

Updated Through March 2014

CHELAN-DOUGLAS HEALTH DISTRICT CODE

2014

A Codification of the General Ordinances
of the Chelan-Douglas Health District, Washington

Updated and Maintained by Chelan-Douglas Health District

Updated through March, 2014

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Updated Through March 2014

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Updated Through March 2014

TABLE OF CONTENTS

	By Laws
Title 1	General Provisions
Title 2	Administration and Personnel
Title 3	Finance and Budget (Reserved)
Title 4	Public Health Rules and Regulations
Title 5	SEPA Regulations
	Tables
	Index

Updated Through March 2014

**BYLAWS OF CHELAN-DOUGLAS
HEALTH DISTRICT
BOARD OF HEALTH
JUNE 20, 2001**

**ARTICLE I
NAME**

The name of this organization shall be the Chelan-Douglas Health District Board of Health, hereinafter referred to as "Board" or "Board of Health" or "District" or "Health District."

**ARTICLE II
OBJECTIVES**

The objectives of this organization are (1) to promote the arts and sciences of preventive medicine and the betterment of public health; (2) to unite the cities and said counties in a cooperative effort according to Chapter 70.46, Revised Code of Washington; (3) to promote a uniform health policy within said area; and (4) to make possible and invite active participation of all agencies interested in public health including members of the medical, dental and nursing professions and other interested parties.

**ARTICLE III
MEMBERSHIP**

Section 3.1: The Chelan-Douglas Health District Board of Health shall include all areas of the combined counties including all cities and towns.

Section 3.2: The Chelan-Douglas Health District Board of Health shall consist of eight (8) members.

Section 3.3: The Chelan-Douglas Health District Board of Health is comprised of: two

Board Members appointed by and from The Chelan County Commission, two Board Members appointed by and from The Douglas County Commission, one Board Member appointed by and from the City of Wenatchee elected officials (either the mayor or a city council member), one Board Member representing small cities in Chelan County appointed by and from the mayors and council members of cities in Chelan County other than the City of Wenatchee, one Board member appointed by and from the City of East Wenatchee elected officials (either the mayor or a city council member), and one Board Member representing cities in Douglas County appointed by and from the mayors and council members of the cities in Douglas County other than the City of East Wenatchee.

Section 3.4: These members shall be the voting members of the Chelan-Douglas Board of Health.

Section 3.5: Each of the governmental agencies appointing members shall appoint an alternate board member. An alternate board member shall serve as a voting member of the Board of Health in the absence of the regular voting member.

Section 3.6: Members accumulating three or more consecutive unexcused absences from regular meetings of the Board or six or more unexcused absences in a calendar year from regular meetings of the Board may be removed by a majority vote of the Board of Health. Excused absences must be approved by majority vote of the board members in attendance at the regular board meeting missed.

Updated Through March 2014

Section 3.7: Vacancies on the Chelan-Douglas Health District Board of Health shall be filled by appointment within thirty (30) days and be made in the same manner as the original appointment.

Section 3.8: Representatives of the Board of Health shall serve at the pleasure of their appointing legislative body or bodies. It is recommended that the appointing authorities for each position meet separately on a biannual basis in November of each odd numbered year to consider the current regular appointment and alternate to the board and evaluate whether a change should be made. In the event a regular board member or alternate ceases to qualify to serve on the Board, the appointing authority shall appoint a new regular board member or alternate within thirty (30) days.

ARTICLE IV LEGISLATIVE POWERS, DUTIES

Section 4.1: Subject only to the authority of the Washington State Board of Health, all legislative powers of the Board of Health, including the powers to alter, amend, and appeal or repeal these bylaws are vested in and reside with the voting members of this organization who alone shall have the power and authority to determine the policy of the organization.

Section 4.2: At the time of the acceptance of these Bylaws all previously adopted rules and regulations that are in full force and effect will continue to be in full force and effect. Any action taken by the Health Officer in his/her capacity to enforce rules and regulations shall be enforced and considered valid. The presently existing rules and regulations may be later amended by the Board of Health.

Section 4.3: It shall be the policy of the Board of Health to permit the counties, cities,

and towns to continue to have the power of adoption of ordinances or to validate the ordinances already in existence for the control of communicable diseases and other health problems, except those ordinances which in any way may be less stringent than or in conflict with the District or State Board of Health rules and regulations. It is desirable that those municipalities anticipating ordinances of a health related nature should submit those to the Board of Health for review and comment before formal action.

Section 4.4: The Board of Health shall have jurisdiction over all matters pertaining to the preservation of life and health of the people within its jurisdiction.

Section 4.5: The Board of Health shall enforce through the Health Officer the public health statutes of the State and rules and regulations promulgated by the State Board of Health and the State Department of Health.

Section 4.6: The Board of Health shall, through its designee, supervise the maintenance of all health and sanitary measures for the protection of the public health within its jurisdiction.

Section 4.7: The Board of Health shall enact such local rules and regulations as are necessary in order to preserve, promote, and improve the public health and provide for the enforcement thereof.

Section 4.8: The Board of Health shall promulgate rules and regulations for the control of communicable diseases and other conditions dangerous to the public health and in conformity with the provisions of the laws of the State of Washington.

Section 4.9: The Board of Health shall provide for the prevention, control and abatement of nuisances detrimental to the public health.

Section 4.10: The Board of Health shall make such reports to the State Board of

Updated Through March 2014

Health through the local Health Officer and/or Administrator, as the State Board of Health may require.

Section 4.11: The Board of Health will review, provide and approve the necessary finances and budget to carry on an adequate public health program.

Section 4.12: The Board of Health may request and will receive reports from the District Health Officer and/or Administrator of the activities of the District.

Section 4.13: The Board of Health shall establish fees for issuing or renewing licenses or permits for such services as are authorized by the law and rules and regulations of the State Board of Health.

Section 4.14: The Board of Health will hear grievances of persons or groups appearing before it in regular meetings and plan with the staff in attempting to resolve such grievances.

Section 4.15: The Board of Health will hold hearings and meetings as prescribed by the open public meetings law of the State of Washington. Those hearings and meetings will be advertised in conformance with the open public meetings law.

Section 4.16: The Board of Health will cooperate with and coordinate activities, through its designee, with the local medical, dental, nursing and allied professions including pharmaceutical and all public agencies, including schools, and solicit their cooperation and services in carrying out a sound program of public health administration within the jurisdiction of the District.

ARTICLE V OFFICERS AND THEIR DUTIES

Section 5.1: There shall be elected from the members of the Board a Chair by majority of the voting members in January of each year

and the Chair shall serve for a period of one (1) year.

Section 5.2: No Chair shall succeed himself/herself for more than two (2) consecutive terms.

Section 5.3: The Chair shall preside at the meetings of the Board of Health and shall perform such other duties as custom and parliamentary procedures require.

Section 5.4: The Chair shall appoint the members of standing committees as the Chair deems necessary, but whose duties and functions shall not overlap the duties and functions of any other standing committee.

Section 5.5: There shall be elected from the members of the Board in January of each year a Vice Chair who shall serve for the period of one (1) year. In the event of a vacancy occurring, a new Vice Chair shall be elected from the same group to fill the unexpired term of office.

Section 5.6: The Vice Chair shall perform the duties of the Chair in the event the Chair's absence or inability to perform and shall assume the office of Chair for the unexpired term in the event of a vacancy in that office.

ARTICLE VI HEALTH OFFICER

Section 6.1: The District Health Officer shall be appointed by the Board of Health in accordance with RCW 70.05.050 and RCW 70.05.051, and shall perform such duties as required by law and assigned by the Board of Health.

Section 6.2: The Health Officer shall be paid such salary and be allowed such expenses as shall be determined by the Board of Health.

ARTICLE VII ADMINISTRATOR

Updated Through March 2014

Section 7.1: The Administrator shall be appointed by the Board of Health in accordance with RCW 70.05.045 and RCW 70.05.051, and shall perform such duties as required by law and assigned by the Board of Health.

Section 7.2: The Administrator shall serve at the pleasure of the Board, act as executive secretary to and administrative officer of the Board, and shall be paid such salary and be allowed such expenses as shall be determined by the Board of Health.

Section 7.3: It shall be the duty of the Administrator or his/her designee to:

(a) Announce, advertise, prepare agendas and otherwise publicize meetings of the Board;

(b) Record minutes of all meetings of the Board;

(c) Be the custodian of all the records, books, and papers belonging to the Board;

(d) Carry on usual correspondence of the Board including such matters as notifying members and financial participating agencies of meetings and notifying officers of their elections and committees of their appointments and duties;

(e) Either personally or by a representative attends all public meetings dealing with health problems of the individual governmental agencies and make written recommendations thereon.

Section 7.4: The Administrator shall make such reports concerning District personnel and changes therein as may be necessary.

Section 7.5: Payments of accounts, vouchers and payroll shall be prepared by the Administrator or his/her designee and shall be presented monthly to the Chair of the Board of Health. All accounts shall be reviewed by the Board and approved for payment by the Board and be paid upon the signature of the

Chair of the Board and the Administrator or by such person(s) as authorized by the Board.

Section 7.6: The chair, or the vice chair in the absence of the chair, will review for approval all expenses of the Administrator.

ARTICLE VIII TREASURER AND AUDITOR

Section 8.1: A District Health Fund shall be created pursuant to Article X, Section 10.2 of these Bylaws. The Chelan County Treasurer shall be the custodian of the fund and the Chelan County Auditor shall keep the record of the receipts and disbursements, and the Chelan County Treasurer shall honor and pay all warrants, which shall be approved before issuance and payment as directed by the Board of Health. This procedure is in accordance with RCW 70.05.135 and RCW 70.46.080. All warrants shall be paid from the District Health Fund. The District Health Fund shall be exclusive of all tuberculosis related expenses.

Section 8.2: A special fund exclusively for tuberculosis maintenance and control shall be fully funded by the Board of County Commissioners of each respective county and not be the responsibility of any other municipality within the Health District.

ARTICLE IX MEETINGS OF THE BOARD OF HEALTH

Section 9.1: The Board shall meet monthly at a regular meeting held pursuant to Chapter 42.30 RCW, the State Open Public Meetings Act. The date, time, and place of the regular monthly meeting shall be determined by resolution of the Board.

Section 9.2: The meeting in January of each year shall be designated as the annual meeting

at which the Board shall elect officers for the ensuing year, receive the annual report from the Administrator and District Health Officer, and hear the proposals for programs to be planned for the coming year.

Section 9.3: The July meeting each year shall be designated as the meeting at which the midyear status of the approved annual budget shall be discussed and the financial conditions and proposed financial needs of the Health District shall be discussed.

Section 9.4: The Administrator shall prepare and present an annual budget with breakdown of expense and revenue no later than the first meeting in September.

REGULAR MEETING AGENDA-NOTICE

Section 9.5: The Administrator or his/her designee shall provide a copy of the preliminary meeting agenda via facsimile or e-mail to the city clerk for each city in the Health District and to the office of the County Commissioners for each County in the Health District at least seventy-two (72) hours prior to each scheduled regular meeting.

Section 9.6: Each of the aforementioned recipients of the preliminary regular meeting agenda shall be requested to post the agenda in a place open to the public and generally used by the receiving governmental entity for the posting of public notices and meeting agendas.

SPECIAL MEETINGS

Section 9.7: Special meetings may be called by the Chair or by a majority of the members of the Board by delivering written notice to each member of the Board, the Health Officer, and the Administrator; and to each local newspaper of general circulation

and to each local radio or television station which has on file with the governing body a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meeting by the Board. Such written notice may be dispensed with as to any Board member who, at or prior to the time the meeting convenes, files with the Administrator a written waiver of notice. Such waiver may be given by facsimile. Such written notice may also be dispensed with as to any Board member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage. The provisions of this section comply with RCW 42-30-080.

QUORUM

Section 9.8: The presence of five (5) voting members of the Board of Health shall constitute a quorum for conducting all meetings and business of the Health District.

VOTING

Section 9.9: The Chair of the Board may vote on all matters. The affirmative vote of a majority of the voting members of the Board of Health present at any meeting of the Board of Health shall be required for the passage of

Updated Through March 2014

any formal Resolution or motion of the Board of Health. In the case of a tie vote, the formal Resolution or motion shall fail. All abstentions shall not be considered votes in favor of passage or against passage of any formal Resolution or motion presented for a vote.

Section 9.10: When a motion and second have been made for the passage of a matter pending before the Board and a motion to amend the motion is made and seconded, the motion to amend shall be voted on prior to voting on the initial pending motion.

TWO READING SYSTEM

Section 9.11: All proposed formal Resolutions and motions to adopt or change policy of the Health District shall be discussed at least twice and at two (2) separate meetings of the Board of Health before a final vote for passage of the proposed formal Resolution or motion to adopt or change policy may be held, unless the provisions of Section 9.12 of these Bylaws are invoked by a vote of the Board of Health as set forth in Section 9.12 of these Bylaws.

Section 9.12: The Board of Health upon the unanimous vote of the voting members present at the first discussion of the formal Resolution or motion to adopt or change policy, may suspend the requirements of Section 9.11 of these Bylaws and the formal Resolution or motion to adopt or change policy may be voted on for passage at the meeting at which it is first discussed.

RULES OF ORDER

Section 9.13: Unless otherwise provided in these Bylaws to the contrary, all meetings of the Board and its committees shall be governed by the parliamentary rules and usag-

es contained in the current edition of Robert's Rules of Order.

Section 9.14: The Chair may act as parliamentarian, or may designate a parliamentarian if he/she so desires.

ARTICLE X FINANCES EXPENSES AND FUNDING FOR PUBLIC HEALTH SERVICES

Section 10.1: The Board of Health shall be funded pursuant to Chapter 70.05 RCW, RCW 70.46.080 and 82.44.110 RCW, as amended by laws First Special Session 1995, Chapter 15, Sections 1 and 2, effective January 1, 1996, and the expense of providing public health services shall be borne by Chelan and Douglas counties pursuant to RCW 70.46.085.

Section 10.2: The Board of Health shall establish a "District Health Fund" pursuant to RCW 70.46.080) in which shall be placed all sums received by the District from any source, and out of which shall be expended all sums disbursed by the District.

Section 10.3: The Maintenance and Operations budget shall be developed and passed by the Board of Health and shall be funded pursuant to this article. The Maintenance and Operations budget and any supplement must be ratified and approved annually by the Board of County Commissioners for Chelan County and the Board of County Commissioners for Douglas County.

Section 10.4: Nothing in these by-laws shall preclude cities and towns from contributing funds to the District Health Fund in addition to amounts provided by State law and the counties.

ARTICLE XI WITHDRAWAL

Section 11.1: In accordance with RCW 70.46.090, any county may withdraw from membership in the District any time after it has been with the District for a period of two (2) years, but no withdrawal shall be effective except at the end of the calendar year in which the county gives at least six (6) months notice of its intention to withdraw at the end of the calendar year. No withdrawal shall entitle any member to a refund of moneys paid to the District nor relieve it of any obligations to pay to the District all sums for which it obligated itself due and owing by it to the District for the year at the end of which the withdrawal is to be effective.

**ARTICLE XII
POWERS TO ACQUIRE,
MAINTAIN OR DISPOSE
OF PROPERTY**

Section 12.1: In addition to all other powers and duties, the Health District shall have the power to own, construct, purchase, lease, add to and maintain any real and personal property or property rights necessary for the conduct of the affairs of the District.

Section 12.2: The Health District may sell, lease, convey or otherwise dispose of any District real or personal property no longer necessary for the conduct of the affairs of the District.

Section 12.3: The Health District may enter into contracts to carry out the provisions of this article, in accordance with RCW 70.46.100.

**ARTICLE XIII
LICENSE OR PERMIT
FEES**

In addition to all other powers and duties the Health District shall have the power to charge fees in connection with the issuance or renewal of a license or permit required by law; provided, that the fees charged shall not exceed the actual cost involved in issuing or renewing the license or permit. This article is in compliance with RCW 70.46.120.

**ARTICLE XIV
CONTRACTS**

In accordance with RCW 70.46.130 and RCW 70.05.150, contracts for sale or purchase of health services are authorized. The Health District may contract for either the sale or purchase of any or all health services from any local health provider; provided that such contract shall require the approval of the State Board of Health.

**ARTICLE XV
LEGAL CHALLENGES**

Actions and decisions by or through the Board of Health members and its Officers within the scope of Powers, Duties, and Functional Responsibilities that were rendered in accordance with the rules and policies adopted in these bylaws, or otherwise assigned by the Board of Health, shall be the responsibility of the District which shall defend and indemnify against all legal disputes and claims against the Health District, Health Board members and officers.

**ARTICLE XVI
SEVERABILITY AND
CONFLICT OF LAWS**

If any section, sentence, clause or phrase of these Bylaws are in conflict with any provision of State or Federal law or are hereafter

Updated Through March 2014

held to be invalid or unconstitutional by a court of competent jurisdiction, such conflict, invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause or phrase of these Bylaws. In the event of a conflict between State law, Federal law, or constitutional law, the section, sentence, clause or phrases of these Bylaws in conflict shall be replaced with the State, Federal or constitutional law with which it conflicts and the remaining portions of these Bylaws shall be read to give meaning to all of the remaining terms of these Bylaws.

Board of County Commissioners for Douglas County.

**ARTICLE XVII
REPEAL OF EXISTING POLICIES**

To the extent these Bylaws conflict with existing formal Resolutions, motions, or other policies of the Health District, the conflicting provisions contained in all such formal Resolutions, motions and policies of the Health District are hereby repealed.

**ARTICLE XVIII
EFFECTIVE DATE**

These Bylaws shall be effective following passage of a County resolution by the Board of Commissioners for Chelan County and County resolution by the Board of Commissioners for Douglas County.

**ARTICLE XIX
AMENDMENTS**

These Bylaws may be amended by the passage of resolutions amending the provisions of these Bylaws by the Board of County Commissioners for Chelan County and the

Updated Through March 2014

BYLAWS INDEX

A

ADMINISTRATOR
Article VII

AMENDMENTS
Article XIX

B

BYLAWS, EFFECTIVE DATE
Article XVIII

C

CONTRACTS
Article XIV

F

FEES
Permit or license
Article XIII

H

HEALTH OFFICER
Article VI

L

LEGAL CHALLENGES
Article XV

LEGISLATIVE POWERS AND DUTIES
Article IV

LICENSE
Fees
Article XIII

M

MEETINGS OF THE BOARD OF HEALTH
Article IX

MEMBERSHIP Article III
Withdrawal
Article XI

N

NAME
Article I

O

OBJECTIVES
Article I

OFFICERS AND THEIR DUTIES
Article V

P

PERMIT
Fees
Article XIII

PROPERTY
Powers to acquire, maintain or dispose
Article XII

PUBLIC HEALTH SERVICES
Finances, expenses and funding
Article X

R

REPEAL OF EXISTING LAWS
Article XVII

Updated Through March 2014

S

SEVERABILITY, CONFLICT OF LAWS

Article XVI

SPECIAL MEETINGS QUORUM

Article IX

Voting, two reading system

Article IX

T

TREASURER AND AUDITOR

Article VIII

Updated Through March 2014

Title 1

GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.06 Claims for Damages**

Updated Through March 2014

Chapter 1.01

CODE ADOPTION

(Reserved)

Chapter 1.04

GENERAL PROVISIONS

Sections:

- 1.04.010 Short title.**
- 1.04.020 Definitions.**
- 1.04.030 Sanitary code--Where in force.**
- 1.04.040 Interference with notices.**
- 1.04.050 Special provisions.**
- 1.04.060 Permits generally.**
- 1.04.070 Permit fee.**
- 1.04.080 Right of appeal.**
- 1.04.090 Validity.**
- 1.04.100 Public records.**
- 104.110 Public records point of contact.**

1.04.010 Short title.

The rules and regulations herein contained shall be known as the "Sanitary Code of the Chelan-Douglas District Board of Health." (Prior code Art. I § 1)

1.04.020 Definitions.

"Board of Health" or "board" means Board of Health of the Chelan-Douglas Health District, created pursuant to Chapter 70.46 RCW, as the same exists now or may hereafter be amended.

Washington 1944-45.

"Department of health" or "department" means the Chelan-Douglas District health department.

"District" or "health district" means the Chelan-Douglas Health District.

"Health officer" means the Chelan-Douglas District health officer.

"Hearing Examiner" means the Hearing Examiner for the CDHD, for all purposes of this code.

"Person" means any individual, firm, corporation, or association.

"Sanitary code" or "code" means the code codified as the Chelan-Douglas Health District Code as adopted by Chelan-Douglas Health District Board of Health Resolution No. 2003-002, as the same exists now or may hereafter be amended. The code comprises the rules and regulations of the district. (Res. 2003-006 § 1; editorially amended during 2002 codification; Res. 2001-006 § 2; prior code Art. I § 2)

1.04.030 Sanitary code--Where in force.

The provisions of this code shall be in force within the jurisdiction of the Chelan-Douglas District Board of Health. (Prior code Art. I § 3)

1.04.040 Interference with notices.

No person shall remove, mutilate or conceal any notice or placard of the department of health posted in or on any premises or public place except by permission of the health officer or his or her authorized representative. (Prior code Art. I § 6)

1.04.050 Special provisions.

The regulations of this code shall be supplemental to the rules and regulations of the State Board of Health, Public Health Law, Penal Law, and other Washington State Laws relating to public health and shall, as to matters to which it refers, and within the jurisdiction heretofore prescribed, supersede

all prior rules and regulations of the Board of Health and all local ordinances heretofore or hereafter enacted inconsistent herewith. (Prior code Art. I § 7)

1.04.060 Permits generally.

All applications for permits or written approval herein required shall be made upon forms prescribed and furnished by the department of health and shall be signed by the applicant who shall be the person or authorized agent of a firm or corporation responsible for conformance to the conditions of the permit or approval applied for. Such application shall contain such data and information and be accompanied by such plans and specifications as may be required by the health officer. A permit issued to a particular person, firm, or corporation or for a designated place, purpose or vehicle shall not be valid for use by any other person, firm, or corporation or for any other place, purpose or vehicle than that designated therein. Such permits or written approvals may contain general and specific conditions and every person, firm, or corporation which shall have obtained a permit or written approval as herein required shall conform to the conditions prescribed in the permit or written approval and to the provisions of the sanitary code. Every such permit shall expire as stated on the permit and may be renewed by the health officer after due notice and hearing. (Prior code Art. I § 9)

1.04.070 Permit fee.

All fees collected under the provisions of this sanitary code contained herein shall be payable to the Chelan-Douglas Health District and credited to the public health pooling fund to aid in the carrying out of the provisions of the sanitary code. (Prior code Art. I § 10)

1.04.080 Right of appeal.

Unless otherwise specified, all appeals of any decisions made by the district's Board of Health, or the district's health officer or its staff, including but not limited to the appeal by any person whose permit or application has been denied, suspended, or revoked by the district, shall be made to the district's Hearing Examiner as set forth in Chapter 2.12, as presently enacted or hereafter amended. Such appeal shall be in writing and shall be filed with the Hearing Examiner within ten (10) calendar days of the date of any decision rendered by the board, the health officer, or district staff. (Res. 2003-007 § 1: prior code Art. I § 11)

1.04.090 Validity.

In the event any section, subsection, paragraph, sentence, clause, or phrase of this sanitary code shall be declared unconstitutional or invalid for any reason, the remainder of said code shall not be affected thereby. (Prior code Art. I § 12)

1.04.100 Public records.

A. The district does hereby formally order that maintaining an index of public records pursuant to RCW 42.17.260 would be unduly burdensome for the following reasons:

1. The initial construction and subsequent maintenance of such an index would be a financial burden upon the district.
2. The district does not have sufficient staffing available to initially prepare and subsequently maintain such a comprehensive index.

B. The district shall make available for public inspection and copying any index maintained by the district for district use. (Res. 2003-005 § 1)

1.04.110 Public Records Point of Contact.

A. The District does hereby formally order that the Board of Health Secretary/Administrative Associate, in addition to other duties, shall serve as the District Public Records Officer and as a point of public contact for members of the public in requesting disclosure of public records and to oversee the District's compliance with the public records disclosure requirements of **Chapter 42.56 RCW**.

B. The Public Records Officer shall post at the District offices the name and contact information of the Public Records Officer, indicating that he or she is the Public Records Officer for purposes of Chapter 42.56 RCW. At all times when the District is maintaining a District internet site, notice identifying the District's Chapter 42.56 RCW Public Records Officer shall be posted thereon. These notices shall be posted in a manner reasonably calculated to provide notice to the public.

Updated Through March 2014

Chapter 1.06

CLAIMS FOR DAMAGES

Sections:

1.06.010 Claims for Damages

Section 1.06.010 Claims for Damages

The Chelan Douglas Health District administrator is designated as the agent to receive any claim for damages made under Chapter 4.96 RCW. The District Administrator may be reached during the normal business hours of the Health District at 200 Valley Mall Parkway, East Wenatchee, Washington. If the District Administrator is not available during normal business hours, the Administrator's designee is appointed as the agent to receive claims for damages. All claims for damages against the District made pursuant to 4.96 RCW shall be presented to said agent within the applicable period of limitations within which an action must be commenced. Said claims shall not be effective unless delivered to the agent or designee specified. Pursuant to 4.96 RCW, Resolution 2001-005 establishing these policies has been recorded with the Chelan and Douglas County Auditors.

Updated Through March 2014

Title 2

ADMINISTRATION AND PERSONNEL

Chapters:

2.04 Enforcement of Health Rules and Regulations

2.08 Miscellaneous Administrative Regulations

2.12 Hearing Examiner

Chapter 2.04

**ENFORCEMENT OF HEALTH
RULES AND REGULATIONS**

Sections:

- 2.04.010 Intent.**
- 2.04.020 Definitions.**
- 2.04.030 Authority of Chelan-Douglas health officer.**
- 2.04.040 Right of entry.**
- 2.04.050 Misdemeanor penalty.**
- 2.04.060 Civil penalty.**
- 2.04.070 Other legal or equitable relief.**
- 2.04.080 Notices and orders.**
- 2.04.090 Service of notice and order.**
- 2.04.100 Administrative conference.**
- 2.04.110 Appeals.**
- 2.04.120 Supplemental notice and order.**
- 2.04.130 Finality of order.**
- 2.04.140 Enforcement of final order.**
- 2.04.150 Suspension of permits.**
- 2.04.160 Revocation of permits.**
- 2.04.170 Civil penalty.**

2.04.010 Intent.

All violations of public health rules and regulations are determined to be detrimental to the public health safety and welfare and are declared to be public nuisances. All conditions which are determined by the Chelan-Douglas health officer to be in violation of any public health regulation shall be subjected to the provisions of this regulation and shall be corrected by any reasonable and lawful means as provided in this regulation. (Doc. dated 10/16/89 § 1)

2.04.020 Definitions.

As used in this regulation:

"Chelan-Douglas health officer" means the Chelan-Douglas health officer of the Chelan-Douglas Health District or his or her authorized representative.

"Nuisance" means unlawfully doing an act, or omitting to perform a duty, which act or omission either injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully pollutes any body of water, or renders other persons insecure in life, or in the use of property.

"Permit" means a written certificate, approval, registration, license or other written permission given to any person to engage in any activity as required by law or regulation.

"Person" includes any natural person or organization, corporation, or partnership and their agents or assigns.

"Public health rules and regulations" includes this regulation and any other existing or future regulations of the Chelan-Douglas Board of Health, or provision of the Washington Administrative Code which regulate the public health including, but not limited to food service, solid waste, on-site sewage disposal, swim pools, drinking and ground water, public schools, and communicable disease.

"Public nuisance" means a nuisance which affects the rights of an entire community or neighborhood, although the extent of the nuisance may be unequal. (Doc. dated 10/16/89 § 2)

2.04.030 Authority of Chelan-Douglas health officer.

The Chelan-Douglas health officer is authorized to utilize the procedures of this regulation in order to enforce violations of public health regulations. (Doc. dated 10/16/89 § 3)

2.04.040 Right of entry.

A. Whenever necessary to make an inspection to enforce or determine compliance with the provision of any public health regulation or whenever the Chelan-Douglas health officer or his or her duly authorized representative has reason to believe that a violation of any public health regulation has been or is being committed, the inspector may enter any building or property at reasonable times to inspect the same. Any written application for a permit or license is considered as written permission to enter and to perform inspections.

B. If such building or property is occupied, the inspector shall present identifying credentials, state the reason for inspection, and request entry.

C. If such building or property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other persons having control of the building or property or portion thereof and demand entry. If the inspector is unable to locate the owner and he or she has reason to believe that conditions therewith create an immediate and irreparable health hazard, then he or she shall make entry.

D. It is unlawful for any owner or occupant or other person having charge, care or control of any building or property or portion thereof to fail or neglect after proper demand to permit prompt entry thereon where the inspector has reason to believe that conditions therein create an immediate and irreparable health hazard.

E. Unless entry is consented to by the owner or person in control of any building or property or portion thereof or conditions are believed to exist which create an immediate and irreparable health hazard, the inspector prior to entry shall obtain a search warrant as authorized by the laws of the state. (Doc. dated 10/16/89 § 4)

2.04.050 Misdemeanor penalty.

As an alternative to any other judicial or administrative remedy provided in this regulation, any person who willfully or knowingly violates any public health regulation, is guilty of a misdemeanor and is subject to the penalties specified in RCW 70.05 as it exists now or may hereafter be amended. (Editorially amended during 2002 codification; Doc. dated 10/16/89 § 5)

2.04.060 Civil penalty.

A. In addition to or as an alternative to any other judicial or administrative remedy provided in this regulation or by law or other regulations, any person who violates any public health statute, regulation, or by each act of commission or omission procures, aids, or abets such violation shall be subject to a civil penalty.

B. Any person engaged in the development, management, sale, rental, or use of property solely for the purpose of residential occupancy by the person or his or her immediate family shall be deemed to be engaged in noncommercial ventures for purposes of this regulation. All other persons shall be deemed to be engaged in commercial ventures for purposes of this section.

C. Civil penalties for violations of district regulations, permits, rules, or any other health or public safety rules or regulations by persons engaged in commercial ventures shall be assessed for a first offense, at least five hundred dollars (\$500.00), but no more than five thousand dollars (\$5,000.00), per day; for a second offense, at least one thousand dollars (\$1,000.00) but not more than five thousand five hundred dollars (\$5,500.00) per day; for a third offense, at least one thousand five hundred dollars (\$1,500.00) but no more than six thousand dollars (\$6,000.00) per day; and for any subsequent offense, at least five

hundred dollars (\$500.00) per day more than the most recent previous penalty levied by the district or hearing examiner. Each and every day or portion thereof during which a violation is committed, continued, permitted or not corrected shall be deemed a violation.

D. Civil penalties for violations of district regulations, permits, rules, or any other health or public safety rules or regulations by persons engaged in non-commercial ventures shall be assessed for a first offense, at least one hundred dollars (\$100.00), but no more than one thousand dollars (\$1,000.00), per day; for a second offense, at least two hundred fifty dollars (\$250.00) but not more than two thousand dollars (\$2,000.00) per day; for a third offense, at least five hundred dollars (\$500.00) but no more than two thousand five hundred dollars (\$2,500.00) per day; and for any subsequent offense, at least two hundred fifty dollars (\$250.00) per day more than the most recent previous penalty levied by the district or hearing examiner. Each and every day or portion thereof during which a violation is committed, continued, permitted or not corrected shall be deemed a violation. (Res. 2003-007 § 2; Doc. dated 10/16/89 § 6)

2.04.70 Other legal or equitable relief.

Notwithstanding the existence or use of any other remedy, the Chelan-Douglas health officer may seek legal or equitable relief to enjoin any acts or practices or abate any conditions which constitute or will constitute a violation of any public health regulations. (Doc. dated 10/16/89 § 7)

2.04.080 Notices and orders.

A. Whenever the Chelan-Douglas health officer has reason to believe that a violation of a public health regulation will be most promptly and equitably terminated by an

administrative notice proceeding, he or she shall issue a written notice directed either to the owner or operator to the owner or operator of the source of the violation, the person in possession of the property where the violation originates, or the person otherwise causing or responsible for the violation or any of them.

B. Pending commencement and completion of the notice and order provided for in this section, the Chelan-Douglas health officer may cause a stop-work order to be posted on the subject property or served on persons engaged in any work or activity in violation of any public health regulation. The effect of such a stop-work order shall be to require the immediate cessation of such work or activity until authorized by the Chelan-Douglas health officer to proceed.

C. The notice and order issued by the district shall contain:

1. The street address, when available, and a legal description of real property and/or description of personal property sufficient for identification of where the violation occurred or is located;

2. A statement that the Chelan-Douglas health officer has found the person to be in violation of public health regulations with a brief and concise description of the conditions found to be in violation;

3. A statement of the corrective action required to be taken. If the Chelan-Douglas health officer has determined that corrective work is required, the order shall require that all required permits be secured and the work physically commence within such time and be completed within such time as the Chelan-Douglas health officer shall determine is reasonable under the circumstances;

4. A statement specifying the amount of any civil penalty assessed on account of the violation, and if applicable, the conditions on

which assessment of such civil penalty is contingent.

5. Statements advising that:

(a) If any work is not commenced or completed within the time specified, the district may proceed to abate the violation and cause the work to be done, and charge the costs of abatement to any person and/or business in violation; and

(b) If any assessed civil penalty is not paid, the district may petition superior court to seek legal or equitable relief to enjoin any acts or practices, or abate any conditions which constitute or may constitute a violation of any public health risk. If the district obtains a judgment for the cost of abatement or any civil penalties imposed by the district, the district may seek a judgment lien pursuant to RCW 4.56.190, as presently enacted or hereafter amended;

6. A statement advising that the order shall become final no later than ten (10) calendar days from the date of the hearing examiner's decision, unless such decision is appealed by writ of certiorari to either Chelan or Douglas County superior court, in accordance with RCW 7.16, as presently enacted or hereafter amended. (Res. 2003-007 § 3; Doc. dated 10/16/89 § 8)

2.04.090 Service of notice and order.

Service of the notice and order shall be made upon all persons identified in the notice and order either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested. If the address of any such person cannot be reasonably ascertained, then a copy of the notice and order shall be mailed to such person at the address of the location of the violation. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this chapter.

Service by certified mail in the manner provided in this section shall be effective on the date of postmark. The notice and order may, but is not required, to be posted on the subject property. (Doc. dated 10/16/89 § 9)

2.04.100 Administrative conference.

An informal administrative conference may be conducted at any time by the Chelan-Douglas health officer for the purpose of bringing out all the facts and circumstances related to an alleged violation, promoting communications between concerned parties, and providing a forum for efficient resolution of any violation. The Chelan-Douglas health officer may schedule a conference in response to a request from any person aggrieved by the Chelan-Douglas health officer's order or the Chelan-Douglas health officer may schedule a conference on his or her own motion. Attendance at the conference shall be determined by the Chelan-Douglas health officer and need not be limited to those named in a notice and order. As a result of information developed at the conference, the Chelan-Douglas health officer may affirm, modify, or revoke his or her order. The conference is optional with the Chelan-Douglas health officer and is not a prerequisite to utilization of any of the enforcement provisions described in this regulation. (Doc. dated 10/16/89 § 10)

2.04.110 Appeals.

Any person aggrieved by an order of the district or its health officer may appeal to the district hearing examiner, as set forth in Chapter 2.12 of the code, as presently enacted or hereafter amended. (Res. 2003-007 § 4; Doc. dated 10/16/89 § 11)

2.04.120 Supplemental notice and order.

The Chelan-Douglas health officer may, at any time, add to, rescind in part, or otherwise modify a notice and order by issuing a supplemental notice and order. The supplemental notice and order shall be governed by the same procedures applicable to all notices and orders contained in this regulation. (Doc. dated 10/16/89 § 12)

2.04.130 Finality of order.

A. Any order duly issued by the district or its health officer shall become final ten (10) calendar days after service of the notice and order, unless such order is appealed to the district's hearing officer in accordance with Chapter 2.12, as presently enacted or hereafter amended.

B. An order which is appealed shall become final ten (10) calendar days after mailing the hearing examiner's decision, unless within that period of time the aggrieved party initiates an appeal by writ of certiorari to either Chelan or Douglas County superior court. (Res. 2003-007 § 5; Doc. dated 10/16/89 § 13)

2.04.140 Enforcement of final order.

A. If, after any order duly issued by the Chelan-Douglas health officer has become final, the person to whom such order is directed has become final, the person to whom such order is directed fails, neglects, or refuses to obey such order, including refusal to pay a civil penalty assessed under such order, the Chelan-Douglas health officer may:

1. Cause such person to be prosecuted under this regulation;
2. Institute any appropriate action to collect a civil penalty assessed under this regulation;
3. Abate the health violation using the procedures of this chapter;

4. File in the office of the county auditor a certificate describing the property and the violation and stating that the owner has been so notified; and/or

5. Pursue any other appropriate remedy at law or equity under this regulation.

B. Enforcement of any notice and order of the Chelan-Douglas health officer pursuant to this regulation shall be stayed during the pendency of any appeal under this regulation, except when the Chelan-Douglas health officer determines that the violation will cause immediate and irreparable harm or endangers the public health, and so states in the notice and order issued. (Doc. dated 10/16/89 § 14)

2.04.150 Suspension of permits.

A. The Chelan-Douglas health officer may temporarily suspend any permit issued under any public health regulation for: (1) failure of the holder to comply with the requirements of any public health regulation; (2) failure to comply with any notice and order issued pursuant to this regulation; or (3) the dishonor of any check or draft used by the permit holder to pay any fees required.

B. Permit suspension shall be carried out through the notice and order provisions of this regulation, and the suspension shall be effective upon service of the notice and order upon the holder or operator. The holder or operator may appeal such suspension as provided by this regulation.

C. Notwithstanding any other provision of this chapter, whenever the Chelan-Douglas health officer finds that a violation of any public health regulation has created or is creating an unsanitary, dangerous, or other condition which, in his or her judgment, constitutes an immediate and irreparable hazard, he or she may, without service of a written notice and order, suspend and terminate op-

erations under the permit immediately. (Doc. dated 10/16/89 § 15)

2.04.160 Revocation of permits.

The Chelan-Douglas health officer may permanently revoke any permit issued by him or her for: (1) failure of the holder to comply with the requirements of any public health regulation; or (2) failure of the holder to comply with any notice and order issued pursuant to this regulation; or (3) interference with the Chelan-Douglas health officer in the performance of his or her duties; or (4) discovery by the Chelan-Douglas health officer that a permit was issued in error or on the bases or incorrect information supplied to him or her; or (5) the dishonor of any check or draft used by the holder to pay such fees as set by the Chelan-Douglas health officer. (Doc. dated 10/16/89 § 16)

2.04.170 Civil penalty.

In addition to or as an alternative to any other judicial or administrative remedy provided in this code or by law or other regulations, any person who violates any public health statute, regulation, or by each act of commission or omission procures, aids, or abets such violation shall be subject to civil penalties, as set forth in Section 2.04.060 of this code, as presently enacted or hereafter amended. (Res. 2003-007 § 6 (part))

Updated Through March 2014

Chapter 2.08

**MISCELLANEOUS
ADMINISTRATIVE REGULATIONS**

Sections:

2.08.010 Meetings.

2.08.010 Meetings.

The regular meeting of the Chelan-Douglas Health District Board of Health will occur each month on the third Monday at three p.m. in the upper level conference room at 200 Valley Mall Parkway, East Wenatchee, WA. If the third Monday of the month is a legal holiday or the health district is closed for any other reason, the meeting will be held at three p.m. on the next Monday that is not a holiday and that is not a day that the health district is closed. (Res. 2003-004 § 1; Res. 2001-001)

Chapter 2.12

HEARING EXAMINER

Sections:

- 2.12.010 Appointment.**
- 2.12.020 Hearing Examiner pro tempore.**
- 2.12.030 Powers and authority-- General.**
- 2.12.040 Powers and authority-- Specific.**
- 2.12.050 Jurisdiction.**
- 2.12.060 Hearings.**
- 2.12.070 Findings and decision.**
- 2.12.080 Appeals.**

2.12.010 Appointment.

The position of hearing examiner is hereby established. The board shall have the power to appoint an individual necessary to fulfill the function of hearing examiner for the district, subject to the execution of an agreement between the district and the appointee providing for the terms of the appointment including compensation. The appointment of the hearing examiner by the board shall be for a period of one year commencing with the date of appointment. (Res. 2003-006 § 2 (part))

2.12.020 Hearing Examiner pro tempore.

The chair of the board may appoint one or more hearing examiners pro tempore to serve in absence of the hearing examiner, if the absence is the result of the hearing examiner having a conflict of interest in any specific matter. A hearing examiner pro tempore shall have all of the power and authority of the hearing examiner as set forth in this chapter and the code. Compensation for a hearing examiner pro tempore shall be as established

by the board for the hearing examiner. (Res. 2003-006 § 2 (part))

2.12.030 Powers and authority-- General.

The hearing examiner shall have the power and authority as set forth in the code or district resolutions, as currently enacted or hereafter amended. (Res. 2003-006 § 2 (part))

2.12.040 Powers and authority-- Specific.

The hearing examiner shall have the power and authority to hear and make final decisions on all matters coming before the hearing examiner and specifically shall hear and decide any and all appeals of orders and/or decisions made by the district's health officer and/or other district staff, and such other matters assigned to be heard by the hearing examiner, either by resolution of the board or the code, as currently enacted or hereafter amended. To the extent any code provisions or resolutions require an appeal of an order and/or decision be heard by the board of health, hereafter all such appeals shall be heard by the hearing examiner. (Res. 2003-006 § 2 (part))

2.12.050 Jurisdiction.

A. The general and specific powers and authority of the hearing examiner shall be subject to all applicable resolutions of the district and the code. All orders, recommendations, decisions or determinations made by the hearing examiner shall be consistent with district resolutions and code provisions, and/or federal, state, or local health laws and regulations.

B. The hearing examiner shall not rehear any case on the same grounds within a period of one year following the date of the hearing

examiner's initial decision. (Res. 2003-006 § 2 (part))

2.12.060 Hearings.

A. The hearing examiner shall hold hearings to consider matters at such times and at such places as are specially set by the hearing examiner.

B. All official action by the hearing examiner shall be subject to applicable notices and shall be conducted in compliance with the Washington State Open Public Meetings Act, Chapter 42.30 RCW, as applicable, as the same exists now or may hereafter be amended, and pursuant to the rules and procedures established by the hearing examiner, including but not limited to the following:

1. All parties will be afforded an opportunity for a hearing after reasonable notice. The notice must include a statement of the time, place and nature of the hearing.

2. Any party may be represented by counsel, at the party's own expense.

3. A party may not file an affidavit of prejudice to disqualify the hearing examiner, unless the party can establish, to the hearing examiner's satisfaction that an actual conflict of interest exists.

4. Any interested person may appear and be heard subject to the rules and procedures adopted by the hearing examiner. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

5. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though the matter was not covered in the direct examination, impeach any witness, regardless of which party first called the witness to testify, and rebut the evidence against it.

6. Every witness shall declare, by oath or affirmation, that he or she will testify truth-

fully. Unless limited by a specific statute, the hearing examiner may administer oaths or affirmations to witnesses appearing before him or her in the hearing.

7. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Evidence may be admitted, except where precluded by statute or court rule, if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of their affairs. Effect shall be given to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, the applicant, opponents, and/or proponents may submit written materials for consideration by the hearing examiner.

8. The hearing examiner may issue subpoenas to compel attendance of any person at the hearing, and require the production of books, records, and other documents material to a hearing. Attendance at hearings by district officials may be compelled by the hearing examiner.

9. The hearing examiner may inquire of any witness following any segment of testimony.

10. Members of the public may testify in cases before the hearing examiner.

11. All testimony shall be recorded verbatim, by human or electronic means. Any party requesting a transcript of any oral proceeding, or any part thereof, shall pay the cost thereof.

12. The hearing examiner may continue a hearing in the event the hearing examiner deems that a continuance is necessary.

B. Upon the hearing examiner finding a violation has occurred, the hearing examiner shall levy such monetary penalty, and require corrective action as he or she deems appro-

Updated Through March 2014

priate to the violation and in accordance with the district code or resolutions.

C. The decision of the hearing examiner must be reduced to writing and shall be final ten (10) calendar days after mailing to, by certified mail, return receipt requested or personal service upon each party.

D. All monetary penalties levied by the hearing examiner shall be paid to the district.

E. Failure to comply with any order of the hearing examiner requiring corrective action constitutes a separate violation and shall subject the responsible party to additional penalties. (Res. 2003-006 § 2 (part))

decision of the hearing examiner. (Res. 2003-006 § 2 (part))

2.12.070 Findings and decision.

Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the code and/or the district's resolutions, policies, or applicable federal, state or local health regulations. Each final decision of the hearing examiner shall be rendered within ten (10) business days following conclusion of all testimony and hearings. (Res. 2003-006 § 2 (part))

2.12.080 Appeals.

An appeal from a decision of the hearing examiner shall be by writ of certiorari, pursuant to Chapter 7.16 RCW, as the same exists now or may hereafter be amended, to the superior court in the county in which the matter that is the subject of the decision is located or where the matter occurred. The appeal shall be on the record and not de novo. The notice of appeal shall be filed with the superior court and served on the opposing party and the district within ten (10) calendar days following the issuance of the written

Updated Through March 2014

Title 3

FINANCE AND BUDGET

(RESERVED)

Updated Through March 2014

Title 4

PUBLIC HEALTH RULES AND REGULATIONS

Chapters:

- 4.08 Food Service**
- 4.16 Groundwater Protection**
- 4.20 On-site Sewage Disposal Systems**
- 4.28 Vector Control**
- 4.32 Solid Waste Fees**
- 4.36 Groundwater Withdrawal**
- 4.38 Solid Waste**
- 4.40 Second-Hand Smoke**

Chapter 4.08

FOOD SERVICE RESOLUTIONS

Sections:

- 4.08.010 Adoption by reference.**
- 4.08.020 Administrative Conferences and Appeals**
- 4.08.030 Closure order/lack of valid permit.**
- 4.08.040 Other procedures**
- 4.08.050 Penalties**

4.08.010 Adoption by reference.

The Chelan-Douglas Health District Board of Health adopts and incorporates by reference WAC 246-215 Washington Food Service Regulations as the Washington State Board of Health may amend and replace them from time to time (Res. 93-005).

4.08.020 Administrative Conferences and Appeals

Where the Washington Food Service Regulations refer to a hearing with the Regulatory Authority, this shall mean an Administrative Conference as described in Chapter 1.04.080 of the Chelan-Douglas Health District Code.

4.08.030 Closure order/lack of valid permit.

The Health Officer may order the closure of a Food Establishment if a person operating a food establishment or their representative fails to obtain a food establishment permit or fails to renew a food establishment permit within the permit renewal time.

4.08.040 Other Procedures.

Timely Correction

A. High Risk Factor Violations. Failure to immediately correct items identified on the

inspection form required by WAC 246-215-181(8) as high risk factors shall result in suspension of the food establishment permit. The District may make follow-up inspections to confirm that the correction has been made. The food program sanitarian may allow an additional time for correction in unusual circumstances when correction cannot be made immediately and when a serious public health hazard does not result from such extension.

B. Low Risk Factor Violations. Items identified on the inspection form required by WAC 246-215-181(8) as low risk factors shall be corrected by the time of the next routine inspection, or in accordance with a written schedule of compliance, established by agreement between Health District staff and the food service operator.

4.08.050 Violations and Penalties

All conditions which are determined by the Chelan-Douglas Health Officer to be in violation of any public health regulation or determined to be detrimental to public health, safety, and welfare shall be subject to the provisions and civil penalties as provided in Chapter 2.04 or as otherwise adopted or amended.

Updated Through March 2014

Chapter 4.16

GROUNDWATER PROTECTION

Sections:

4.16.010 Groundwater Protection.

For groundwater protection issues, the Health District shall utilize existing applicable regulations of the County where the groundwater protection issue exists.

Chapter 4.20

**ON-SITE SEWAGE
DISPOSAL SYSTEMS**

Sections:

- 4.20.005 Nuisance.**
- 4.20.010 State regulations.**
- 4.20.020 Permits.**
- 4.20.030 Connection to public sewer.**
- 4.20.040 Water availability.**
- 4.20.050 Site evaluations.**
- 4.20.060 Licensing requirements.**
- 4.20.070 Disposal of septic tank waste.**
- 4.20.080 Waiver.**
- 4.20.090 Violation and penalties.**
- 4.20.100 Critical aquifer recharge areas.**

4.20.005 Nuisance.

Unconfined, discharged, spilled or improperly treated wastewater is a public health nuisance and any person who causes or permits such to occur shall be subject to the enforcement and penalty provisions set forth in Chapter 2.04 of this Code, as the same exists now or may hereafter be amended.

4.20.010 State Regulations.

Chapter 246-272A WAC rules and regulations of the State Board of Health for on-site sewage disposal, as it exists now or may hereafter be amended, are adopted and incorporated into this Chapter by reference.

4.20.020 Permits.

Permits shall expire two years from the date of issuance. If renewal of the application is requested, the health officer may modify such renewal to conform to require-

ments in effect at the time renewal is requested. (Res. 94-009 (part))

4.20.030 Sewer connection.

A. The Health District shall require new developments to connect to a sewer system when:

1. Connection is required by a sewer system provider or applicable sewage management plan; or

2. The Health Officer determines connection is required to protect public health.

B. The Health District shall require sewer system connection for failed on-site systems located on properties with existing construction that are within 200 feet of a sewer line, as measured along the usual or most feasible route of access, provided:

1. The Health Officer determines connection is necessary to protect surface water, ground water, or otherwise protect public health; and

2. Such connection is permitted by the sewer system provider.

C. For the purposes of this Section, sewer system providers may include, but are not limited to towns, cities, counties, sewer districts, local utility districts or public utility districts.

4.20.040 Water Availability.

A. New Buildings.

1. No on-site sewage disposal permit for a system to serve a new building subject to the requirements of RCW 19.27.097 shall be issued without evidence of an adequate and potable water supply. Such evidence shall be:

a. A letter of availability from an approved public water supply; or

b. A drilled well meeting the construction standards of WAC 173-160, as it now exists or may hereafter be amended, producing a minimum of four hundred (400) gallons/day/connection, together with a satisfactory coliform and nitrate test and any

Updated Through March 2014

other such testing as required by the Health Officer; or

c. A surface water source provided with continuous disinfection, for which a surface water withdrawal permit has been issued by the Department of Ecology; or

d. A dug well or spring provided with continuous disinfection and meeting the sanitary control area standards of WAC 246-290-135(2), as it now exists or may hereafter be amended, producing a minimum of (400) gallons per day, per connection; or

e. Other means as approved by the Health Officer.

2. A recorded Well User's Agreement is required for 2-party shared wells.

3. Where special conditions or treatment are required, a notice shall be placed to the title of the property giving notice of these requirements and/or restrictions.

4. Should evidence of nitrate contamination decrease to acceptable levels for two consecutive samples taken at least 4 months apart, notice of satisfaction shall be placed to the title.

B. Subdivisions.

1. No on-site disposal permit for a system to serve a new lot of record shall be issued without evidence of an adequate and potable water supply. Such evidence shall be:

a. A letter of availability from an approved public water supply; or

b. A drilled private well meeting the construction standards of WAC 173-160, as it exists now or may hereafter be amended, and meeting the requirements of Subsection C; or a drilled public well meeting the requirements of WAC 246-290-135(2), as it exists now or may hereafter be amended; and for a public or private well, proof of flow showing the well produces a minimum of four hundred (400) gallons/day/connection, together with a satisfactory coliform and nitrate test and other such testing as required by the Health Officer; or

c. A surface water source provided with continuous disinfection, for which a surface water withdrawal permit has been issued by the Department of Ecology; or

d. Other means as approved by the Health Officer.

2. Where special conditions or treatment are required, a notice shall be placed to the title(s) of the property giving notice of these requirements and restrictions.

3. Documentation of a recorded Well User's Agreement, including necessary easements, is required as applicable.

4. Nitrate levels exceeding ten (10) mg/l are not acceptable for use as drinking water.

C. Private Well Placement

1. Except as provided in C(2), private wells constructed as of March 1st, 2014, must be located a minimum of 50 feet from adjacent property lines or provide a recorded easement which identifies at least a 50 foot radius sanitary control area.

2. Properties that cannot accommodate a minimum 50 foot setback due to size, shape, location, and/or unique site conditions may apply to the Health Officer for consideration of a variance to reduce setback distances. Decisions to grant variance requests shall be based upon a review of supplemental technical information provided by the applicant. Decisions of the Health Officer to grant variance requests shall include a requirement that a declaration of notice to title of the property at issue be agreed to by the applicant (property owner) to alert future owners and/or occupants of the property to the variance. Variance requests should be based upon substantial compliance with WAC 173-160-171, as the same exists now or may hereafter be amended.

4.20.050 Site evaluations.

See Chapter 246-272 WAC, as the same exists now or may hereafter be amended, for provisions related to site evaluations.

4.20.060 Licensing requirements.

A. Installer's License.

1. It is unlawful to engage in business as an installer without a currently valid on-site sewage system installer's license.

2. The fee for an on-site sewage system installer's license shall be stated in the district's fee schedule adopted annually by the Board of Health.

3. Application for an on-site sewage system installer's license shall be made to the health officer, who shall require the applicant to submit to a written and/or oral examination on the regulations and standards pertaining to the installation of on-site disposal systems. Additionally, the health officer shall consider the experience of the applicant. Applicants for installer's licenses shall demonstrate compliance with RCW 18.27, as it exists now or may hereafter be amended. Based on the above information, the health officer may approve or deny the application.

4. An on-site sewage system installer's license granted or renewed under the provisions of this section shall be nontransferable.

5. The health officer may suspend or revoke any on-site sewage system installer's license if incompetence, negligence, misrepresentation, or failure to comply with these regulations is found.

B. Designer Licensing. The provisions of Chapter 18.210 RCW relating to on-site wastewater treatment systems – designer licensing are hereby adopted by reference, as the same exists now or hereafter may be amended, as the designer licensing requirement of the District.

C. Operations & Maintenance Service Provider's Licensing.

1. A valid license issued by the Health Officer is required to engage in the business of providing septic system operations & maintenance services as defined by WAC

246-272A. Professional Engineers and onsite sewage system designers licensed under Chapter 18.43 RCW are exempt from this requirement.

2. The fee for an Operations & Maintenance Service Provider's License shall be stated in the District's fee schedule adopted annually by the Board of Health.

3. Application for a service provider's license shall be made to the Health District.

4. Applicants shall show evidence of the following:

a. Minimum of two years of general industry experience including either septic system designing, installation, and/or maintenance;

b. Satisfactory completion of approved training as established by the District's Onsite Septic Program; and

c. Compliance with RCW 18.27 in regards to specialty contractors, as it exists now or may hereafter be amended.

5. Licenses shall be renewed annually. To be eligible for renewal, applicants must show evidence of satisfactory completion of continuing education requirements as established by the District's Onsite Septic Program.

6. All operation and maintenance service activities shall be reported in a format as prescribed by the District. The District may charge a fee for receiving and archiving reports.

7. An Operations & Maintenance Service Provider's License granted or renewed under the provisions of this section shall be nontransferable.

8. The Health Officer may suspend or revoke any onsite sewage system maintenance service provider's license upon evidence of incompetence, negligence, misrepresentation, or failure to comply with the District's Onsite Septic Program Requirements, and/or all other applicable local, state, and federal laws and regulations.

D. Private home owners are limited to designing and installing one conventional gravity onsite septic system for their own

personal single family residence within a 12 month period. All other work related to the design, installation, maintenance, operation, and repair of all conforming and non-conforming onsite septic systems shall only be completed by appropriately licensed and/or certified professional as described in this Chapter and Washington Administrative Code 246-272A.

4.20.070 Disposal of septic tank waste.

A. It is unlawful for any person to engage in the business of pumping and cleaning of any septic tank, cesspool, of other treatment device without receiving an annual license from the health officer.

B. The fee for a septic tank pumper's license shall be stated in the district's fee schedule annually approved by the Board of Health.

C. The license shall be approved only after a satisfactory examination by the health officer of the equipment used, the applicant's knowledge of sanitary principles affecting public health nuisances, reliability of the applicant in observing sanitary laws, ordinances, and directions and in selecting laborers who collect, transport, and dispose of the contents of the septic tank, cesspool, or other treatment device, without endangering human health and comfort. No license granted hereunder shall be transferable.

D. All pumping and other equipment must be designed and arranged for prompt and effective inspection and servicing. Equipment shall be designed to operate without spillage. Vehicles used to transport septage or sewage shall be clearly identified with the name of the business. Tanks shall be fully enclosed, strong enough for all conditions of operation, water-tight and fly proof.

E. Operators shall keep records of each tank pumped, showing name of customer, date served, name of operator and where disposal of waste was made. Records must be made available to the health officer or authorized representative upon request. (Res. 94-009 (part))

4.20.080 Waiver.

The provisions of RCW 70.05.072 and Chapter 246-272 WAC, as the same exists now or may hereafter be amended, shall apply with respect to the on-site sewage disposal system waivers.

4.20.090 Violations and penalties.

All conditions determined by the Chelan-Douglas Health Officer to be in violation of any public health regulation relating to on-site sewage disposal systems or determined to be detrimental to the public health, safety, and welfare shall subject any person responsible for the condition to the provisions and civil penalties set forth in Chapter 2.04 of this Code, as the same exists now or may hereafter be amended.

4.20.100 Critical aquifer recharge areas.

Critical aquifer recharge areas shall be subject to the rules and regulations set forth in Chapter 246-272 WAC, as the same exists now or may hereafter be amended.

Chapter 4.28

a specified period of time, shall be in violation of this chapter. (Prior code Art. IX § 3)

VECTOR CONTROL

Sections:

- 4.28.010 Vector defined.**
- 4.28.020 Breeding and harborage.**
- 4.28.030 Abatement.**

4.28.010 Vector defined.

"Vector" means any rodents or insects, such as rats, mice, fleas, flies, mosquitoes, and including all other arthropods and animals which may pose a nuisance or hazard to public health in the opinion of the district health officer. (Prior code Art. IX § 1)

4.28.020 Breeding and harborage.

A. It is unlawful for any person, firm, or corporation to permit the breeding or harborage of any vector in any area within the Chelan-Douglas Health District.

B. All public buildings where flies are prevalent in the warm seasons of the year shall be provided with screens of at least sixteen (16) mesh on all openings to the outside air and self closing, outward opening screened doors, fly repellent fans or other effective means to exclude flies or other flying insects from the interior. (Prior code Art. IX § 2)

4.28.030 Abatement.

A. When the district health officer or his or her authorized representative shall have cause to suspect that the breeding or harborage of vector exists within the area of the Chelan-Douglas Health District, he or she make, or cause to be made, an inspection and if such breeding or harborage exists, he or she shall order the abatement thereof.

B. Any person, firm or corporation failing to abate the breeding or harborage of vector, as ordered by the district health officer, within

Chapter 4.32

SOLID WASTE FEES

Sections:

4.32.010 Solid Waste Fees

A. A. Operating fees for solid waste handling operations including, but not limited to, solid waste pickup, transfer stations, and landfills shall be assessed on solid waste at the final point of contact within the jurisdictional boundaries of the Health District. Permit fees shall be assessed upon each solid waste facility. Solid waste fees shall be established by resolution of the District Board of Health from time to time.

B. B. Revenue recovered from solid waste fees shall pay for activities associated with the District's Solid Waste Program including, but not limited to, permit issuance and administration, air and water quality monitoring, inspections, educational activities, enforcement, complaint investigation, environmental assessment, and facility expansion reviews.

C. C. District Staff shall annually review the Solid Waste Program, including fee levels and structure, to assess actual costs and projected program needs. This information will be provided to the regulated community for review and comment prior to the District's annual budget approval.

D. Chapter 4.36

**EXEMPT GROUNDWATER
WITHDRAWAL POLICY**

Sections:

- 4.36.010 Purpose.**
- 4.36.020 RCW 90.44.050 compliance.**
- 4.36.030 Lots entitled to exemption.**
- 4.36.040 Notice to title.**
- 4.36.050 Water usage per single-family residential unit.**

4.36.010 Purpose.

The purpose of this chapter is to effectively immediately provide for District Board of Health Adoption of a policy concerning RCW 90.44.050 in accordance with the Washington State Supreme Court Decision in Ecology v. Campbell & Gwinn, L.L.C., 146 Wn.2d 1 (decided March 28, 2002). (Res. 2002-004 § 1 (part))

4.36.020 RCW 90.44.050 compliance.

Completed applications for the development, subdivision or short plat of lots of record that existed as of March 28, 2002, for which preliminary subdivision or short plat approval is granted by a city or county within the district after March 28, 2002, shall be required to comply with RCW 90.44.050 as interpreted by the Washington State Supreme Court decision in Ecology v. Campbell & Gwinn, L.L.C., 146 Wn.2d, (March 28, 2002). (Res. 2002-004 § 1 (part))

4.36.030 Lots entitled to exemption.

The following lots of record shall be recognized by the district as entitled to the use of one RCW 90.44.050 groundwater withdrawal exemption:

A. Each lot of record that is twenty (20) acres or larger;

B. Each lot of record that existed as of March 28, 2002;

C. Each lot of record that is a lot within a subdivision or short plat that has received preliminary approval as part of a subdivision or short plat process as of March 28, 2002. (Res. 2002-004 § 1 (part))

4.36.040 Notice to title.

The notice used by the district on all subdivisions and short plats beginning in 1993 shall continue to be placed on the face of subdivisions and short plats for the purpose of notifying developers and subsequent purchasers of land that there may be legal problems associated with groundwater withdrawal without a permit and/or water right. This notice has been and will continue to be as follows:

"The Chelan-Douglas Health District has not reviewed the legal availability of water to this development."

The district will continue to determine whether an adequate potable water supply is physically present to a development or lot. (Res. 2002-004 § 1 (part))

4.36.050 Water usage.

A. For the purpose of Group B water systems the District shall consider that a well supplies sufficient water flow provided that the well meets the requirements of WAC 246-291 as interpreted by the Group B Water System Guidelines (DOH Publication #331-467 of December 2012), as WAC 246-291 and the Guidelines now exist or may be amended in the future.

B. Provided the District has accepted primary responsibility in a Joint Plan of Responsibility (JPR) established under WAC 246-291-030 for implementation of WAC 246-291

Updated Through March 2014

in cooperation with the Washington State Department of Health, an exception is established to the professional engineer requirement for Group B system approval, as authorized by WAC 246-291-120(4), applying only to Group B systems that:

1. Do not use a variable speed pump;
2. Do not provide fire flow;
3. Do not have special hydraulic considerations;

4. Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface; and
5. Serve fewer than ten service connections.

Chapter 4.38

SOLID WASTE WACS ADOPTED BY REFERENCE

Sections:

- 4.38.010 Chapter 173-304 WAC adopted by reference.**
- 4.38.020 Chapter 173-351 WAC adopted by reference.**
- 4.38.030 Chapter 173-350 WAC adopted by reference.**
- 4.38.040 Violation--Penalties.**

4.38.010 Chapter 173-304 WAC adopted by reference.

The minimum functional standards for solid waste handling as set forth in Chapter 173-304 of the Washington Administrative Code are hereby adopted by reference as the Solid Waste Handling Code for the Chelan-Douglas Health District, as the same exist now or may hereafter be amended. (Res. 2004-001 § 1 (part))

4.38.20 Chapter 173-351 WAC adopted by reference.

The criteria for municipal solid waste landfills set forth in Chapter 173-351 WAC are hereby adopted by reference as the Solid Waste Handling Code of the Chelan-Douglas Health District, as the same exist now or may hereafter be amended. (Res. 2004-001 § 1 (part))

4.38.030 Chapter 173-350 WAC adopted by reference.

The solid waste handling standards set forth in Chapter 173-350 WAC are hereby adopted by reference as the Solid Waste Handling Code of the Chelan-Douglas Health District, as the same exist now or

may hereafter be amended. (Res. 2004-001 § 1 (part))

4.38.040 Violation--Penalties.

To the extent a penalty is not otherwise provided for in the specific Washington Administrative Code provisions adopted by reference in this chapter, any person, as that term is defined in Chapter 2.04 of this code, who violates or fails to comply with the provisions of this chapter, shall be subject to the criminal and/or civil penalties described in Chapter 2.04 of this code, as the same exists now or may hereafter be amended. (Res. 2004-001 § 1 (part))

Chapter 4.40

Second-Hand Smoke

Sections:

- 4.40.010 Authority**
- 4.40.020 Definitions**
- 4.40.030 Enforcement**
- 4.40.040 Presumptively Reasonable Distance**

4.40.010 Authority

The provisions of this Chapter are adopted to implement Chapter 70.160 of the Revised Code of Washington as amended by Initiative 901 passed by the people on November 8, 2005, and as the same may hereafter be amended.

4.40.020 Definitions.

Unless otherwise specifically provided in this Chapter, the definitions set forth in Chapter 70.160 RCW and specifically those set forth in Section 70.160.020, are adopted by reference.

4.40.030 Enforcement.

A. RCW 70.160.050 may be enforced as set forth in this Section and in Chapter 70.160 RCW.

B. Each city attorney, town attorney, and county prosecutor for any jurisdiction located within the Chelan-Douglas Health District and the Chelan-Douglas Health District attorney is hereby authorized to maintain an action for an injunction to enforce RCW 70.160.050, to correct a violation, and to assess and recover a civil penalty for the violation.

C. The civil penalty for a violation of RCW 70.160.050 by owners or persons in control of designated public places and/or places of employment shall be \$100/day for each day of violation. Any person aggrieved

by an order of the Chelan-Douglas Health District requiring the person to pay a civil penalty, may appeal to the District Hearing Examiner as set forth in Chapter 2.12 of the Chelan-Douglas Health District Code.

4.40.040 Presumptively Reasonable Distance.

A. Presumptively reasonable distance shall be as defined in Initiative 901 and later codified in Chapter 70.160 RCW.

B. An individual seeking to rebut the presumptively reasonable distance must submit to the Health District Director or their designee a technical certification by a Professional Engineer or Certified Industrial Hygiene Specialist attesting that a lesser distance will not expose employees and/or patrons to second hand smoke. Technical data supporting such determination must accompany certification. No fee is required for rebuttal submission.

C. The Health District Director or their designee shall accept properly prepared rebuttals on their merits. However, upon confirmation of public and/or employee complaints alleging repeated exposure to second-hand smoke, the Director shall revoke prior approval authorizing a lesser distance and require full compliance with the presumptively reasonable distance as defined by RCW 70.160 unless a facility/business owner can show by a preponderance of evidence that they have implemented controls which mitigate noted concerns.

Updated Through March 2014

Title 5

SEPA REGULATIONS

Chapters:

5.04 Environmental Review Policies and Procedures

Chapter 5.04

**ENVIRONMENTAL REVIEW
POLICIES AND PROCEDURES**

Sections:

- 5.04.010 Authority.**
- 5.04.020 Adoption by reference.**
- 5.04.030 Additional definitions.**
- 5.04.040 Designation of responsible official.**
- 5.04.050 Lead agency determination and responsibilities.**
- 5.04.060 Categorical exemptions and threshold determinations--Adoption by reference.**
- 5.04.070 Categorical exemptions and threshold determinations--Time estimates.**
- 5.04.080 Categorical exemptions--Adoption by reference.**
- 5.04.090 Categorical exemptions--Flexible threshold.**
- 5.04.100 Categorical exemptions--Determination.**
- 5.04.110 Determination--Review at conceptual stage.**
- 5.04.120 Threshold determinations--Environmental checklist.**
- 5.04.130 Threshold determinations--Mitigated DNS.**
- 5.04.140 Environmental Impact Statement (EIS)--Adoption by reference.**
- 5.04.150 EIS--Additional elements.**
- 5.04.160 EIS--Preparation.**
- 5.04.170 EIS--Commenting--Adoptions by reference.**
- 5.04.180 Public notice.**

- 5.04.190 Designation of official to perform consulted agency responsibilities.**
- 5.04.200 Using existing environmental documents--Adoption by reference.**
- 5.04.210 SEPA decisions--Adoption by reference.**
- 5.04.220 SEPA decisions.**
- 5.04.230 SEPA Decision--Substantive authority.**
- 5.04.240 SEPA--Policies.**
- 5.04.250 Appeals.**
- 5.04.260 Notice/statute of limitations.**
- 5.04.270 Definitions--Adoption by reference.**
- 5.04.280 Compliance with SEPA--Adoption by reference.**
- 5.04.290 Fees.**
- 5.04.300 Forms--Adoption by reference.**

5.04.010 Authority.

The Chelan-Douglas Health District (hereinafter "district") adopts these policies and procedures under the State Environmental Policy Act (SEPA), RCW 43.21C. 120 and the SEPA rules WAC 197-11-904. The SEPA rules contained in Chapter 197-11 WAC as it exists now or may hereafter be amended must be used in conjunction with this chapter. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 1)

5.04.020 Adoption by reference.

The district adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference:

- 197-11-040 Definitions.
- 197-11-050 Lead Agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.

(Res. 97-007 Exh. A § 2)

5.04.030 Additional definitions.

In additions to those definitions contained within WAC 197-11-700 through 799 as it exists now or may hereafter be amended, when used in this chapter the following terms shall have the following meanings, unless the context indicates otherwise:

1. "Board" means the Chelan-Douglas Health District board of health.
2. "Department" means any division, subdivision, or organizational unit of the district established by resolution, rule, or order.
3. "SEPA Rules" mean Chapter 197-11 WAC as it exists now or may hereafter be amended, adopted by the Department of Ecology. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 3)

5.04.040 Designation of responsible official.

A. For those proposals for which the district is the lead agency and for the purpose of determining which agency is the lead agency, the responsible official shall be the district environmental health director or such other person as he or she may designate in writing.

B. For all proposals for which the district is the lead agency, the responsible official shall make the threshold determination,

supervise scoping and preparation of any required Environmental Impact Statement (EIS) and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that have been adopted by reference. (Res. 97-007 Exh. A § 4)

5.04.050 Lead agency determination and responsibilities.

A. The responsible official or the department receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-922 through 197-11-940 as now existing or hereafter amended, unless the lead agency has been previously determined or the responsible official is aware that another agency is in the process of determining the lead agency.

B. When the district is not the lead agency for a proposal, all departments of the district shall use and consider, as appropriate, either the declaration of nonsignificance (DNS) or the final EIS of the lead agency in making decisions on the proposal. No district department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency unless the district determines a supplemental environmental review is necessary under WAC 197-11-600 as now existing or hereafter amended.

C. If the district receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940 as now existing or hereafter amended, it may object to the determination. Any objection must be made to the agency originally making the determination and must be resolved within fifteen (15) days of receipt of the determination or the district must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 as now existing or hereafter amended, within the fifteen (15) day

time period. Any such petition on behalf of the district may be initiated by the responsible official.

D. The responsible official is authorized to make agreements as to lead agency status or shared lead agency's duties for a proposal under WAC 197-11-942 and 197-11-944 as now existing or hereafter amended.

E. When making a lead agency determination for a private project the responsible official shall require sufficient information from the applicant to identify other agencies with jurisdiction. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 5)

5.04.060 Categorical exemptions and threshold determinations-- Adoption by reference.

The district adopts the following sections of Chapter 19711 WAC, as now existing or hereafter amended, by reference as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental Checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS
197-11-360	Determination of significance (DS)/initiation of scooping.
197-11-390	Effect of threshold determination.

(Res. 97-007 Exh. A § 6)

5.04.070 Categorical exemptions and threshold determinations-- Time estimates.

The time estimates contained in this in this section apply when the district processes licenses for all private projects and those governmental proposals submitted to the district by other agencies. The actual time may vary with the complexity of the project, availability of staff, cooperation of agencies with jurisdiction or expertise, etc. The time estimates contained herein shall not be construed to be mandatory. For the purpose of this section, the word "day" means a day upon which the district's administrative offices are open for business.

A. Categorical Exemptions. The district will normally identify whether an action is categorically exempt within ten (10) days of receiving a completed application.

B. Threshold Determinations.

1. The district will normally complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen (15) days of the date an applicant's adequate application and completed checklist are submitted.

2. When the responsible official requires further information from the applicant or consults with other agencies with jurisdiction:

a. The district will normally request such further information within fifteen (15) days of receiving an adequate application and completed environmental checklist.

b. The district will normally wait no longer than fifteen (15) days for a consulted agency to respond.

c. The responsible official will normally complete the threshold determination within fifteen (15) days of receiving the requested information from the applicant or the consulted agency.

3. When the district must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the district will normally complete the studies within thirty (30) days of

receiving an adequate application and a completed checklist.

4. The district will normally complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared because of the probable significant adverse environmental impacts described in the application, within fifteen (15) days of receiving an adequate application and completed checklist.

5. The responsible official will normally respond to a request for early notice within ten (10) days. The threshold determination will normally be made within fifteen (15) days of receipt of the changed or clarified proposal, environmental checklist and/or permit application. (Res. 97-007 Exh. A § 7)

**5.04.080 Categorical exemptions--
Adoption by reference.**

The district adopts the following rules for categorical exemption of Chapter 197-11 WAC, as now existing or hereafter amended, by reference, as supplemented in this chapter, including Sections 9 and 10 herein:

197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions. (Res. 97-007 Exh. A § 8)

**5.04.090 Categorical exemptions--
Flexible threshold.**

A. The district establishes the following exempt levels for minor new construction based on local conditions:

1. For residential dwelling units in WAC 197-11-800, subsection 1 (b) (i), as now existing or hereafter amended, up to four dwelling units.

2. For agricultural structures in WAC 197-11-800, subsection 1 (b) (ii), as now existing or hereafter amended, up to ten thousand (10,000) square feet.

3. For office, school, commercial, recreational service or storage buildings in WAC 197-11-800, subsection 1 (b) (iii), as now existing or hereafter amended, up to four thousand (4,000) square feet and up to twenty (20) parking spaces.

4. For parking lots in WAC 197-11-800 in subsection 1 (b) (iv), as now existing or hereafter amended, up to twenty (20) parking spaces.

5. For landfills and excavations in WAC 197-11-800, subsection 1 (b) (v), as now existing or hereafter amended, up to one hundred (100) cubic yards.

B. The responsible official shall send copies of all adopted flexible thresholds to the Department of Ecology, Headquarter's Office, Olympia, Washington. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 9)

**5.04.100 Categorical exemptions--
Determination.**

A. When the district receives an application for a license or, in the case of governmental proposals, an agency initiates a proposal, the responsible official shall determine whether the license and/or the proposal is exempt. The determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this resolution shall apply to the proposal.

B. In determining whether or not a proposal is exempt, the responsible official shall make certain the proposal is properly defined and shall identify the governmental license required. If a proposal includes exempt and nonexempt actions, the responsible official shall determine the lead agency even if the license application that triggers the consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the district may authorize

exempt actions prior to compliance with the procedural requirements of this resolution, except that:

1. The district shall not give authorization for:
 - a. Any nonexempt action;
 - b. Any action that would have an adverse environmental impact; or
 - c. Any action that would limit the choice of reasonable alternatives.
2. The district may withhold approval of any permit, application or proposal, the basis of which is an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if the nonexempt actions were not approved, and
3. The district may withhold approval of any permit, application, or proposal, the basis of which is an exempt action that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the nonexempt actions were not approved. (Res. 97-007 Exh. A § 10)

5.04.110 Determination--Review at conceptual stage.

A. If the district's only action of a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the district conduct environmental review prior to submission of the detailed plans and specifications.

B. In addition to the environmental documents, an applicant shall submit the following information for early environmental review:

1. A copy of any permit or license application.
2. Other information as the responsible official may determine. (Res. 97-007 Exh. A § 11)

5.04.120 Threshold determinations--Environmental checklist.

A. A completed environmental checklist shall be filed at the same time as an application for a permit, license, certificate or other approval not exempted by this resolution. The checklist shall be in the form provided in WAC 197-11-960, as now existing or hereafter amended, with such additions that may be required by the responsible official in accordance with WAC 197-11-906 (4), as now existing or hereafter amended.

B. A checklist is not needed if the district and the applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency.

C. For private proposals, the applicant is required to complete the environmental checklist. The district may provide assistance as necessary. For district proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

D. The district may decide to complete all or part of the environmental checklist for a private proposal, if any of the following occurs:

1. The district has technical information on a question or questions that is unavailable to the private applicant; or
2. The applicant has provided inadequate or inaccurate information on previous proposals or on proposals currently under consideration.

E. The applicant shall pay to the district the actual costs of providing information under subsection (D) (2) of this section. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 12)

5.04.130 Threshold determinations--Mitigated DNS.

A. The responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or on changes to, or

Updated Through March 2014

clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a determination of significance (DS) is likely. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

2. Precede the district's actual threshold determination for the proposal.

C. The responsible official's response to the request for early notice shall:

1. State whether the district currently considers issuance of a DS likely and, if so, indicate the general or specific areas of concern that are leading the district to consider a DS; and

2. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, and may revise the environmental checklist and/or permit application as necessary to reflect the charges or clarifications.

D. When an applicant submits a changed or clarified proposal along with a revised environmental checklist, the district shall base its threshold determination on the changes or clarified proposal.

1. If the district indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include issue and circulate a DNS if the district determines that no additional information or mitigation measures are required.

2. If the district indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the district shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures, clarifications, changes or conditions must be in writing and must be specific.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorpo-

rated in the DNS by reference to agency staff reports, studies or other documents.

E. The district shall not act upon a proposal for which a mitigated DNS has been issued for fifteen (15) days after the date of issuance.

F. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the licensing decision and may be enforced in the same manner as any term or condition of the permit or enforced in any manner specifically prescribed by the district. Failure to comply with the designated mitigation measures shall be grounds for suspension and/or revocation of any license issued.

G. If the District's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the District should evaluate the threshold determination to assure consistency with WAC 197-11-340 (3) (a), as now existing or hereafter amended, relating to the withdrawal of a DNS.

H. The district's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarification or changes to a proposal, as opposed to a written request for early notice, shall not bind the district to consider the clarifications or changes in its threshold determination. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 13)

5.04.140 Environmental Impact Statement (EIS)--Adoption by reference.

The District adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended by reference, as supplemented in this chapter:

197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.

Updated Through March 2014

197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping
197-11-420	EIS preparation
197-11-425	Style and size
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

(Res. 97-007 Exh. A § 14)

5.04.150 EIS--Additional elements.

The following additional elements are part of the environment for the purpose of EIS content, but do not add to the criteria for threshold determinations or perform any other function or purpose under this chapter:

- A. Economy;
- B. Social policy analysis;
- C. Cost-benefit analysis;
- D. Such other elements as may be required by the responsible official. (Res. 97-007 Exh. A § 15)

5.04.160 EIS--Preparation.

A. Preparation of draft and final EISs (DEIS and FEIS) and draft and final supplemental EISs (SEIS) shall be under the direction of the responsible official. Before the district issues an EIS, the responsible official shall be satisfied that it complies with this chapter and Chapter 197-11 WAC, as now existing or hereafter amended.

B. The DEIS, FEIS, and SEIS shall be prepared at the district's option by the district staff, the applicant or by a consultant approved by the district. If the responsible official requires an EIS for a proposal and determines that someone other than the district will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the district's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.

C. The district may require an applicant to provide additional information which the district does not possess, including information which must be obtained by specific investigation. This provision is not intended to expand or limit an applicant's other obligations under WAC 197-11-100, as now existing or hereafter amended. An applicant shall not be required to produce information under this provision which is not specifically required by this chapter, however, the applicant is not relieved of the duty to supply any other information required by statute, regulation, rule, resolution or ordinance. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 16)

5.04.170 EIS--Commenting--Adoptions by reference.

The district adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference as supplemented in this chapter:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA register.
197-11-535	Public hearings and meetings.

Updated Through March 2014

197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

(Res. 97-007 Exh. A § 17)

5.04.180 Public notice.

A. Whenever public notice is required pursuant to WAC 197-11, as now existing or hereafter amended, the district shall follow the procedures set forth in this section.

B. Public notice will be given in the following situations:

1. When the responsible official issues a determination of nonsignificance (DNS), except in the case of a biosolids facility permit or renewal permit issued pursuant to an alternative process established and existing under separate resolution of the district;

2. When a draft EIS (DEIS) is available for public comment;

3. Whenever the district holds a public hearing pursuant to WAC 197-11-535, as now existing or hereafter amended;

4. When the district commences scoping;

5. Whenever the responsible official determines that public notice should be required.

C. The district shall give public notice by the following methods:

1. Posting in at least one conspicuous location on the property for site-specific proposals; and

2. Publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.

D. The responsible official shall maintain a list of all threshold determinations known as the "Chelan-Douglas Health District SEPA register." The register shall be available for public inspection during normal working hours.

The responsible official will periodically mail a copy of the register when new threshold determinations have been made to any person who has filed a request and paid in advance a fee determined by the responsible official to be the cost of reproducing and mailing. The requirements of this subsection are not mandated by state regulations but are provided by the district as a voluntary additional notice. Failure to provide this voluntary additional notice shall not affect the validity of any action or proceeding.

E. Notice of public hearings shall be published no later than ten (10) days before the hearing. Notice of public hearings on nonproject proposals shall be published in a news-paper of general circulation in the district.

F. The district may require an applicant to compensate the district for the costs of compliance with the public notice requirements for the applicant's proposal and provide services and materials to assist. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 18)

5.04.190 Designation of official to perform consulted agency responsibilities.

A. The responsible official shall be responsible for preparation of written comments for the district in response to a consultation request prior to a threshold determination, participation in scoping and reviewing of a draft EIS.

B. The responsible official shall be responsible for the district's compliance with WAC 197-11-550, as now existing or hereafter amended, whenever the district is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all

appropriate departments of the district. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 19)

5.04.200 Using existing environmental documents--Adoption by reference.

The district adopts the following sections of Chapter 197-11 WAC, as now existing or here-after amended, by reference:

- 197-11-600 When to use environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement - Procedures.
- 197-11-625 Addenda - Procedures.
- 197-11-630 Adoption - Procedures.
- 197-11-640 Combining documents.

(Res. 97-007 Exh. A § 20)

5.04.210 SEPA decisions--Adoption by reference.

The district adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference:

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

(Res. 97-007 Exh. A § 21)

5.04.220 SEPA decisions.

For nonexempt proposal, the DNS or draft EIS for the proposal accompany the district staff's recommendation. If a final EIS is or becomes available, it shall be substituted for the draft. (Res. 97-007 Exh. A § 22)

5.04.230 SEPA decision--Substantive authority.

A. The district may attach conditions to a permit or approval for a proposal as long as:

1. Such conditions are necessary to mitigate specific adverse environmental impacts clearly identified in an environmental document prepared pursuant to this chapter;
2. Such conditions are in writing;
3. Such conditions are reasonable and capable of being accomplished;
4. The district has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in Section 5.04.240 and cited in the permit, approval, license or other decision document.

B. The district may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter; and
2. A finding is made that there are no reasonable mitigation measures sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in Section 5.04.240 and identified in writing in the decision document.

(Res. 97-007 Exh. A § 23)

5.04.240 SEPA--Policies.

A. The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the district.

B. The district adopts by reference the policies in the following statutes, administrative code chapters, ordinances, resolutions and plans, as now existing or hereafter amended, as a possible basis for the exercise of substantive authority in the conditioning or denying of proposals:

Updated Through March 2014

Chapter 43.21C RCW, State Environmental Policy Act

Wenatchee Urban Area Comprehensive Plan
Malaga Supplement to Wenatchee Urban Area Comprehensive Plan
Wenatchee Valley Planning Area Comprehensive Plan
West Central Chelan County Comprehensive Plan
Chelan-Entiat Comprehensive Plan
Leavenworth Area Comprehensive Plan
Chelan County Zoning Resolution 153 E
Chelan County Subdivision Resolution
Chelan County Shoreline Master Program Comprehensive Water and Sewer Plan for Chelan County
Sewage Drainage Basin Plan, of Chelan County
Wenatchee Study Area Comprehensive Sewer Plan Update
Water Quality Management Plan for Chelan County
Water Quality Control Facilities for Stevens Pass Sewer District
Chelan County Flood Hazard Development Resolution 81-11
Chelan County Mineral Exploration Resolution 84-45
Chelan County Comprehensive Planning Outline
1988 Greater East Wenatchee Comprehensive Plan
Douglas County Resource Lands and Critical Areas Policy Plan
Title 246 of the Washington Administrative Code - Department of Health
Chapter 173-351 of the Washington Administrative Code - Criteria for Municipal Solid Waste Landfills
Comprehensive Water Plan of the East Wenatchee Water District
Douglas County Shoreline Master Program
East Wenatchee Shoreline Master Program
City of Chelan Shoreline Master Program

City of Wenatchee Shoreline Master Program
Chelan County Comprehensive Plans, Policy Documents and Developmental Regulations
Douglas County Regional Policy Plan
Douglas County Comprehensive Plan, including:
a. Transportation Element
b. Capital Facilities Plan
c. Bridgeport Urban Area Comprehensive Plan
d. Mansfield Urban Area Comprehensive Plan
e. Rock Island Area Comprehensive Plan
f. Waterville Urban Area Comprehensive Plan
g. Greater East Wenatchee Area Comprehensive Plan
h. Douglas County Flood Hazard Management Plan
Douglas County Solid Waste Management Plan

(Res. 97-007 Exh. A § 24)

5.04.250 Appeals.

A. Any interested person may appeal a final DNS, a DS, or challenge the adequacy of a final EIS to the superior court of the county in which the affected property lies.

B. The conditioning or denial of a requested action under this title made by a district official shall be appealable to superior court. Such appeal shall be perfected by any interested party by filing written notice of appeal by filing a writ of certiorari in superior court within ten (10) calendar days of the decision being appealed.

C. For any appeal under this section, the district shall provide for a record that shall consist of the following:

1. Findings and conclusions;
2. Testimony under oath; and

Updated Through March 2014

3. A Tape or Written Transcript. An electronically recorded transcript will suffice for this purpose. (Res. 2003-007 § 9; Res. 97-007 Exh. A § 25)

5.04.260 Notice statute of limitations.

A. The district, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080, as now existing or hereafter amended, for any action.

B. The form of the notice shall be substantially in the form provided in WAC 197-11-990, as now existing or hereafter amended. The notice shall be published by the responsible official, applicant or proponent pursuant to RCW 43.21C.080, as now existing or hereafter amended. (Editorially amended during 2002 codification; Res. 97-007 Exh. A § 26)

5.04.270 Definitions--Adoption by reference.

The district adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference, as supplemented in this chapter:

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/District.
- 197-11-730 Decision maker.
- 197-11-732 Department.

- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-748 Environmentally sensitive area.
- 197-11-750 Expanded scooping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State Agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

(Res. 97-007 Exh. A § 27)

5.04.280 Compliance with SEPA--Adoption by reference.

Updated Through March 2014

The district adopts the following sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference, as supplemented in this chapter:

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-916 Application to ongoing actions.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a County/District.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a County/District and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

(Res. 97-007 Exh. A § 28)

5.04.290 Fees.

The district shall require the following fees for its activities in accordance with the provisions of this chapter:

A. **Threshold Determination.** For every environmental checklist and revised environmental checklist the district will review when it is lead agency, the district shall collect a fee of seventy five dollars (\$75.00) until December 31, 1994 and thereafter in an amount established in fee schedules of the district from the proponent of the proposal prior to undertaking the threshold determination. The time periods provided by this chapter for making a threshold determination shall not begin to run until payment of fees. When the district assists the applicant or completes the environmental checklist at the applicant's request or under Section 5.04.120(D), an additional fee equal to the estimated actual cost of providing the assistance, including district staff and consultant time, shall be collected.

B. **Environmental Impact Statement.**

1. When the district is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the district, the district may charge and collect a reasonable fee from any applicant to cover costs incurred, including overhead, by the district in preparing the EIS. The responsible official shall advise the applicant of the projected costs for the EIS prior to actual preparation.

2. The responsible official may determine that the district will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by an applicant other than the district and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by the district.

3. The applicant shall pay the projected amount of the district staff and consultant fees and costs to the district prior to the district

Updated Through March 2014

and/or consultant commencing work. The district will refund the excess, if any, at the completion of the EIS. If the district's costs exceed the projected costs, the applicant shall immediately pay the excess. If a proposal is modified so that an EIS is no longer required, the responsible subdivision (1) or (2) of this subsection which remain after incurred costs, including overhead, are paid.

C. The district may collect a reasonable fee from an applicant to cover the cost of meeting all formal and informal public notice requirements required pursuant to this chapter relating to the applicant's proposal.

D. The district may charge any person for copies of any document prepared under this chapter, and for mailing the document, in a manner provided by Chapter 42.17 RCW, as now existing or hereafter amended.

E. If review of the application involves scientific, technical or specialized knowledge beyond the capabilities of district staff, the

district may hire experts to review the application and the applicant shall pay for such expenses. (Res. 97-007 Exh. A § 30)

5.04.300 Forms--Adoption by reference.

The district adopts the following forms and sections of Chapter 197-11 WAC, as now existing or hereafter amended, by reference:

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scooping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

(Res. 97-007 Exh. A § 31)

PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the legislative history and the current disposition of the sections in the Chelan-Douglas Health District Code. Thus, prior code Article I appears in this Code as Chapter 1.04.

Prior Code §	Herein	Prior Code §	Herein
Article I		12	Repealed by 1/21/92
1	1.04.010	13	Repealed by 1/21/92
2	1.04.020	14	Repealed by 1/21/92
3	1.04.030	15	Repealed by 1/21/92
4	Repealed by 2001-006		
5	Repealed by 2001-006	Article V	
6	1.04.040	1	Repealed by 2001-006
7	1.04.050	2	Repealed by 2001-006
8	Repealed by 2001-006	3	Repealed by 2001-006
9	1.04.060	4	Repealed by 2001-006
10	1.04.070	5	Repealed by 2001-006
11	1.04.080	6	Repealed by 2001-006
12	1.04.090	7	Repealed by 2001-006
13	Not codified	8	Repealed by 2001-006
		9	Repealed by 2001-006
Article II		10	Repealed by 2001-006
1	Repealed by 93-005	11	Repealed by 2001-006
		12	Repealed by 2001-006
Article III		13	Repealed by 2001-006
1	Repealed by 93-005		
2	Repealed by 93-005	Article VI	
3	Repealed by 93-005	1	Repealed by 2001-006
4	Repealed by 93-005	2	Repealed by 2001-006
		3	Repealed by 2001-006
Article IV		4	Repealed by 2001-006
1	Repealed by 1/21/92	5	Repealed by 2001-006
2	Repealed by 1/21/92	6	Repealed by 2001-006
3	Repealed by 1/21/92		
4	Repealed by 1/21/92	Article VII	
5	Repealed by 1/21/92	1	Repealed by 94-009
6	Repealed by 1/21/92	2	Repealed by 94-009
7	Repealed by 1/21/92	3	Repealed by 94-009
8	Repealed by 1/21/92	4	Repealed by 94-009
9	Repealed by 1/21/92	5	Repealed by 94-009
10	Repealed by 1/21/92	6	Repealed by 94-009
11	Repealed by 1/21/92	7	Repealed by 94-009

Prior Code § Herein

Article VIII

- | | |
|---|----------------------|
| 1 | 4.12.010 |
| 2 | 4.12.020 |
| 3 | 4.12.030 |
| 4 | 4.12.040 |
| 5 | 4.12.050 |
| 6 | Repealed by 2001-006 |

Article IX

- | | |
|---|----------|
| 1 | 4.28.010 |
| 2 | 4.28.020 |
| 3 | 4.28.030 |

Article X

- | | |
|---|----------------------|
| 1 | Repealed by 2001-006 |
| 2 | Repealed by 2001-006 |
| 3 | Repealed by 2001-006 |

DOCUMENT AND RESOLUTION LIST

CHELAN-DOUGLAS HEALTH DISTRICT

Resolution Number		Resolution Number	
1968-24	Request for budget transfer (Not codified)	1972	Board recognizes the Chelan-Douglas Comprehensive Health Planning Council as the Health Planning Agency of Chelan and Douglas Counties (Not codified)
1968-25	Request for budget extension (Not codified)		
1968-26	Request for budget extension (Not codified)		
1968-27	Request for budget transfer (Not codified)	1972-40	Request for budget emergency (Not codified)
1968-28	Board authorizes Chelan County Auditor to make provisions in the 1969 public health pooling fund (Not codified)	1972-41	Request for budget emergency (Not codified)
1969-29	Request for budget transfer (Not codified)	1972-42	Request for budget transfer (Not codified)
1969-30	Request for budget transfer (Not codified)	1972-43	Request for budget transfer (Not codified)
1969-31	Request for budget emergency (Not codified)	1972-44	Request for budget transfer (Not codified)
1969-32	Emergency budget transfer to the Chelan-Douglas County public health pooling fund (Not codified)	1973-45	Request for budget transfer (Not codified)
1969-33	Budget transfer (Not codified)	1974-Feb.	Request for budget transfer (Not codified)
1970-34	Request for budget transfer (Not codified)	1974-May	Request for budget transfer (Not codified)
1971-35	Request for budget transfer (Not codified)	1974-June	Request for budget transfer (Not codified)
1971-36	Request for budget transfer (Not codified)	1974-46	Non-debatable budget (Not codified)
1971-37	Request for budget transfer (Not codified)	1974-47	Request for budget emergency (Not codified)
1972-38	Request for budget emergency (Not codified)	1974-Sept.	Request for budget transfer (Not codified)
1972-39	Request for budget transfer (Not codified)	1974-48	Request for budget transfer (Not codified)
		1974-49	Reimbursement of expenses (Not codified)
		1975-50	Request for budget emergency (Not codified)

**Resolution
Number**

1975-51 Request for authorization of payment of increments in the categories of salaries and personal benefits (Not codified)

1975-52 Request for budget transfer (Not codified)

1975-53 Request for authorization to be subject to the affirmative action plan (Not codified)

1975-54 Request for budget emergency (Not codified)

1975-55 Cancellation of outstanding warrants (Not codified)

1975-56 Request for budget emergency (Not codified)

1975-Nov. Request for budget transfer in the public health pooling fund (Not codified)

1976-57 Request for budget emergency (Not codified)

1977-58 Request for budget emergency (Not codified)

1978-Feb. Amendment of the Chelan-Douglas Health District annual license fee schedule to change the fee structure for short plat review (Not codified)

1978-59 Request for budget emergency (Not codified)

1977-June Request for budget transfer (Not codified)

1978-June Request for budget transfer (Not codified)

1978-Aug. Request for budget transfer (Not codified)

1978-60 Request for budget emergency (Not codified)

1979-61 Request for budget emergency (Not codified)

**Resolution
Number**

1979-62 Request for budget emergency (Not codified)

1979-63 Request for budget emergency (Not codified)

1979-April Request for budget transfer (Not codified)

3-19-79 Regulates on-site sewage disposal systems (Repealed by 2001-006)

64 Sewer connection required (Repealed by 2001-006)

1979-65 Request for budget emergency (Not codified)

7-16-79 Swimming pool regulation (Repealed by 2001-006)

1979-116 Authorization for sale of county property (Not codified)

1980-40 Reimbursement of expenses (Not codified)

1980-66 Medical/dental/life insurance for 1980 (Not codified)

1980-67 Chelan-Douglas Health District's revolving fund (Not codified)

1980-68 Request for budget transfer (Not codified)

1980-68 PHP overdraft fund (Not codified)

1980-Aug. Authorization to acquire federal surplus property from the Washington State Agency for surplus property (Not codified)

1980-69 Request for budget emergency (Not codified)

1981-71 Request for budget emergency (Not codified)

1981-72 Request for emergency appropriation -- Migrant school health (Not codified)

**Resolution
Number**

1981-74 Intent to dispose of surplus property (Not codified)
1981-June Request for budget transfer (Not codified)
1981-July Vacation bonus days, anniversary dates, and appointments to permanent employee status (Not codified)
1981-July Request for budget transfer (Not codified)
1981-Aug. Request for budget transfer (Not codified)
1981-75 Request for emergency appropriation--Migrant school health (Not codified)
1981-Nov. Request for budget transfer (Not codified)
1982-76 Chelan-Douglas Health District Child Health Clinics conducted to charge fees for services (Not codified)
1982-77 Emergency appropriation -- Migrant school health (Not codified)
1982-78 Revolving fund is needed to handle deposits and fees for the rental of clinic equipment (Not codified)
1982-79 Authorization to collect a bad check fee not to exceed \$5.00 (Not codified)
1982-80 Emergency appropriation -- Migrant school health (Not codified)
7-81 Septic tank permit (Special)
3-83 Changes hours of operation (Special)

**Resolution
Number**

1983-83 Authorization for change in business hours of the Chelan-Douglas Health District (Not codified)
1983-84 Authorization for supplemental appropriation (Not codified)
1983-85 Disposal of surplus property (Not codified)
1983-86 Emergency appropriation -- Migrant school health (Not codified)
1983-87 Emergency appropriation -- Jobs bill fund (Not codified)
1984-88 Emergency appropriation -- Adolescent pregnancy project (Not codified)
1984-89 Emergency appropriation -- Migrant school health (Not codified)
1984-90 Authorization to increase change drawer from \$50 to \$150 (Not codified)
1984-91 Emergency appropriation -- Dental health program (Not codified)
1984-92 Supplemental appropriation -- High risk infant program (Not codified)
1984-93 Emergency appropriation -- Migrant school health (Not codified)
1984-94 Emergency appropriation -- Adolescent pregnancy project (Not codified)
3-19-84 (Not available) (Repealed by 94-009)
1985-Feb. Request for budget transfer (Not codified)

**Resolution
Number**

1985-Mar. Request for budget transfer
(Not codified)
1985-95 Adoption of 1985 Chelan-
Douglas Health District
Budget (Not codified)
1985-96 Equipment rental revolving
fund (Not codified)
1985-98 Authorization to increase petty
cash from \$200 to \$300 (Not
codified)
1985-99 Emergency appropriation --
Migrant school health (Not
codified)
1985-100 Disposal of surplus property
(Not codified)
1985-101 Emergency appropriation --
Adolescent pregnancy project
(Not codified)
1985-102 Emergency appropriation --
Preventative health grant (Not
codified)
1985-103 Emergency appropriation --
Migrant school health (Not
codified)
1985-104 Emergency appropriation --
Environmental health (Not
codified)
1985-105 Employee classifications (Not
codified)
1985-106 Adoption of Chelan-Douglas
Health District's 1986 budget
and fee schedules (Not codi-
fied)
1985-107 Emergency appropriation --
Migrant school health (Not
codified)
1986-Oct. Request for budget transfer
(Not codified)

**Resolution
Number**

1986-108 Emergency appropriation --
Migrant school health (Not
codified)
1986-109 Emergency appropriation --
Maternal child health (Not
codified)
1986-110 Increase receipts checking
account cash balance (Not
codified)
1986-111 Adoption of Chelan-Douglas
Health District personnel
policy (Not codified)
1986-112 Emergency appropriation --
Migrant school health (Not
codified)
1986-113 Adoption of Chelan-Douglas
Health District's 1987 budget
and fee schedules (Not
codified)
1987-114 Cancellation of outstanding
warrants (voided) (Not
codified)
1987-114 Emergency appropriation --
Health district (Not codified)
1987-115 Disposal of surplus property
(Not codified)
1987-117 Supplemental appropriation --
Dental health program (Not
codified)
1987-118 Petty cash fund--
Environmental health (Not
codified)
1987-119 Environmental health cash
drawer fund (Not codified)
1987-120 Reimbursement for use of pri-
vately owned automobiles
(Not codified)
1987-121 Emergency appropriation --
Health district (Not codified)

Resolution Number		Resolution Number	
1987-122	Adoption of Chelan-Douglas Health District's 1987 budget and fee schedules (Not codified)	1988-127	Supplemental appropriation -- Environmental health support (Not codified)
1987-Apr.	Notice of public hearing for supplemental appropriation to the 1987 budget (Not codified)	1988-128	Supplemental appropriation -- Personal health support (Not codified)
1987-Apr.	Request for budget transfer (Not codified)	1988-129	Supplemental appropriation -- Administrative support (Not codified)
1987-Aug.	Notice of public hearing for supplemental appropriation to the 1987 budget (Not codified)	1988-130	Disposal of surplus property (Not codified)
1987-Nov.	Request for budget transfer (Not codified)	1988-131	Budget transfer (Not codified)
1987-Nov.	Approval of Chelan-Douglas Health District's 1988 preliminary budget (Not codified)	1988-132	Supplemental appropriation -- Adolescent pregnancy and parenting program (Not codified)
1987-Dec.	Request for budget transfer (Not codified)	1988-133	Supplemental appropriation -- Migrant school health (Not codified)
1988-Mar.	Request for budget transfer (Not codified)	1988-134	Issuance of VISA bank cards (Not codified)
1988-Mar.	Request for budget transfer (Not codified)	1988-135	Adoption of Chelan-Douglas Health District's 1989 budget and fee schedules (Not codified)
1988-July	Notice of public hearing for supplemental appropriation of the 1988 budget (Not codified)	1989-136	Supplemental appropriation -- 1989 budget (Not codified)
1988-123	Supplemental appropriation -- Prenatal care program (Not codified)	1989-137	Adoption of Chelan-Douglas Health District's 1990 budget and fee schedules (Not codified)
1988-124	Supplemental appropriation -- Maternal child health (Not codified)	118	Petty cash fund (Special)
1988-125	Supplemental appropriation -- Migrant school health (Not codified)	10-16-89	Enforcement regulations (2.08)
1988-126	Supplemental appropriation -- Handicapped children service (Not codified)	1990-138	Authorization for Chelan-Douglas Health District to charge fees for services (Not codified)
		1990-139	Petty cash for environmental health office (Not codified)

**Resolution
Number**

1990-140 Supplemental appropriation to the 1990 budget (Not codified)
1990-141 Supplemental appropriation to the 1990 budget (Not codified)
1990-142 Adds § 11(8) to on-site sewage regulations dated 3-19-84, on-site sewage disposal permits (Repealed by 94-009)
1990-143 Ratify membership in the Washington governmental entity pool (Not codified)
1990-144 Adoption of Chelan-Douglas Health District's 1991 budget and fee schedules (Not codified)
1990-145 Personal health fees (Not codified)
1990-146 Environmental health fees (Not codified)
1990-147 Laboratory fees (Not codified)
1990-148 Sliding fee schedule (Not codified)
1991-149 Supplemental appropriation -- 1991 budget (Not codified)
1991-150 Establishment of revolving fund--Postage (Not codified)
1991-151 Environmental health fees (Not codified)
1991-152 Personal health fees (Not codified)
1991-153 Adoption of Chelan-Douglas Health District's 1992 budget and fee schedules (Not codified)
8-19-91 Enforcement of food regulations (4.08)

**Resolution
Number**

12-16-91 Amends § 17(2) of on-site sewage regulations dated 3-19-84, on-site sewage disposal design (Repealed by 94-009)
1-21-92 Repeals Art. IV of prior code, mobile homes (Repealer)
1992-154 Cancellation of outstanding warrants (Not codified)
1992-155 Representation Washington governmental entities pool (Not codified)
1992-156 Proclamation of public health week (Not codified)
1992-157 Groundwater protection (4.16)
1992-158 Petty cash fund solid waste (Not codified)
1992-159 Increase receipts checking account cash balance (Not codified)
1992-160 Payment of claims for expenses, material, and purchases (Not codified)
1992-161 Assessment of solid waste tipping fees (Not codified)
1992-162 Public disclosure policy (Not codified)
1992-163 Adoption of Chelan-Douglas Health District's 1993 budget and fee schedules (Not codified)
1993-001 Schedule of board of health monthly meetings (Not codified)
1993-002 Canceling of outstanding warrants (Not codified)
1993-003 Declaration of public health week (Not codified)

**Resolution
Number**

1993-004 Adoption of reporting improper governmental action and protecting employees from retaliation (Whistleblower's Protection Policy) policy (Not codified)

1993-005 Repeals and replaces prior code Art. II, and repeals Art. III, food service (4.08)

1993-007 Adoption of discipline policy (Not codified)

1993-008 Supplemental appropriation -- 1993 budget (Not codified)

1993-010 Adoption of political activity policy, interim conflict of interest policy, and statement of merit principles into personnel manual (Not codified)

1993-011 Adoption of Chelan-Douglas Health District's 1994 budget and fee schedules (Not codified)

1994-001 Canceling of outstanding warrants (Not codified)

1994-002 Environmental review policies and procedures (Superseded by Res. 97-007)

1994-003 Repeals Res. 96 (Repealer)

1994-004 Bank card services (Special)

1994-005 Mail and postage meter (Special)

1994-006 Deposits of money (Special)

1994-007 Resolution to cancel and supersede Resolution 93-001 Board of Health monthly meeting schedule (Not codified)

**Resolution
Number**

1994-008 Check cashing authority (Not codified)

1994-009 Adds Art. VII to prior code; repeals on-site sewage regulations dated 3-19-84, on-site sewage disposal (4.20)

1994-010 Personnel policy (Not codified)

1994-011 1995 budget (Not codified)

1994-012 Investment authorization (Not codified)

3-95 Drinking water joint plan contract (Special)

1995-001 Personnel policy revision regarding nepotism (Not codified)

1995-002 Petty cash--Solid waste (Not codified)

1995-003 1996 budget (Not codified)

1996-001 Cancellation of outstanding warrants (Not codified)

1996-002 Surplus property (Not codified)

1996-003 Greater Wenatchee Regional Landfill and recycling center permit appeal (Not codified)

1996-004 Board of Health supports all efforts to eliminate access to tobacco by youth (Not codified)

1996-005 1997 budget (Not codified)

1996-006 Surplus property (Not codified)

5-19-97 Authorizes drinking water joint plan contract (Special)

1997-001 Lease/build feasibility study budget amendment (Not codified)

1997-002 Fees for privately purchased vaccines (Not codified)

**Resolution
Number**

1997-003 1997 budget amendment (Not codified)
1997-004 Surplus property (Not codified)
1997-005 Building reserve fund (Not codified)
1997-006 Biosolid permit applications (Repealed by 2001-006)
1997-007 Amends Res. 94-002, environmental policies (5.04)
1997-008 1998 budget (Not codified)
1997-009 Early closure on Christmas Eve (Not codified)
1998-001 Early closure on Christmas Eve (Not codified)
1998-002 Surplus property (Not codified)
1998-003 Recommendation to the Washington State Board of Health for adopting of regulations for named HIV reporting (Not codified)
1998-004 Personnel guidelines (Not codified)
5-18-98 Board of health bylaws (Superseded by 4/01 bylaws)
1-19-99 Authorizes contract with state Department of Health (Special)
1999-01 Repeals and replaces penalty for late payment of food service permit fees adopted 3-16-92, food and pool permit renewal and late fee policy (4.32)
1999-002 Amends prior code Art. VII § 4, water availability and nitrate level (4.20)

**Resolution
Number**

1999-003 Adds Art. VII § 12 to prior code, wellhead protection (4.20)
1999-004 Execution of real estate purchase and sale agreement and real estate installment sales contract for the purchase of property for district purposes (Special)
1999-005 Adds Art. VII § 6B; amends title of Art. VII § 6; and renumbers Art. VII § 6 to be § 6A, on-site sewage disposal (4.20)
1999-006 Surplus property (Not codified)
1999-007 Cancellations of outstanding warrants (Not codified)
1999-008 Surplus property (Not codified)
1999-010 Health district fees for the year 2000 (Not codified)
1999-012 2000 budget (Not codified)
2-22-00 Solid waste permit process policy (4.24)
2000-001 Support for use of tobacco settlement funds only for tobacco prevention and health care issues (Not codified)
2000-002 Surplus property (Not codified)
2000-003 Cancellation of outstanding warrants (Not codified)
2000-004 Designates backup physician (Special)
2000-005 2000 fees (Special)
2000-006 2000 budget amendment (Special)
2000-007 Budget (Special)

**Resolution
Number**

2001-001 Time and place of regular board meetings (2.08)
2001-002 Warrant cancellation (Not codified)
2001-003 Surplus sale (Not codified)
2001-004 Food safety proclamation (Not codified)
2001-005 Local gov. designation of agent for rec. claims for damages
2001-006 Amends prior code Art. I § 2(a); repeals prior code Art. I §§ 4, 5, 8, Arts. V, VI, VIII § 6 and Art. X; repeals Docs. dated 3/19/79 and 7-16-79; repeals Resos. 64 and 97-006 (1.04)
2001-007 Board of Health requesting approval by the health care authority to participate in the Washington state insurance plans (Special)
2001-008 2002 budget (Special)
2002-001 2001 budget amendment (Special)
2002-002 Warrant cancellation (Special)
2002-003 2003 budget (Special)
2002-004 Adds Ch. 4.36, exempt groundwater withdrawal policy (4.36)
2003-001 AFLAC election (Special)
2003-002 Health district code (Codified)
2003-003 Warrant cancellation (Special)
2003-004 Amends § 2.08.010, miscellaneous administrative regulations (2.08)
2003-005 Adds § 1.04.100, general provisions (1.04)

**Resolution
Number**

2003-006 Adds Ch. 2.12; amends § 1.04.020, hearing examiner, general provisions (1.04, 2.12)
2003-007 Amends §§ 1.04.080, 2.04.060, 2.04.080, 2.04.110, 2.04.130, 4.08.080 and 5.04.250; repeals and replaces §§ 2.04.170 [2.04.170--2.04.200] and 4.20.090, general provisions, enforcement of health and regulations, food service resolutions, on-site sewage disposal system, environmental review policies and procedures (1.04, 2.04, 4.08, 4.20, 5.04)
2004-001 Adds Ch. 4.38, solid waste WACS adopted by reference (4.38)
2004-002 Amends § 4.08.030, food service resolutions (4.08)
2004-003 Warrant cancellation (Special)
2004-004 Computer surplus property (Special)
2004-005 Surplus property (Special)
2004-006 Void settlement agreement re: importation from Apple Maggot Quarantine areas (Special)
2004-007 Join Dept. of Retirement System's Deferred Comp Program
2004-008 Solid Waste Fees
2004-009 Public Sewer Connection Revisions
2005-001 Food Program to use Internal Policies
2005-002 Temporary Food Service Late Fees
2005-003 Surplus Computers

Resolution Number		Resolution Number	
2005-004	Temporary Food Establishment Late Fees	2008-003	Amend Resolution No. 2006-006 to change Public Records Officer
2005-005	Environmental Health Director Salary Matrix	2008-004	Establish fees for Environmental Health Services to Regulate Municipal Solid Waste Facilities
2005-006	Extension of Collective Bargaining Date	2008-005	Revised HD requirements for water availability to new buildings and subdivisions.
2005-007	Amend Sanitary Code Chapter 4.16 & 4.20 re: Groundwater Protection and Onsite Sewage Disposal Systems	2008-006	2009 Budget and Fee Schedule approval
2005-008	M J Murdock Trust Grant Application	2009-001	Surplus Property – Vehicles
2006-001	Cancellation of Outstanding Warrants	2009-002	Private Home Owner Design/Installation of Onsite Septic Systems
2006-002	Initiative 901 Clean Air	2009-003	Surplus Property – Copy Machine
2006-003	Amend Permit Renewal Chapter 4.32	2009-004	Cancellation of Outstanding Warrants
2006-004	NIMS Model for PHEPR	2009-005	Remove old Bloodborne Pathogen Policy from Sanitary Code
2006-005	Replaces Resolution 2005-002 Acting Health Officer	2009-006	To ratify the local Health Officer's Declaration of Public Health Emergency in regards to the H1N1 Swine Flu Virus.
2006-006	Appointment of Public Records Officer	2009-007	One year extension to the Union Bargaining Agreement
2006-007	Surplus Computers	2009-008	Support of Tobacco Proposal – Communities Putting Prevention to Work
2006-008	Electronic Payment Charges	2009-009	Surplus Telrad Phone System & 21 telephones
2006-009	O & M Licensing Requirement (Tabled for a time uncertain.)	2010-001	Cancellation of Outstanding Warrants
2006-010	WA State Leg. Bipartisan Special Jt. Select Committee	2010-002	Surplus Property
2007-001	Surplus Property	2010-003	Warrants Issued Prior to Board of Health Approval
2007-002	Health Code Amendment for Septic System O & M Service Providers Concerning Licensing Requirements.	2010-004	Surplus Property
2008-001	Endorse City of Rock Island's efforts to secure funding to develop a municipal sewer system		
2008-002	Surplus Property		

**Resolution
Number**

2010-005	Amendments to the 1998 Personnel Guidelines
2010-006	Surplus Property
2010-007	Cancellation of Outstanding Warrant
2011-001	Surplus Property
2011-002	Surplus Property
2012-001	Amends Subsection C of Section 4.20.060 of the local Health Code
2012-002	Cancellation of Outstanding Warrants
2012-003	Surplus Property
2012-004	Declaration of Emergency due to dense smoke from wildfires
2012-005	Amendment to Health Code regarding Appointment of Hearing Examiner
2012-006	EH fees for Solid Waste sent to GWRL & Transfer Stations
2013-001	Cancel Outstanding Warrant
2013-002	Request Legislature to Main- tain Current Levels of Funding
2013-003	Solid Waste Facility Fees Other than GWRL
2013-004	Sanitary Control Areas
2014-001	Water Availability for Group B Water Systems
2014-002	Sanitary Control Areas Revi- sion