RCW 70A.205.730 Cooperative program—State and local government. (1) This section establishes a cooperative program of solid waste handling facility management between local government and the state. Local government shall have the primary responsibility for issuing the permits required by this chapter, administering the regulatory program consistent with the policy and provisions of this chapter, and imposing penalties for violations of the provisions of this chapter. The department shall act primarily in a supportive and review capacity with an emphasis on ensuring compliance with the policy and provisions of this chapter. The department shall enforce the requirements of this chapter under the following circumstances:

(a) A jurisdictional health department may send written notice to the department that it is deferring to the department's authority under this section to enforce the requirements of this chapter with respect to a solid waste handling facility in a jurisdiction.

(b) The department determines that a jurisdictional health department's enforcement action is inadequate to address violations of this chapter by a solid waste handling facility operator. A jurisdictional health department's enforcement action is inadequate when any of the following occur without successful resolution of the violation:

(i) The jurisdictional health department fails to conduct an inspection to verify a reported, credible alleged violation within 45 calendar days after receiving notification of the violation;

(ii) The jurisdictional health department fails to issue a notice of violation or corrective action order within 60 calendar days after observing a violation during an inspection or on-site visit;

(iii) The jurisdictional health department fails to take any enforcement action as authorized under this chapter within 90 calendar days after issuing a notice of violation; or

(iv) The jurisdictional health department has initiated enforcement action but the violation has continued for more than 180 days without resolution or substantial progress toward resolution.

(c) A jurisdictional health department shall notify the department within a reasonable amount of time of the dates and official communications regarding the following activities with respect to a solid waste handling facility operator:

(i) Receipt of a reported, credible alleged violation of this chapter;

(ii) Observation of a violation of this chapter during an inspection or on-site visit;

(iii) Notice of a violation of this chapter or corrective action that was sent by the jurisdictional health department to a solid waste handling operator;

(iv) Any enforcement action taken by the jurisdictional health department; and

(v) Any activities by the solid waste handling facility operator that constitute resolution or progress toward resolution of the violations of this chapter.

(2) When the department determines that a jurisdictional health department enforcement action is inadequate and that it will take enforcement action under subsection (1)(b) of this section, the department shall provide written notice of its intent to enforce to the jurisdictional health department and to the solid waste handling facility operator. The department's notice of intent to enforce must be provided no less than 30 calendar days prior to the department

issuing a penalty or order under this section and RCW 70A.205.740. The 30-day notice requirement may be waived if the violation presents an immediate and substantial endangerment to human health or the environment requiring urgent action. The department's notice of intent to enforce must include:

(a) Identification of the alleged violations of the statute, regulation, or rule that are the basis for the department's enforcement action and the number of alleged violations;

(b) A description of the department's process that led to its determination that such violations existed;

(c) Which of the criteria under subsection (1)(b)(i) through (iv) of this section apply;

(d) The proposed start date and any end date of the department's enforcement action; and

(e) The proposed geographical boundaries of solid waste handling facilities at which the enforcement action is planned.

(3) If within 30 calendar days of the jurisdictional health department's receipt of the department's notice of intent to enforce, and the violation does not present an immediate and substantial endangerment to human health or the environment, the jurisdictional health department initiates an enforcement action that the department and the jurisdictional health department agree will adequately address the identified violations, the department will hold its enforcement action in abeyance.

(4) Upon receipt of an order by the jurisdictional health department or the department, a solid waste handling facility owner or operator must provide information necessary to determine compliance with the requirements of this chapter applicable to solid waste handling facilities.

(5) An applicant or permittee must allow the jurisdictional health department and department to conduct inspections and collect samples.

(6) This section does not apply to actions taken by the department under chapter 70A.305 RCW. [2025 c 311 s 5.]