

RCW 70A.455.090 Enforcement of chapter—Penalties. (1)(a) The department and cities and counties have concurrent authority to enforce this chapter and to issue and collect civil penalties for a violation of this chapter, subject to the conditions in this section and RCW 70A.455.100. An enforcing government entity may impose a civil penalty in the amount of up to \$2,000 for the first violation of this chapter, up to \$5,000 for the second violation of this chapter, and up to \$10,000 for the third and any subsequent violation of this chapter. If a producer has paid a prior penalty for the same violation to a different government entity with enforcement authority under this subsection, the penalty imposed by a government entity is reduced by the amount of the payment.

(b) The enforcement of this chapter must be based primarily on complaints filed with the department and cities and counties. The department must establish a forum for the filing of complaints. Cities, counties, or any person may file complaints with the department using the forum, and cities and counties may review complaints filed with the department via the forum. The forum established by the department may include a complaint form on the department's website, a telephone hotline, or a public outreach strategy relying upon electronic social media to receive complaints that allege violations. The department, in collaboration with the cities and counties, must provide education and outreach activities to inform retail establishments, consumers, and producers about the requirements of this chapter.

(c) A city or county that chooses to enforce the requirements of this chapter within their jurisdiction must notify the department with a letter of intent that includes:

(i) The start and any end date of the local jurisdiction's enforcement activities;

(ii) The geographic boundaries within which the enforcement activities are planned; and

(iii) Any technical assistance, education, or enforcement tools that the city or county would like to request from the department in support of local enforcement activities.

(2) Penalties issued by the department are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to chapter 19.86 RCW or other consumer protection laws, if applicable.

(4) In addition to penalties recovered under this section, the enforcing city or county may recover reasonable enforcement costs and attorneys' fees from the liable producer. [2024 c 341 s 504; 2022 c 180 s 808; 2020 c 20 s 1448; 2019 c 265 s 9. Formerly RCW 70.360.090.]

Findings—Intent—2024 c 341: See note following RCW 70A.207.040.

Findings—Intent—Scope of authority of chapter 180, Laws of 2022—2022 c 180: See notes following RCW 70A.205.007.

Effective date—2020 c 20 ss 1446-1450: See note following RCW 70A.455.060.