

**RCW 70A.505.100 Civil penalty—Appeal—Department's authority.  
(Effective until January 1, 2035.)**

(1)(a) The department may administratively impose a civil penalty on a person who violates this chapter in an amount of up to \$1,000 per violation per day.

(b) The department may administratively impose a civil penalty of up to \$10,000 per violation per day on a person for repeated violations of this chapter or failure to comply with an order issued under (c) of this subsection.

(c) Whenever on the basis of any information the department determines that a person has violated or is in violation of this chapter, including the failure by a stewardship organization to achieve performance goals proposed in a plan or the failure by a legacy producer to respond to a requirement for information by a stewardship organization under RCW 70A.505.050, the department may issue an order requiring compliance. A person who fails to take corrective action as specified in a compliance order is liable for a civil penalty as provided in (b) of this subsection, without receiving a written warning prescribed in (e) of this subsection.

(d) A person who is issued an order or incurs a penalty under this section may appeal the order or penalty to the pollution control hearings board established by chapter 43.21B RCW.

(e) Prior to imposing penalties under this section, the department must provide a producer, legacy producer, retailer, or stewardship organization with a written warning for the first violation by the producer, legacy producer, retailer, or stewardship organization of the requirements of this chapter. The written warning must inform a producer, legacy producer, retailer, or stewardship organization that it must participate in an approved plan or otherwise come into compliance with the requirements of this chapter within 30 days of the notice. A producer, legacy producer, retailer, or stewardship organization that violates a provision of this chapter after the initial written warning may be assessed a penalty as provided in this subsection.

(2)(a) Upon the department notifying a stewardship organization, producer, or legacy producer that it has not met a significant requirement of this chapter, the department may, in addition to assessing the penalties provided in this section, take any combination of the following actions:

(i) Issue corrective action orders to a producer or stewardship organization;

(ii) Issue orders to a stewardship organization to provide for the continued implementation of the program in the absence of an approved plan;

(iii) Revoke the stewardship organization's plan approval and require the stewardship organization to implement its contingency plan under RCW 70A.505.040;

(iv) Require a stewardship organization to revise or resubmit a plan within a specified time frame; or

(v) Require additional reporting related to compliance with the significant requirement of this chapter that was not met.

(b) Prior to taking the actions described in (a)(iii) of this subsection, the department must provide the stewardship organization, producer, or legacy producer an opportunity to respond to or rebut the written finding upon which the action is predicated. [2024 c 339 s 10; 2010 c 130 s 10. Formerly RCW 70.275.100.]

**Finding—Intent—2024 c 339:** See note following RCW 70A.505.010.