

WAC 173-350-700 Permits and local ordinances. (1) Permit required.

(a) Except for (b) and (c) of this subsection, no solid waste storage, treatment, processing, handling, recycling, or disposal facility may be maintained, established, substantially altered, expanded, or improved until the person operating or owning the site has obtained a permit or permit deferral from the jurisdictional health department, or a beneficial use exemption from the department pursuant to the provisions of this chapter, or is operating in compliance with all terms of a conditionally exempt solid waste handling activity identified in this chapter. Facilities operating under conditional exemptions established by this chapter must meet all the conditions of the exemptions or may be required to obtain a permit under this chapter and may be subject to the enforcement provisions of RCW 70.95.315. Facilities that meet the terms and conditions for exemption under one standard may require permitting for other nonexempt activities on-site. Facilities may operate under multiple exemptions from permitting if they meet all conditions for each section. In addition, persons dumping or depositing solid waste without a permit in violation of this chapter are subject to the penalty provisions of RCW 70.95.240.

(b) Pursuant to RCW 70.105D.090, permits issued under this chapter are not required for remedial actions performed by the department under chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act, or by a potentially liable person under a consent decree, order, or agreed order issued under chapter 70.105D RCW, Hazardous waste cleanup—Model Toxics Control Act. If the substantive requirements of this chapter are not met, permits may still be required. Permits issued under this chapter may still be required for independent remedial actions, as defined in RCW 70.105D.020, including those performed under the voluntary cleanup program authorized under RCW 70.105D.030 (1)(i).

(c) Pursuant to section 121 (1)(e) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), 42 U.S.C. Sec. 9621 (1)(e), permits issued under this chapter are not required for any removal or remedial action performed by the U.S. Environmental Protection Agency under CERCLA or by a potentially responsible party under a consent decree or administrative order issued under CERCLA. If the substantive requirements of this chapter are not met, permits may still be required.

(d) Any jurisdictional health department and the department may enter into an agreement providing for the exercise by the department of any power that is specified in the contract and that is granted to the jurisdictional health department under chapter 70.95 RCW, Solid waste management—Reduction and recycling. However, the jurisdictional health department must have the approval of the legislative authority or authorities it serves before entering into any agreement with the department.

(2) **Local ordinances.** Each jurisdictional health department must adopt local ordinances implementing this chapter not later than one year after the effective date of this chapter, and must file the ordinances with the department within ninety days following local adoption. Local ordinances must not be less stringent than this chapter, but may include additional requirements provided additional requirements do not conflict with state or federal statutes.

[Statutory Authority: Chapter 70.95 RCW, and RCW 70.95.060, 70.95.215, 70.95.218, 70.95.260(6), 70.95.300, 70.95.305, 70.95.310, 70.95.440. WSR 18-17-008 (Order 13-08), § 173-350-700, filed 8/1/18, effective 9/1/18. Statutory Authority: Chapter 70.95 RCW. WSR 03-03-043 (Order 99-24), § 173-350-700, filed 1/10/03, effective 2/10/03.]