

Chapter 16

Enforcement

Enforcement activities support the implementation of policies developed and documented in the solid waste management plan. This chapter reviews solid waste regulations, which govern local government programs, the solid waste industry and solid waste generators in Clark County. The enforcement goals of Clark County's solid waste programs are:

- To assure Clark County continues to be a healthy, clean and livable community by promoting proper disposal of solid waste by both public and private sectors through education and, if necessary, enforcement.
- To maintain an institutional framework that delineates the roles and responsibilities of the various enforcement agencies and ensures that the framework facilitates inter-jurisdictional cooperation, communication and the orderly, cost-effective and environmentally sound management of the solid waste system.
- To ensure agencies with the authority to implement solid waste rules and regulations function in a responsible and efficient manner.
- To ensure adequate monitoring and proper handling procedures are in place for managing various types of solid waste materials generated in Clark County.
- To ensure agencies charged with implementing and enforcing solid waste rules and regulations are adequately staffed, funded and managed in a cost effective manner.

Assessment of Conditions

A number of different entities are responsible for enforcing solid waste management requirements within Clark County: Clark County (Solid Waste and Public Health), the cities and towns of Clark County, the Southwest Clean Air Agency (SWCAA), the Washington Department of Ecology and the Washington Utilities and Transportation Commission (WUTC).

The following sections present, the authorities of the regulating agencies and the regulations which apply. Summary chart 16-1 lists the regulating agencies, regulated parties, and references the related regulations. Cities and counties must set local requirements that are at least as strict as state standards but which may be stricter.

Regulating Agencies

Clark County

Public Works/Solid Waste

Under RCW 70.95, the Clark County Regional Solid Waste Program is responsible for the implementation of the Solid Waste Management Plan and coordination with other enforcement agencies. Garbage collection in unincorporated areas is administered and collection regulations are enforced through the WUTC. The County's Code Enforcement staff is responsible for a variety of solid waste enforcement functions in unincorporated areas of the County including monitoring and controlling illegal dumping, littering, and attractive nuisances. The Solid Waste Program also coordinates with the Clark County Corrections Department to utilize Offender Work Crews devoted to clean up of litter and some illegal dumping.

The water quality ordinance Chapter 13.26A prohibits the discharge of contaminants to storm drains, surface water and ground water. Prohibited discharges include spills of waste materials. The water quality ordinance also includes requirements for businesses and government agencies to use source control practices to prevent and control spills.

Solid Waste Facilities siting and operating permits must conform to the Clark County Solid Waste Management Plan, as well as the State's Solid Waste Handling Standards (WAC 173-350) and Criteria for Municipal Solid Waste Landfills (WAC 173-351).

Public Health/Environmental Division

The Environmental Public Health Division within Clark County Public Health carries the responsibility for enforcing many solid waste regulations and programs within Clark County. They have the ability to enforce certain State regulations such as WAC 173-304, 350, & 351, certain regulations and codes of cities and the County.

Public Health's enforcement responsibilities extend to the following areas of solid waste management:

- **Illegal Dumping.** Public Health receives and investigates public health-related complaints resulting from illegal dumping, burying waste, and waste accumulations, improper storage and littering. They have the authority to issue clean-up orders in the appropriate jurisdiction.
- **Solid Waste Facilities.** Public Health issues, renews, and when necessary suspends or revokes permits and makes routine inspections of solid waste handling and disposal facilities. Inspections ensure that facilities meet permit requirements and do not create public health problems, nuisances, or environmental contamination. Schedules for corrective or remediation actions are established by Public Health for those facilities which are not in compliance. All permits must conform to the Clark County Solid Waste Management Plan and the State's Solid Waste Handling Standards (WAC 173-350 and 173-351).

- **Landfills.** Public Health’s responsibilities for processing and evaluating permits for solid waste disposal facilities are defined in RCW 70.95.185. These state regulations require jurisdictional health departments to evaluate solid waste permit application for their compliance with all existing laws and regulations and their conformance with the Solid Waste Management Plan and all zoning requirements. The Washington Department of Ecology’s review and appeal process for a permit issued by the Public Health is explained in RCW 70.95.185.

Public Health inspects all (active and closed) landfills and dumpsites in Clark County at least twice a year for compliance with State (WAC 173-350, WAC 173-351), local and County regulations.

- **Special Wastes.** Public Health enforces State, local and County regulations on handling, storage, transport and disposal of Biomedical Wastes, Moderate Risk Waste (including waste oil), and other special wastes such as asbestos.

Cities and Towns

City of Vancouver. The City contracts for garbage collection. Within the City of Vancouver, the Solid Waste Division is responsible for enforcing compliance with its garbage collection regulations by all-residential and commercial collectors operating within the city local ordinance (VMC 6.12). The city contracts for all residential recycling and yard debris collection. Garbage collection service is mandatory for residences in the City of Vancouver. Vancouver also maintains a recycling licensing program for vendors that provide recycling services to business and industry within the city (VMC 5.62). There is mandatory garbage and recycling ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The Division conducts special clean up activities within neighborhoods. The City’s Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

City of Battle Ground. Garbage collection in Battle Ground is administered and collection regulations are enforced through the WUTC. Battle Ground provides for recycling and yard waste collection under the County’s contract. All waste services are through subscription. The city conducts periodic clean-up events within its borders. The City’s Code Enforcement office enforces against litter, illegal dumping and nuisance violations.

City of Camas. Camas provides municipal curbside and container garbage collection and contracts for recycling, yard debris and drop box collection services. There is a mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City’s Code Enforcement offices enforce against litter, illegal dumping and nuisance violations.

City of La Center. Garbage, recycling and yard waste collection in La Center is administered and collection regulations are enforced through the WUTC. These services are provided through subscription. The city conducts periodic clean-up

events within its borders. The City's Police or Public Works Department enforces against litter, illegal dumping and nuisance violations.

City of Ridgefield. The City contracts for garbage, recycling and yard waste collection. The City is responsible for enforcing compliance with its collection regulations by all residential and commercial collectors operating within the city. There is a mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

City of Washougal. The City contracts for residential, commercial/industrial and drop box garbage collection services as well as recycling and yard debris collection. The City is responsible for enforcing compliance with its collection regulations by all residential and commercial collectors operating within the city. There is a mandatory garbage ordinance requiring all residences to participate in solid waste collection services or to at least pay for the services. The city conducts periodic clean-up events within its borders. The City's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

Town of Yacolt. Garbage and recycling collection in Yacolt is administered and collection regulations are enforced through the WUTC. The town conducts periodic clean-up events within its borders. The Town's Code Enforcement staff enforces against litter, illegal dumping and nuisance violations.

Special Purpose Districts

Southwest Clean Air Agency (SWCAA)

SWCAA has the responsibility of monitoring the emission of air contaminants from sources in Clark County. In terms of solid waste management, this agency monitors emissions from landfills (including some closed landfills), recycling/transfer facilities, composting sites and contaminated soils sites. SWCAA also regulates friable asbestos handling and open burning in the County.

Washington Department of Ecology

RCW 70.95 gives the Washington Department of Ecology the authority to promulgate solid waste regulations; review and appeal facility permits, and approve solid waste management plans. Facility permitting regulations are set forth in WAC 173-350 and are called the Solid Waste Handling Standards. MSW regulations are found in WAC 173-351. Jurisdictional health agencies have the authority to permit solid waste handling facilities that are designated in county solid waste management plans.

Washington Utilities and Transportation Commission (WUTC)

The WUTC regulates the collection of solid waste in all unincorporated areas throughout the state and within incorporated areas which do not assume jurisdiction for regulation of solid waste. Certificates are issued by the WUTC allowing private collection companies to operate in a specified area, at a set rate or tariff for various

services, and under certain service conditions. The WUTC's enforcement mechanisms include fines and the revoking of a private collector's right to collect solid waste. The WUTC also enforces against companies which illegally provide solid waste collection service without a certificate. Solid waste collection is regulated under Chapter 81.77.

Regulated Parties and Activities

Regulations governing solid waste management in Clark County apply to the solid waste industry and individual generators. This section briefly summarizes the regulations pertaining to each of these segments and notes which agencies are currently enforcing the regulations. Additional information on many of the following regulations may be found in the Plan chapter which addresses the topic.

Regulations Governing The Solid Waste Collection Industry

The WUTC (RCW 81.77 and WAC 480-70) regulates solid waste collection. There are two exceptions to WUTC regulation: within those cities that have assumed jurisdictions for regulation of solid waste (Vancouver, Camas, Washougal and Ridgefield), and, within counties or cities that have assumed jurisdiction for regulation of residential recycling collection. Clark County has assumed jurisdiction for such regulation and contracts with Waste Connections, Inc. for residential recycling and yard waste collection. The State regulates rates, services and reporting. Haulers that collect within the cities of Vancouver, Washougal and Ridgefield are regulated through collection contracts and ordinances maintained by those cities. City and county contracts address similar issues as well as how and where to deliver the collected waste. Camas is the only city providing municipal collection services. The City of Vancouver licenses commercial recycling services providers. In Chapter 7, *Waste Collection* and Chapter 15, *Waste Monitoring and Performance Measurement* of this plan, it is recommended that the County adopt a similar program of registering commercial recycling service providers.

Designated Disposal Sites. The County is authorized by RCW 36.58 to designate disposal sites for all solid waste collected in the unincorporated area of the County. Chapter 9.32 of the Clark County code recognizes this authority and the Plan designates the three transfer stations in the County as disposal sites with the Finley Buttes Landfill and Wasco Landfill (on a limited basis) being the final disposal sites. The County's recycling, transfer, transport and out-of-county disposal contract with Columbia Resource Company, a wholly owned subsidiary of Waste Connections Inc., states that waste collected by Waste Connections or an affiliate within Clark County will be delivered to the designated facilities. The County has also entered into interlocal agreements with the Cities which include provisions that waste will be delivered to the designated facilities. The Columbia Resource Company contract and the interlocal agreements were amended and adopted in May 2006. County ordinances regarding the regulation of solid waste are in the process of being updated.

The only exception to this is the wastes collected by Waste Control, Inc. in northwest Clark County. County solid waste regulations recognize that self-hauled wastes,

recyclable materials, and non-residential generated recyclable materials are exempt from being directed to the designated disposal site (exempted by RCW 81.77).

Illegal Hauling. Solid waste hauling is regulated by either the WUTC or by the cities that have assumed jurisdiction. Enforcement of these hauling regulations is performed by the respective entities. Solid Waste within our solid waste system should be hauled by Waste Connections, Inc. and should be taken to a county designated transfer facilities. Exemptions to these regulations are loads that are self-hauled or classified as an occasional/incidental transport. Recovered or recycled materials can be hauled by a registered recycling hauler and must be taken to a facility where the materials are recovered.

Regulations governing Solid Waste Handling Operations and Facilities

These facilities and operators are subject to the State's Solid Waste Handling Standards, WAC 173-350, which are enforced by local Public Health agencies, through a solid waste handling facility permit system. Facility siting is regulated by both State siting standards and county or city land use ordinances, which may require conditional use permits for solid waste facilities. Disposal facilities are subject to additional regulations, including long term monitoring (WAC 173-350 & 351). The state solid waste regulations that the Washington Department of Ecology enforces result from state legislation, RCW 70.95, and federal laws, such as the Resource Conservation and Recovery Act (RCRA), the Clean Water Act, the Clean Air Act and others.

Regulations governing waste generators

County, cities and town conduct illegal dumping enforcement and abatement activities within their boundaries, including cleaning up dump sites, identifying offenders and enforcing municipal codes on illegal dumping and private accumulations of materials. Illegal dump sites on public property are generally managed by the agency owning the property. Illegal dump sites on private property (including forestland) are the responsibility of the owner. Litter clean-up activities are conducted by the Clark County Corrections Department and municipalities, the Washington Department of Ecology's Youth Corps program, and volunteer groups.

Public Health enforces County regulations on infectious waste and moderate risk hazardous wastes (including waste oil) and other special wastes; and responds to complaints regarding illegal dumping, burying and accumulations of waste on private property. Current County (24.12.060) and cities' code allows for burial of wastes, which were generated on site. This includes solid waste resulting from residential or agricultural activities as well as non-putrescible commercial or industrial waste. On site burial of regulated waste such as hazardous waste, toxic waste, bio-medical waste, and certain types of special waste are prohibited. The ability to bury certain solid waste on site results in problems such as health and sanitation problems, contamination of soils and/or water, attraction of vectors, settling of land into depressions, discovery of unwanted buried and subsequent removal of wastes by new property owners. This plan recommends that the on site burial of solid waste be regulated and discouraged.

The County also regulates discharges of moderate and hazardous risk wastes through its Water Quality Ordinance and National Pollutant Discharge Elimination System (NPDES) program.

To prevent littering, Clark County requires all waste haulers, individuals, and businesses to cover waste being transported to county solid waste facilities. The facility operators assist the county in enforcing Chapter 9.32 of the County Code (the “uncovered load” regulation) by issuing informational brochures and warnings; selling tarps (an option offered in lieu of a fine) and notifying the County of repeat offenders. Chapter 7 of this Plan recommends expanding the County’s regulation for unsecured loads of transported waste to include enforcement through the Clark County Sheriff’s Office.

Several cities, including the city of Vancouver, have ordinances that require residential generators to have garbage and recycling service and all generators must comply with city codes (e.g., applicable Vancouver codes are VMC 6.12 and 5.62). This allows the city to resolve illegal hauling situations by enforcing against the legal or unlicensed garbage hauler/recycler or the generator who is using the hauler. While not often utilized, it is an additional tool for the city. Vancouver also has a water resources protection ordinance that regulates land use and operations (some waste related that could impact surface or ground water).

Open burning is permanently banned within areas of Clark County (see Chapter 13, *Organic Wastes*). Permits are required for open burning of natural vegetation on property outside of the no burn area.

Enforcement roles for solid waste management in Clark County are summarized in Table 16-1.

| Table 16-1 Solid Waste Enforcement Roles in Clark County | | |
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| Regulated Parties | Regulations | Enforcement Agencies |
| Solid Waste Industry | | |
| Collection | RCW 81.77, WAC 480-70 City & County Contracts & Ordinances | WUTC County, Vancouver, Camas, Washougal, Ridgefield |
| Handling Operations & Facilities (disposal/transport) | County & City land use regs WAC 173-350, WAC 173-351 | County & Cities Ecology |
| Waste Generators | City “mandatory solid waste” and recycling ordinances; County& Cities ordinances; Burn ban, County Water Quality ordinance Hazardous material handling Industrial waste regulations Infectious Waste ordinance RCRA Subtitle D Clark County Code Chapter 32 & 40 | Cities Cities County SWCAA County Ecology Ecology EPA County |

Recommendations

State Agency Regulatory and Enforcement Issues

Clark County will:

1. Continue to support the WUTC in active enforcement of its exclusive garbage hauling franchises; one option is through the WUTC delegating some authority to local authorities.
2. Continue to participate in the Washington Department of Ecology processes that update state regulations.

Regional/Local Regulatory and Enforcement Issues

3. Develop educational strategies for the building and business communities, as well as the general public, which explain recycling; exclusive and non-exclusive loads; and self-hauling regulations. A list of authorized haulers and recyclers should be developed in conjunction with the County's proposed registration program of recycling haulers (Chapter 7 *Waste Collection*).
4. County and cities should develop and implement ordinances to allow enforcement of existing city, county and state regulations through fines and penalties.
5. Develop and distribute educational information that describes the role of the various agencies regarding enforcement activities, roles and contacts in Clark County and its cities.
6. Continue to hold workshops for businesses to be aware of handling and disposal requirements related to moderate risk waste and special wastes.
7. The County and cities should update their ordinances to regulate on site burial of Solid Waste; and prohibit on site burial of Moderate Risk Waste, Hazardous Waste, Biomedical Waste or certain Special Wastes on residential, commercial, industrial or agricultural property.
8. Adopt an ordinance expanding enforcement provisions for unsecured loads of transported waste (See Chapter 7, *Waste Collection*).
9. Develop a County program for registering commercial recycling haulers which will be consistent and coordinated with the cities' and state's registration programs (See Chapter 7, *Waste Collection*).
10. Update the County's ordinances regarding directing waste to designated disposal sites in the County's regional solid waste management system.

11. Work with state regulatory agencies to develop a waste management plan for proper disposal of animal carcasses in the event of disease outbreak or disaster. (See Chapter 14, *Special Wastes*)