
Environment Committee

SSB 5350

Brief Description: Concerning the unlawful dumping of solid waste.

Sponsors: Senate Committee on Environment, Water & Energy (originally sponsored by Senators Honeyford, Morton, Swecker, Delvin and Schoesler).

Brief Summary of Substitute Bill

- Requires an enforcing authority to make every effort to determine and identify the person responsible for illegally dumping solid waste before requiring the owner or lessee of the property to clean up the site where illegal dumping of solid waste has occurred.
- Requires the jurisdictional health department to reserve one-half of the restitution payment ordered by the court to assist property owners with clean up when the person responsible for the illegal dumping of solid waste cannot be determined.
- Removes the provision allowing the court to order an offender to pick up and remove litter in lieu of restitution.

Hearing Date: 3/8/11

Staff: Courtney Barnes (786-7194).

Background:

Unlawful Dumping of Solid Waste.

Generally, it is unlawful for any person to dump or allow solid waste to be dumped anywhere except at a permitted solid waste disposal site. However, a person may dump his or her own solid waste onto his or her property as long as it does not violate statutes or ordinances or create a nuisance.

Penalties for the unlawful dumping of solid waste are as follows:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- It is a class 3 civil infraction for a person to litter in an amount less than or equal to one cubic foot;
- It is a misdemeanor for a person to litter in the amount of greater than one cubic foot but less than one cubic yard; and
- It is a gross misdemeanor for a person to litter in an amount of one cubic yard or more.

In the case of a misdemeanor, the person responsible for the unlawful dumping of solid waste must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or \$50 per cubic foot of litter, whichever is greater.

In the case of a gross misdemeanor, the person responsible for the unlawful dumping of solid waste must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup, or \$100 per cubic foot of litter, whichever is greater.

The court is required to distribute one-half of the restitution payment to the landowner and one-half of the restitution payment to the jurisdictional health department investigating the incident. The court may, in addition to or in lieu of part or all of the cleanup restitution payment, order the person to pick up and remove litter from the property.

The court may suspend or modify the litter cleanup restitution payment for a first-time offender, if the offender cleans up and properly disposes of the litter.

Summary of Bill:

The enforcing authority is required to make every effort to determine and identify the person responsible for illegally dumping solid waste before requiring the owner or lessee of the property to clean up the site where illegal dumping of solid waste has occurred.

In the case of a misdemeanor or gross misdemeanor, the jurisdictional health department must reserve one-half of the restitution payment ordered by the court to assist property owners with clean up when the person responsible for the illegal dumping of solid waste cannot be determined.

The bill removes language that allows the court to order the offender to pick up and remove litter from the property *in lieu of part or all of* the restitution payment. The court may, in addition to the restitution payment, order the offender to pick up and remove litter from the property.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.