

be necessary, in order to carry out the provisions of this act.

Passed the Senate March 1, 1945.

Passed the House March 7, 1945.

Approved by the Governor March 16, 1945.

---

CHAPTER 216.

[ S. B. 294. ]

POLLUTION CONTROL COMMISSION.

AN ACT to create the Pollution Control Commission of the State of Washington; declaring public policies; granting it control over the pollution of all waters of the state, with powers to make rules and regulations governing the same, and prescribing the powers and duties of such commission; and prohibiting the pollution of any waters of the state, and providing penalties for violation thereof, and making an appropriation.

*Be it enacted by the Legislature of the State of Washington:*

Preamble.

SECTION 1. It is declared to be the public policy of the State of Washington to maintain the highest possible standards to insure the purity of all waters of the state consistent with public health and public enjoyment thereof, the propagation and protection of wild life, birds, game, fish and other aquatic life, and the industrial development of the state, and to that end require the use of all known available and reasonable methods by industries and others to prevent and control the pollution of the waters of the State of Washington.

Person.

SEC. 2. Whenever the word "person" is used in this act, it shall be construed to include any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual or any other entity whatsoever. Wherever the words "waters of the state" shall be used in this act, they shall be construed to

Waters of the state.

include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of the State of Washington.

SEC. 3. There is hereby created a "Pollution Control Commission" of the State of Washington, composed of the Director of the Department of Conservation and Development; the Director of the Department of Fisheries; the Director of the Department of Game; the Director of the Department of Health; and the Director of the Department of Agriculture.

Pollution  
Control  
Commission.

SEC. 4. The members of the Commission shall receive no additional compensation for their services as members of the Commission other than their necessary traveling and subsistence expense while acting as such member of the Commission.

Expenses.

SEC. 5. The Commission shall elect its own chairman and may recommend a director to be appointed by the Governor. The Governor shall appoint or remove at his pleasure, and fix the salary of the Director.

Chairman.

Director.

SEC. 6. The Commission shall have the power to make its own rules, regulations, and procedure, and shall meet at least bi-monthly and shall keep a complete record of all its proceedings.

Rules.  
Meetings.

SEC. 7. The Chief Public Health Engineer of the State Department of Health shall serve as technical secretary of the Commission. He shall receive no additional salary or wages for such services. The Director shall have charge of the operating, staffing, directing, coordinating and supervising its activities. He shall submit a written progress report of the work of the staff to the Commission before each regular bi-monthly meeting.

Health  
Engineer  
technical  
secretary.

SEC. 8. The technical secretary may be assisted when necessary by technical advisors appointed by the respective members of the Commission from

Assistants.

their respective departments. Technical advisors when appointed shall receive no additional salary or wages for such services to the Commission.

Special meetings.

SEC. 9. Special meetings may be called by the chairman of the Commission or by three members of the Commission by delivery of written notice at the office of each member of the Commission. Three members of the Commission shall constitute a quorum to transact the business of the Commission at either special or regular meetings.

Jurisdiction.

SEC. 10. The Commission shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the State of Washington.

Authority.

SEC. 11. The Commission shall have authority to, and shall enforce the provisions of this act and shall have the power to adopt, prescribe and promulgate rules, regulations and standards consistent with known, available and reasonable methods of preventing pollution, and consistent with the public welfare as it deems necessary to carry out the purposes of this act.

Power to relieve pollution.

SEC. 12. Whenever, in the opinion of the Commission, an emergency exists on account of any discharge, or threatened discharge, of waste matter which pollutes, tends to pollute or contributes to the pollution of the waters of the state, it is empowered and shall seek injunctive or abatement relief in a court of competent jurisdiction, against such discharge or threatened discharge.

SEC. 13. The Commission shall determine what qualities and properties of water shall indicate a polluted condition of such waters of the state, which is or may be deleterious to the public health; to the prosecution of any industries; to the lawful occupation on which or in which any such waters may be

lawfully used; to the carrying on of any agricultural, or horticultural pursuit which may be injuriously affected; to the lawful conduct of any livestock industries; to the use of any such waters for domestic animals; to the lawful use of any such waters by the State of Washington or any political subdivision, corporation, municipal corporation, association, partnership, person or any other legal entity; to any fish or other aquatic life, migratory bird life, beneficial animal or vegetable life in said waters which may be destroyed, or to the growth or propagation thereof, which may be prevented or injuriously affected. Any such determination made by the Commission shall be filed of record in the office of the Commission.

Power to determine pollution.

SEC. 14. It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause a polluted condition of such waters according to the determination of the Commission, as provided for in this act. The Commission is authorized to bring any appropriate action at law or in equity in the name of the people of the State of Washington, as may be necessary to carry out the provisions of this act.

Unlawful to permit pollution.

SEC. 15. The Commission or its duly appointed agent shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution of, or the possible pollution of any of the waters of this state.

Inspection authorized.

SEC. 16. The Commission shall have the right to request and receive the assistance of any educational institution or state agency when it is deemed necessary by the Commission to carry out the provisions of this act.

Assistance of state agencies.

Sewer  
plans  
approved.

SEC. 17. All plans and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, shall be submitted to and be approved by the Commission, before construction thereof may begin.

Notice.

SEC. 18. Whenever, in the opinion of the Commission, any person shall violate or is about to violate the provisions of this act, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the Commission shall notify such person of its determination by registered mail. Within fifteen (15) days from the receipt of notice of such determination, such person shall file with the Commission a full report stating what steps have been and are being taken to control such waste or pollution. Whereupon the Commission may issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

Hearing.

SEC. 19. The Commission shall grant a hearing to any person who shall feel aggrieved by any order or directive of the Commission, upon application filed within fifteen (15) days from receipt thereof. At such hearing the petitioner may appear, present witnesses and submit evidence. Following such hearing the Commission shall make its order or directive, and, unless appeal is taken therefrom as hereinafter provided, the same shall be final and conclusive. Such order or directive shall be subject to review and trial de novo as a cause in equity upon petition filed within fifteen (15) days of the issuance of such order or directive, in the Superior Court of the county in which the affected system or plant, or some portion thereof, is situated. Except in case of an emergency affecting the public health, any order or directive shall be stayed pending the hearing before

Appeal.

the Commission and, in case of appeal, pending final determination of the matter by the Court. Any order or directive shall be subject to modification or revision by the Commission upon the petition of any party adversely affected thereby.

SEC. 20. Any person found guilty of willfully violating any of the provisions of this act, or any final written orders or directive of the Commission or a court in pursuance thereof shall be deemed guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars (\$100) and costs of prosecution, or by imprisonment in the county jail [jail] for not more than one year, or by both such fine and imprisonment in the discretion of the Court. Each day upon which a willful violation of the provisions of this act occurs may be deemed a separate and additional violation. Penalty.

SEC. 21. This act shall not be construed as repealing any of the laws governing the pollution of the waters of the state, but shall be held and construed as ancillary to and supplementing the same and an addition to the laws now in force, except as the same may be in direct conflict herewith. Conflicting acts.

SEC. 22. There is hereby appropriated the sum of one hundred twenty-five thousand dollars (\$125,000) from the General Fund for the purpose of carrying out the provisions of this act. Appropriation.

SEC. 23. Should any section or provision of this act be held invalid by any court of competent jurisdiction, the same shall not affect the validity of the act as a whole or any part thereof other than that portion so held to be invalid. Partial invalidity.

Passed the Senate March 7, 1945.

Passed the House March 6, 1945.

Approved by the Governor March 16, 1945.