



Environmental Health Code

Chapter 11

Criteria for Municipal Solid Waste Landfills

**Board of Health Resolution No. 2014 – 4410
Adopted July 2, 2014**

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SECTION 1: Title

This Chapter 11 of the Environmental Health Code (EHC) shall be known as, and may be cited and referred to as, the “Criteria for Municipal Solid Waste Landfills.”

SECTION 2: Authority and Purpose

- A. The Tacoma-Pierce County Board of Health enacts the regulations set forth in this chapter under the authority granted in Article 11, §11 of the Washington Constitution, RCW 70.05.060, and Chapter 173-351 WAC.
- B. The purpose of these regulations is to protect human health and the environment, and establish minimum standards for municipal solid waste landfill (MSWLF) units in Pierce County.

SECTION 3: Administration

- A. The health officer shall administer and enforce these regulations under the authority of Chapter 70.05 RCW.
- B. The Tacoma-Pierce County Board of Health may adopt fees for the administration of these regulations under the authority of RCW 70.05.060(7).

SECTION 4: Adoption of State Regulation

Chapter 173-351 WAC “Criteria for Municipal Solid Waste Landfills” is hereby adopted in its entirety and incorporated by this reference. When or if the state and local regulations conflict, the more stringent shall apply.

SECTION 5: Enforcement

- A. A notice of violation and order to correct shall be issued, as provided in Chapter 1, to any person who violates or fails to comply with the requirements of this chapter.
- B. After a notice of violation and order to correct is duly issued, if the person to whom such notice is directed fails, neglects, or refuses to obey such order, the health officer may pursue any of the remedies and penalties set forth in Chapter 1, except as described in (C) below.
- C. Administrative Civil Penalties.
 - 1. The health officer may impose administrative civil penalties for violations of this chapter in accordance with the procedures set forth in Chapter 1

and in amounts up to \$2,000 per day per violation, effective the first day the violation is documented.

2. In determining the amount of the civil penalty, the health officer may consider such factors as the willfulness of the person in committing the violation, the responsiveness of the person to correct the violation, whether the violation resulted from improper operation or inadequate maintenance, the gravity of the violation or violations, any prior history of violations or noncompliance with this or other solid waste regulations by the person, economic benefit or savings, if any, resulting from the violation, whether the violation resulted in a public health risk, and such other matters as justice may require.
- D. The remedies and penalties set forth in Chapter 1 shall be in addition to such applicable fees and charges as are set forth in the current Fee Schedule adopted by the Tacoma-Pierce County Board of Health.
- E. All administrative civil penalties recovered shall be paid into the solid waste general account.

SECTION 6: Appeals

Any person aggrieved by a decision or final order of the health officer shall have the right to appeal such decision or order in accordance with the appeal procedures set forth in Chapter 1, EXCEPT: If the decision or action of the health officer relates to the grant, denial, revocation, suspension, modification, refusal to modify, or failure to revoke a solid waste handling permit, then appeal of such action shall proceed directly to the Pollution Control Hearings Board.

SECTION 7: Waiver

No waivers or variances shall be granted to these Criteria for Municipal Solid Waste Landfills regulations except as expressly provided in Chapter 173-351 WAC.

SECTION 8: Severability

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter.