

HOUSE OF REPRESENTATIVES

Olympia, Washington

Bill Analysis

Bill No. HB 1777

Clarifying technical assistance documents.

Bill Title

Hearing Date 2/19/99

Reps Chandler and Schindler

Sponsor(s)

Staff Steve Lundin

State Government Committee

Phone 786-7127

BACKGROUND:

Regulatory agencies are required to engage in technical assistance programs encouraging regulated parties to voluntarily comply with the law. These programs include technical assistance, printed information, and assistance by telephone and training.

Technical assistance includes: information on laws, rules, and compliance methods and technologies; information on methods to avoid compliance problems; assistance in applying for permits; and information on the mission, goals, and objectives of the program.

A technical assistance visit must be requested voluntarily and accepted by the regulatory agency. The visit must be a technical assistance visit at the beginning of the visit. During technical assistance visits a reasonable time after such a visit the regulatory agency shall inform the owner or operator of the facility of any violation of the agency rules that were identified during the visit. This notice must include:

- o A description of the condition in the text of the specific section of the applicable rule that has been violated;
- o A statement of what is required to achieve compliance;
- o The date the agency requires compliance to be achieved;
- o Notice of the means to contact technical assistance services provided by the agency; and
- o Notice of when, where, and to whom a request for a time extension to achieve compliance for good cause may be filed.

The owner and operator shall be given reasonable time to correct violations that were identified during

the violation is observed during technical assistance under the following circumstances:

- o The individual business previously subject to an enforcement action for the same or similar violation of the same statute or rule has been given notice of the same or similar violation of the same statute or rule;
- o The issue involves taxes due to the state and the individual business not remitting previously collected taxes to the state;
- o The violation has a probability of causing serious danger of death or bodily harm, has a probability of causing greater than minor environmental harm, has a probability of causing more than \$1000 in physical damage to the property of another.

SUMMARY:

The first page of each technical assistance document that is developed by a agency must contain notice, in at least ten-point type, substantially in the document provides technical assistance information and does not impose any new mandatory obligations. It is not to be used as the basis for a citation.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session which bill passed.