
HOUSE BILL 1178

State of Washington

61st Legislature

2009 Regular Session

By Representatives Upthegrove, Nelson, Rolfes, and Simpson

Read first time 01/14/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the enforcement of environmental permits
2 affecting aquatic resources; amending RCW 77.15.300; adding new
3 sections to chapter 77.55 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.55 RCW
6 to read as follows:

7 (1) Except as otherwise provided in this section, if any person or
8 government agency fails to follow the requirements of obtaining
9 hydraulic project approval under this chapter, or fails to carry out
10 any of the requirements or conditions of a hydraulic project approval
11 issued under this chapter, the department may issue an order to that
12 person or government agency. The order may require the person or
13 government agency to stop work on any or all of the activities subject
14 to the hydraulic project approval, to correct or to restore the
15 nonconforming site, or to both stop work and to correct or to restore
16 the nonconforming site.

17 (2) Unless the department extends by rule the maximum time for
18 filing, a person receiving an order from the department under this
19 section may file a written petition with the department appealing the

1 order within twenty days of service of the order. The filed petition
2 must be treated as an application for an adjudicative proceeding under
3 chapter 34.05 RCW. In the event of an appeal, a person or government
4 agency may seek interim relief from an order under this section as
5 provided in chapter 34.05 RCW.

6 (3) This section does not apply to a hydraulic project that is
7 subject to a stop work order under RCW 76.09.080.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55 RCW
9 to read as follows:

10 The department may adopt rules to designate that certain violations
11 of the terms or conditions of hydraulic project approvals or orders
12 issued under section 1 of this act are a civil infraction to be
13 punished as a natural resource infraction as provided by chapter 7.84
14 RCW. Any fines issued under this section shall be supplemental to any
15 remedies provided by section 1 of this act.

16 **Sec. 3.** RCW 77.15.300 and 2000 c 107 s 239 are each amended to
17 read as follows:

18 (1) Unless the violation has been identified by rule under section
19 2 of this act as a civil infraction, a person is guilty of unlawfully
20 undertaking hydraulic project activities if the person constructs any
21 form of hydraulic project or performs other work on a hydraulic project
22 and:

23 (a) Fails to have a hydraulic project approval required under
24 chapter 77.55 RCW for such construction or work; (~~or~~)

25 (b) Violates any requirements or conditions of the hydraulic
26 project approval for such construction or work; or

27 (c) Violates any stop work or correction order issued under section
28 1 of this act.

29 (2) Unlawfully undertaking hydraulic project activities is a gross
30 misdemeanor.

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