

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2768

52nd Legislature
1992 Regular Session

Passed by the House February 14, 1992
Yeas 92 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 3, 1992
Yeas 43 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is SUBSTITUTE HOUSE BILL 2768 as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2768

Passed Legislature - 1992 Regular Session

State of Washington 52nd Legislature 1992 Regular Session

By House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate)

Read first time 02/07/92.

1 AN ACT Relating to department of ecology technical assistance
2 officers; and adding new sections to chapter 43.21A RCW.

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

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

6 The department, to the greatest extent possible, within available
7 resources and without jeopardizing the department's ability to carry
8 out its legal responsibilities, may designate one or more of its
9 employees as a technical assistance officer, and may organize the
10 officers into one or more technical assistance units within the
11 department. The duties of a technical assistance officer are to
12 coordinate voluntary compliance with the regulatory laws administered
13 by the department and to provide technical assistance concerning
14 compliance with the laws.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW
2 to read as follows:

3 (1) An employee designated by the department as a technical
4 assistance officer or as a member of a technical assistance unit may
5 not, during the period of the designation, have authority to issue
6 orders or assess penalties on behalf of the department. Such an
7 employee who provides on-site consultation at an industrial or
8 commercial facility and who observes violations of the law shall inform
9 the owner or operator of the facility of the violations. On-site
10 consultation visits by such an employee may not be regarded as
11 inspections or investigations and no notices or citations may be issued
12 or civil penalties assessed during such a visit. However, violations
13 of the law must be reported to the appropriate officers within the
14 department. If the owner or operator of the facility does not correct
15 the observed violations within a reasonable time, the department may
16 reinspect the facility and take appropriate enforcement action. If a
17 technical assistance officer or member of a technical assistance unit
18 observes a violation of the law that places a person in danger of death
19 or substantial bodily harm, or has caused or is likely to cause
20 physical damage to the property of others in an amount exceeding one
21 thousand dollars, the department may initiate enforcement action
22 immediately upon observing the violation.

23 (2) The state, the department, and officers or employees of the
24 state shall not be liable for damages to a person to the extent that
25 liability is asserted to arise from the performance by technical
26 assistance officers of their duties, or if liability is asserted to
27 arise from the failure of the department to supply technical
28 assistance.