

**WAC 173-307-100 Penalties.** (1) If, after having received a list of specified deficiencies from the department, a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete modification of a plan, executive summary, or annual progress report within the time period specified by the department, the department may enter an order under chapter 34.05 RCW finding the user or generator not in compliance with the requirements of RCW 70.95C.200. When the order is final, the department shall notify the department of revenue to charge a penalty fee. The penalty fee must be the greater of one thousand dollars or three times the amount of the user's or generator's previous year's fee, in addition to the current year's fee. If no fee was assessed the previous year, the penalty must be the greater of one thousand dollars or three times the amount of the current year's fee. The penalty assessed under this subsection must be collected each year after the year for which the penalty was assessed until an adequate plan, executive summary, or annual progress report is completed.

(2) If a hazardous substance user or hazardous waste generator required to prepare a plan fails to complete an adequate plan, executive summary, or annual progress report after the department has levied against the user or generator the penalty provided for in subsection (1) of this section, the user or generator must be required to pay a surcharge to the department whenever the user or generator disposes of a hazardous waste at any hazardous waste incinerator or hazardous waste landfill facility located in Washington state, until the required document is completed and determined to be adequate by the department. The surcharge must be equal to three times the fee charged for disposal. The department shall furnish the incinerator and landfill facilities in Washington state with a list of Environmental Protection Agency/state identification numbers of the hazardous waste generators that are not in compliance with the requirements of RCW 70.95C.200.

[Statutory Authority: Chapter 70.95C RCW. WSR 00-15-020 (Order 00-08), § 173-307-100, filed 7/11/00, effective 8/11/00; WSR 91-08-041 (Order 90-57), § 173-307-100, filed 4/1/91, effective 5/2/91.]