

WAC 246-272B-08100 Enforcement. (1) The department shall enforce this chapter and chapter 70A.115 RCW.

(2) When any person is out of compliance with a law or rule regulating LOSS and administered by the department, the department may take appropriate enforcement actions, regardless of any prior approvals issued.

(3) The department may initiate enforcement action against the owner to bring the system into compliance by using one or more of the following options, which include, but are not limited to:

(a) A conference between the department and the owner to explore facts and resolve problems;

(b) A compliance agreement between the department and the owner;

(c) A notice of correction;

(d) A notice of violation;

(e) A state departmental order;

(f) Civil penalties;

(g) Operating permit conditions or approval conditions;

(h) Injunctions; and

(i) Other authorized proceedings.

(4) The department may issue an emergency stop work order or department order to refrain from using any LOSS or portion of the LOSS or improvements to the LOSS until all permits, certifications, approvals, and determinations to proceed required by rule or statute are obtained.

(5) The department may issue an order to stop work on LOSS construction activities that occur or are scheduled to occur prior to receiving department approval, determination to proceed, or a department operating permit.

(6) The department may impose civil penalties pursuant to RCW 70A.115.050 in an amount of up to \$10,000 per day per violation.

(7) The department may deny an application for an operating permit, approval, or determination to proceed, or revoke, suspend or modify a permit, approval, or determination to proceed if:

(a) The permit was obtained by fraud;

(b) An owner violates or fails to comply with any term or condition of the permit;

(c) A LOSS failure or the need for a repair or replacement of a LOSS component has resulted from neglect or poor management practices;

(d) A person fails, refuses, or is unable to comply with chapter 70A.115 RCW or this chapter;

(e) There is a change in any condition that requires the LOSS to temporarily or permanently limit or stop operating; or

(f) It is necessary to comply with applicable water quality provisions in chapter 90.48 RCW, Water Pollution Control Act.

(8) The department may enjoin a violation or threatened violation of this chapter or chapter 70A.115 RCW in the superior court in the county in which the system is located or in Thurston County.

[Statutory Authority: RCW 43.70.040 and 2020 c 20. WSR 22-07-025, § 246-272B-08100, filed 3/9/22, effective 4/9/22. Statutory Authority: RCW 70.118B.020. WSR 11-12-035, § 246-272B-08100, filed 5/25/11, effective 7/1/11.]