

**WAC 16-611-100 Assessing civil penalties.** The department may assess civil penalties.

(1) Nothing in this chapter shall prevent the department from:

(a) Choosing not to pursue a civil penalty;

(b) Issuing a notice of correction in lieu of pursuing a civil penalty;

(c) Negotiating a settlement of cases of such terms and for reasons as it deems necessary; or

(d) Referring a violation to any federal or state agency with jurisdiction over the activities in question.

(2) Prior violations may be used by the department for the purpose of determining the appropriate penalty for current violations.

(3) Responses and mitigating actions taken by the dairy and responsible party may be used by the department for the purpose of determining the appropriate penalty for current violations.

(4) Civil penalties under this rule are imposed pursuant to the procedures set forth in RCW 43.21B.300 and may be appealed to the pollution control hearings board in accordance with chapter 43.21B RCW.

[Statutory Authority: RCW 90.64.110 and chapter 34.05 RCW. WSR 12-22-019, § 16-611-100, filed 10/29/12, effective 11/29/12.]