
HOUSE BILL 2785

State of Washington 60th Legislature 2008 Regular Session

By Representatives Upthegrove, Nelson, Lantz, McCoy, and Simpson

Read first time 01/16/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the enforcement of environmental permits
2 affecting aquatic resources; amending RCW 77.15.300; and adding new
3 sections to chapter 77.55 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.55 RCW
6 to read as follows:

7 (1) If any person or government agency fails to follow the
8 requirements of obtaining hydraulic project approval under this
9 chapter, or fails to carry out any of the requirements or conditions of
10 a hydraulic project approval issued under this chapter, the department
11 may issue an order to that person or government agency. The order may
12 require the person or government agency to stop work on any or all of
13 the activities subject to the hydraulic project approval, to correct or
14 to restore the nonconforming site, or to both stop work and to correct
15 or to restore the nonconforming site.

16 (2) Unless the department extends by rule the maximum time for
17 filing, a person receiving an order from the department under this
18 section may file a written petition with the department appealing the
19 order within twenty days of service of the order. The filed petition

1 must be treated as an application for an adjudicative proceeding under
2 chapter 34.05 RCW. In the event of an appeal, a person or government
3 agency may seek interim relief from an order under this section as
4 provided in chapter 34.05 RCW.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.55 RCW
6 to read as follows:

7 The department may adopt rules to designate that certain violations
8 of the terms or conditions of hydraulic project approvals or orders
9 issued under section 1 of this act are a civil infraction to be
10 punished as a natural resource infraction as provided by chapter 7.84
11 RCW. Any fines issued under this section shall be supplemental to any
12 remedies provided by section 1 of this act.

13 **Sec. 3.** RCW 77.15.300 and 2000 c 107 s 239 are each amended to
14 read as follows:

15 (1) Unless the violation has been identified by rule under section
16 2 of this act as a civil infraction, a person is guilty of unlawfully
17 undertaking hydraulic project activities if the person constructs any
18 form of hydraulic project or performs other work on a hydraulic project
19 and:

20 (a) Fails to have a hydraulic project approval required under
21 chapter 77.55 RCW for such construction or work; (~~or~~)

22 (b) Violates any requirements or conditions of the hydraulic
23 project approval for such construction or work; or

24 (c) Violates any stop work or correction order issued under section
25 1 of this act.

26 (2) Unlawfully undertaking hydraulic project activities is a gross
27 misdemeanor.

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