

CHAPTER 133
[Engrossed House Bill No. 305]
WATER POLLUTION--OIL DISCHARGES

AN ACT Relating to water pollution; adding new sections to chapter 90.48 RCW; and providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. There is added to chapter 90.48 RCW a new section to read as follows:

No person shall intentionally or negligently discharge oil or cause or permit the entry of the same into waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated. This section shall not apply to discharges of oil in the following circumstances:

(1) The person discharging was expressly authorized to do so by the water pollution control commission prior to the entry of the oil into state waters;

(2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200.

NEW SECTION. Sec. 2. There is added to chapter 90.48 RCW a new section to read as follows:

It shall be the obligation of any person discharging oil or causing or permitting the entry of the same into waters of the state in violation of section 1 of this 1969 act to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same.

NEW SECTION. Sec. 3. There is added to chapter 90.48 RCW a new section to read as follows:

The water pollution control commission is authorized, with the staff, equipment and material under its control, or by contract with others, to take such actions as are necessary to collect, remove, treat, or disperse oil discharged into waters of the state. The director of the commission shall keep a record of all necessary expenses incurred in carrying out any project or activity authorized under this section, including a reasonable charge for the services performed by the state's personnel and the state's

equipment and materials utilized. The authority granted hereunder shall be limited to projects and activities which are designed to protect the public interest or public property.

NEW SECTION. Sec. 4. There is added to chapter 90.48 RCW a new section to read as follows:

Any person who fails to immediately collect, remove, treat or disperse oil when under an obligation to do so as provided in section 2 of this 1969 act, shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under section 3 of this 1969 act.

NEW SECTION. Sec. 5. There is added to chapter 90.48 RCW a new section to read as follows:

The director shall investigate each activity or project conducted under section 3 of this 1969 act to determine, if possible, the circumstances surrounding the entry of oil into waters of the state and the person or persons allowing said entry or responsible for the act or acts which result in said entry. Whenever it appears to the director, after investigation, that a specific person or persons are responsible for the necessary expenses incurred by the state pertaining to a project or activity as specified in section 4 of this 1969 act, the director shall notify said person or persons by appropriate order: PROVIDED, That no order may be issued pertaining to a project or activity which was completed more than five years prior to the date of the proposed issuance of the order. Said order shall state the findings of the director, the amount of necessary expenses incurred by the commission in conducting the project or activity, and a notice that said amount is due and payable immediately upon receipt of said order. The commission may, upon application from the recipient of an order received within thirty days from the receipt of the order, reduce or set aside in its entirety the amount due and payable, when it appears from the application, and from any further investigation the commission may desire to undertake, that a reduction or setting aside is just and fair under all the circumstances. If the amount specified in the order issued by the director notifying said person or persons is not

paid within thirty days after receipt of notice imposing the same, or if an application has been made within thirty days as herein provided and the amount provided in the order issued by the commission subsequent to such application is not paid within fifteen days after receipt thereof, the attorney general, upon request of the director, shall bring an action on behalf of the state in the superior court of Thurston county or any county in which the person to which the order is directed does business to recover the amount specified in the final order of the director or the commission, as appropriate. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135.

NEW SECTION. Sec. 6. There is added to chapter 90.48 RCW a new section to read as follows:

The commission shall adopt such rules and regulations as it deems necessary and proper for the purpose of carrying out the provisions of sections 1 through 11 of this 1969 act.

NEW SECTION. Sec. 7. There is added to chapter 90.48 RCW a new section to read as follows:

Any person who discharges oil, or causes or permits the entry of the same in violation of section 1 of this 1969 act, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to twenty thousand dollars for every such violation; said amount to be determined by the director of the commission after taking into consideration the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty herein provided for shall become due and payable when the person incurring the same receives a notice in writing from the director of the commission describing such violation with reasonable particularity and advising such person that the penalty is due. The director may, upon written application therefor, received within fifteen days, and when deemed in the best

interest of the state in carrying out the purposes of this chapter, remit or mitigate any penalty provided for in this section or discontinue any prosecution to recover the same upon such terms as he in his discretion shall deem proper, and shall have the authority to ascertain the facts upon all such applications in such manner and under such regulations as he may deem proper. If the amount of such penalty is not paid to the commission within fifteen days after the receipt of notice imposing the same, or if an application for remission or mitigation has been made within fifteen days as herein provided and the amount provided in the order issued by the director subsequent to such application is not paid within fifteen days after the receipt thereof, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or any other county in which such violator may do business, to recover the amount specified in the final order of the director. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided. All penalties recovered under this section shall be paid into the state treasury and credited to the general fund. No order issued under this section shall be construed as an order within the meaning of RCW 90.48.135.

NEW SECTION. Sec 8. There is added to chapter 90.48 RCW a new section to read as follows:

The commission, through its duly authorized representatives, shall have the power to enter upon any private or public property, including the boarding of any ship, at any reasonable time, and the owner, managing agent, master or occupant of such property shall permit such entry for the purpose of investigating conditions relating to violations or possible violations of sections 1 through 11 of this 1969 act, and to have access to any pertinent records relating to such property, including but not limited to operation and maintenance records and logs: PROVIDED, That in connection with the authority granted herein no person shall be required to divulge trade secrets or secret processes.

NEW SECTION. Sec. 9. There is added to chapter 90.48 RCW a new

section to read as follows:

It shall be the duty of any person discharging oil or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the commission prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the water pollution control commission at its office in Olympia, or a regional office thereof, of such discharge or entry.

NEW SECTION. Sec. 10. There is added to chapter 90.48 RCW a new section to read as follows:

For purposes of sections 1 through 11 of this 1969 act the following definitions shall apply:

(1) "Oils" or "oil" shall mean oil, including gasoline, crude oil, fuel oil, diesel oil, lubricating oil, sludge, oil refuse and any other petroleum related product.

(2) "Person" shall mean "person" as defined by RCW 90.48.020 and in addition shall include any owner, operator, master, officer or employee of a ship.

(3) "Waters of the state" shall mean "waters of the state" as defined in RCW 90.48.020.

(4) "Ship" shall mean any boat, ship, vessel, barge, or other floating craft of any kind.

NEW SECTION. Sec. 11. There is added to chapter 90.48 RCW a new section to read as follows:

Sections 1 through 11 of this 1969 act shall grant authority to the water pollution control commission which is supplemental to and in no way reduces or otherwise modifies the powers heretofore granted to the water pollution control commission, except as it may directly conflict therewith.

NEW SECTION. Sec. 12. If any provision of this 1969 act or the application thereof to any person or circumstance is held invalid, this 1969 act can be given effect without the invalid provision or application; and to this end the provisions of this 1969 act are declared to be severable. This 1969 act shall be liberally con-

strued to effectuate its purpose.

Passed the House March 14, 1969
Passed the Senate April 11, 1969
Approved by the Governor April 21, 1969
Filed in office of Secretary of State April 21, 1969

CHAPTER 134
[Engrossed House Bill No. 596]
SOLID WASTE MANAGEMENT

AN ACT Relating to environmental quality; providing procedures for solid waste management; providing penalties; and declaring effective dates.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Section 1. The legislature finds:

(1) Continuing technological changes in methods of manufacture, packaging, and marketing of consumer products, together with the economic and population growth of this state, the rising affluence of its citizens, and its expanding industrial activity have created new and ever-mounting problems involving disposal of garbage, refuse, and solid waste materials resulting from domestic, agricultural, and industrial activities.

(2) Traditional methods of disposing of solid wastes in this state are no longer adequate to meet the ever-increasing problem. Improper methods and practices of handling and disposal of solid wastes pollute our land, air and water resources, blight our countryside, adversely affect land values, and damage the overall quality of our environment.

NEW SECTION. Sec. 2. The purpose of this act is to establish a comprehensive statewide program for solid waste handling which will prevent land, air, and water pollution and conserve the natural and economic resources of this state. To this end it is the purpose of this act:

(1) To assign primary responsibility for adequate solid waste handling to local government, reserving to the state, however, those functions necessary to assure effective programs throughout the state;

(2) To provide for adequate planning for solid waste handling