
SENATE BILL 6288

State of Washington

63rd Legislature

2014 Regular Session

By Senator Dansel

Read first time 01/20/14. Referred to Committee on Energy, Environment & Telecommunications.

1 AN ACT Relating to water quality determinations made by the
2 department of ecology; and amending RCW 90.48.120.

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

4 **Sec. 1.** RCW 90.48.120 and 1992 c 73 s 25 are each amended to read
5 as follows:

6 (1) Whenever(~~(, in the opinion of)~~) the department(~~(,)~~) determines
7 that any person (~~(shall violate or creates)~~) has violated or created a
8 substantial potential to violate the provisions of this chapter or
9 chapter 90.56 RCW, or fails to control the polluting content of waste
10 discharged or to be discharged into any waters of the state, the
11 department shall notify such person of its determination by registered
12 mail. Such determination shall not constitute an order or directive
13 under RCW 43.21B.310. Within thirty days from the receipt of notice of
14 such determination, such person shall file with the department a full
15 report stating what steps have been and are being taken to control such
16 waste or pollution or to otherwise comply with the determination of the
17 department. Whereupon the department shall issue such order or
18 directive as it deems appropriate under the circumstances, and shall
19 notify such person thereof by registered mail.

1 (2) Whenever the department (~~deems~~) determines that immediate
2 action is necessary to accomplish the purposes of this chapter or
3 chapter 90.56 RCW, it may issue such order or directive, as appropriate
4 under the circumstances, without first issuing a notice or
5 determination pursuant to subsection (1) of this section. An order or
6 directive issued pursuant to this subsection shall be served by
7 registered mail or personally upon any person to whom it is directed.
8 (3) All determinations by the department under this section must be
9 based on a preponderance of actual site-based, source-specific
10 environmental testing.

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