



PL15-0388

# Comprehensive Plan Policy or Development Regulation Amendment Suggestion

Planning & Development Services · 1800 Continental Place · Mount Vernon WA 98273  
voice 360-416-1320 · www.skagitcounty.net/planning

NC-5

Per RCW 36.70A.470(2), this form is intended for use by any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest amendments to Skagit County's Comprehensive Plan policies or its development regulations, which are contained in Skagit County Code Title 14. Please do not combine multiple unrelated Comprehensive Plan policy or development regulation amendments on a single form. This form is for policy or development regulation amendments; use the Comprehensive Plan Map Amendment Request form for changes to the land use/zoning map.

RECEIVED  
JUL 31 2015

## Submitted By

Name	<u>Carol Ehlers</u>	Organization	<u>-</u>
Address	<u>3998 Wind Crest Lane</u>	City, State	<u>Ana Cortes</u>
Email	<u>-</u>	Phone	<u>360-293-7108</u>

SKAGIT COUNTY  
PL15

## Proposal Description

Please answer all of the questions below that are applicable to your suggestion.

- Describe your proposed amendment.
- Describe the reasons your proposed amendment is needed or important.  
*The 200+ water systems plus hundreds of wells must be protected. There is no efficient clean up of such sites.*
- If you are suggesting revision to a particular section of the Comprehensive Plan, please identify which section(s):
- If you are suggesting revision to the Comprehensive Plan, would the revision create inconsistencies with existing sections of the Comprehensive Plan? If so, please list those sections:
- If you are suggesting revision to the Comprehensive Plan, would the revision require corresponding amendments to the County's development regulations?
- If you are suggesting revision to a particular section of Skagit County Code Title 14, please identify which section(s).  
*14.24.320 In line one, insert 2 words to read "Category 1 and 2"*
- If you are suggesting this development regulation amendment as a result of a particular project or permit application, please identify which project or application:
- If you are suggesting specific language as part of your amendment, please attach that specific language. Specific language is not required.

e8 46

9. Describe why existing Comprehensive Plan policies should not continue to be in effect or why they no longer apply.

10. Describe how the amendment complies with the Comprehensive Plan's community vision statements, goals, objectives, and policy directives.

Drinking water is protected and property value not put at risk. If people are afraid of oil, how much would they back

11. Describe the anticipated impacts to be caused by the change, including geographic area affected and issues presented. these dumps?

12. Describe how adopted functional plans and Capital Facilities Plans support the change.

see 9 references below

13. Describe any public review of the request that has already occurred.

## Notices

**Fees.** No fees are required for a policy or code change suggestion, per SCC 14.08.020(6).

**Docketing.** SCC Chapter 14.08 governs the process for docketing of Comprehensive Plan amendments; suggestions for changes to the development regulations are docketed following the same process. Docketing of a suggestion is procedural only and does not constitute a decision by the Board of County Commissioners as to whether the amendment will ultimately be approved.

Amendments are usually concluded by the end of the year following the request. State law generally prohibits the County from amending its Comprehensive Plan more than once per year.

**Submission deadline.** Suggestions must be received by the last business day of July for docketing. Suggestions received after that date will not be considered until the following year's docket.

**How to Submit.** Submit your suggestion via email (preferred) to [pdscomments@co.skagit.wa.us](mailto:pdscomments@co.skagit.wa.us) or to Planning & Development Services at the address above.

Adopted Functional Plans + State regs

Water - 2

Solid Waste Management Plans - 2

DOC Studies + Codes - 5

# Group A Public Water Supplies

Chapter 246-290 WAC  
Effective July 1, 2008

There are regs for  
Group B Public  
systems, too.  
See Health Dept.

July 2008

# WAC

*Washington Administrative Code*



DOH 331-010 (REV. 07-08)

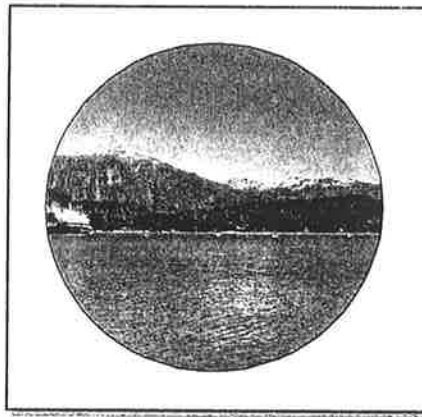
The Department of Health prepared this extract from the Code Reviser's official copy.

to PC 8/7/00

Per # 17938 on 7/24/00

attached k

# Skagit County Coordinated Water System Plan Regional Supplement



July 2000

Prepared by:  
Economic and Engineering Services, Inc.



### Summary of Siting Factors

Based on the above discussion of siting factors, it can be concluded that only limited portions of Skagit County would be available for siting a new solid waste disposal facility such as a landfill or incinerator. A more detailed analysis of siting factors is not being provided at this time due to the unlikely possibility of siting such a disposal facility in the County. The above siting factors and the following brief discussion of the siting process could be used, however, to provide guidance for other types of solid waste handling or treatment facilities, such as transfer stations, composting plants, and recycling facilities.

#### **2.3.2 Solid Waste Landfill Siting Process**

Any new facilities developed in the future will have to meet the State and local standards current at that time. State standards include the Solid Waste Handling Standards (Chapter 173-350 WAC) and the Criteria for Municipal Solid Waste Landfills (Ch. 173-351 WAC). Local standards include the County Code (especially Chapters 12.16 and 12.18), municipal codes, the Skagit County Comprehensive Plan (SC 1997), and zoning codes.

The siting process for disposal facilities could include the following steps:

1. Site Identification: For a public disposal facility, the process of identifying sites may include soliciting nominations from citizens and interested parties, identification of major landholders and City/County properties, and other activities to initially identify as many sites as practical. For a private site, the site selection process may consist primarily of an inventory of sites currently owned or available for purchase.
2. Broad Site Screening: The second step typically involves evaluating potential sites for "fatal flaws", such as unsuitable neighboring land use, distance from the point of waste generation, site size, steep slopes, floodplain area, wetlands, surface water or shorelines. For a public site, the goal should be to retain up to 12 sites after this step is completed. For a private facility or other cases where there may be only a few sites to begin with, only one or two sites need to survive this evaluation.
3. Detailed Site Ranking: After sites with fatal flaws have been eliminated, the remaining sites should be evaluated against more detailed criteria such as the availability of utilities (water, sewer, electricity), traffic impacts and road access, and other factors affecting the ability to develop and use the site. For a public effort, no more than four sites should remain after this step is completed.
4. Detailed Site Evaluation: The final step in evaluating potential sites involves a detailed investigation to assess environmental impacts, in accordance with the State Environmental Policy Act (SEPA). This step should result in the recommendation of a preferred site.
5. Siting Decision: Finally, the decision to proceed with a recommended site should be based on environmental, engineering, financial and political factors, and then more detailed plans can be developed and the permitting process can begin.

extent these components are provided for under this chapter, they are identified as optimal by the System. Privately owned facilities are operationally, but not legally (except as provided for by specific contracts), part of the System.

### B. Policy Purposes

The general purposes of this policy (consistent with the County's contractual obligations and in accordance with evolving rules regarding flow control) are to preserve the System's ability to make and ensure the implementation of solid waste related ordinances and policy, and to preserve the System's ability to fulfill its solid waste related financial obligations and legal mandates.

### C. Policy Application

With regards to The System this policy applies to all private and public facilities where any of those solid wastes destined for disposal and traditionally controlled by the System as part of the solid waste stream are handled, and to rail yards where intermodal transfer of containers of waste occurs. This policy is not intended to apply to public or private facilities that handle only materials intended for recycling, composting, energy recovery or disposal as inert waste, as long as such facilities are properly permitted. Materials shall be considered to be "intended" for recycling or composting when the facility's incoming material has been source-separated for the intended use and when the incoming stream of materials does not contain more than 10% per load, or 5% for an annual average, of material unsuitable for the intended purpose of the facility (per WAC 173-350-310 (2)(b)(ii)). Also this policy is not intended to apply to construction and demolition waste processing facilities, as long as the construction and demolition waste is source-separated at the site of generation, the processing facility is properly permitted, and residuals are delivered to the County-owned transfer station.

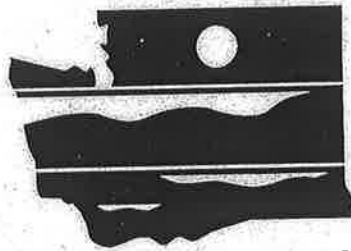
Examples of the types of facilities to which this policy does not apply include medical incinerators, other incinerators that burn only a single material that has been source-separated for energy recovery, waste wood chippers, tire reclamation facilities, and material recovery facilities receiving and handling only source-separated recyclables. In addition, this policy is not intended to address facilities that handle hazardous and moderate risk wastes. The development and operation of facilities in the county that are not addressed by this policy are still potentially limited by other considerations, such as health, safety, environmental, and zoning regulations, ordinances and statutes. In all cases, processing residuals and other wastes from all alternative facilities must be brought to the County-owned transfer station, if those residuals are acceptable at the transfer station, unless the Skagit County Solid Waste System Governance Board has provided approval in writing for alternative disposal methods.

In instances where the applicability of this policy to a proposed facility is open to question, the Solid Waste System Governance Board (SWSGB) shall have the discretion to apply the policy or exempt the facility from the policy. When a party is aggrieved by the decision of the SWSGB, the party may appeal the decision to the Skagit County Board of Commissioners.

### D. Policy Goals

This policy is intended to achieve the following goals:

- 1) ensure environmentally sound solid waste handling and disposal;




WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

**Model Toxics Control Act**  
**Chapter 70.105D RCW**  
[Amended 2005]  
**and**  
**Cleanup Regulation**  
**Chapter 173-340 WAC**  
[Amended February 12, 2001]

Compiled by  
Washington State Department of Ecology  
Toxics Cleanup Program

Publication No. 94-06  
Revised October 2005

 *Original printed on recycled paper*

# Chapter 70.105D RCW

## HAZARDOUS WASTE CLEANUP—MODEL TOXICS CONTROL ACT

### Sections

- 70.105D.010 Declaration of policy.
- 70.105D.020 Definitions.
- 70.105D.030 Department's powers and duties.
- 70.105D.040 Standard of liability.
- 70.105D.050 Enforcement.
- 70.105D.060 Timing of review.
- 70.105D.070 Toxics control accounts.
- 70.105D.900 Short title—1989 c 2.
- 70.105D.905 Captions—1989 c 2.
- 70.105D.910 Construction—1989 c 2.
- 70.105D.915 Existing agreements—1989 c 2.
- 70.105D.920 Effective date—1989 c 2.
- 70.105D.921 Severability—1989 c 2.

**RCW 70.105D.010 Declaration of policy.** (1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of \*this act is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally. [1989 c 2 § 1 (Initiative Measure No. 97, approved November 8, 1988).]

\*Reviser's note: For codification of "this act" [1989 c 2], see Codification Tables, Volume 0.

**RCW 70.105D.020 Definitions.** (1) "Department" means the department of ecology.

(2) "Director" means the director of ecology or the director's designee.

(3) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(4) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(5) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(6) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or



Chris Haynes

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# HAZARDOUS WASTE NEGOTIATIONS REPORT

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*The Washington Process*

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DECEMBER, 1987

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WASHINGTON STATE DEPARTMENT of ECOLOGY  
SOLID and HAZARDOUS WASTE PROGRAM

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DOCUMENT #87-26

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# A Cost Study of the New Solid Waste Landfill Standards

March, 1987



Washington State Department of Ecology

Solid and Hazardous Waste Program

WDOE 87-11 *Printed on Recycled Paper*

## EXECUTIVE SUMMARY

This report is the result of Substitute House Bill 1540 passed in the 1986 legislative session to analyze the landfilling impacts of the New Minimum Functional Standards for Solid Waste Handling, (WAC 173-304), upon local government.<sup>1</sup> The legislation specifically asked the Department of Ecology to:

1. Assess local health agency information on existing permitted landfills to include:
  - a. Measures taken/facilities installed at each landfill to mitigate surface and ground water contamination,
  - b. Proposed measures to be taken to mitigate surface/ground water contamination,
  - c. The cost of such measures;
2. Analyze of the effectiveness of the New Minimum Functional Standards for Solid Waste Handling (WAC 173-304) for new landfills in lessening surface and ground water contamination and a comparison of this with the effectiveness of the prior standards;

<sup>1</sup>Note to the reader: This study does not include the costs of the Minimum Functional Standards for transfer stations, drop boxes, waste piles, incinerators, waste ponds, or landspreading.

3. Perform an analysis of the costs of conforming with the new minimum functional standards for new landfills compared with the costs of conforming to the prior standards; and
4. Study proposals for methods of financing the costs of conforming with the new minimum functional standards (WAC 173-304).

LOCAL HEALTH AGENCY INFORMATION

In order to survey existing information of local costs, a questionnaire was developed. It was divided into three parts: (1) Facility cost information, (2) health Department cost information, and (3) local planning costs, State solid waste costs for implementing the new standards were also developed. The completed data identified the need as shown in Table A:

Table A

LOCAL HEALTH AGENCY 20 YEAR COSTS INFORMATION

(Supplied by Local Government)

Facility Costs	\$175,491,075 <u>a/</u>
Local Health Agency Costs	\$ 43,148,180
Local Plan Costs	\$ 12,416,836 <u>b/</u>
State S.W. Costs	\$ 50,000,000 <u>c/</u>

Note: Figures are 20 year costs in 1986 dollars.

a/ Ground water and surface water protection costs only.

b/ Based on 5 year updates of local plans.

c/ Based on Department of Ecology information.

### EFFECTIVENESS OF NEW STANDARDS

The effectiveness of the new standards (WAC 173-304) in lessening surface water and ground water contamination cannot be analyzed at present. Facilities are just now being constructed. Until time has passed, data collected and analyzed, the effects of the new standards cannot be calculated. Also, data available on the prior standards (WAC 173-301) are scarce, thereby making it difficult to make statewide generalities. With no estimates possible, no comparison of the two standards is feasible.

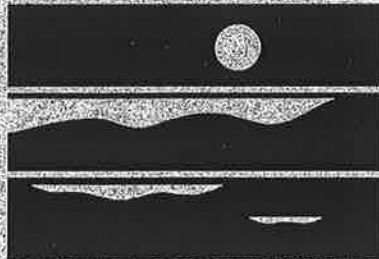
### COST COMPARISON

An analysis of the cost of conformance with the new standards for new landfills (WAC 173-304) compared with the prior standards (WAC 173-301) was done by Parametrix, Inc., a consulting firm with extensive experience in solid waste. Their analysis is based on assumptions stated within the report. These assumptions are critical to the total landfill construction cost estimates. The study used six model counties, developed 20 year cost estimates for these counties, and from those estimates extrapolated regional costs. Adding the regional costs gave statewide cost figures. The estimated total statewide 20 year cost for new facilities meeting new (304) standards is \$650,000,000. The total 20 year cost of new 301 facilities meeting prior (301) standards is \$143,000,000. This cost estimate does not include (301) standards costs to close existing landfills under the new standards.

### FINANCING MECHANISMS

ascertain how many employees were necessary for the agency to effectively comply with the existing statute (RCW 70.95). Local health agency and solid waste planning costs came from our questionnaires.

It is important to note that the estimated total cost of \$755,565,000 does not include the following: (1) The cost to close existing facilities that will not comply with the new standards; (2) site acquisition costs; (3) environmental review costs; and (4) operation and maintenance costs. Of the four, closure of existing landfills is the biggest 20 year cost item running into the tens of millions of dollars. Operation and maintenance costs, which include treatment of leachate, would be the next important cost estimate at \$2.7 million per year per facility on average. (See Appendix A of Parametrix Study). Site acquisition costs and environmental review costs would be less significant compared with the first two costs.



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

## Dangerous Waste Regulations

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### Chapter 173-303 WAC

*Solid waste only*

*Liquid hazardous waste*

Publication 92-91  
Amended February 1998



**Reduce Waste**

*printed on recycled paper*



CHAPTER 173-303 WAC  
DANGEROUS WASTE REGULATIONS  
February 1998 Edition

INTRODUCTORY REGULATIONS

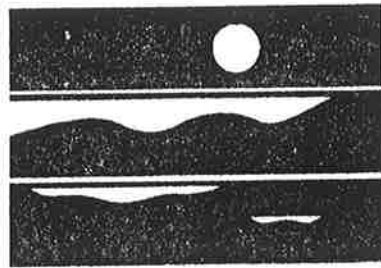
WAC 173-303-010 Purpose.

- 016 Identifying solid waste.
- 017 Recycling processes involving solid waste.
- 020 Applicability.
- 030 Abbreviations.
- 040 Definitions.
- 045 References to EPA's hazardous waste and permit regulations.
- 050 Department of Ecology cleanup authority.
- 060 Notification and identification numbers.

DANGEROUS WASTE DESIGNATION

WAC 173-303-070 Designation of dangerous waste.

- 071 Excluded categories of waste.
- 072 Procedures and bases for exempting and excluding wastes.
- 073 Conditional exclusion of special wastes.
- 075 Certification of designation.
- 077 Requirements for universal waste.
- 080 Dangerous waste lists.
- 081 Discarded chemical products.
- 082 Dangerous waste sources.
- 083 Deletion of certain dangerous waste codes following equipment cleaning and replacement.
- 084 Reserved.
- 090 Dangerous waste characteristics.
- 100 Dangerous waste criteria.
- 101 Reserved.
- 102 Reserved.
- 103 Reserved.
- 104 Generic dangerous waste numbers.
- 110 Sampling and testing methods.



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y


# Chemicals of Special Concern in Washington State

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By  
Ellen Atkinson

Washington State Department of Ecology  
Toxics Cleanup Program  
Policy and Technical Support Section  
Olympia, Washington

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 *printed on recycled paper*

July 1992  
92-66