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**SUBSTITUTE SENATE BILL 5051**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** Senate Environment, Water & Energy (originally sponsored by Senators Kline, Rockefeller, Nelson, Keiser, Ranker, and Chase)

READ FIRST TIME 02/21/11.

1 AN ACT Relating to public notice of settlements of environmental  
2 and public health enforcement actions; adding a new section to chapter  
3 43.21A RCW; adding a new section to chapter 43.23 RCW; adding a new  
4 section to chapter 43.70 RCW; adding a new section to chapter 76.09  
5 RCW; and adding a new section to chapter 77.55 RCW.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A RCW  
8 to read as follows:

9 (1) Within ten days of entering into any settlement in a civil  
10 enforcement action that the department has instituted for alleged  
11 violation of an environmental or public health law or permit, the  
12 department must post the settlement on its internet web site.

13 (2) For purposes of this section:

14 (a) "Environmental or public health law or permit" means the  
15 following laws, rules implementing the laws, and permits issued  
16 pursuant to the laws or rules:

17 (i) Chapter 70.94 RCW, the Washington clean air act;

18 (ii) Chapter 70.95 RCW, regarding solid waste management;

19 (iii) Chapter 70.95J RCW, regarding municipal sewage sludge;

- 1 (iv) Chapter 70.105 RCW, the hazardous waste management act;
- 2 (v) Chapter 88.46 RCW, regarding vessel oil spill prevention and  
3 response;
- 4 (vi) Chapters 90.03, 90.14, 90.22, and 90.44 RCW, regarding surface  
5 and groundwater permits, change certificates, minimum water flows and  
6 levels, and water rights abandonment and relinquishment actions;
- 7 (vii) Chapter 90.46 RCW, regarding reclaimed water use;
- 8 (viii) Chapter 90.48 RCW, regarding water pollution control;
- 9 (ix) Chapter 90.56 RCW, regarding oil and hazardous substance spill  
10 prevention and response; and
- 11 (x) Chapter 90.76 RCW, regarding underground storage tanks.
- 12 (b) "Settlement" means an agreement partially or entirely resolving  
13 liability of an alleged violator.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.23 RCW  
15 to read as follows:

16 (1) Within ten days of entering into any settlement in a civil  
17 enforcement action that the department has instituted for alleged  
18 violation of an environmental or public health law or permit, the  
19 department must post the settlement on its internet web site.

20 (2) For purposes of this section:

21 (a) "Environmental or public health law or permit" means the  
22 following laws, rules implementing the laws, and permits issued  
23 pursuant to the laws or rules:

24 (i) Chapter 15.58 RCW, the Washington pesticide control act; and

25 (ii) Chapter 90.64 RCW, regarding dairy nutrient management.

26 (b) "Settlement" means an agreement partially or entirely resolving  
27 liability of an alleged violator.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.70 RCW  
29 to read as follows:

30 (1) Within ten days of entering into any settlement of a civil  
31 enforcement action that the department has instituted for alleged  
32 violation of a public health law or permit, the department must post  
33 the settlement on its internet web site.

34 (2) For purposes of this section:

35 (a) "Public health law or permit" means the following laws, rules

1 implementing the laws, and permits issued pursuant to the laws or  
2 rules:

3 (i) Chapters 70.118 and 70.118B RCW, regarding on-site sewage  
4 disposal; and

5 (ii) Chapters 70.119 and 70.119A RCW, regarding public water  
6 systems.

7 (b) "Settlement" means an agreement partially or entirely resolving  
8 liability of an alleged violator.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 76.09 RCW  
10 to read as follows:

11 (1) Within ten days of entering into any settlement in a civil  
12 enforcement action that the department has instituted for alleged  
13 violation of this chapter, a rule implementing this chapter, or a  
14 permit issued pursuant to this chapter or such a rule, the department  
15 must post the settlement on its internet web site.

16 (2) For purposes of this section, "settlement" means an agreement  
17 partially or entirely resolving liability of an alleged violator.

18 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.55 RCW  
19 to read as follows:

20 (1) Within ten days of entering into any settlement in a civil  
21 enforcement action that the department has instituted for alleged  
22 violation of this chapter, a rule implementing this chapter, or a  
23 permit issued pursuant to this chapter or such a rule, the department  
24 must post the settlement on its internet web site.

25 (2) For purposes of this section, "settlement" means an agreement  
26 partially or entirely resolving liability of an alleged violator.

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