

(Effective until April 1, 2025)

WAC 246-272A-0430 Enforcement. (1) The department or the local health officer:

(a) Shall enforce the rules of chapter 246-272A WAC; or

(b) May refer cases within their jurisdiction to the local prosecutor's office or office of the attorney general, as appropriate.

(2) When a person violates the provisions under this chapter, the department, local health officer, local prosecutor's office, or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or owner, to explore facts and resolve problems;

(b) Orders directed to the owner and/or operator of the OSS and/or person causing or responsible for the violation of the rules of chapter 246-272A WAC;

(c) Denial, suspension, modification, or revocation of permits, approvals, registrations, or certification;

(d) The penalties under chapter 70.05 RCW and RCW 43.70.190; and

(e) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures necessary to effect compliance with chapter 246-272A WAC which may include a compliance schedule; and

(b) Orders to stop work and/or refrain from using any OSS or portion of the OSS or improvements to the OSS until all permits, certifications, and approvals required by rule or statute are obtained.

(4) Enforcement orders issued under this section shall:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local code;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate. Such notices may include a statement that continued or repeated violation may subject the violator to:

(i) Denial, suspension, or revocation of a permit approval, or certification;

(ii) Referral to the office of the county prosecutor or attorney general; and/or

(iii) Other appropriate remedies.

(g) Provide the name, business address, and phone number of an appropriate staff person who may be contacted regarding an order.

(5) Enforcement orders shall be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(6) The department shall have cause to deny the application or reapplication for an operational permit or to revoke, suspend, or modify a required operational permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

(7) For the purposes of subsection (6) of this section and WAC 246-272A-0440, a person is defined to include:

- (a) Applicant;
- (b) Reapplicant;
- (c) Permit holder; or
- (d) Any individual associated with (a), (b) or (c) of this subsection including, but not limited to:
 - (i) Board members;
 - (ii) Officers;
 - (iii) Managers;
 - (iv) Partners;
 - (v) Association members;
 - (vi) Agents; and
 - (vii) Third persons acting with the knowledge of such persons.

[Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0430, filed 7/18/05, effective 9/15/05.]

(Effective April 1, 2025)

WAC 246-272A-0430 Enforcement. (1) When an OSS is out of compliance with any law or rule regulating OSS and administered by the department or the local health officer, the department or the local health officer may initiate enforcement action. Enforcement action may include, but is not necessarily limited to:

(a) A notice of correction describing the condition that is not in compliance and the text of the specific section or subsection of the applicable state or federal law or rule, a statement of what is required to achieve compliance, and the date by which compliance is to be achieved;

(b) A notice of violation with or without a civil penalty;

(c) An order requiring specific actions or ceasing unacceptable activities within a designated time period;

(d) Suspension, revocation, or modification or denial of permits and licenses as authorized by RCW 43.70.115; and

(e) Civil or criminal penalties authorized under chapter 70.05 RCW and RCW 43.70.190.

(2) An informal conference may be held at the request of any party to resolve disputes arising from enforcement of this chapter.

(3) Notices and orders issued under this section must:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting a violation of the rules of chapter 246-272A WAC, or applicable local rules;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with time or times of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate.

(4) Enforcement orders must be personally served in the manner of service of a summons in a civil action or in another manner showing proof of receipt.

(5) The department shall have cause to deny the application or reapplication for a permit or to revoke, suspend, or modify a required permit of any person who has:

(a) Failed or refused to comply with the provisions of chapter 246-272A WAC, or any other statutory provision or rule regulating the operation of an OSS; or

(b) Obtained or attempted to obtain a permit or any other required certificate or approval by misrepresentation.

[Statutory Authority: RCW 43.20.050(3), 43.20.065, chapters 70A.105 and 70A.110 RCW. WSR 24-06-046, § 246-272A-0430, filed 3/1/24, effective 4/1/25. Statutory Authority: RCW 43.20.050. WSR 05-15-119, § 246-272A-0430, filed 7/18/05, effective 9/15/05.]