

Environmental Health Services Division

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SOLID WASTE PROGRAM VARIANCE and VARIANCE RENEWAL REQUEST FORM

Request for variance/variance renewal from King County Board of Health Title 10 (which includes WAC 173-350 for solid waste handling standards), and/or WAC 173-351 for municipal landfills or for a specific solid waste handling practice, and/or WAC 173-304-700 for closed and abandoned landfills.

Any grant of variance or a variance renewal by a local health department requires the prior approval and written concurrence of the WA State Department of Ecology. WAC 173-350-710(7)(e)

The initial application fee for the variance review is \$204.00. This fee covers the first hour of review and any additional time thereafter will be billed. Fees for Review of the Variance or Variance Renewal will be charged per King County Board of Health Code Section 2.14.070.

Assigned Service Request # _____ Date: _____

Type of Variance/Renewal of a Variance Requested

Commercial Food Waste Closed and/or Abandoned Landfill Other Solid Waste Variance

Does this facility already have a current permit with Public Health? Yes PR# _____ No

Facility Location Information

Facility or Business Name requesting variance: _____

Address for where the variance is requested: _____

City: _____ State: _____ Zip Code: _____

Is this business located in unincorporated King County? Yes No

Facility Contact Person: _____ Phone: _____

Variance Requestor Information Name of Contact: _____

Billing Address (if different from location) _____

City: _____ State: _____ Zip Code: _____

Email: _____ Phone: _____

SR# _____

Variance or Variance Renewal Description

SPECIFIC AREA(S) of the Code of the King County Board of Health Title 10 or WAC 173-350 and/or WAC 173-304 where you are requesting a variance or variance renewal: _____

Description of VARIANCE or VARIANCE RENEWAL Requested:

Signature: _____ Title: _____ Date: _____

(Attach any documentation associated with Variance/Waiver justification)

PUBLIC HEALTH - SEATTLE & KING COUNTY JURISDICTION COMPLETES

Date Received _____ Service Request# _____
FA# (if linked) _____ Program Element _____

RECOMMENDS APPROVAL DISAPPROVED - Return to applicant
(Submit with justification to Dept. of Ecology office)

COMMENTS/CONDITIONS

Signature: _____ Title: _____ Date: _____

WASHINGTON STATE DEPARTMENT OF ECOLOGY COMPLETES

Department of ECOLOGY Action: _____ Date Received: _____
 CONCUR (Return to Local health jurisdiction for granting of variance request.)
 DO NOT CONCUR (Return to Local health jurisdiction for denial of variance request.)

COMMENTS/CONDITIONS: (If do not concur with local health jurisdiction):

Signature: _____ Title: _____ Date: _____

Specific Section of WAC 173-350-710(7) in regard to variances:

Variances.

(a) Any person who owns or operates a solid waste handling facility subject to a solid waste permit under WAC 173-350-700, may apply to the jurisdictional health department for a variance from any section of this chapter. No variance shall be granted for requirements specific to chapter 70.95 RCW, Solid waste management — Reduction and recycling. The application shall be accompanied by such information as the jurisdictional health department may require.

The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

- (i) The solid waste handling practices or location do not endanger public health, safety or the environment; and
- (ii) Compliance with the section from which variance is sought would produce hardship without equal or greater benefits to the public.
- (b) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.
- (c) Any variance or renewal shall be granted within the requirements of subsections (1) through (3) of this section and for time period and conditions consistent with the reasons therefore, and within the following limitations:
 - (i) If the variance is granted on the grounds that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;
 - (ii) The jurisdictional health department may grant a variance conditioned by a timetable if:
 - (A) Compliance with this chapter will require spreading of costs over a considerable time period; and
 - (B) The timetable is for a period that is needed to comply with the chapter.
- (d) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.
- (e) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

King County Board of Health Code Section 2.14.070 Solid waste variance fee.

Where the health officer is involved with official review and processing of requests for variance from these regulations, the health director may grant the same as long as the action will not impair public health and safety. The nonrefundable fee for review of a variance request will be charged at a rate equal to the cost of performing the service.

Specific Section of WAC 173-304-700 in regard to variance. (Closed and/or Abandoned Landfills)

Variances.

(1) Any person who owns or operates a solid waste facility may apply to the jurisdictional health officer for a variance from any section of this regulation. The application shall be accompanied by such information as the jurisdictional health department may require. The jurisdictional health department may grant such variance, but only after due notice or a public hearing if requested, if it finds that:

- (a) The solid waste handling practices or location do not endanger public health, safety or the environment; and

(b) Compliance with the regulation from which variance is sought would produce hardship without equal or greater benefits to the public.

(2) No variance shall be granted pursuant to this section until the jurisdictional health department has considered the relative interests of the applicant, other owners of property likely to be affected by the handling practices and the general public.

(3) Any variance or renewal shall be granted within the requirements of subsection (1) of this section and for time period and conditions consistent with the reasons therefor, and within the following limitations:

(a) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available and subject to the taking of any substitute or alternative measures that the jurisdictional health department may prescribe;

(b) The jurisdictional health department may grant a variance conditioned by a time table if:

(i) Compliance with the regulation will require spreading of costs over a considerable time period; and

(ii) The time table is for a period that is needed to comply with the regulation.

(4) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. No renewal thereof shall be granted, unless following a public hearing on the complaint or due notice, the jurisdictional health department finds the renewal is justified. No renewal shall be granted except on application. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the jurisdictional health department shall give public notice of such application in accordance with rules and regulations of the jurisdictional health department.

(5) An application for a variance, or for the renewal thereof, submitted to the jurisdictional health department shall be approved or disapproved by the jurisdictional health department within ninety days of receipt unless the applicant and the jurisdictional health department agree to a continuance.

(6) No variance shall be granted by a jurisdictional health department except with the approval and written concurrence of the department prior to action on the variance by the jurisdictional health department.

(7) Variances granted by a jurisdictional health department will be accepted as variances under this regulation.

(8) Public notice shall be given by mailing a notice of the variance application to persons who have written to the jurisdictional health department asking to be notified of all variance requests.

[Statutory Authority: Chapter [43.21A](#) RCW. WSR 85-22-013 (Order 85-18), § 173-304-700, filed 10/28/85.]