

# SENATE BILL REPORT

## SB 6480

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As of February 2, 1998

**Title:** An act relating to environmental settlements and penalties.

**Brief Description:** Creating the environmental restoration and improvement account.

**Sponsors:** Senators Patterson, Schow and Heavey.

**Brief History:**

**Committee Activity:** Agriculture & Environment: 2/5/98.

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### SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

**Staff:** Kari Guy (786-7437)

**Background:** Civil penalties may be levied against any person who violates the provisions of the Water Pollution Control Act or the Oil and Hazardous Substances Spill Prevention and Response Act. The penalty amount may be up to \$10,000 per day for each violation, and each day's violation is considered a separate violation. Fines are deposited into the general fund.

Criminal penalties may be levied against any person found to be willfully violating the Water Pollution Control Act or the Oil and Hazardous Substances Spill Prevention and Response Act. Upon conviction, the person may be punished by a fine of up to \$10,000 and costs of prosecution, or by imprisonment for not more than one year. Fines are deposited in the public safety and education account.

In some situations, the state may develop a settlement agreement rather than levy a fine. Under the Department of Ecology's "Compliance Assurance Manual," settlements may be considered if the settlement will correct the existing violation, if the cost of the settlement reflects the economic benefit of noncompliance, and if there is a reasonable relationship between the nature of the violation and the environmental benefit sought by the proposal.

It has been suggested that local communities affected by the violation of water quality laws should have a role in the settlement of violations and the expenditure of funds derived from penalties.

**Summary of Bill:** The environmental restoration and improvement account is created. Fines levied for all civil or criminal violations of the Water Pollution Control Act or the Oil and Hazardous Substances Spill Prevention and Response Act are deposited in the account. The State Treasurer must keep records of the total money in the account, identified by the city or county where the violation occurred.

Money in the account is to be spent by the Department of Ecology in consultation with the city or county where the violation occurred. Money may be spent for the restoration and

enhancement of the state's environmental and natural resources, to improve the capacity of local governments to protect and restore the environmental resources within their jurisdictions, and for public education and involvement activities directly related to environmental protection and enhancement.

Guidelines are provided for the settlement of water quality violations. The Attorney General may enter a settlement if the Department of Ecology provides public notice of the settlement, takes public comment, and obtains the recommendations of the governing bodies of the city or county where the violation occurred. The Department of Ecology must find that the proposed settlement will provide for the protection and restoration of the environmental resources in the vicinity of the alleged violation.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 1998.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.