

**RCW 90.56.300 Unlawful operation of facility—Criminal penalties.** (1) Except as provided in subsection (3) of this section, it shall be unlawful for the owner or operator to knowingly and intentionally operate in this state or on the waters of this state an onshore or offshore facility without an approved contingency plan or an approved prevention plan as required by this chapter, or financial responsibility in compliance with chapter 88.40 RCW and the federal oil pollution act of 1990.

(2) (a) The first conviction under this section is a gross misdemeanor under chapter 9A.20 RCW.

(b) A second or subsequent conviction is a class C felony under chapter 9A.20 RCW.

(3) It shall not be unlawful for the owner or operator to operate an onshore or offshore facility if:

(a) The facility is not required to have a contingency plan, spill prevention plan, or financial responsibility; or

(b) All required plans have been submitted to the department as required by RCW 90.56.210 and rules adopted by the department and the department is reviewing the plan and has not denied approval.

(4) A person may rely on a copy of the statement issued by the department pursuant to \*RCW 90.56.210(7) as evidence that a facility has an approved contingency plan and the statement issued pursuant to \*\*RCW 90.56.200(4) that a facility has an approved prevention plan. [2003 c 53 § 420; 1992 c 73 § 34; 1991 c 200 § 301; 1990 c 116 § 8. Formerly RCW 90.48.376.]

**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).

**Intent—Effective date—2003 c 53:** See notes following RCW 2.48.180.

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

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