
**Agriculture & Natural Resources
Committee**

HB 2916

Brief Description: Limiting the application of certain civil penalties to protect landowners from incurring penalties based on the actions of the landowner's lessee.

Sponsors: Representatives Dye, Blake, Dent, Chapman, Pettigrew and Johnson.

Brief Summary of Bill

- Provides that the Department of Ecology (Ecology) may not levy a civil penalty against a landowner for a violation of the water code if the actions of the landowner's lessee are the basis for the violation.
- Establishes that, in such cases, Ecology may levy the civil penalty against the lessee.

Hearing Date: 1/30/18

Staff: Robert Hatfield (786-7117).

Background:

The water code specifies a sequence of steps that the Department of Ecology (Ecology) must follow in order to achieve compliance with the state's water laws and rules. Ecology must first prepare and distribute technical and educational information to the general public to assist the public in complying with their water rights and applicable water laws. When Ecology determines that a violation has occurred or is about to occur, Ecology must first attempt to achieve voluntary compliance. As part of the process of attempting to achieve voluntary compliance, Ecology must offer information and technical assistance to the person in writing.

If education and technical assistance do not achieve compliance, Ecology must issue a notice of violation or a formal administrative order, or must assess penalties, unless the noncompliance is corrected expeditiously or Ecology determines that no impairment or harm has occurred.

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.

Ecology may take immediate action if it determines that the nature of the violation is causing harm to other water rights or public resources.

Ecology may levy civil penalties of ranging from \$100 to \$5,000 per day for violations of the surface water and groundwater codes, minimum instream flows, and water supply facilities statute. In determining the amount of the penalty, Ecology must consider the seriousness of the violation, whether the violation is repeated or continuous after notice is given of the violation, and whether any damage has occurred to the health or property of other persons.

Summary of Bill:

The Department of Ecology (Ecology) may not levy a civil penalty against a landowner for violations of the surface water and groundwater codes, minimum instream flows, and water supply facilities statute, if the actions of the landowner's lessee are the basis for the violation. In such cases, Ecology may levy the civil penalty against the lessee.

Appropriation: None.

Fiscal Note: Available.

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