasonable frequency and kept clean. Dipping water from containers is prohibited.~~

~~E. Unapproved sources of water supply should be conspicuously posted as unfit for drinking. [Res. 93-32, Eff. 11/09/93. Prior code 5-5.1.5].~~

~~3.15.060 — Toilets and handwashing facilities.~~

~~A. Every camp shall be provided with toilets, urinals and handwashing facilities conveniently located.~~

~~B. Separate toilet facilities shall be provided for each sex and shall be so marked.~~

~~C. Only water flushed toilets will be allowed unless specific exception is made by the Health Officer for the use of fly tight sanitary privies.~~

~~D. The minimum number of the above facilities to be provided shall be in accordance with the following schedules:~~

~~1. Girls' water closets: First 100 girls — one for each 10 girls; over 100 girls — 10 for first 100 girls plus one for each additional 20 girls.~~

~~2. Boys' water closets: First 100 boys — one for each 20 boys; over 100 boys — five for first 100 boys plus one for each additional 40 boys.~~

~~3. Boys' urinals: First 100 boys — one for each 20 boys; over 100 boys — five for first 100 boys plus one for each additional 40 boys.~~

~~4. Lavatories: First 100 users — one for each 12 users; over 100 users — eight for first 100 users plus one for each additional 20 users.~~

~~E. Toilet paper shall be provided in each water closet compartment or privy.~~

~~F. All toilet rooms and privies shall be constructed of material permitting satisfactory cleaning and shall be well lighted and ventilated. All toilet fixtures shall be of easily cleanable, impervious material and in good repair.~~

~~G. Toilet room floors shall be constructed of concrete or other water impervious material pitched to provide adequate drainage to a suitably located trapped floor drain; except that urinal stalls may be used in lieu of floor drains. If partitions are provided between flush bowls they shall be raised 12 inches from the floor and shall be so constructed as to be easily cleanable.~~

~~H. Where users do not provide their own individual towel and soap, single-service paper or cloth towels and soap shall be provided at all lavatories. The use of common towels is prohibited. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.6].~~

~~3.15.070 — Showers and laundry facilities in resident camps.~~

~~A. Adequate and conveniently located bathing facilities including hot and cold or tempered water shall be provided. Separate shower rooms shall be provided for each sex in the ratio of one shower head or tub for each 15 users based upon the maximum demand at any one period.~~

~~B. One laundry tray or wash tub should be provided for each 40 persons or major fraction thereof.~~

~~C. The floors of shower rooms shall be constructed of concrete or other easily cleanable, water impervious material graded to drain to a suitable trapped floor drain. They should be free from cracks or uneven surfaces that interfere with proper cleaning.~~

~~D. The shower rooms shall be well lighted and ventilated and have interior surfaces of light colored, washable material. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.7].~~

~~3.15.080 — Sewage and liquid waste disposal.~~

~~A. No liquid wastes resulting from toilets, lavatories, showers, laundry sinks, or from the cleaning of kitchen and eating utensils, floors, etc., shall be discharged upon the surface of the ground. Such wastes shall be disposed of in such a manner that they will be inaccessible to rodents, flies, or other insects, and will not pollute the surface of the ground or contaminate any water supply. They shall not be discharged into any stream, lake or body of water. Underground systems for disposal of such wastes shall be constructed, operated, and maintained to comply with the requirements of the State Board of Health, Chapter 246-272 WAC, or local health regulations or ordinances.~~

~~B. All plumbing shall comply with state and local regulations or the minimum plumbing standards of the U.S. Department of Commerce. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.8].~~

~~3.15.090 — Sleeping and living quarters.~~

~~A. All sleeping and living quarters shall be ventilated so as to be maintained free from objectionable odors. They shall be provided with adequate natural and artificial light. The floors, walls, and ceilings of sleeping rooms shall be of easily cleanable construction and shall be maintained in a clean, sanitary condition.~~

~~B. The floors of all buildings which are not built on solid concrete or rat proof foundations shall be raised at least 12 inches above the ground and the space underneath the floor kept free from trash, rubbish, or other material attractive to insects or rodents.~~

~~C. No room used for sleeping purposes shall have less than 400 cubic feet of air space for each occupant.~~

~~D. All cabin or dormitory type sleeping rooms shall contain a minimum floor space of 40 square feet per occupant. Ventilation shall be provided to all bedrooms or dormitories equivalent to an outside opening of two and one-half square feet per person. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.9].~~

~~3.15.100 — Food handling.~~

~~Food service facilities and practices in camps shall comply with Chapter 246-215 WAC, rules and regulations of the State Board of Health governing food service sanitation. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.10].~~

~~3.15.110 — Swimming pools — Wading pools — Bathing beaches.~~

~~A. *Swimming Pools.* All swimming pools shall comply with the requirements of the rules and regulations of the State Director of Health, Chapter 246-260 WAC, pertaining to swimming pools.~~

~~B. *Bathing Beaches.* No bathing beach shall be maintained or operated when such water is determined by the Health Officer to be so polluted or subject to pollution as to constitute a menace to health if used for bathing. Where bathhouse and toilet facilities are provided for use~~

~~of bathers they shall be constructed, maintained and operated in a sanitary manner approved by the Health Officer.~~

~~C. Wading Pools.~~

~~1. Wading pools shall not be more than 24 inches in depth.~~

~~2. The water in wading pools, at all times while in use, shall meet the requirements pertaining to water quality as outlined in the rules and regulations of the State Director of Health, Chapter 246-260 WAC.~~

~~3. In the operation of wading pools the requirements pertaining to sanitary control of swimming pools as outlined in the swimming pool regulations, Chapter 246-260 WAC, shall apply.~~

~~4. Adequate sanitary toilet facilities shall be available in the vicinity of wading pools.~~

~~5. No wading pool shall be maintained or operated when such pool is determined by the Health Officer to constitute a menace to health if used for wading. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.11].~~

~~3.15.120 — General.~~

~~A. Where no provision is made in these regulations to clearly apply to any condition or thing found to exist which may be a health hazard in a camp, the Health Officer may direct the owner as to the best means to adopt to secure proper sanitary conditions in said camp.~~

~~B. Where a condition exists, which in the opinion of the Health Officer is a violation of these regulations or a menace to health, he may order the owner to close such camp until such time as the Health Officer may direct. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.12].~~

~~3.15.130 — Responsibility.~~

~~The owner of a camp shall be responsible for full compliance with these rules and regulations. [Res. 93-32, Eff. 11/09/93. Prior code § 5.1.13].~~

Chapter 3.20

SCHOOLS

~~Sections:~~~~3.20.010 Chapter 246-366 WAC.~~~~Code reviser's note: This text has been added during recodification as a placeholder for WAC chapters adopted by reference.~~

3.20.010 Chapter 246-366 WAC.

This section adopts Chapter [246-366 WAC](#), Primary and Secondary Schools, by reference, as now or hereafter amended.

~~[Res. 93-32, Eff. 11/09/93. Prior code § 6.1].~~~~**The Snohomish Health District County Board of Health Code is current through Resolution 22-34, passed December 29, 2022.**~~

~~Disclaimer: The DepartmentDistrict has the official version of the Snohomish Health-DistrictCounty Board of Health Code. Users should contact the DepartmentDistrict for enactments passed subsequent to the enactment cited above.~~

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