
SENATE BILL 5208

State of Washington

55th Legislature

1997 Regular Session

By Senators Morton, Loveland, Newhouse, Rasmussen, Swecker, Hochstatter and Hale

Read first time 01/20/97. Referred to Committee on Agriculture & Environment.

1 AN ACT Relating to environmental complaint handling; adding a new
2 section to chapter 70.94 RCW; and adding a new section to chapter 90.48
3 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 70.94 RCW
6 to read as follows:

7 (1) If the department receives a complaint regarding an alleged
8 violation of the provisions of this chapter, the department must record
9 the name, address, and telephone number of the complainant. The
10 complainant must also specify where and when the alleged violation
11 occurred, exactly what the complainant witnessed, the impact of the
12 alleged violation on the complainant's interests, and if the owner or
13 operator was present at the time the complainant witnessed the alleged
14 violation. To be valid, a complaint must have all of the elements
15 required in this subsection (1).

16 (2) The department may only investigate valid complaints as defined
17 in subsection (1) of this section. Prior to taking any action on a
18 valid complaint, the department must notify the landowner of the
19 complaint, the nature of the complaint, and the name of the

1 complainant. The department must also request permission from the
2 landowner or operator to enter private property to investigate the
3 complaint. The investigation must be limited to the scope of the
4 complaint. If access is denied, the department may seek a search
5 warrant through the legal process.

6 (3) If, upon investigation of a valid claim, a violation of this
7 chapter is deemed to have occurred, the agency must provide the
8 landowner or operator twenty days to correct the violation prior to
9 issuance of an order or civil fine. This provision applies only if the
10 violation is not willful or repeated.

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

13 (1) If the department receives a complaint regarding an alleged
14 violation of the provisions of this chapter, the department must record
15 the name, address, and telephone number of the complainant. The
16 complainant must also specify where and when the alleged violation
17 occurred, exactly what the complainant witnessed, the impact of the
18 alleged violation on the complainant's interests, and if the owner or
19 operator was present at the time the complainant witnessed the alleged
20 violation. To be valid, a complaint must have all of the elements
21 required in this subsection (1).

22 (2) The department may only investigate valid complaints as defined
23 in subsection (1) of this section. Prior to taking any action on a
24 valid complaint, the department must notify the landowner of the
25 complaint, the nature of the complaint, and the name of the
26 complainant. The department must also request permission from the
27 landowner or operator to enter private property to investigate the
28 complaint. The investigation must be limited to the scope of the
29 complaint. If access is denied, the department may seek a search
30 warrant through the legal process.

31 (3) If, upon investigation of a valid claim, a violation of this
32 chapter is deemed to have occurred, the agency must provide the
33 landowner or operator twenty days to correct the violation prior to
34 issuance of an order or civil fine. This provision applies only if the
35 violation is not willful or repeated.

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