

**Chapter 99**  
**TOXIC WASTE**  
**STORAGE AND TRANSPORTATION**

## Section

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**Public Safety Officer.** A peace officer, Umatilla County code enforcement officer, fire prevention inspector, firefighter, or any person who, during an emergency formally declared by the Umatilla County Board of Commissioners, has been deputized by and is acting pursuant to the order of the Umatilla County Sheriff.

**§ 99.01 DEFINITIONS**

For purposes of this chapter, the following terms and definitions will apply:

**Toxic Waste.** Includes, but is not limited to: all “P-list” substances and “F-list” substances defined by the Oregon Department of Environmental Quality, specifically:

- P998 - Blister agents (such as Mustard agent);
- P999 - Nerve agents (such as GE [Sarin] and VX);
- F998 - Residues from demilitarization, treatment, and testing of blister agents (such as Mustard Agent);
- F999 - Residues from demilitarization, treatment, and testing of nerve agents (such as GB [Sarin] and VX).

**Toxic Waste Storage Unit.** Any real property, fixtures or construct on the real property, such as buildings, silos, igloos, or enclosures of any kind use, and any non-affixed containers of any kind, such as barrels or tanks, used or intended to be used for the storage of Toxic Waste or for storage of materials containing or contaminated by Toxic Waste, or residue of Toxic Waste.

**Person.** Any individual, corporation, partnership, association, or other like entity, and any district, city, county, state, federal or other government entity, or any department, agency or representative of any such entities.

**Chemical Agents.** As defined by ORS 465.550(1).  
(Ord. 2000-03, passed 5-3-2000)

**§ 99.02 PROHIBITIONS**

(A) No person may store or permit to be stored, within Umatilla County, any Toxic Waste unless:

(1) A complete inventory of each kind, amount and location of Toxic Waste to be stored has been provided to the Umatilla County Planning Department; and

(2) All storage fees, if any, imposed by Umatilla County have been paid.

(B) No person may transport, or permit to be transported, within Umatilla County, any Toxic Waste unless:

(1) A schedule of intended transport has been furnished to the Umatilla County Emergency Management Department at least two business days prior to transport, which schedule included the point of departure, the intended destination, the kind and amount of waste to be transported, and the hours of transport within Umatilla County;

(2) All transport fees, if any, imposed by Umatilla County have been paid.  
(Ord. 2000-03, passed 5-3-2000)

**§99.03 ADMINISTRATION AND ENFORCEMENT**

(A) The civil administrative enforcement of this chapter may be enforced as provided by this section.

(B) Enforcement of this chapter may be done through any means available at law, including, but not limited to: citation, by any Public Safety Officer, with procedure provided by ORS Chapter 153; and proceedings under ORS 30.315.

(C) A violation of this chapter will constitute a nuisance and may be regarded as such in all actions, suits and proceedings.  
(Ord. 2000-03, passed 5-3-2000)

**§ 99.04 MONETARY PENALTIES**

(A) Any person in non-compliance with any provision of this chapter may have monetary penalties assessed up to \$500.00.

(B) Any person in non-compliance for duration longer than 24 hours is a continuing non-compliance, and monetary penalties may be assessed up to \$1,000.00.

(C) Each continuing non-compliance may be treated separately, with assessment of monetary penalties.  
(Ord. 2000-03, passed 5-3-2000)

**§ 99.05 JURISDICTION**

This chapter will apply within those areas located inside Umatilla County that are situated outside the city limits of any incorporated city. Jurisdiction for any judicial enforcement of this chapter will be in Umatilla County Circuit Court.

(Ord. 2000-03, passed 5-3-2000)