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**SENATE BILL 5584**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Dansel

AN ACT Relating to water quality determinations made by the department of ecology; and amending RCW 90.48.120.

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

**Sec.**  RCW 90.48.120 and 1992 c 73 s 25 are each amended to read as follows:

(1) Whenever((~~, in the opinion of~~)) the department((~~,~~)) determines that any person ((~~shall violate or creates~~)) has violated or created a substantial potential to violate the provisions of this chapter or chapter 90.56 RCW, or fails to control the polluting content of waste discharged or to be discharged into any waters of the state, the department shall notify such person of its determination by registered mail. Such determination shall not constitute an order or directive under RCW 43.21B.310. Within thirty days from the receipt of notice of such determination, such person shall file with the department a full report stating what steps have been and are being taken to control such waste or pollution or to otherwise comply with the determination of the department. Whereupon the department shall issue such order or directive as it deems appropriate under the circumstances, and shall notify such person thereof by registered mail.

(2) Whenever the department ((~~deems~~)) determines that immediate action is necessary to accomplish the purposes of this chapter or chapter 90.56 RCW, it may issue such order or directive, as appropriate under the circumstances, without first issuing a notice or determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed.

(3) All determinations by the department under this section must be based on a preponderance of actual site-based, source-specific environmental testing.

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