

# FINAL BILL REPORT

## SSB 5350

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C 279 L 11  
Synopsis as Enacted

**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).

**Senate Committee on Environment, Water & Energy**  
**House Committee on Environment**

**Background:** There is a comprehensive statewide program for handling, recovering, and recycling solid waste to prevent pollution and conserve the resources of the state. Each county must prepare a coordinated, comprehensive solid waste management plan and adopt regulations or ordinances to implement the plan.

The Department of Ecology reviews and approves locally issued permits and solid waste management plans, and defines minimum functional standards for all types of solid waste facilities. The sites and facilities must meet certain criteria to protect the environment and human health.

Local governments have the primary responsibility to manage solid waste. The local jurisdictions permit solid waste disposal sites and facilities, as well as enforce environmental regulations and ordinances governing illegal dumping. It is illegal to dump or allow solid waste to be dumped anywhere except at a permitted solid waste site or facility. However, a person may dump his or her own solid waste onto his or her property so long as it is not in violation of any statutes or does not create a nuisance.

A person who illegally dumps solid waste must pay \$50 per cubic foot of litter or twice the amount of the actual cleanup, whichever is greater. One-half of the restitution payment is distributed to the property owner where the illegal dumping occurred and the other half goes to the local health department investigating the incident. The court may, with permission from the landowner, allow the person to cleanup and remove litter from the property in lieu of, or in addition to, cleanup restitution payment.

**Summary:** The enforcing authority must take reasonable action to determine and identify the person responsible for illegal dumping before requiring the property owner to clean up the site.

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*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.*

Local health jurisdictions receiving restitution payment for illegal dumping must use one-half of the amount received to assist property owners with cleanup of illegal dumping where the responsible person cannot be determined. A landowner is not entitled to any restitution if the landowner gave written permission authorizing the littering, in which case the entire restitution payment must be provided to the local health department investigating the incident. In addition to restitution payment, the court may also require a person to remove and properly dispose of litter from the property.

**Votes on Final Passage:**

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|--------|----|---|--------------------|
| Senate | 49 | 0 |                    |
| House  | 93 | 0 | (House amended)    |
| Senate | 47 | 0 | (Senate concurred) |

**Effective:** July 22, 2011.