
SENATE BILL 5350

State of Washington

62nd Legislature

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By Senators Honeyford, Morton, Swecker, Delvin, and Schoesler

Read first time 01/21/11. Referred to Committee on Environment, Water & Energy.

1 AN ACT Relating to the unlawful dumping of solid waste; and
2 amending RCW 70.95.240.

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

4 **Sec. 1.** RCW 70.95.240 and 2001 c 139 s 2 are each amended to read
5 as follows:

6 (1) After the adoption of regulations or ordinances by any county,
7 city, or jurisdictional board of health providing for the issuance of
8 permits as provided in RCW 70.95.160, it shall be unlawful for any
9 person to dump or deposit or permit the dumping or depositing of any
10 solid waste onto or under the surface of the ground or into the waters
11 of this state except at a solid waste disposal site for which there is
12 a valid permit. This section does not:

13 (a) Prohibit a person from dumping or depositing solid waste
14 resulting from his or her own activities onto or under the surface of
15 ground owned or leased by him or her when such action does not violate
16 statutes or ordinances, or create a nuisance;

17 (b) Apply to a person using a waste-derived soil amendment that has
18 been approved by the department under RCW 70.95.205; ((~~or~~))

1 (c) Apply to a person owning or leasing ground where solid waste is
2 dumped or deposited and there is no written agreement between the
3 person owning or leasing the ground and the person dumping or
4 depositing the solid waste. However, this section does apply to a
5 person who, without written authorization, dumps or deposits solid
6 waste on ground owned or leased by another; or

7 (d) Apply to the application of commercial fertilizer that has been
8 registered with the department of agriculture as provided in RCW
9 15.54.325, and that is applied in accordance with the standards
10 established in RCW 15.54.800(3).

11 (2)(a) It is a class 3 civil infraction as defined in RCW 7.80.120
12 for a person to litter in an amount less than or equal to one cubic
13 foot.

14 (b) It is a misdemeanor for a person to litter in an amount greater
15 than one cubic foot but less than one cubic yard. The person shall
16 also pay a litter cleanup restitution payment equal to twice the actual
17 cost of cleanup, or fifty dollars per cubic foot of litter, whichever
18 is greater. The court shall distribute one-half of the restitution
19 payment to the landowner and one-half of the restitution payment to the
20 jurisdictional health department investigating the incident. The court
21 may, in addition to or in lieu of part or all of the cleanup
22 restitution payment, order the person to pick up and remove litter from
23 the property, with prior permission of the legal owner or, in the case
24 of public property, of the agency managing the property. The court may
25 suspend or modify the litter cleanup restitution payment for a first-
26 time offender under this section, if the person cleans up and properly
27 disposes of the litter.

28 (c) It is a gross misdemeanor for a person to litter in an amount
29 of one cubic yard or more. The person shall also pay a litter cleanup
30 restitution payment equal to twice the actual cost of cleanup, or one
31 hundred dollars per cubic foot of litter, whichever is greater. The
32 court shall distribute one-half of the restitution payment to the
33 landowner and one-half of the restitution payment to the jurisdictional
34 health department investigating the incident. The court may, in
35 addition to or in lieu of part or all of the cleanup restitution
36 payment, order the person to pick up and remove litter from the
37 property, with prior permission of the legal owner or, in the case of
38 public property, of the agency managing the property. The court may

1 suspend or modify the litter cleanup restitution payment for a first-
2 time offender under this section, if the person cleans up and properly
3 disposes of the litter.

4 (d) If a junk vehicle is abandoned in violation of this chapter,
5 RCW 46.55.230 governs the vehicle's removal, disposal, and sale, and
6 the penalties that may be imposed against the person who abandoned the
7 vehicle.

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