

WAC 246-272C-0520 Enforcement. (1) The department shall enforce the provisions of this chapter.

(2) When a person violates the provisions under this chapter, the department or office of the attorney general may initiate enforcement or disciplinary actions, or any other legal proceeding authorized by law including, but not limited to, any one or a combination of the following:

(a) Informal administrative conferences, convened at the request of the department or tank manufacturer, to explore facts and resolve problems;

(b) Orders directed to the tank manufacturer or person causing or responsible for the violation of this chapter;

(c) Denial, suspension, modification, or revocation of approvals or tank registration;

(d) The penalties under RCW 43.70.190; and

(e) Civil or criminal action.

(3) Orders authorized under this section include the following:

(a) Orders requiring corrective measures; and

(b) Orders to stop work or to stop sales of sewage tanks until the manufacturer obtains all certifications and approvals required by rule or statute.

(4) Enforcement orders issued under this section must:

(a) Be in writing;

(b) Name the person or persons to whom the order is directed;

(c) Briefly describe each action or inaction constituting the violation and the rule or statutory citation;

(d) Specify any required corrective action, if applicable;

(e) Specify the effective date of the order, with a timeline of compliance;

(f) Provide notice of the consequences of failure to comply or repeated violation, as appropriate;

(g) Provide the name, business address, and phone number of the department staff person who may be contacted regarding an order.

(5) Enforcement orders issued under this section may include a statement that continued or repeated violation may subject the violator to:

(a) Denial, suspension, or revocation of approval or registration;

(b) Referral to the office of attorney general; or

(c) Other appropriate remedies.

(6) Enforcement orders must be personally served in the manner of service of a summons in a civil action or in a manner showing proof of receipt.

(7) The department shall have cause to deny the application or reapplication, or to revoke, suspend, or modify registrations or approvals of any person who:

(a) Fails or refuses to comply with the provisions of this chapter, or any other statutory provision;

(b) Obtains or attempts to obtain a required certificate or approval by fraud or misrepresentation; or

(c) Manufactures or constructs a tank which structurally fails or collapses.

[Statutory Authority: RCW 43.20.050 (2) and (3). WSR 09-23-119, § 246-272C-0520, filed 11/18/09, effective 12/19/09.]