

RCW 90.56.330 Additional penalties. (1) Except as otherwise provided in RCW 90.56.390, any person who negligently discharges oil, or causes or permits the entry of the same, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to one hundred thousand dollars for every such violation, and for each day the spill poses risks to the environment as determined by the director. Any person who intentionally or recklessly discharges or causes or permits the entry of oil into the waters of the state shall incur, in addition to any other penalty authorized by law, a penalty of up to five hundred thousand dollars for every such violation and for each day the spill poses risks to the environment as determined by the director. The amount of the penalty shall be determined by the director after taking into consideration the size of the business of the violator, the gravity of the violation, the previous record of the violator in complying, or failing to comply, with the provisions of chapter 90.48 RCW, the speed and thoroughness of the collection and removal of the oil, and such other considerations as the director deems appropriate. Every act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty provided for in this section shall be imposed pursuant to RCW 43.21B.300.

(2) The director may impose the penalty authorized under subsection (1) of this section, in addition to any other assessment for damages the director is authorized to impose pursuant to law, if the discharge of oil is at an energy facility regulated by the energy facility site evaluation council.

(3) Any penalty recovered pursuant to this section shall be credited to the coastal protection fund created in RCW 90.48.390. [2015 3rd sp.s. c 39 § 4; 2007 c 347 § 3; 1992 c 73 § 36; 1990 c 116 § 20; 1989 c 388 § 9; 1987 c 109 § 20; 1985 c 316 § 7; 1970 ex.s. c 88 § 9; 1969 ex.s. c 133 § 7. Formerly RCW 90.48.350.]

Findings—Intent—2015 3rd sp.s. c 39: See note following RCW 80.50.150.

Effective dates—1992 c 73: See RCW 82.23B.902.

Findings—Severability—1990 c 116: See notes following RCW 90.56.210.

Intent—Application—Captions—Severability—1989 c 388: See notes following RCW 90.56.010.

Purpose—Short title—Construction—Rules—Severability—Captions—1987 c 109: See notes following RCW 43.21B.001.