

NEW SECTION. Sec. 6. (1) The director shall adopt such rules and regulations, in conformity with chapter 34.04 RCW, as the director believes are appropriate for the proper administration of this chapter.

(2) Whenever the director believes it appropriate to protect the interest of consumers of organic foods, the director shall add to the list of substances that may not be included in organic foods under this chapter.

(3) The director shall issue orders to producers or vendors whom it finds are violating any provision of this chapter, or rules or regulations adopted under this chapter, to cease their violations and desist from future violations. Whenever the director finds that a producer or vendor has committed a violation, the director shall impose on and collect from the violator a civil fine not exceeding the total of the following amounts: (a) The state's estimated costs of investigating and taking appropriate administrative and enforcement actions in respect to the violation; and (b) one thousand dollars.

NEW SECTION. Sec. 7. A new section is added to chapter 19.86 RCW to read as follows:

Any violation of section 3 of this act shall also constitute a violation under RCW 19.86.020.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall constitute a new chapter in Title 15 RCW.

Passed the House April 22, 1985.

Passed the Senate April 17, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

CHAPTER 248

[Substitute House Bill No. 466]
FISH DEALERS AND BUYERS

AN ACT Relating to fish dealers and buyers; amending RCW 75.28.300; adding a new section to chapter 75.10 RCW; adding new sections to chapter 75.28 RCW; repealing RCW 75.28.350; and prescribing penalties.

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

Sec. 1. Section 75.28.300, chapter 12, Laws of 1955 as last amended by section 132, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.300 are each amended to read as follows:

A wholesale fish dealer's license is required for:

(1) A business in the state to engage in the commercial processing of food fish or shellfish, including custom canning or processing of personal use food fish or shellfish.

(2) A business in the state to engage in the wholesale selling, buying, or brokering of food fish or shellfish. A wholesale fish dealer's license is not

required of those businesses which buy exclusively from Washington licensed wholesale dealers and sell solely at retail.

(3) Fishermen or aquaculturists who land and sell their catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state.

(4) A business to engage in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish.

(5) A business employing a fish buyer as defined under section 2 of this 1985 act.

The annual license fee is thirty-seven dollars and fifty cents. A wholesale fish dealer's license is not required for persons buying or selling oyster seed for transplant.

NEW SECTION. Sec. 2. A new section is added to chapter 75.28 RCW to read as follows:

(1) A fish buyer's permit is required of and shall be carried by each individual engaged by a wholesale fish dealer as a fish buyer. A fish buyer may represent only one wholesale fish dealer.

(2) The annual fee for a fish buyer's permit is seven dollars and fifty cents.

(3) As used in this chapter, "fish buyer" means an individual who purchases food fish or shellfish and is a permit holder under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 75.28 RCW to read as follows:

A wholesale dealer who is an individual may be a fish buyer.

NEW SECTION. Sec. 4. A new section is added to chapter 75.28 RCW to read as follows:

Wholesale fish dealers are responsible for documenting the commercial harvest of food fish and shellfish according to the rules of the director. The director may allow only wholesale fish dealers or their designees to receive the forms necessary for the accounting of the commercial harvest of food fish and shellfish.

NEW SECTION. Sec. 5. A new section is added to chapter 75.10 RCW to read as follows:

Since violation of the rules of the director relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW or a rule of the director related to the accounting of the commercial harvest of food fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest,

fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of food fish and shellfish are lost or destroyed and the wholesale dealer notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection following the effective date of this act and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

NEW SECTION. Sec. 6. A new section is added to chapter 75.28 RCW to read as follows:

(1) A wholesale fish dealer shall not take possession of food fish or shellfish until the dealer has deposited with the department an acceptable performance bond on forms prescribed and furnished by the department. This performance bond shall be a corporate surety bond executed in favor of the department by a corporation authorized to do business in the state of Washington under chapter 48.28 RCW and approved by the department. The bond shall be filed and maintained in an amount equal to one thousand dollars for each buyer engaged by the wholesale dealer. In no case shall the bond be less than two thousand dollars nor more than fifty thousand dollars.

(2) A wholesale dealer shall, within seven days of engaging additional fish buyers, notify the department and increase the amount of the bonding required in subsection (1) of this section.

(3) The director may suspend and refuse to reissue a wholesale fish dealer's license of a dealer who has taken possession of food fish or shellfish without an acceptable performance bond on deposit with the department.

(4) The bond shall be conditioned upon the compliance with the requirements of this chapter and rules of the director relating to the payment of fines for violations of rules for the accounting of the commercial harvest of food fish or shellfish. In lieu of the surety bond required by this section the wholesale fish dealer may file with the department a cash deposit, negotiable securities acceptable to the department, or an assignment of a savings account or of a savings certificate in a Washington bank on an assignment form prescribed by the department.

(5) Liability under the bond shall be maintained as long as the wholesale fish dealer engages in activities under RCW 75.28.300 unless released.

Liability under the bond may be released only upon written notification from the department. Notification shall be given upon acceptance by the department of a substitute bond or forty-five days after the expiration of the wholesale fish dealer's annual license. In no event shall the liability of the surety exceed the amount of the surety bond required under this chapter.

NEW SECTION. Sec. 7. A new section is added to chapter 75.28 RCW to read as follows:

The director shall promptly notify by order a wholesale dealer and the appropriate surety when a violation of rules relating to the accounting of commercial harvest has occurred. The notification shall specify the type of violation, the liability to be imposed for damages caused by the violation, and a notice that the amount of liability is due and payable to the department by the wholesale fish dealer and the surety.

If the amount specified in the order is not paid within thirty days after receipt of the notice, the prosecuting attorney for any county in which the persons to whom the order is directed do business, or the attorney general upon request of the department, may bring an action on behalf of the state in the superior court for Thurston county or any county in which the persons to whom the order is directed do business to recover the amount specified in the final order of the department. The surety shall be liable to the state to the extent of the bond.

NEW SECTION. Sec. 8. A new section is added to chapter 75.28 RCW to read as follows:

The liabilities imposed upon a wholesale fish dealer by this chapter shall be in addition to the penalties authorized in chapter 75.10 RCW.

NEW SECTION. Sec. 9. Section 75.28.350, chapter 12, Laws of 1955, section 1, chapter 29, Laws of 1965 ex. sess., section 133, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.350 are each repealed.

Passed the House April 22, 1985.

Passed the Senate April 12, 1985.

Approved by the Governor May 10, 1985.

Filed in Office of Secretary of State May 10, 1985.

CHAPTER 249

[Engrossed Substitute House Bill No. 815]

PUGET SOUND—PRETREATMENT OF INDUSTRIAL WASTEWATER— SEWAGE TREATMENT

AN ACT Relating to water quality; and adding new sections to chapter 90.48 RCW.

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

NEW SECTION. Sec. 1. (1) In order to protect water quality, the department of ecology, in cooperation with the Puget Sound water quality