

To: The Haywood County Health Board

Date: May 17, 2010

Subject: Proposed Solid Waste Rule

There were several good suggestions offered at the May 11th Health Board meeting.

Mr. Rocco stated:

"We have been confining our view of solid waste as it relates to a Public Health Risk.... Any other area of concern regarding Solid Waste is outside of Public Health. If it doesn't create a public health risk it would fall under the County Solid Waste Dept. or the State."

I agree with Mr. Rocco's statement. The Health Dept. should not be dealing with issues that do not affect public health.

Mark Swanger stated:

"The general practice is one of education. The Health Dept. works with the person believed to be in violation in a non-confrontational way to get the problem corrected, at no public expense to speak of and with little private expense."

If we proceed with the proposed rule it should include a statement that there will be an attempt to resolve the health risk prior to any legal action. If no resolution is reached a certified letter should be sent giving adequate time to remedy the public health risk before additional action is taken.

We should take into account property owners that are out of state may be more difficult to reach, and may need additional time to remedy a problem.

The Health Board's current proposal does not allow a remedy of the issue before it is a Class 1 misdemeanor with fines and possible jail time. As I stated in my last letter, I don't believe it was the intent of the state to give a Class 1 misdemeanor for rubbish windblown off your property, or not recycling according to all the laws, and ordinances.

NCGS 130A-19 gives the person in control of the property time to abate a public health nuisance before taking action. I believe the board agrees this right should be extended to Haywood County citizens. NCGS 130A- 20 addresses a true imminent hazard. I suggest we use these state statutes, and abandon the current proposal.

Sincerely,

Denny King