

RESOLUTION NO. 104-90

AMENDS RESOLUTION 34-88

**MORATORIUM ON FILING AND PROCESSING OF BUILDING PERMITS
FOR HAZARDOUS AND MODERATE-RISK WASTE STORAGE, TREATMENT
AND DISPOSAL FACILITIES IN UNINCORPORATED MASON COUNTY.**

WHEREAS, Mason County recognizes and accepts the definition of hazardous and moderate-risk waste as defined in WAC 173-303, including hazardous waste characteristics identified in WAC 173-303-090 and WAC 173-303-103; and

WHEREAS, Mason County recognizes and accepts the definition of treatment, storage and disposal facilities found in WAC 173-303-040; and

WHEREAS, the Legislature of the State of Washington has declared that safe and responsible management of hazardous waste is necessary to prevent adverse effects on the environment and to protect public health and safety (Chapter 70.105 RCW); and

WHEREAS, Mason County recognizes communities must assume responsibility for hazardous waste; and

WHEREAS, Mason County concurs with the Legislature of the State of Washington that responsible, planned management of hazardous waste is necessary to prevent adverse effects on the environment and to protect public health and safety; and

WHEREAS, Mason County has found that the Mason County Comprehensive Plan, Mason County Building Code and Solid Waste Disposal Permits do not provide sufficient policy direction or siting criteria to address issues raised regarding hazardous waste treatment and storage facilities; and

WHEREAS, RCW 70.105.200 through 70.105.270 require counties, including Mason County, to designate land use zones in which hazardous waste treatment, storage and disposal facilities will be allowed as permitted uses and such zone designations must be submitted to the Department of Ecology for approval by June 30, 1988; and

WHEREAS, Mason County did on December 21, 1987, by written correspondence affirm its intention to designate zones for hazardous waste treatment, storage and disposal facilities by June 30, 1988; and

WHEREAS, RCW 70.105.200 through 70.105.270 also require counties, including Mason County, to prepare a local hazardous waste plan to be submitted to the Department of Ecology for approval by June 30, 1990; and

WHEREAS, Mason County did on December 21, 1987, by written correspondence affirm its intention to prepare and submit a hazardous waste plan; and

WHEREAS, Mason County has formulated a citizens' solid waste advisory board to advise the County on the preparation of its solid and hazardous waste planning; and

WHEREAS, the 1987 session of the Legislature of the State of Washington did by SSB 6269 direct the Department of Ecology and the Department of Social and Health Services to prepare a study addressing the production, handling, storage and disposal and the potential health threats associated with each aspect of infectious wastes; and

WHEREAS, the Department of Ecology study on infectious waste has been completed and is in effect as of October 22, 1990; and

WHEREAS, the above-referenced zone designations, hazardous waste plan, infectious waste study and citizens' solid waste advisory board is a long planning process to ensure appropriate review of hazardous waste facilities siting considerations and protect the public health and welfare; and

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WHEREAS, Mason County wishes to amend its Comprehensive Plan with a local hazardous waste plan and such revisions could significantly change the processing, siting and development standards as they relate to hazardous waste and moderate-risk waste treatment, storage and disposal facilities; and

WHEREAS, Mason County anticipates resource agencies of the State of Washington to develop data concerning hazardous waste and moderate-risk waste treatment, storage and disposal facilities siting and will utilize said data in the clarification of policy and in developing criteria for the siting of said facilities; and

WHEREAS, these revisions will address concerns of industry and the community in an attempt to define a more predictable process in the siting of said facilities; and

WHEREAS, applications submitted for hazardous waste and moderate-risk waste facilities projects during the interim period might vest under the regulations in effect at the time the application is made; and

WHEREAS, the intended effect of possible amendments could be foreclosed or thwarted by applications vesting during the interim period; and

WHEREAS, this Board determines that the above facts necessitate additional time for planning, supporting adoption of a moratorium.

NOW, THEREFORE, a Moratorium is ordered, and ordained on the acceptance for filing of the processing of applications for hazardous waste and moderate-risk waste treatment, storage and disposal facilities projects. For the duration of the moratorium or during the review period on this moratorium, Mason County shall not accept for filing and shall not process any application for hazardous waste and moderate-risk waste treatment, storage and disposal facilities projects subject to the Mason County Environmental Policy Ordinance and/or Mason County Building Code. **PROVIDED** that this Moratorium does not apply to existing, built treatment, storage and disposal facilities; and **PROVIDED** further that on-site treatment or storage are exempt from this Moratorium; and **PROVIDED** further that this Moratorium shall not be construed as a "ban" on such facilities.

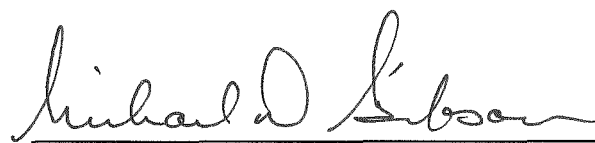
This Moratorium shall expire upon the completion of final action by the Board of Mason County Commissioners on changes to the Mason County Comprehensive Plan regarding hazardous waste and moderate-risk waste facilities which portion shall be completed as mandated by law.

DATED this 18th day of December, 1990.

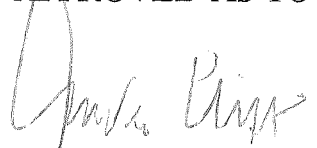
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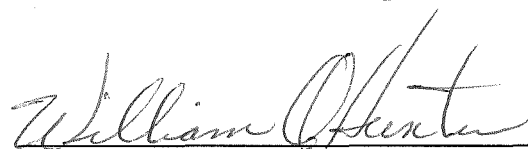
**BOARD OF COUNTY COMMISSIONERS
MASON COUNTY, WASHINGTON**


Rebecca S. Rogers, Clerk of the Board

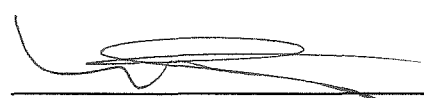

Michael D. Gibson, Chairperson

APPROVED AS TO FORM:


Deputy Prosecuting Attorney
Michael Clift


William O. Hunter, Commissioner

A:\MORATORIUM


Laura E. Porter, Commissioner