
SECOND ENGROSSED SUBSTITUTE SENATE BILL 5360

State of Washington

69th Legislature

2025 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Trudeau, Lovelett, Frame, Hasegawa, Krishnadasan, Nobles, and Valdez)

READ FIRST TIME 02/10/25.

1 AN ACT Relating to environmental crimes; amending RCW 9.94A.515,
2 70A.15.2520, 70A.15.3010, and 70A.15.3130; reenacting and amending
3 RCW 70A.15.1030; adding new sections to chapter 90.48 RCW; adding new
4 sections to chapter 70A.15 RCW; adding new sections to chapter
5 70A.300 RCW; adding a new section to chapter 43.10 RCW; creating a
6 new section; repealing RCW 90.48.140, 70A.15.3150, 70A.300.100, and
7 70A.300.110; and prescribing penalties.

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

9 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

10 (a) Washington is a state of great beauty and natural resources.
11 It is vital to preserve these resources to ensure that future
12 generations can benefit and enjoy the state's abundance. Washington
13 has long been a national and international leader in environmental
14 stewardship, including air and water quality protection and natural
15 resource conservation. It is the objective of the legislature to
16 maintain the chemical, physical, and biological integrity of the
17 state's water, air, and other natural resources to protect human
18 health and the environment for all Washingtonians.

19 (b) Washington is home to a rich and diverse economy including
20 aerospace, construction, farming, fishing, logging, manufacturing,
21 mining, ranching, technology, and many other industries. These

1 industries drive Washington's vibrant economy and have helped improve
2 the quality of life for many in Washington. Washingtonians and our
3 businesses care deeply about the state's environment and work hard to
4 comply with environmental regulations to ensure a safe and
5 sustainable environment. It is vital to the future of Washington to
6 continue to have robust agricultural and industrial sectors to
7 promote prosperity for all Washingtonians.

8 (c) Environmental violations can cause significant harm to human
9 health and the environment that can last for generations. Effective
10 enforcement of environmental laws includes criminal enforcement for
11 the most egregious violations of environmental statutes and
12 regulations. The availability of criminal enforcement of
13 environmental laws deters bad actors because environmental crimes are
14 often deliberately committed to enhance profit, avoid cost, or
15 achieve a competitive advantage against businesses that follow
16 environmental laws and regulations.

17 (2) Therefore, it is the intent of the legislature to prohibit
18 acts that are completed knowingly or represent a gross deviation from
19 a reasonable standard of care and not to penalize accidents or
20 mistakes that occur in the normal course of business through no fault
21 of an operator.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.48
23 RCW to read as follows:

24 (1) A person is guilty of a violation of this chapter in the
25 first degree if the person knowingly violates any provisions of this
26 chapter or chapter 90.56 RCW, or any permit issued under this chapter
27 or Title 33 of the United States Code, and the person knows at the
28 time that the conduct constituting the violation places another
29 person in imminent danger of death or substantial bodily harm.

30 (2) An entity is guilty of the offense described in subsection
31 (1) of this section if an agent of the entity commits the offense
32 while acting within the scope of his or her duties and on behalf of
33 the entity.

34 (3) Each day upon which a violation of this section occurs may be
35 deemed a separate and additional violation. For purposes of
36 confinement, those separate and additional violations that are
37 continuous must be considered the same criminal conduct as described
38 in RCW 9.94A.589.

1 (4) A violation of this chapter in the first degree is a class B
2 felony punishable according to chapter 9A.20 RCW.

3 (5) Conduct in compliance with the provisions of a permit,
4 including reporting or corrective actions taken pursuant to the
5 permit, must not be considered a violation of this section.

6 (6) It is an affirmative defense to a crime charged pursuant to
7 this section, if established by the defendant by a preponderance of
8 the evidence, that the defendant:

9 (a) Did not know the conduct was unlawful;

10 (b) Acted within the scope of their employment; and

11 (c) Engaged in the otherwise unlawful conduct under orders from
12 the employer.

13 (7) Nothing in this section applies to silt and sediment
14 discharges permitted by a construction stormwater general permit
15 issued under this chapter.

16 (8) It is not a violation of this chapter if the conduct
17 constituting the alleged violation was performed by a person at the
18 direction of the applicable permitting agency.

19 (9) For the purposes of this section:

20 (a) "Imminent danger" means that there is a substantial
21 likelihood that harm will be experienced should the danger not be
22 eliminated.

23 (b) "Knows" or "knowingly" have the same meaning as "knowledge"
24 provided in RCW 9A.08.010.

25 (c) "Substantial bodily harm" has the same meaning as that term
26 is defined in RCW 9A.04.110.

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.48
28 RCW to read as follows:

29 (1) A person is guilty of a violation of this chapter in the
30 second degree if the person, under circumstances not amounting to a
31 violation of this chapter in the first degree, knowingly violates any
32 of the provisions of this chapter or chapter 90.56 RCW, or any permit
33 issued under this chapter or Title 33 of the United States Code.

34 (2) An entity is guilty of the offense described in subsection
35 (1) of this section if an agent of the entity commits the offense
36 while acting within the scope of his or her duties and on behalf of
37 the entity.

38 (3) Each day upon which a violation of this section occurs may be
39 deemed a separate and additional violation. For purposes of

1 confinement, those separate and additional violations that are
2 continuous must be considered the same criminal conduct as described
3 in RCW 9.94A.589.

4 (4) A violation of this chapter in the second degree is a class C
5 felony punishable according to chapter 9A.20 RCW.

6 (5) Conduct in compliance with the provisions of a permit,
7 including reporting or corrective actions taken pursuant to the
8 permit, must not be considered a violation of this section.

9 (6) It is an affirmative defense to a crime charged pursuant to
10 this section, if established by the defendant by a preponderance of
11 the evidence, that the defendant:

12 (a) Did not know the conduct was unlawful;

13 (b) Acted within the scope of their employment; and

14 (c) Engaged in the otherwise unlawful conduct under orders from
15 the employer.

16 (7) Nothing in this section applies to silt and sediment
17 discharges permitted by a construction stormwater general permit
18 issued under this chapter.

19 (8) It is not a violation of this chapter if the conduct
20 constituting the alleged violation was performed by a person at the
21 direction of the applicable permitting agency.

22 (9) For the purposes of this section, "knowingly" has the same
23 meaning as "knowledge" provided in RCW 9A.08.010.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.48
25 RCW to read as follows:

26 (1) A person is guilty of a violation of this chapter in the
27 third degree if the person, under circumstances not amounting to a
28 violation of this chapter in the first or second degree, while acting
29 with criminal negligence, violates any of the provisions of this
30 chapter or chapter 90.56 RCW, or any permit issued under this chapter
31 or Title 33 of the United States Code.

32 (2) An entity is guilty of the offense described in subsection
33 (1) of this section if an agent of the entity commits the offense
34 while acting within the scope of his or her duties and on behalf of
35 the entity.

36 (3) Each day upon which a violation of this section occurs may be
37 deemed a separate and additional violation. For purposes of
38 confinement, those separate and additional violations that are
39 continuous must be considered the same criminal conduct.

1 (4) A violation of this chapter in the third degree is a gross
2 misdemeanor punishable by a fine of up to \$10,000 and costs of
3 prosecution, by imprisonment in the county jail for up to 364 days,
4 or by both such fine and imprisonment in the discretion of the court.

5 (5) Conduct in compliance with the provisions of a permit,
6 including reporting or corrective actions taken pursuant to the
7 permit, must not be considered a violation of this section.

8 (6) Nothing in this section applies to silt and sediment
9 discharges permitted by a construction stormwater general permit
10 issued under this chapter.

11 (7) It is not a violation of this chapter if the conduct
12 constituting the alleged violation was performed by a person at the
13 direction of the applicable permitting agency.

14 (8) For the purposes of this section, "criminal negligence" has
15 the same meaning as that term is defined in RCW 9A.08.010.

16 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.48
17 RCW to read as follows:

18 It is contrary to public policy to terminate or discipline an
19 employee for refusing to violate this chapter, or for providing
20 information about a violation of this chapter to a supervisor or
21 government agency.

22 NEW SECTION. **Sec. 6.** A new section is added to chapter 90.48
23 RCW to read as follows:

24 (1) Within existing resources, the department shall prepare
25 information about the criminal penalty provisions in this chapter, as
26 well as the circumstances and conduct that could subject someone to
27 those provisions, and make such information available on a website
28 maintained by the department.

29 (2) Whenever the department issues a new permit or renews an
30 existing permit under this chapter, the department shall provide the
31 applicant with information about the criminal penalty provisions in
32 this chapter and the circumstances and conduct that could subject
33 someone to those provisions.

34 **Sec. 7.** RCW 70A.15.1030 and 2024 c 280 s 2 are each reenacted
35 and amended to read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

1 (1) "Air contaminant" or "air pollutant" means dust, fumes, mist,
2 smoke, other particulate matter, vapor, gas, odorous substance, or
3 any combination thereof.

4 (2) "Air pollution" is presence in the outdoor atmosphere of one
5 or more air contaminants in sufficient quantities and of such
6 characteristics and duration as is, or is likely to be, injurious to
7 human health, plant or animal life, or property, or which
8 unreasonably interfere with enjoyment of life and property. For the
9 purpose of this chapter, air pollution shall not include air
10 contaminants emitted in compliance with chapter 17.21 RCW.

11 (3) "Air quality standard" means an established concentration,
12 exposure time, and frequency of occurrence of an air contaminant or
13 multiple contaminants in the ambient air which shall not be exceeded.

14 (4) "Ambient air" means the surrounding outside air.

15 (5) "Authority" means any air pollution control agency whose
16 jurisdictional boundaries are coextensive with the boundaries of one
17 or more counties.

18 (6) "Best available control technology" (BACT) means an emission
19 limitation based on the maximum degree of reduction for each air
20 pollutant subject to regulation under this chapter emitted from or
21 that results from any new or modified stationary source, that the
22 permitting authority, on a case-by-case basis, taking into account
23 energy, environmental, and economic impacts and other costs,
24 determines is achievable for such a source or modification through
25 application of production processes and available methods, systems,
26 and techniques, including fuel cleaning, clean fuels, or treatment or
27 innovative fuel combustion techniques for control of each such a
28 pollutant. In no event shall application of "best available control
29 technology" result in emissions of any pollutants that will exceed
30 the emissions allowed by any applicable standard under 40 C.F.R. Part
31 60 and Part 61, as they exist on July 25, 1993, or their later
32 enactments as adopted by reference by the director by rule. Emissions
33 from any source utilizing clean fuels, or any other means, to comply
34 with this subsection shall not be allowed to increase above levels
35 that would have been required under the definition of BACT as it
36 existed prior to enactment of the federal clean air act amendments of
37 1990.

38 (7) "Best available retrofit technology" (BART) means an emission
39 limitation based on the degree of reduction achievable through the
40 application of the best system of continuous emission reduction for

1 each pollutant that is emitted by an existing stationary facility.
2 The emission limitation must be established, on a case-by-case basis,
3 taking into consideration the technology available, the costs of
4 compliance, the energy and nonair quality environmental impacts of
5 compliance, any pollution control equipment in use or in existence at
6 the source, the remaining useful life of the source, and the degree
7 of improvement in visibility that might reasonably be anticipated to
8 result from the use of the technology.

9 (8) "Board" means the board of directors of an authority.

10 (9) "Control officer" means the air pollution control officer of
11 any authority.

12 (10) "Department" or "ecology" means the department of ecology.

13 (11) "Emission" means a release of air contaminants into the
14 ambient air.

15 (12) "Emission standard" and "emission limitation" mean a
16 requirement established under the federal clean air act or this
17 chapter that limits the quantity, rate, or concentration of emissions
18 of air contaminants on a continuous basis, including any requirement
19 relating to the operation or maintenance of a source to assure
20 continuous emission reduction, and any design, equipment, work
21 practice, or operational standard adopted under the federal clean air
22 act or this chapter.

23 (13) "Fine particulate" means particulates with a diameter of two
24 and one-half microns and smaller.

25 (14) "Flame cap kiln" means an outdoor container used for the
26 combustion of natural vegetation from silvicultural or agricultural
27 activities that meets the following requirements:

28 (a) Has a solid or sealed bottom including, but not limited to,
29 mineral soils, so that all air for combustion comes from above;

30 (b) Is completely open on top with no restrictions;

31 (c) Is a shallow container where the width is greater than the
32 height; and

33 (d) Has a volume of 10 cubic meters or less.

34 (15)(a) "Lowest achievable emission rate" (LAER) means for any
35 source that rate of emissions that reflects:

36 (i) The most stringent emission limitation that is contained in
37 the implementation plan of any state for such class or category of
38 source, unless the owner or operator of the proposed source
39 demonstrates that such limitations are not achievable; or

1 (ii) The most stringent emission limitation that is achieved in
2 practice by such class or category of source, whichever is more
3 stringent.

4 (b) In no event shall the application of this term permit a
5 proposed new or modified source to emit any pollutant in excess of
6 the amount allowable under applicable new source performance
7 standards.

8 (16) "Modification" means any physical change in, or change in
9 the method of operation of, a stationary source that increases the
10 amount of any air contaminant emitted by such source or that results
11 in the emission of any air contaminant not previously emitted. The
12 term modification shall be construed consistent with the definition
13 of modification in Section 7411, Title 42, United States Code, and
14 with rules implementing that section.

15 (17) "Multicounty authority" means an authority which consists of
16 two or more counties.

17 (18) "New source" means (a) the construction or modification of a
18 stationary source that increases the amount of any air contaminant
19 emitted by such source or that results in the emission of any air
20 contaminant not previously emitted, and (b) any other project that
21 constitutes a new source under the federal clean air act.

22 (19) "Permit program source" means a source required to apply for
23 or to maintain an operating permit under RCW 70A.15.2260.

24 (20) "Person" means an individual, firm, public or private
25 corporation, association, partnership, political subdivision of the
26 state, municipality, or governmental agency.

27 (21) "Reasonably available control technology" (RACT) means the
28 lowest emission limit that a particular source or source category is
29 capable of meeting by the application of control technology that is
30 reasonably available considering technological and economic
31 feasibility. RACT is determined on a case-by-case basis for an
32 individual source or source category taking into account the impact
33 of the source upon air quality, the availability of additional
34 controls, the emission reduction to be achieved by additional
35 controls, the impact of additional controls on air quality, and the
36 capital and operating costs of the additional controls. RACT
37 requirements for a source or source category shall be adopted only
38 after notice and opportunity for comment are afforded.

1 (22) "Silvicultural burning" means burning of wood fiber on
2 forestland or combustion of natural vegetation from silvicultural
3 activities consistent with the provisions of RCW 70A.15.5120.

4 (23) "Source" means all of the emissions units including
5 quantifiable fugitive emissions, that are located on one or more
6 contiguous or adjacent properties, and are under the control of the
7 same person, or persons under common control, whose activities are
8 ancillary to the production of a single product or functionally
9 related group of products.

10 (24) "Stationary source" means any building, structure, facility,
11 or installation that emits or may emit any air contaminant.

12 (25) "Trigger level" means the ambient level of fine
13 particulates, measured in micrograms per cubic meter, that must be
14 detected prior to initiating a first or second stage of impaired air
15 quality under RCW 70A.15.3580.

16 NEW SECTION. **Sec. 8.** A new section is added to chapter 70A.15
17 RCW to read as follows:

18 (1) A person is guilty of a violation of this chapter in the
19 first degree if the person knowingly releases into the ambient air
20 any substance adopted by rule by the department as a hazardous or
21 toxic air pollutant, other than in compliance with the terms of an
22 applicable permit or emission limit, and the person knows at the time
23 that he or she thereby places:

24 (a) Another person in imminent danger of death or substantial
25 bodily harm; or

26 (b) Any property of another person, or any natural resources
27 owned by the state of Washington, or any of its local governments, in
28 imminent danger of harm.

29 (2) An entity is guilty of the offense described in subsection
30 (1) of this section if an agent of the entity commits the offense
31 while acting within the scope of his or her duties and on behalf of
32 the entity.

33 (3) Each day upon which a violation of this section occurs may be
34 deemed a separate and additional violation. For purposes of
35 confinement, those separate and additional violations that are
36 continuous must be considered the same criminal conduct as described
37 in RCW 9.94A.589.

38 (4) A violation of this chapter in the first degree is a class B
39 felony punishable according to chapter 9A.20 RCW.

- 1 (5) Nothing in this section shall apply to:
- 2 (a) Activities permitted by the department of natural resources
3 under RCW 70A.15.5120(1);
- 4 (b) Conditions meeting the exemption under RCW 70A.15.4530(1);
- 5 (c) Air pollutants emitted in compliance with chapter 17.21 RCW;
6 or
- 7 (d) Outdoor burning in compliance with permits issued by a state
8 or local authority to reduce wildfire risk, to improve ecosystem
9 health and resiliency, or to restore native plant communities on
10 prairie, grassland, or shrub-steppe landscapes.
- 11 (6) Conduct in compliance with the provisions of a permit,
12 including reporting or corrective actions taken pursuant to the
13 permit, must not be considered a violation of this section.
- 14 (7) It is an affirmative defense to a crime charged pursuant to
15 this section, if established by the defendant by a preponderance of
16 the evidence, that the defendant:
- 17 (a) Did not know the conduct was unlawful;
- 18 (b) Acted within the scope of their employment; and
- 19 (c) Engaged in the otherwise unlawful conduct under orders from
20 the employer.
- 21 (8) It is not a violation of this chapter if the conduct
22 constituting the alleged violation was performed by a person at the
23 direction of the applicable permitting agency.
- 24 (9) For the purposes of this section:
- 25 (a) "Air pollutant" does not include:
- 26 (i) An odorous substance unless it is adopted by rule by the
27 department as hazardous or toxic; or
- 28 (ii) Ammonia emissions resulting from the storage, distribution,
29 transport, or application of ammonia for use as an agricultural or
30 silvicultural fertilizer as described in RCW 70A.15.4540.
- 31 (b) "Imminent danger" means that there is a substantial
32 likelihood that harm will be experienced should the danger not be
33 eliminated.
- 34 (c) "Knows" or "knowingly" have the same meaning as "knowledge"
35 provided in RCW 9A.08.010.
- 36 (d) "Substantial bodily harm" has the same meaning as that term
37 is defined in RCW 9A.04.110.

38 NEW SECTION. **Sec. 9.** A new section is added to chapter 70A.15
39 RCW to read as follows:

1 (1) A person is guilty of a violation of this chapter in the
2 second degree if the person, under circumstances not amounting to a
3 violation of this chapter in the first degree:

4 (a) Knowingly violates any of the provisions of this chapter or
5 chapter 70A.25, 70A.60, or 70A.535 RCW, or any ordinance, resolution,
6 or regulation in force pursuant thereto; or

7 (b) While acting with criminal negligence, releases into the
8 ambient air any substance adopted by rule by the department as a
9 hazardous or toxic air pollutant, other than in compliance with the
10 terms of an applicable permit or emission limit, and:

11 (i) Places another person in imminent danger of death or
12 substantial bodily harm; or

13 (ii) Places any property of another person, or any natural
14 resources owned by the state of Washington, or any of its local
15 governments, in imminent danger of harm.

16 (2) An entity is guilty of the offense described in subsection
17 (1) of this section if an agent of the entity commits the offense
18 while acting within the scope of his or her duties and on behalf of
19 the entity.

20 (3) Each day upon which a violation of this section occurs may be
21 deemed a separate and additional violation. For purposes of
22 confinement, those separate and additional violations that are
23 continuous must be considered the same criminal conduct as described
24 in RCW 9.94A.589.

25 (4) A violation of this chapter in the second degree is a class C
26 felony punishable according to chapter 9A.20 RCW.

27 (5) Nothing in this section shall apply to:

28 (a) Activities permitted by the department of natural resources
29 under RCW 70A.15.5120(1);

30 (b) Conditions meeting the exemption under RCW 70A.15.4530(1);

31 (c) Air pollutants emitted in compliance with chapter 17.21 RCW;
32 or

33 (d) Outdoor burning in compliance with permits issued by a state
34 or local authority to reduce wildfire risk, to improve ecosystem
35 health and resiliency, or to restore native plant communities on
36 prairie, grassland, or shrub-steppe landscapes.

37 (6) Conduct in compliance with the provisions of a permit,
38 including reporting or corrective actions taken pursuant to the
39 permit, must not be considered a violation of this section.

1 (7) It is an affirmative defense to a crime charged pursuant to
2 this section, if established by the defendant by a preponderance of
3 the evidence, that the defendant:

4 (a) Did not know the conduct was unlawful;

5 (b) Acted within the scope of their employment; and

6 (c) Engaged in the otherwise unlawful conduct under orders from
7 the employer.

8 (8) It is not a violation of this chapter if the conduct
9 constituting the alleged violation was performed by a person at the
10 direction of the applicable permitting agency.

11 (9) For the purposes of this section:

12 (a) "Air pollutant" does not include:

13 (i) An odorous substance unless it is adopted by rule by the
14 department as hazardous or toxic; or

15 (ii) Ammonia emissions resulting from the storage, distribution,
16 transport, or application of ammonia for use as an agricultural or
17 silvicultural fertilizer as described in RCW 70A.15.4540.

18 (b) "Criminal negligence" has the same meaning as that term is
19 defined in RCW 9A.08.010.

20 (c) "Imminent danger" means that there is a substantial
21 likelihood that harm will be experienced should the danger not be
22 eliminated.

23 (d) "Knowingly" has the same meaning as "knowledge" provided in
24 RCW 9A.08.010.

25 (e) "Substantial bodily harm" has the same meaning as that term
26 is defined in RCW 9A.04.110.

27 NEW SECTION. **Sec. 10.** A new section is added to chapter 70A.15
28 RCW to read as follows:

29 (1) A person is guilty of a violation of this chapter in the
30 third degree if the person, under circumstances not amounting to a
31 violation of this chapter in the first or second degree:

32 (a) While acting with criminal negligence, violates any of the
33 provisions of this chapter or chapter 70A.25, 70A.60, or 70A.535 RCW,
34 or any ordinance, resolution, or regulation in force pursuant
35 thereto; or

36 (b) Knowingly fails to disclose a potential conflict of interest
37 under RCW 70A.15.2000.

38 (2) An entity is guilty of the offense described in subsection
39 (1) of this section if an agent of the entity commits the offense

1 while acting within the scope of his or her duties and on behalf of
2 the entity.

3 (3) Each day upon which a violation of this section occurs may be
4 deemed a separate and additional violation. For purposes of
5 confinement, those separate and additional violations that are
6 continuous must be considered the same criminal conduct.

7 (4) A violation of this chapter in the third degree is a gross
8 misdemeanor and upon conviction shall be punishable by a fine of not
9 more than \$10,000, by imprisonment in the county jail for up to 364
10 days, or by both such fine and imprisonment in the discretion of the
11 court.

12 (5) Nothing in this section shall apply to:

13 (a) Activities permitted by the department of natural resources
14 under RCW 70A.15.5120(1);

15 (b) Conditions meeting the exemption under RCW 70A.15.4530(1);

16 (c) Air pollutants emitted in compliance with chapter 17.21 RCW;
17 or

18 (d) Outdoor burning in compliance with permits issued by a state
19 or local authority to reduce wildfire risk, to improve ecosystem
20 health and resiliency, or to restore native plant communities on
21 prairie, grassland, or shrub-steppe landscapes.

22 (6) Conduct in compliance with the provisions of a permit,
23 including reporting or corrective actions taken pursuant to the
24 permit, must not be considered a violation of this section.

25 (7) It is not a violation of this chapter if the conduct
26 constituting the alleged violation was performed by a person at the
27 direction of the applicable permitting agency.

28 (8) For the purposes of this section:

29 (a) "Air pollutant" does not include:

30 (i) An odorous substance unless it is adopted by rule by the
31 department as hazardous or toxic; or

32 (ii) Ammonia emissions resulting from the storage, distribution,
33 transport, or application of ammonia for use as an agricultural or
34 silvicultural fertilizer as described in RCW 70A.15.4540.

35 (b) "Criminal negligence" has the same meaning as that term is
36 defined in RCW 9A.08.010.

37 (c) "Knowingly" has the same meaning as "knowledge" provided in
38 RCW 9A.08.010.

1 NEW SECTION. **Sec. 11.** A new section is added to chapter 70A.15
2 RCW to read as follows:

3 It is contrary to public policy to terminate or discipline an
4 employee for refusing to violate this chapter, or for providing
5 information about a violation of this chapter to a supervisor or
6 government agency.

7 NEW SECTION. **Sec. 12.** A new section is added to chapter 70A.15
8 RCW to read as follows:

9 (1) Within existing resources, the department shall prepare
10 information about the criminal penalty provisions in this chapter, as
11 well as the circumstances and conduct that could subject someone to
12 those provisions, and make such information available on a website
13 maintained by the department.

14 (2) Whenever the department issues a new permit or renews an
15 existing permit under this chapter, the department shall provide the
16 applicant with information about the criminal penalty provisions in
17 this chapter and the circumstances and conduct that could subject
18 someone to those provisions.

19 NEW SECTION. **Sec. 13.** A new section is added to chapter 70A.300
20 RCW to read as follows:

21 (1) A person is guilty of a violation of this chapter in the
22 first degree if the person knowingly transports, treats, stores,
23 handles, disposes of, or exports a hazardous substance in violation
24 of this chapter and the person knows at the time that the conduct
25 constituting the violation:

26 (a) Places another person in imminent danger of death or
27 substantial bodily harm; or

28 (b) Places any property of another person, any natural resources
29 owned by the state of Washington, or any of its local governments, in
30 imminent danger of harm.

31 (2) An entity is guilty of the offense described in subsection
32 (1) of this section if an agent of the entity commits the offense
33 while acting within the scope of his or her duties and on behalf of
34 the entity.

35 (3) Each day upon which a violation of this section occurs may be
36 deemed a separate and additional violation. For purposes of
37 confinement, those separate and additional violations that are

1 continuous must be considered the same criminal conduct as described
2 in RCW 9.94A.589.

3 (4) A violation of this chapter in the first degree is a class B
4 felony punishable according to chapter 9A.20 RCW.

5 (5) Conduct in compliance with the provisions of a permit,
6 including reporting or corrective actions taken pursuant to the
7 permit, must not be considered a violation of this section.

8 (6) It is an affirmative defense to a crime charged pursuant to
9 this section, if established by the defendant by a preponderance of
10 the evidence, that the defendant:

11 (a) Did not know the conduct was unlawful;

12 (b) Acted within the scope of their employment; and

13 (c) Engaged in the otherwise unlawful conduct under orders from
14 the employer.

15 (7) It is not a violation of this chapter if the conduct
16 constituting the alleged violation was performed by a person at the
17 direction of the applicable permitting agency.

18 (8) For the purposes of this section:

19 (a) "Imminent danger" means that there is a substantial
20 likelihood that harm will be experienced should the danger not be
21 eliminated.

22 (b) "Knows" or "knowingly" have the same meaning as "knowledge"
23 provided in RCW 9A.08.010.

24 (c) "Substantial bodily harm" has the same meaning as that term
25 is defined in RCW 9A.04.110.

26 NEW SECTION. **Sec. 14.** A new section is added to chapter 70A.300
27 RCW to read as follows:

28 (1) A person is guilty of a violation of this chapter in the
29 second degree if the person, under circumstances not amounting to a
30 violation of this chapter in the first degree, knowingly violates any
31 provisions of this chapter, or the rules implementing this chapter.

32 (2) An entity is guilty of the offense described in subsection
33 (1) of this section if an agent of the entity commits the offense
34 while acting within the scope of his or her duties and on behalf of
35 the entity.

36 (3) Each day upon which a violation of this section occurs may be
37 deemed a separate and additional violation. For purposes of
38 confinement, those separate and additional violations that are

1 continuous must be considered the same criminal conduct as described
2 in RCW 9.94A.589.

3 (4) A violation of this chapter in the second degree is a class C
4 felony punishable according to chapter 9A.20 RCW.

5 (5) Conduct in compliance with the provisions of a permit,
6 including reporting or corrective actions taken pursuant to the
7 permit, must not be considered a violation of this section.

8 (6) It is an affirmative defense to a crime charged pursuant to
9 this section, if established by the defendant by a preponderance of
10 the evidence, that the defendant:

11 (a) Did not know the conduct was unlawful;

12 (b) Acted within the scope of their employment; and

13 (c) Engaged in the otherwise unlawful conduct under orders from
14 the employer.

15 (7) It is not a violation of this chapter if the conduct
16 constituting the alleged violation was performed by a person at the
17 direction of the applicable permitting agency.

18 (8) For the purposes of this section, "knowingly" has the same
19 meaning as "knowledge" provided in RCW 9A.08.010.

20 NEW SECTION. **Sec. 15.** A new section is added to chapter 70A.300
21 RCW to read as follows:

22 (1) A person is guilty of a violation of this chapter in the
23 third degree if the person, under circumstances not amounting to a
24 violation of this chapter in the first or second degree, while acting
25 with criminal negligence, violates any provisions of this chapter, or
26 the rules implementing this chapter.

27 (2) An entity is guilty of the offense described in subsection
28 (1) of this section if an agent of the entity commits the offense
29 while acting within the scope of his or her duties and on behalf of
30 the entity.

31 (3) Each day upon which a violation of this section occurs may be
32 deemed a separate and additional violation. For purposes of
33 confinement, those separate and additional violations that are
34 continuous must be considered the same criminal conduct.

35 (4) A violation of this chapter in the third degree is a gross
36 misdemeanor and upon conviction shall be punishable by a fine of not
37 more than \$10,000, by imprisonment in the county jail for up to 364
38 days, or by both such fine and imprisonment in the discretion of the
39 court.

1 (5) Conduct in compliance with the provisions of a permit,
2 including reporting or corrective actions taken pursuant to the
3 permit, must not be considered a violation of this section.

4 (6) It is not a violation of this chapter if the conduct
5 constituting the alleged violation was performed by a person at the
6 direction of the applicable permitting agency.

7 (7) For the purposes of this section, "criminal negligence" has
8 the same meaning as that term is defined in RCW 9A.08.010.

9 NEW SECTION. **Sec. 16.** A new section is added to chapter 70A.300
10 RCW to read as follows:

11 It is contrary to public policy to terminate or discipline an
12 employee for refusing to violate this chapter, or for providing
13 information about a violation of this chapter to a supervisor or
14 government agency.

15 NEW SECTION. **Sec. 17.** A new section is added to chapter 70A.300
16 RCW to read as follows:

17 (1) Within existing resources, the department shall prepare
18 information about the criminal penalty provisions in this chapter, as
19 well as the circumstances and conduct that could subject someone to
20 those provisions, and make such information available on a website
21 maintained by the department.

22 (2) Whenever the department issues a new permit or renews an
23 existing permit under this chapter, the department shall provide the
24 applicant with information about the criminal penalty provisions in
25 this chapter and the circumstances and conduct that could subject
26 someone to those provisions.

27 **Sec. 18.** RCW 9.94A.515 and 2025 c 220 s 7 are each amended to
28 read as follows:

29 TABLE 2

30 CRIMES INCLUDED WITHIN EACH
31 SERIOUSNESS LEVEL

32 XVI Aggravated Murder 1 (RCW 10.95.020)

33 XV Homicide by abuse (RCW 9A.32.055)

34 Malicious explosion 1 (RCW
35 70.74.280(1))

1 Murder 1 (RCW 9A.32.030)
2 XIV Murder 2 (RCW 9A.32.050)
3 Trafficking 1 (RCW 9A.40.100(1))
4 XIII Malicious explosion 2 (RCW
5 70.74.280(2))
6 Malicious placement of an explosive 1
7 (RCW 70.74.270(1))
8 XII Assault 1 (RCW 9A.36.011)
9 Assault of a Child 1 (RCW 9A.36.120)
10 Malicious placement of an imitation
11 device 1 (RCW 70.74.272(1)(a))
12 Promoting Commercial Sexual Abuse
13 of a Minor (RCW 9.68A.101)
14 Rape 1 (RCW 9A.44.040)
15 Rape of a Child 1 (RCW 9A.44.073)
16 Trafficking 2 (RCW 9A.40.100(3))
17 XI Manslaughter 1 (RCW 9A.32.060)
18 Rape 2 (RCW 9A.44.050)
19 Rape of a Child 2 (RCW 9A.44.076)
20 Vehicular Homicide, by being under the
21 influence of intoxicating liquor or
22 any drug (RCW 46.61.520)
23 Vehicular Homicide, by the operation of
24 any vehicle in a reckless manner
25 (RCW 46.61.520)
26 X Child Molestation 1 (RCW 9A.44.083)
27 Criminal Mistreatment 1 (RCW
28 9A.42.020)
29 Indecent Liberties (with forcible
30 compulsion) (RCW
31 9A.44.100(1)(a))
32 Kidnapping 1 (RCW 9A.40.020)
33 Leading Organized Crime (RCW
34 9A.82.060(1)(a))

1 Malicious explosion 3 (RCW
2 70.74.280(3))
3 Sexually Violent Predator Escape (RCW
4 9A.76.115)
5 IX Abandonment of Dependent Person 1
6 (RCW 9A.42.060)
7 Assault of a Child 2 (RCW 9A.36.130)
8 Explosive devices prohibited (RCW
9 70.74.180)
10 Hit and Run—Death (RCW
11 46.52.020(4)(a))
12 Homicide by Watercraft, by being under
13 the influence of intoxicating liquor
14 or any drug (RCW 79A.60.050)
15 Inciting Criminal Profiteering (RCW
16 9A.82.060(1)(b))
17 Malicious placement of an explosive 2
18 (RCW 70.74.270(2))
19 Robbery 1 (RCW 9A.56.200)
20 Sexual Exploitation (RCW 9.68A.040)
21 VIII Arson 1 (RCW 9A.48.020)
22 Commercial Sexual Abuse of a Minor
23 (RCW 9.68A.100)
24 Homicide by Watercraft, by the
25 operation of any vessel in a reckless
26 manner (RCW 79A.60.050)
27 Manslaughter 2 (RCW 9A.32.070)
28 Promoting Prostitution 1 (RCW
29 9A.88.070)
30 Theft of Ammonia (RCW 69.55.010)
31 VII Air bag diagnostic systems (causing
32 bodily injury or death) (RCW
33 46.37.660(2)(b))

1 Air bag replacement requirements
2 (causing bodily injury or death)
3 (RCW 46.37.660(1)(b))
4 Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Civil Disorder Training (RCW
7 9A.48.120)
8 Custodial Sexual Misconduct 1 (RCW
9 9A.44.160)
10 Dealing in depictions of minor engaged
11 in sexually explicit conduct 1
12 (RCW 9.68A.050(1))
13 Drive-by Shooting (RCW 9A.36.045)
14 False Reporting 1 (RCW
15 9A.84.040(2)(a))
16 Homicide by Watercraft, by disregard
17 for the safety of others (RCW
18 79A.60.050)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1)
21 (b) and (c))
22 Introducing Contraband 1 (RCW
23 9A.76.140)
24 Malicious placement of an explosive 3
25 (RCW 70.74.270(3))
26 Manufacture or import counterfeit,
27 nonfunctional, damaged, or
28 previously deployed air bag
29 (causing bodily injury or death)
30 (RCW 46.37.650(1)(b))
31 Negligently Causing Death By Use of a
32 Signal Preemption Device (RCW
33 46.37.675)

1 Sell, install, or reinstall counterfeit,
2 nonfunctional, damaged, or
3 previously deployed airbag (RCW
4 46.37.650(2)(b))
5 Sending, bringing into state depictions
6 of minor engaged in sexually
7 explicit conduct 1 (RCW
8 9.68A.060(1))
9 Unlawful Possession of a Firearm in the
10 first degree (RCW 9.41.040(1))
11 Use of a Machine Gun or Bump-fire
12 Stock in Commission of a Felony
13 (RCW 9.41.225)
14 Vehicular Homicide, by disregard for
15 the safety of others (RCW
16 46.61.520)
17 VI Bail Jumping with Murder 1 (RCW
18 9A.76.170(3)(a))
19 Bribery (RCW 9A.68.010)
20 Incest 1 (RCW 9A.64.020(1))
21 Intimidating a Judge (RCW 9A.72.160)
22 Intimidating a Juror/Witness (RCW
23 9A.72.110, 9A.72.130)
24 Malicious placement of an imitation
25 device 2 (RCW 70.74.272(1)(b))
26 Possession of Depictions of a Minor
27 Engaged in Sexually Explicit
28 Conduct 1 (RCW 9.68A.070(1))
29 Rape of a Child 3 (RCW 9A.44.079)
30 Theft of a Firearm (RCW 9A.56.300)
31 Theft from a Vulnerable Adult 1 (RCW
32 9A.56.400(1))
33 Unlawful Storage of Ammonia (RCW
34 69.55.020)
35 V Abandonment of Dependent Person 2
36 (RCW 9A.42.070)

1 Advancing money or property for
2 extortionate extension of credit
3 (RCW 9A.82.030)

4 Air bag diagnostic systems (RCW
5 46.37.660(2)(c))

6 Air bag replacement requirements
7 (RCW 46.37.660(1)(c))

8 Bail Jumping with class A Felony
9 (RCW 9A.76.170(3)(b))

10 Child Molestation 3 (RCW 9A.44.089)

11 Criminal Mistreatment 2 (RCW
12 9A.42.030)

13 Custodial Sexual Misconduct 2 (RCW
14 9A.44.170)

15 Dealing in Depictions of Minor
16 Engaged in Sexually Explicit
17 Conduct 2 (RCW 9.68A.050(2))

18 Domestic Violence Court Order
19 Violation (RCW 7.105.450,
20 10.99.040, 10.99.050, 26.09.300,
21 26.26B.050, or 26.52.070)

22 Extortion 1 (RCW 9A.56.120)

23 Extortionate Extension of Credit (RCW
24 9A.82.020)

25 Extortionate Means to Collect
26 Extensions of Credit (RCW
27 9A.82.040)

28 Incest 2 (RCW 9A.64.020(2))

29 Kidnapping 2 (RCW 9A.40.030)

30 Manufacture or import counterfeit,
31 nonfunctional, damaged, or
32 previously deployed air bag (RCW
33 46.37.650(1)(c))

34 Perjury 1 (RCW 9A.72.020)

35 Persistent prison misbehavior (RCW
36 9.94.070)

1 Possession of a Stolen Firearm (RCW
2 9A.56.310)
3 Rape 3 (RCW 9A.44.060)
4 Rendering Criminal Assistance 1 (RCW
5 9A.76.070)
6 Sell, install, or reinstall counterfeit,
7 nonfunctional, damaged, or
8 previously deployed airbag (RCW
9 46.37.650(2)(c))
10 Sending, Bringing into State Depictions
11 of Minor Engaged in Sexually
12 Explicit Conduct 2 (RCW
13 9.68A.060(2))
14 Sexual Misconduct with a Minor 1
15 (RCW 9A.44.093)
16 Sexually Violating Human Remains
17 (RCW 9A.44.105)
18 Stalking (RCW 9A.46.110)
19 Taking Motor Vehicle Without
20 Permission 1 (RCW 9A.56.070)
21 IV Animal Fighting (with intentional
22 mutilation) (RCW 16.52.117(2)(b))
23 Arson 2 (RCW 9A.48.030)
24 Assault 2 (RCW 9A.36.021)
25 Assault 3 (of a Peace Officer with a
26 Projectile Stun Gun) (RCW
27 9A.36.031(1)(h))
28 Assault 4 (third domestic violence
29 offense) (RCW 9A.36.041(3))
30 Assault by Watercraft (RCW
31 79A.60.060)
32 Bribing a Witness/Bribe Received by
33 Witness (RCW 9A.72.090,
34 9A.72.100)
35 Cheating 1 (RCW 9.46.1961)
36 Commercial Bribery (RCW 9A.68.060)

1 Counterfeiting (RCW 9.16.035(4))
2 Driving While Under the Influence
3 (RCW 46.61.502(6))
4 Endangerment with a Controlled
5 Substance (RCW 9A.42.100)
6 Escape 1 (RCW 9A.76.110)
7 Hate Crime (RCW 9A.36.080)
8 Hit and Run—Injury (RCW
9 46.52.020(4)(b))
10 Hit and Run with Vessel—Injury
11 Accident (RCW 79A.60.200(3))
12 Identity Theft 1 (RCW 9.35.020(2))
13 Indecent Exposure to Person Under Age
14 14 (subsequent sex offense) (RCW
15 9A.88.010)
16 Influencing Outcome of Sporting Event
17 (RCW 9A.82.070)
18 Physical Control of a Vehicle While
19 Under the Influence (RCW
20 46.61.504(6))
21 Possession of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 2 (RCW 9.68A.070(2))
24 Residential Burglary (RCW 9A.52.025)
25 Robbery 2 (RCW 9A.56.210)
26 Theft of Livestock 1 (RCW 9A.56.080)
27 Threats to Bomb (RCW 9.61.160)
28 Trafficking in Catalytic Converters 1
29 (RCW 9A.82.190)
30 Trafficking in Stolen Property 1 (RCW
31 9A.82.050)
32 Unlawful factoring of a credit card or
33 payment card transaction (RCW
34 9A.56.290(4)(b))

1 Unlawful transaction of health coverage
2 as a health care service contractor
3 (RCW 48.44.016(3))
4 Unlawful transaction of health coverage
5 as a health maintenance
6 organization (RCW 48.46.033(3))
7 Unlawful transaction of insurance
8 business (RCW 48.15.023(3))
9 Unlicensed practice as an insurance
10 professional (RCW 48.17.063(2))
11 Use of Proceeds of Criminal
12 Profiteering (RCW 9A.82.080 (1)
13 and (2))
14 Vehicle Prowling 2 (third or subsequent
15 offense) (RCW 9A.52.100(3))
16 Vehicular Assault, by being under the
17 influence of intoxicating liquor or
18 any drug, or by the operation or
19 driving of a vehicle in a reckless
20 manner (RCW 46.61.522)
21 Viewing of Depictions of a Minor
22 Engaged in Sexually Explicit
23 Conduct 1 (RCW 9.68A.075(1))
24 III Animal Cruelty 1 (RCW 16.52.205)
25 Animal Fighting (without intentional
26 mutilation) (RCW 16.52.117(2)(a))
27 Assault 3 (Except Assault 3 of a Peace
28 Officer With a Projectile Stun Gun)
29 (RCW 9A.36.031 except subsection
30 (1)(h))
31 Assault of a Child 3 (RCW 9A.36.140)
32 Bail Jumping with class B or C Felony
33 (RCW 9A.76.170(3)(c))
34 Burglary 2 (RCW 9A.52.030)
35 Clean Air Act Violation 1 (section 8 of
36 this act)

1 Communication with a Minor for
2 Immoral Purposes (RCW
3 9.68A.090)
4 Criminal Gang Intimidation (RCW
5 9A.46.120)
6 Custodial Assault (RCW 9A.36.100)
7 Cyber Harassment (RCW
8 9A.90.120(2)(b))
9 Escape 2 (RCW 9A.76.120)
10 Extortion 2 (RCW 9A.56.130)
11 False Reporting 2 (RCW
12 9A.84.040(2)(b))
13 Harassment (RCW 9A.46.020)
14 Hazardous Waste Management Act
15 Violation 1 (section 13 of this act)
16 Hazing (RCW 28B.10.901(2)(b))
17 Intimidating a Public Servant (RCW
18 9A.76.180)
19 Introducing Contraband 2 (RCW
20 9A.76.150)
21 Malicious Injury to Railroad Property
22 (RCW 81.60.070)
23 Manufacture of Untraceable Firearm
24 with Intent to Sell (RCW 9.41.190)
25 Manufacture or Assembly of an
26 Undetectable Firearm or
27 Untraceable Firearm (RCW
28 9.41.325)
29 Mortgage Fraud (RCW 19.144.080)
30 Negligently Causing Substantial Bodily
31 Harm By Use of a Signal
32 Preemption Device (RCW
33 46.37.674)
34 Organized Retail Theft 1 (RCW
35 9A.56.350(2))

1 Perjury 2 (RCW 9A.72.030)
2 Possession of Incendiary Device (RCW
3 9.40.120)
4 Possession of Machine Gun, Bump-Fire
5 Stock, Undetectable Firearm, or
6 Short-Barreled Shotgun or Rifle
7 (RCW 9.41.190)
8 Promoting Prostitution 2 (RCW
9 9A.88.080)
10 Retail Theft with Special Circumstances
11 1 (RCW 9A.56.360(2))
12 Securities Act violation (RCW
13 21.20.400)
14 Tampering with a Witness (RCW
15 9A.72.120)
16 Telephone Harassment (subsequent
17 conviction or threat of death)
18 (RCW 9.61.230(2))
19 Theft of Livestock 2 (RCW 9A.56.083)
20 Theft with the Intent to Resell 1 (RCW
21 9A.56.340(2))
22 Trafficking in Catalytic Converters 2
23 (RCW 9A.82.200)
24 Trafficking in Stolen Property 2 (RCW
25 9A.82.055)
26 Unlawful Hunting of Big Game 1
27 (RCW 77.15.410(3)(b))
28 Unlawful Imprisonment (RCW
29 9A.40.040)
30 Unlawful Misbranding of Fish or
31 Shellfish 1 (RCW 77.140.060(3))
32 Unlawful possession of firearm in the
33 second degree (RCW 9.41.040(2))
34 Unlawful Taking of Endangered Fish or
35 Wildlife 1 (RCW 77.15.120(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 1 (RCW
3 77.15.260(3)(b))
4 Unlawful Use of a Nondesignated
5 Vessel (RCW 77.15.530(4))
6 Vehicular Assault, by the operation or
7 driving of a vehicle with disregard
8 for the safety of others (RCW
9 46.61.522)
10 Water Pollution Control Act Violation 1
11 (section 2 of this act)
12 II Commercial Fishing Without a License
13 1 (RCW 77.15.500(3)(b))
14 Computer Trespass 1 (RCW 9A.90.040)
15 Counterfeiting (RCW 9.16.035(3))
16 Electronic Data Service Interference
17 (RCW 9A.90.060)
18 Electronic Data Tampering 1 (RCW
19 9A.90.080)
20 Electronic Data Theft (RCW
21 9A.90.100)
22 Engaging in Fish Dealing Activity
23 Unlicensed 1 (RCW 77.15.620(3))
24 Escape from Community Custody
25 (RCW 72.09.310)
26 Failure to Register as a Sex Offender
27 (second or subsequent offense)
28 (RCW 9A.44.130 prior to June 10,
29 2010, and RCW 9A.44.132)
30 Health Care False Claims (RCW
31 48.80.030)
32 Identity Theft 2 (RCW 9.35.020(3))
33 Improperly Obtaining Financial
34 Information (RCW 9.35.010)
35 Malicious Mischief 1 (RCW 9A.48.070)

1 Organized Retail Theft 2 (RCW
2 9A.56.350(3))
3 Possession of Stolen Property 1 (RCW
4 9A.56.150)
5 Possession of a Stolen Vehicle (RCW
6 9A.56.068)
7 Possession, sale, or offering for sale of
8 seven or more unmarked catalytic
9 converters (RCW 9A.82.180(5))
10 Retail Theft with Special Circumstances
11 2 (RCW 9A.56.360(3))
12 Scrap Processing, Recycling, or
13 Supplying Without a License
14 (second or subsequent offense)
15 (RCW 19.290.100)
16 Theft 1 (RCW 9A.56.030)
17 Theft of a Motor Vehicle (RCW
18 9A.56.065)
19 Theft of Rental, Leased, Lease-
20 purchased, or Loaned Property
21 (valued at \$5,000 or more) (RCW
22 9A.56.096(5)(a))
23 Theft with the Intent to Resell 2 (RCW
24 9A.56.340(3))
25 Trafficking in Insurance Claims (RCW
26 48.30A.015)
27 Unlawful factoring of a credit card or
28 payment card transaction (RCW
29 9A.56.290(4)(a))
30 Unlawful Participation of Non-Indians
31 in Indian Fishery (RCW
32 77.15.570(2))
33 Unlawful Practice of Law (RCW
34 2.48.180)
35 Unlawful Purchase or Use of a License
36 (RCW 77.15.650(3)(b))

1 Unlawful Trafficking in Fish, Shellfish,
2 or Wildlife 2 (RCW
3 77.15.260(3)(a))
4 Unlicensed Practice of a Profession or
5 Business (RCW 18.130.190(7))
6 Voyeurism 1 (RCW 9A.44.115)
7 I Attempting to Elude a Pursuing Police
8 Vehicle (RCW 46.61.024)
9 Clean Air Act Violation 2 (section 9 of
10 this act)
11 False Verification for Welfare (RCW
12 74.08.055)
13 Forgery (RCW 9A.60.020)
14 Fraudulent Creation or Revocation of a
15 Mental Health Advance Directive
16 (RCW 9A.60.060)
17 Hazardous Waste Management Act
18 Violation 2 (section 14 of this act)
19 Malicious Mischief 2 (RCW 9A.48.080)
20 Mineral Trespass (RCW 78.44.330)
21 Possession of Stolen Property 2 (RCW
22 9A.56.160)
23 Reckless Burning 1 (RCW 9A.48.040)
24 Spotlighting Big Game 1 (RCW
25 77.15.450(3)(b))
26 Suspension of Department Privileges 1
27 (RCW 77.15.670(3)(b))
28 Taking Motor Vehicle Without
29 Permission 2 (RCW 9A.56.075)
30 Theft 2 (RCW 9A.56.040)
31 Theft from a Vulnerable Adult 2 (RCW
32 9A.56.400(2))

1 Theft of Rental, Leased, Lease-
2 purchased, or Loaned Property
3 (valued at \$750 or more but less
4 than \$5,000) (RCW
5 9A.56.096(5)(b))
6 Transaction of insurance business
7 beyond the scope of licensure
8 (RCW 48.17.063)
9 Unlawful Fish and Shellfish Catch
10 Accounting (RCW 77.15.630(3)(b))
11 Unlawful Issuance of Checks or Drafts
12 (RCW 9A.56.060)
13 Unlawful Possession of Fictitious
14 Identification (RCW 9A.56.320)
15 Unlawful Possession of Instruments of
16 Financial Fraud (RCW 9A.56.320)
17 Unlawful Possession of Payment
18 Instruments (RCW 9A.56.320)
19 Unlawful Possession of a Personal
20 Identification Device (RCW
21 9A.56.320)
22 Unlawful Production of Payment
23 Instruments (RCW 9A.56.320)
24 Unlawful Releasing, Planting,
25 Possessing, or Placing Deleterious
26 Exotic Wildlife (RCW
27 77.15.250(2)(b))
28 Unlawful Trafficking in Food Stamps
29 (RCW 9.91.142)
30 Unlawful Use of Food Stamps (RCW
31 9.91.144)
32 Unlawful Use of Net to Take Fish 1
33 (RCW 77.15.580(3)(b))
34 Vehicle Prowl 1 (RCW 9A.52.095)
35 Violating Commercial Fishing Area or
36 Time 1 (RCW 77.15.550(3)(b))

1 Water Pollution Control Act Violation 2

2 (section 3 of this act)

3 **Sec. 19.** RCW 70A.15.2520 and 2020 c 20 s 1099 are each amended
4 to read as follows:

5 At least thirty days prior to the commencement of any formal
6 enforcement action under RCW ((~~70A.15.3150 or~~) 70A.15.3160, a local
7 air authority shall cause written notice to be served upon the
8 alleged violator or violators. The notice shall specify the provision
9 of this chapter or the rule or regulation alleged to be violated, and
10 the facts alleged to constitute a violation thereof, and may include
11 an order directing that necessary corrective action be taken within a
12 reasonable time. In lieu of an order, the board or the control
13 officer may require that the alleged violator or violators appear
14 before the board for a hearing. Every notice of violation shall offer
15 to the alleged violator an opportunity to meet with the local air
16 authority prior to the commencement of enforcement action.

17 **Sec. 20.** RCW 70A.15.3010 and 2020 c 20 s 1104 are each amended
18 to read as follows:

19 At least thirty days prior to the commencement of any formal
20 enforcement action under RCW ((~~70A.15.3150 and~~) 70A.15.3160, the
21 department of ecology shall cause written notice to be served upon
22 the alleged violator or violators. The notice shall specify the
23 provision of this chapter or the rule or regulation alleged to be
24 violated, and the facts alleged to constitute a violation thereof,
25 and may include an order that necessary corrective action be taken
26 within a reasonable time. In lieu of an order, the department may
27 require that the alleged violator or violators appear before it for
28 the purpose of providing the department information pertaining to the
29 violation or the charges complained of. Every notice of violation
30 shall offer to the alleged violator an opportunity to meet with the
31 department prior to the commencement of enforcement action.

32 **Sec. 21.** RCW 70A.15.3130 and 2020 c 20 s 1110 are each amended
33 to read as follows:

34 (1) The department of health shall have all the enforcement
35 powers as provided in RCW 70A.15.3010, 70A.15.3140, ((~~70A.15.3150,~~)
36 70A.15.3160 (1) through (7), and 70A.15.3170 with respect to

1 emissions of radionuclides. This section does not preclude the
2 department of ecology from exercising its authority under this
3 chapter.

4 (2) Permits for energy facilities subject to chapter 80.50 RCW
5 shall be issued by the energy facility site evaluation council.
6 However, the permits become effective only if the governor approves
7 an application for certification and executes a certification
8 agreement under chapter 80.50 RCW. The council shall have all powers
9 necessary to administer an operating permits program pertaining to
10 such facilities, consistent with applicable air quality standards
11 established by the department or local air pollution control
12 authorities, or both, and to obtain the approval of the United States
13 environmental protection agency. The council's powers include, but
14 are not limited to, all of the enforcement powers provided in RCW
15 70A.15.3010, 70A.15.3140, (~~70A.15.3150,~~) 70A.15.3160 (1) through
16 (7), and 70A.15.3170 with respect to permit program sources required
17 to obtain certification from the council under chapter 80.50 RCW. To
18 the extent not covered under RCW 80.50.071, the council may collect
19 fees as granted to delegated local air authorities under RCW
20 70A.15.2210, 70A.15.2260 (14) and (15), 70A.15.2270, and
21 70A.15.2230(7) with respect to permit program sources required to
22 obtain certification from the council under chapter 80.50 RCW. The
23 council and the department shall each establish procedures that
24 provide maximum coordination and avoid duplication between the two
25 agencies in carrying out the requirements of this chapter.

26 NEW SECTION. **Sec. 22.** A new section is added to chapter 43.10
27 RCW to read as follows:

28 By July 1, 2026, and thereafter annually, the office of the
29 attorney general shall report to the appropriate committees of the
30 legislature regarding criminal enforcement actions brought by that
31 office before a court of law under chapters 70A.15, 70A.300, and
32 90.48 RCW, including a summary of all cases filed in the preceding
33 year and any case resolutions reached during that period.

34 NEW SECTION. **Sec. 23.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 90.48.140 (Penalty) and 2011 c 96 s 61, 2003 c 53 s 419,
37 1992 c 73 s 26, 1973 c 155 s 8, & 1945 c 216 s 20;

1 (2) RCW 70A.15.3150 (Penalties) and 2025 c 319 s 7 & 2023 c 470 s
2 1017;

3 (3) RCW 70A.300.100 (Violations—Criminal penalties) and 2003 c 53
4 s 357 & 1989 c 2 s 15; and

5 (4) RCW 70A.300.110 (Violations—Gross misdemeanor) and 2020 c 20
6 s 1282, 2011 c 96 s 51, 1984 c 237 s 1, 1983 c 172 s 3, & 1975-'76
7 2nd ex.s. c 101 s 9.

8 NEW SECTION. **Sec. 24.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

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