

RCW 90.56.310 Operation of a facility or vessel without contingency or prevention plan or financial responsibility—Civil penalty. (1) Except as provided in subsection (3) of this section, it shall be unlawful:

(a) For the owner or operator to operate an onshore or offshore facility without an approved contingency plan as required under RCW 90.56.210, a spill prevention plan required by RCW 90.56.200, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990; or

(b) For the owner or operator of an onshore or offshore facility to transfer cargo or passengers to or from a covered vessel that does not have an approved contingency plan or an approved prevention plan required under chapter 88.46 RCW or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(2) The department may assess a civil penalty under RCW 43.21B.300 of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

(3) It shall not be unlawful for a facility or other person to operate or accept cargo or passengers from a covered vessel if:

(a) A contingency plan, a prevention plan, or financial responsibility is not required for the facility; or

(b) A contingency and prevention plan has been submitted to the department as required by this chapter and rules adopted by the department and the department is reviewing the plan and has not denied approval.

(4) Any person may rely on a copy of the statement issued by the department pursuant to *RCW 90.56.210(7) as evidence that the facility has an approved contingency plan and the statement issued pursuant to **RCW 90.56.200(4) as evidence that the facility has an approved spill prevention plan. Any person may rely on a copy of the statement issued by the ***office of marine safety, or its successor agency, the department, pursuant to RCW 88.46.060 as evidence that the vessel has an approved contingency plan and the statement issued pursuant to RCW 88.46.040 as evidence that the vessel has an approved prevention plan. [2000 c 69 § 34; 1992 c 73 § 35; 1991 c 200 § 302; 1990 c 116 § 9. Formerly RCW 90.48.377.]

Reviser's note: *(1) RCW 90.56.210 was amended by 2015 c 274 § 5, changing subsection (7) to subsection (8).

** (2) RCW 90.56.200 was amended by 2015 c 274 § 4, changing subsection (4) to subsection (5).

*** (3) The office of marine safety was abolished and its powers, duties, and functions transferred to the department of ecology by 1991 c 200 § 430, effective July 1, 1997.

Effective dates—1992 c 73: See RCW 82.23B.902.

Findings—Severability—1990 c 116: See notes following RCW 90.56.210.