

Environmental Health Code, Chapter 5 Contamination from Illegal Drug Manufacture Regulations

**Board of Health Resolution #2020-4634
Adopted March 5, 2020**



TABLE OF CONTENTS

Section 1: Title [3](#)

Section 2: Authority and Purpose..... [3](#)

Section 3: Administration [3](#)

Section 4: State Regulation Adoption..... [3](#)

Section 5: Enforcement [3](#)

Section 6: Appeals [4](#)

Section 7: Severability [4](#)

Section 1: Title

Environmental Health Code Chapter 5 shall be known as, and may be cited and referred to as, “Contamination from Illegal Drug Manufacture”.

Section 2: Authority and Purpose

- A. Tacoma-Pierce County Board of Health enacts the regulations in this chapter under the authority granted in Article 11, §11 of the Washington Constitution, RCW 70.05.060, Chapter 64.44 RCW, and Chapter 246-205 WAC.
- B. To protect the public health, these regulations:
 - 1. Ensure that remediation of contaminated soil, sediment, soil gas/vapor, groundwater, surface water, structures, and air caused by the manufacture, storage or distribution of a controlled substance, is properly remediated to meet the requirements of this chapter.
 - 2. Minimize risk to public health and the environment from hazardous chemical, material, or biological agents released at illegal drug manufacturing, storage or distribution sites.
 - 3. Establish investigation, determination of unfit and refit for use, remediation of contamination and enforcement process and procedures at illegal drug manufacturing labs, storage or distribution sites in Pierce County.
 - 4. Establish fees and penalties for the implementation and enforcement of this chapter.

Section 3: Administration

- A. The Health Officer shall administer and enforce these regulations under the authority of Chapters 70.05 and 64.44 RCW.
- B. Tacoma-Pierce County Board of Health may adopt fees for the administration of these regulations under the authority of RCW 70.05.060(7) and Chapter 246-205 WAC.

Section 4: State Regulation Adoption

Tacoma-Pierce County Health Board of Health adopts Chapter 246-205 WAC “Decontamination of Illegal Drug Manufacturing or Storage Sites” by reference in its entirety. When or if state and local regulations conflict, the more stringent shall apply.

Section 5: Enforcement

- A. Administrative Civil Penalties.
 - 1. The Health Officer may impose administrative civil penalties for violation of this chapter per Chapter 1 Section 11, effective the first day the violation is documented.

- B. The remedies and penalties in this chapter and Chapter 1 shall be in addition to applicable fees and charges authorized by RCW 64.44.050 and by the current fee schedule adopted by Tacoma-Pierce County Board of Health.

- C. All administrative civil penalties recovered shall be paid into the methamphetamine general account.

Section 6: Appeals

- A. In accordance with RCW 64.44.030, any person aggrieved by a decision or final order of the Health Officer shall have the right to appeal such decision or order to the appeals commission established pursuant to RCW 35.80.030 and the procedures set forth therein.

Section 7: Severability

If any section, sentence, clause or phrase of this chapter should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.