

**RCW 70A.208.230 Enforcement authority—Penalties.** (1) (a) The department may administratively impose a civil penalty of up to \$1,000 per violation per day on any producer who violates this chapter and up to \$10,000 per violation per day for the second and each subsequent violation.

(b) For a producer out of compliance with the requirements of this chapter, the department shall provide written notification and offer information. For the purposes of this subsection, written notification serves as notice of the violation. The department must issue at least one notice of violation by certified mail prior to assessing a penalty and the department may only impose a penalty on a producer that has not met the requirements of this chapter 60 days following the date the written notification of the violation was sent.

(2) (a) The department may administratively impose a civil penalty of up to \$1,000 per violation per day on any producer responsibility organization that violates this chapter and up to \$10,000 per violation per day for the second and each subsequent violation.

(b) The department may, in addition to assessing the penalties provided in (a) of this subsection, take any combination of the following actions:

(i) Issue a corrective action order to a producer responsibility organization;

(ii) Issue an order to a producer responsibility organization to provide for the continued implementation of the program in the absence of an approved plan;

(iii) Revoke the producer responsibility organization's plan approval and require implementation of the contingency plan;

(iv) Require a producer responsibility organization to revise or resubmit a plan within a specified time frame; or

(v) Require additional reporting related to the area of noncompliance.

(c) Prior to taking an action described in this subsection, the department must provide the producer responsibility organization an opportunity to respond to or rebut the written finding upon which the action is predicated.

(3) A person may not sell or distribute in or into the state a covered material of a producer that is not participating in a producer responsibility organization or that is not in compliance with the requirements of this chapter or rules adopted under this chapter.

(a) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to a person distributing or selling covered materials of a producer that is not in compliance with this chapter.

(b) The department may assess a penalty on a person that continues to sell or distribute covered materials of a producer that is in violation of this chapter 60 days after receipt of the written warning under this subsection. The amount of the penalty that the department may assess under this subsection is twice the value of the covered materials sold in violation of this chapter or \$500, whichever is greater. The department must waive the penalty upon verification that the person has discontinued distribution or sales of the covered material within 30 days of the date the penalty is assessed.

(4) Any person who incurs a penalty or receives an order may appeal the penalty or order to the pollution control hearings board established in chapter 43.21B RCW.

(5) Penalties levied under this section must be deposited in the recycling enhancement account created in RCW 70A.245.100.

(6) Upon receipt of a request from the advisory council, the department must consider the appropriateness of the use of enforcement authority authorized in this section. [2025 c 316 s 123.]