
SUBSTITUTE SENATE BILL 5584 (Corrected Copy)

State of Washington

64th Legislature

2015 Regular Session

By Senate Agriculture, Water & Rural Economic Development (originally sponsored by Senator Dansel)

READ FIRST TIME 02/20/15.

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
5 read as follows:

6 (1) Whenever(~~(, in the opinion of)~~) the department(~~(,)~~)
7 determines that any person (~~(shall violate or creates)~~) has violated
8 or created a substantial potential to violate the provisions of this
9 chapter or chapter 90.56 RCW, or fails to control the polluting
10 content of waste discharged or to be discharged into any waters of
11 the state, the department shall notify such person of its
12 determination by registered mail. Such determination shall not
13 constitute an order or directive under RCW 43.21B.310. Within thirty
14 days from the receipt of notice of such determination, such person
15 shall file with the department a full report stating what steps have
16 been and are being taken to control such waste or pollution or to
17 otherwise comply with the determination of the department. Whereupon
18 the department shall issue such order or directive as it deems
19 appropriate under the circumstances, and shall notify such person
20 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
4 appropriate under the circumstances, without first issuing a notice
5 or determination pursuant to subsection (1) of this section. An order
6 or 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, orders, and directives issued by the
9 department under this section must be based on a preponderance of
10 actual site-based, source-specific environmental testing.

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