

WAC 173-360A-0270 Enforcement. (1) **Authority.** The director of the department of ecology may seek appropriate injunctive or other judicial relief by filing an action in Thurston County superior court or issuing such order as the director deems appropriate to:

(a) Enjoin any threatened or continuing violation of this chapter or chapter 90.76 RCW;

(b) Restrain immediately and effectively a person from engaging in unauthorized activity that results in a violation of any requirement of this chapter or chapter 90.76 RCW and is endangering or causing damage to public health or the environment;

(c) Require compliance with requests for information, access, testing, or monitoring under WAC 173-360A-0250 or RCW 90.76.060;

(d) Prohibit the delivery, deposit, or acceptance of a regulated substance to an UST system identified by the department to be ineligible for such delivery, deposit, or acceptance in accordance with WAC 173-360A-0280 and chapter 90.76 RCW; or

(e) Assess and recover civil penalties authorized under WAC 173-360A-0290 and RCW 90.76.080.

(2) **Procedures.** The department's enforcement procedures must be consistent with and no less stringent than those required by 40 C.F.R. Sec. 281.41, as amended, and section 9012 of the Solid Waste Disposal Act (42 U.S.C. Sec. 6991k).

(3) **Appeals.** A person subject to an order issued under this chapter may appeal the order to the pollution control hearings board in accordance with RCW 43.21B.310.

(4) **Public participation.** The department's procedures for public participation in the state enforcement process must be consistent with and no less stringent than those required by 40 C.F.R. Sec. 281.42, as amended. The department will not oppose intervention of right under Superior Court Civil Rule 24 (a)(2) in a civil enforcement action taken under this chapter or chapter 90.76 RCW on the grounds that the person's interest is adequately represented by the state.

[Statutory Authority: Chapter 90.76 RCW. WSR 18-15-083 (Order 16-02), § 173-360A-0270, filed 7/18/18, effective 10/1/18.]