

Enforcement Report

Fiscal Year 1993



March 1994
Publication #94-20


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Introduction

Role of "Enforcement"

Ecology serves the public interest as set by the legislature and the governor. Public interest is not static: it changes with social, economic and political conditions. Ecology knows that enforcement decisions can have significant and potentially far reaching impacts. Enforcement actions can help protect public health and the environment, these same actions can also affect the economic viability of people and businesses in our state. To achieve a balance Ecology's responses must be measured in relation to fault and impact.

Ensuring that citizens, businesses and industries comply with environmental requirements is one of Ecology's most important goals. Enforcement is one tool used by the agency to accomplish this goal. Other tools include permitting, technical assistance, and grants. Enforcement is most effective when it is coordinated with all the other tools.

Voluntary compliance is expected, and the agency needs to make sure that people are clear about what they need to do to comply. When efforts to achieve voluntary compliance are unsuccessful, enforcement is an appropriate action.

For more information or if you have special accommodation needs, please contact Ecology's Enforcement Unit at (206) 407-6968 (Voice), or (206) 407-6006 (TDD)

Enforcement Options

Overview 1990 1993

Complaints and self reporting are the two most common triggers for compliance inspections. Usually the violations leading to the complaint or permit exceedance are addressed following the compliance visit. Typically, the inspector will tell the facility what the areas of noncompliance are, and if possible recommend solutions. For some facilities Ecology must take formal enforcement to generate compliance.

The three most common civil enforcement tools are: Notice of Violation (NOV), Administrative Order, and Administrative Penalties. An NOV is used to gather information, orders are use to direct the facility to take corrective actions, and penalties are used to influence behavior.

All Actions	Number of Notices of Violation	Number of Administrative Orders	Number of Administrative Penalties	Fiscal Year Action Total	Dollar Amount Assessed
FY 90	146	90	190	426	\$2,108,002
FY 91	108	125	160	393	\$2,613,955
FY 92	85	167	160	412	\$1,981,100
FY 93	77	153	106	336	\$1,398,982
Grand Total	416	535	616	1567	\$8,102,039

Breakdown of Agency Enforcement actions by Fiscal Year. In a "Typical Year" approximately 400 actions are issued, 25% of these are Notices of Violations, 35% are Administrative Orders, and 40% are Administrative Penalties.

Notice of Violation As An Option

An Notice of Violation (NOV) is an information gathering tool. It provides the facility an opportunity to suggest a solution to resolve potential or on-going violations. Often Ecology will use the information provided in a response to the Notice of Violation to develop an administrative order.

A Notice of Violation is a formal action which alerts the facility that Ecology has determined that a violation has or will occur. A Notice of Violation is not considered an order or directive, but it does require a response from the recipient. Notice of Violation documents are not appealable. Currently, only the water quality, air quality, and spills prevention laws provide the authority to issue a Notice of Violation.

Notice of Violation	FY 90	FY 91	FY 92	FY 93	Total
Air Quality Program	68	29	32	22	151
Central Programs (Spills and Industrial Sections)	9	5	16	21	51
Water Quality Program	69	74	37	34	214
All Authorized Programs	146	108	85	77	416

Breakdown by Fiscal Year of Notice of Violation Issuance by Program. Only the water quality, air quality, and spills prevention laws provide the authority to issue a Notice of Violation.

During the past four years a total of 416 Notices of Violation have been issued by Ecology. These notices accounted for about one-fourth of all the actions taken by Ecology. Over half the NOV's issued were for water quality violations.

In water quality cases, a Notice of Violation is usually issued before an order or penalty is assessed. But, if Ecology determines that immediate action is necessary the NOV can be waived.

In air quality cases, a Notice of Violation must be issued at least thirty days before assessing a penalty. If the Department determines that immediate action is necessary the Notice of Violation can be issued concurrently with an order. For air quality cases, the Notice of Violation must offer the alleged violator an opportunity to meet with the Department.

Administrative Orders as an Option

All of Ecology's regulatory programs have the authority to issue administrative orders. These orders require steps to correct violations. They also require responsible parties to clean up contaminated sites. Sometimes they are used to collect information about potential violations. All orders are appealable. For some programs, they must first be appealed to an administrative hearings board. For others, they can be appealed directly to Superior Court. An order can create more of an economic burden than a penalty. For all our regulatory programs, failure to comply with an order is considered a separate violation, which can result in the assessment of administrative penalties.

Administrative Orders	FY 90	FY 91	FY 92	FY 93	Total
Air Quality Program	2	2	1	7	12
Central Programs (Spills and Industrial Sections)	8	20	36	12	76
Haz. Waste and Toxics Reduction	21	20	10	10	61
Shorelands Program	3	3	6	0	12
Toxics Clean-Up Program	7	19	34	11	71
Water Resources Program	18	23	43	53	137
Water Quality Program	31	38	37	60	166
Total for All Programs	90	125	167	153	535

During the past four years, Ecology issued 535 administrative orders. Most orders which are appealed are resolved through the settlement process.

Break Down by Fiscal Year of Administrative Orders by Program. Orders from the Industrial Section were issued using the authority of water quality, air quality and hazardous waste laws.

Administrative orders accounted for about 35 percent of all the actions taken by the Department during the past four years. Over half of all orders were issued for violations of water quality and water resource laws.

Penalties As An Option

All of Ecology's regulatory programs have the authority to assess administrative penalties. For most of the programs, the authorizing statutes set the maximum amount on a per day per violation basis. The maximum amount varies by program and the nature of violation. Currently it ranges from a low of \$100 (Water Rights), to a high of \$100,000 (Spills).

Penalty Amounts	FY 90	FY 91	FY 92	FY 93	Total
Air Quality Program	\$13,600	\$10,900	\$36,300	\$34,500	\$95,300
Central Programs (Spills and Industrial Sections)	\$575,050	\$730,000	\$727,750	\$489,500	\$2,523,300
Haz. Waste and Toxics Reduction	\$830,000	\$1,242,500	\$718,000	\$527,000	\$3,317,500
Shorelands Program	\$11,600	\$380,880	\$48,000	\$30,000	\$470,480
Toxics Clean-Up Program	\$110,000	\$3,000	\$2,000	\$204,702	\$319,702
Water Resources Program	\$2,500	\$13,700	\$46,300	\$16,880	\$79,380
Water Quality Program	\$564,252	\$232,975	\$402,750	\$96,400	\$1,296,377
Total for All Programs	\$2,108,002	\$2,613,955	\$1,981,100	\$1,398,982	\$8,102,039

During the past four years, Ecology issued 616 penalties. The total amount assessed by these penalties was about eight million dollars. Through settlements and responses to Applications for Relief, Ecology reduced the assessed penalty amount by about two and a half million dollars (31 percent of the assessed amount). The Appeals Hearings Boards reduced the assessed penalty amount by one hundred and twenty-three thousand dollars (2 percent of the assessed amount).

The majority of penalties are issued for failure to comply with the conditions of an order or for significant violations. The factors used to determine the penalty amount include the following; nature of the violation, compliance history, efforts made to come into compliance, and the economic benefit of noncompliance. The largest penalty issued during this period was \$903,000 and the smallest was \$100. The average penalty amounts are often misleading as a few large penalties skew the data. In fact, the median penalty amount for the past four years was less than \$3,000. The most common penalty issued by the Department for each year was \$1,000.

Penalties Number Issued	FY 90	FY 91	FY 92	FY 93	Total
Air Quality Program	22	11	15	6	54
Central Programs (Spills and Industrial Sections)	75	68	68	31	242
Haz. Waste and Toxics Reduction	29	13	10	5	57
Shorelands Program	6	21	13	16	56
Toxics Clean-Up Program	4	1	1	4	10
Water Resources Program	6	14	17	18	55
Water Quality Program	48	32	36	26	142
Total for All Programs	190	160	160	106	616

Appeals Overview

Once a penalty or order has been issued, the violator has a right to appeal. A penalty appeal may take one of two forms: (1) an Application for Relief filed with Ecology, and/or (2) an appeal filed with the Pollution Control Hearings Board (PCHB); or for shorelands penalties, the Shorelands Hearing Board (SHB).

Most orders can only be Appealed to the PCHB. Shorelines orders are an exception. They may only be appealed to superior court. (While orders for the Toxic Cleanup Program are not appealable, the aggrieved party may petition the Department for reimbursement of cost associated with compliance with the order. If Ecology refuses to reimburse the costs, the aggrieved party may file suits.)

Appeals to Ecology - Application for Relief (Penalties Only)

An Application for Relief (AFR) is a statement by the alleged violator explaining why Ecology's action was unjust or unduly harsh, and why the action should be rescinded or reduced. The Application for Relief is signed in the presence of a notary.

Ecology considers the information in the Application for Relief and determines if the penalty is to be canceled, affirmed, or reduced. The AFR process is optional. Persons can appeal directly to an environmental hearings board.

Appeal to an Environmental Hearings Board - (Orders - Penalties)

Any party wishing to contest a final decision made by Ecology has the right to appeal to the Pollution Control Hearings Board, or for shoreline penalties the Shoreline Hearings Board. The appeal must be filed directly with the Hearings Board within thirty calendar days of receipt of the action, or Ecology's response to the Application for Relief. Both the violator and Ecology have the right to appeal the Hearings Board decision to superior court.

Penalty Appeals History

Overview

There are five ways a penalty may be mitigated: (1) Ecology may rescind the penalty; (2) Ecology may adjust the penalty amount due to information presented in the Application for Relief, (3) the agency may agree to a settlement; (4) the Pollution Control Hearings Board (PCHB), may adjust a penalty based on the facts presented at a hearing; or (5) the penalty may be mitigated by a ruling from Superior Court.

Fiscal Year 1993

In fiscal year 1993, forty-nine penalties were appealed directly to Ecology (46% of the penalties issued). During this same period, nineteen penalties were appealed to an Environmental Hearings Board (18% of the penalties issued). In fiscal year, 1993, the dollar amount of the appealed penalties accounted for about sixty-four percent of the total assessed amount.

Penalty Mitigation Trend Fiscal Years 1990-1993

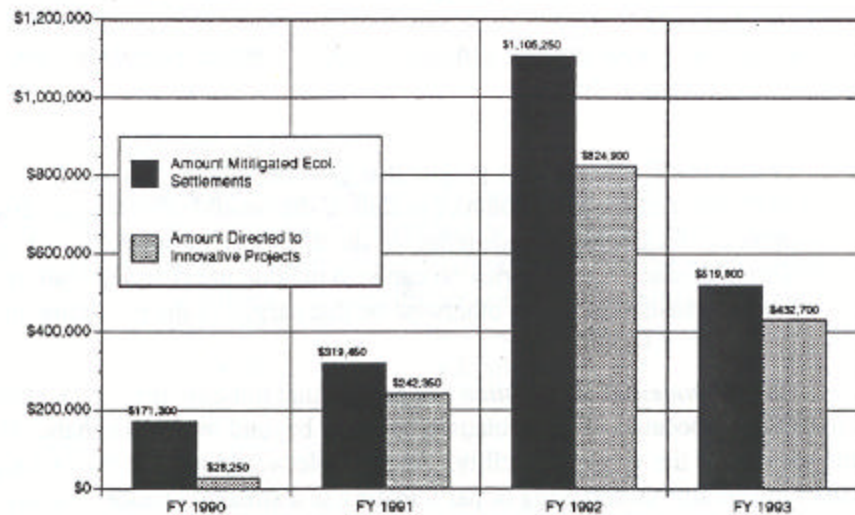
Data for the past four years shows that for appealed penalties the assessed amount is generally reduced by about one-third. The vast majority (over eighty percent) of penalty mitigation occurs through negotiated settlements. New information presented in Applications for Relief accounts for 5 percent of the mitigated amount. Relinquishments accounts for an additional 1 percent. In total, Ecology was directly involved in 87 percent of the mitigated amount. During this same four year period, the Hearings Boards reduced penalties by 2 percent. About half of this amount is for penalties which were held in abeyance. The Superior Court did not mitigate any of Ecology's penalties during this period.

The Role of Settlements in Penalty Appeals

During the last four fiscal years penalties which are appealed have been mitigated by about one-third. The vast majority of the mitigation is the result of settlements between the penalized party and Ecology.

Over the past four years Ecology has settled one-hundred and twenty cases. The penalties assessed for these cases totalled \$3,369,280. Settlements accounted for over eighty percent of the dollar amount which was mitigated. Settlements can be divided into two general categories; traditional and innovative.

In a traditional settlement the penalty amount is reduced and the penalized party is not required to direct monies to projects which will benefit the environment. These types of settlements are generally made when there are weakness in the case, or to avoid bad case law. With innovative settlements the penalty amount is reduced, but the penalized party agrees to put money into projects which benefit the environment. Due to innovative settlements, over seventy percent of the mitigate penalty amount was directed to projects which benefited the environment (Please Refer to Graph 1).



Graph 1 - Comparison of Amount Mitigated to the Amount Directed to Innovative Projects, by Fiscal Year.

Innovative Settlements

Overview

Strong case settlements should be innovative; conferring a direct environmental benefit. The common benefits of innovative settlements are listed below. Innovative settlements accounted for over eighty percent of the penalty amount mitigated in Fiscal Year 93.

In a January 1992 decision the PCHB ruled that it has responsibility to uphold settlement agreements which have been entered by it. See, Dwight & Shirley Lewis v. San Juan County & Ecology, PCHB No. 91-183 (1992). In the Lewis decision, the PCHB said that settlements are essentially contracts and are "like a final judgment in its binding effect" when entered by the Board. In Lewis, the PCHB affirmed a penalty based on a stipulated penalty provision contained in a settlement that resolved a previous appeal involving the parties.

Potential Benefits

- **Pollution Prevention** : A project that substantially reduces or prevents the generation or creation of pollutants through use reduction or a closed loop process. This often will involve changing an industrial process and can include substituting fuels and materials in the industrial process to prevent pollution.

- **Pollution Reduction** : A project that goes beyond compliance with discharge limitations to further reduce the amount of pollution that would otherwise be discharged into the environment. Examples include reducing the discharge of pollutants through more effective end-of-pipe or stack technologies. It can also include improved operation and maintenance or recycling residuals that would otherwise be discharged to the environment.

- **Environmental Restoration** : A project that not only repairs the damage done to the environment because of the violation, but goes beyond repair to enhance the environment in the vicinity of the violating facility. An example would include a violator performing a spill cleanup and also undertaking or participating in a stream enhancement project.

- **Public Awareness** : These projects include distributing environmental compliance information to the regulated community either through publications, newsletters, or seminars.

Hearings Boards Penalty Decision Summary - FY 1993

From June 30, 1992 through July 1, 1993, the Hearings Boards issued ten Findings of Fact and Conclusions of Law (decisions) for eleven penalties appeals (two penalties were combined in one decision). The total dollar amount under appeal in the ten cases was \$463,700. This amount represents six Water Quality penalties totalling \$153,000, two Dangerous Waste Toxics Reduction penalties totalling \$300,000, one Air Quality penalty for \$9,500, one Water Resource penalty for \$700, and one Shorelines penalty for \$500.

The Board adjusted the penalty in three of the ten cases. In two decisions the Board both reduced the penalty and suspended part of the remaining penalty. In one case the Board suspended part of the penalty. The penalty reductions in the two cases amounted to \$55,000 or 12% of the total dollar amount under appeal in the ten cases. Penalty suspensions totalled \$79,000 or 17% of the total dollar amount under appeal in the ten cases. Penalty suspensions appear to be based on the violator's past history and whether some of the violations proven at hearing were minor in nature. The penalty suspensions are conditioned on no further violations for a certain amount of time (typically two or three-years from the date of the Board's decision).

The penalty amounts reduced or suspended by the PCHB totalled \$134,000 or 29% of the total dollar amount under appeal in the ten cases. This 29% reduction/suspension rate is significant. For the past two years the Boards have suspended a significant portion of penalties based on future compliance. Board decisions that include penalty suspension conditions require extra monitoring by Ecology.

Hearings Boards Findings - Fiscal Year 1993

Nordevin v Ecology

PCHB No. 90-202 (7/1/92): On July 1, 1992, the PCHB, affirmed a \$20,000 penalty and order against Nordevin, Inc. for causing or allowing silt-laden runoff to enter Deer Creek, a water of the state, during January and May of 1990. The violations occurred while Nordevin was clearing and preparing a 38 acre site near Puyallup for residential development. A considerable effort was made by Ecology to resolve the erosion problem before issuing the penalty. In its decision, the PCHB noted, "[I]t was the company's ongoing responsibility to control erosion, obtaining such professional consultation as necessary, expeditiously implementing erosion control measures and maintaining them." Although the penalty was affirmed, the PCHB took into consideration the unusual rainfall in January 1990 plus the fact that Nordevin had no previous formal enforcement history and reduced the penalty to \$15,000. The PCHB also suspended an additional \$5,000 pending no further water quality violations for a two-year period. Nordevin paid the adjusted penalty.

ITT Rayonier v Ecology

PCHB No. 91-215 (7/2/92): This case involved the appeal of two penalties totalling \$100,000 imposed after the wastewater treatment plant at ITT Rayonier's Hoquiam facility exceeded its pH permit limitations in December 1990 and January 1991. Both violations were the result of chemical spills caused by equipment malfunction. At hearing, ITT Rayonier raised the "upset" defense which excuses a violation when there is "an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee." Ecology was able to show there was some operator error or carelessness and the defense failed. The PCHB mentioned a number of mitigating factors and reduced the combined penalties of \$100,000 to \$50,000. An additional \$30,000 was suspended provided there are no water pollution violations caused by chemical spills at ITT Rayonier's Hoquiam facility within the next two years. ITT Rayonier paid the adjusted penalty.

South Grays Harbor Timber Resources v Ecology

PCHB 92-53 and 92-151 (12/3/92): On December 3, 1992, the PCHB affirmed in full a \$206,000 dangerous waste penalty against South Grays Harbor Timber Resources (SGHTR). The penalty was imposed when SGHTR failed to properly dispose of over two-hundred 55 gallon drums of hazardous waste. The drums contained waste paints, stains and lacquers. The drums were well traveled. From 1979 through November 1991, they were stored in remote, mostly outdoor locations in Oregon. The drums were moved to Shelton in late November or early December 1991. The drums were in poor condition, most were rusting.

At the time of the move, SGHTR's owner was under an Oregon Department of Environmental Quality order to properly manage and dispose of the drums. Oregon had been after SGHTR's owner since 1987 to manage the drums in an environmentally safe manner. Ecology first inspected SGHTR on December 4, 1991. After four follow-up site visits, and Ecology's failure to gain compliance voluntarily, an order was issued requiring SGHTR to designate its waste and ship it off-site. The penalty was issued five months later after SGHTR failed to comply with the order. According to the PCHB, the response by the SGHTR owner to regulatory concerns in both Oregon and Washington was "minimal and reluctant".

At hearing, Ecology successfully argued that the contents of the drums met the definition of solid waste because they had been allowed to accumulate, unused, for over ten years. The waste qualified as dangerous waste because it displayed the characteristic of ignitability. SGHTR's owner testified that he had purchased the drums at auction in 1979 and planned to use them, eventually, in a pre-cut home business he was starting in Shelton. In its decision, the PCHB indicated that "[I]f he indeed intended to use [the drums], we are left wondering why he has taken such a minimal effort to protect them." SGHTR was unable to show either a market for the materials or that they were being used in a production process.

Among the reasons given for upholding the penalty in full was the SGHTR owner's "consistent pattern of obstructing state regulatory efforts to remove the hazards posed by the drums." The decision was appealed by SGHTR to Mason County Superior Court.

**Comet Trailer
Manufacturing v
Ecology**

PCHB 91-121 (12/3/92): A hearing was held on May 13 and 14, 1992 to consider Comet Trailer's appeal of a \$94,000 dangerous waste penalty and order. This was Comet Trailer's second PCHB appeal in seven years. In 1985, Comet received a \$10,000 penalty and order for unlawfully disposing of lead-contaminated paint waste and solvent-soaked sawdust at the Terrace Heights Landfill in Yakima. The 1985 order and penalty were affirmed. The PCHB did, however, reduce the penalty by \$6,000 believing Ecology's efforts had set Comet on the proper path. The most recent penalty was imposed following five Ecology inspections over a seven month period at Comet's Selah, Washington facility. Ecology found that Comet was a large quantity generator that subjected itself to regulation as a treatment, storage and disposal facility by storing the dangerous waste it generates for longer than 90 days. Fifteen violations were noted in the penalty and order. Comet complied with the order before hearing and that portion of the appeal was dismissed.

Comet brought a motion before hearing to admit evidence about its past and present financial position in an effort to persuade the PCHB to reduce the penalty. The PCHB denied the motion stating that "economic difficulties cannot excuse a party from complying with environmental laws that all other businesses are expected to follow." The penalty was affirmed in full. In its decision, the PCHB mentioned the violations were serious and some of them had been occurring for several years. The PCHB also mentioned that Comet's continued failure to designate its waste resulted in, among other things, dangerous waste being disposed of at the local landfill, just as before. Although the PCHB indicated the penalty imposed was reasonable given the nature of the violations and Comet's past history, \$44,000 of the penalty was suspended provided Comet does not violate state dangerous waste laws for three years.

Joe Sety v Ecology

PCHB No. 92-111 (5/18/93): This case involved a tire fire that occurred near Chewelah, Washington on February 7, 1992. The property where the fire took place has been used by Mr. Sety since the 1970's to store used tires. Several tire fires have occurred at the property between 1979 and 1992. The February 7th fire lasted five days and occurred during a "forecast stage of an air pollution episode" in Eastern Washington. Ecology penalized Mr. Sety \$9,500 for violating state regulations that prohibit open burning during an air pollution episode. The PCHB upheld the penalty in full noting "there had been no substantial effort [by Sety] to prevent fires occurring or to become interested or actively involved in preventing further violations."

AAA Monroe Rock Corp. v Ecology

PCHB 92-149 (6/29/93): On June 29, 1993 the PCHB affirmed a \$7,000 penalty against AAA Monroe rock Corporation of Snohomish, Washington for violating wastewater discharge conditions of a National Pollution Discharge Elimination System (NPDES) permit. AAA Monroe owns and operates a rock mine in Snohomish. Ecology conducted an inspection in February 1992 and observed excessive turbidity in an area where wastewater was discharged from a pipe and at another location where discharged wastewater met a natural stream flow. A follow-up inspection was conducted one week later. Based on the two inspections, Ecology penalized AAA Monroe for failure to comply with NPDES conditions relating to sampling requirements for total suspended solids (TSS), failure to meet effluent standards for TSS and failure to complete discharge monitoring reports correctly. In its decision, the PCHB mentioned that Washington's water quality law (Ch. 90.48 RCW) is a strict liability statute, and neither intent nor negligence is relevant.

Allied Aquatics v Ecology

PCHB No. 91-40 (3/4/93): This case involved an \$18,000 penalty against Allied Aquatics, a Pierce County aquatic herbicide applicator, for violating the terms of an order approving the application of endothall on Ohop Lake in June 1990. Certain controls were included in Ecology's order to protect against health risks posed by the application of endothall. The PCHB found that Allied Aquatics violated the terms of the order by failing to adequately post signs warning residents not to swim, fish or use water from the lake for several days following the application and for failing to place buoys so they form a 400' buffer strip around the treatment zone. The PCHB affirmed the penalty in full.

Program Enforcement Overview

Hazardous Waste and Toxics Reduction Program

The Hazardous Waste and Toxics Reduction Program regulates hazardous waste "cradle to grave" mostly through the use of civil penalties, administrative orders and facility permits. People who generate, transport, treat, store or dispose of hazardous waste are subject to state hazardous waste laws and regulations. Appeals of penalty, order or permit decisions begin at the Pollution Control Hearings Board (PCHB) level. PCHB decisions can be appealed to superior court.

[Note: The federal law that created "cradle to grave" regulation of hazardous waste, the Resource Conservation and Recovery Act (RCRA), allows EPA to delegate primary responsibility for hazardous waste regulation to states having laws and regulations that are equivalent to, but no less stringent than, the federal model. EPA delegated Washington authority to enforce its own hazardous waste laws and regulations, in lieu of RCRA, in the early 1980's. EPA does, however, retain independent authority to enforce RCRA regulations at its discretion.]

Selected Case Examples

PCHB No. 92-174: On August 10, 1992 Klein Bicycle, Inc., a Chehalis based bicycle manufacturer was penalized \$242,000 under state dangerous waste and water quality laws for illegally discharging wastewater and hazardous waste to the ground. The company was also cited for 15 hazardous waste violations including failure to properly designate and manage spent degreasers, solvents, cutting oil and paint thinner. The violations were observed during two inspections conducted in April and May 1992. The inspections found Klein had failed to voluntarily comply with state requirements despite technical assistance from Ecology and repeated efforts by the agency to gain compliance. Along with the penalty, an order was issued requiring Klein to cease discharging, waste to the ground and determine the extent and nature of any soil or groundwater contamination at the site. Klein was also ordered to manage its dangerous waste according to state law. The

**Klein Bicycle,
Inc v Ecology**

penalty and order were appealed but later settled. Included in the settlement agreement is Klein's promise to pay \$50,000 towards programs or projects that benefit water quality locally or statewide. A \$50,000 credit for innovative actions is also allowed for hazardous waste management improvements at Klein's facility that are "above and beyond" federal, state or local requirements. Klein agreed to pay Ecology \$40,000. Ecology suspended \$50,000 of the original penalty contingent upon Klein's compliance with state hazardous waste and water quality laws during the next three years.

**Fiberglass
Technologies, Inc.**

Fiberglass Technologies (Fiber Tech) a Spokane based manufacturer of fiberglass truck panels and building products was penalized \$55,000 in July 1992 for violating designation, spill, storage and general dangerous waste management regulations. When Fiber Tech began operations in 1984, it listed acetone as its only waste. Since that time, annual reports failed to accurately identify the hazardous wastes that were being generated. Two Ecology inspections in the spring of 1993 found that Fiber Tech was a large quantity generator of acetone as well as methylene chloride and styrene. There was no indication that the hazardous waste generated by Fiber Tech had ever been designated or shipped to a permitted disposal facility. The penalty was not appealed.

Water Quality Program

When formal enforcement is appropriate, the Water Quality Program typically uses a Notice of Violation, civil penalty or administrative order to gain compliance. Violations occur whenever there is an unlawful discharge of a polluting matter to a water of the state. Violations occur from "nonpoint sources" who by design or accident cause polluting matter to contaminate a water of the state. Violations also occur from "point sources" (industrial or municipal dischargers) who violate the operating conditions of their National Pollutant Discharge Elimination System (NPDES) permit. Washington's Water Quality Program was approved by EPA in 1973. This gave Ecology authority to administer the NPDES permit program. State waste discharge permits are also issued for discharges to the ground and municipal sewer systems. Appeals of water quality formal enforcement decisions are filed with the PCHB.

Selected Case Examples

Seattle Cold Storage

Acting on information provided by the City of Algona Public Works Department, Ecology investigated the release of ammonia from Seattle Cold Storage to the city storm drainage system. Ecology found that the company was responsible for allowing ammonia to be discharged to the city storm drain as well as a ditch tributary adjacent to a wetland. Ammonia is a corrosive chemical that is toxic to aquatic life. Seattle Cold Storage failed to report the discharge. Ecology issued a \$2,200 penalty on December 19, 1992 to Seattle Cold Storage for allowing the discharge of ammonia to a water of the state and discharging without a permit. This was the second unlawful discharge investigated by Ecology at Seattle Cold Storage in over a year. The case was not appealed and Seattle Cold Storage paid the penalty in full.

Smith Chrome Plating

Late in April 1992, the City of Walla observed a green-yellow influent at its wastewater treatment plant. The influent was tested and found to contain high levels of chromium. The City of Walla investigated and traced the influent to Smith Chrome Plating. The company admitted to two separate spills of chromium to the sewer system. The spills interfered with the Walla Walla treatment plant's performance, causing violations of the City's National Pollution Discharge Elimination System (NPDES) permit. The concentration of chromium solution spilled and the failure by Smith Chrome Plating to notify Ecology about the spills violated state water quality laws. Ecology penalized the company \$4,250 on July 1, 1992. The penalty was paid in full.

Air Quality Program

The Air Quality Program uses notices of violations, civil penalties and administrative orders to address air quality violations. Recent changes in state and federal law authorize the use of permits to regulate certain air pollution sources. The majority of air pollution enforcement in the state occurs at the local level by local air authorities. However, Ecology has exclusive jurisdiction to regulate certain industrial air pollution sources such as kraft and sulfite pulp mills and primary aluminum plants. Ecology also enforces state air quality laws in areas where a local air authority has not been activated. Appeals of air quality enforcement decisions are filed with the PCHB.

Selected Case Examples

Joe Sety

On December 9, 1992 Ecology imposed a \$ 10,000 penalty against Joe Sety as the person responsible for a tire fire that occurred during October 1993 at the tire storage facility he owns and operates near Chewelah, Washington. Tires are considered a "prohibited material" and may not be burned in an outdoor fire. Past attempts by the Northeast Tri-County Health District to require Sety to take specific precautions to minimize the risk of fire, as required by state law, have been ignored. Ecology issued Sety a previous penalty of \$9,500 for a tire fire that occurred at the same location during February 1992. That penalty was affirmed on appeal. The current penalty was not appealed.

Longview Fiber v Ecology

PCHB No. 92-223: On November 4, 1992 Ecology's Industrial Section imposed a \$31,000 penalty against Longview Fibre Company for various air quality violations at its Longview, Washington facility. The penalty was based on violations identified in Longview Fibre's air monitoring reports for December 1991 and January, February, March and April 1992. The violations included excessive venting of non-condensable gases and exceeding Longview Fibre's air permit limits for particulate, sulfur dioxide and opacity. Based on facts presented in Longview Fibre's Application For Relief, Ecology reduced the penalty to \$22,300. Longview Fibre appealed the action but later agreed to pay the reduced penalty.

Columbia River Asphalt, Inc.

Columbia River Asphalt of East Wenatchee was penalized \$4,500 for operating a source for nine days between October 16, 1992 and November 19, 1992 without Ecology's approval in violation of state law. The penalty was not appealed.

Water Resources Program

The Water Resources Program allocates the use of waters of the state through a permit system. The 1917 Water Code requires Ecology to issue a water rights permit if it finds that the water is available for a beneficial use, the appropriation will not be detrimental to the public welfare. Permit violations are addressed by civil penalties and administrative orders. Along with establishing and enforcing water rights, the Water Resources Program also regulates water well drillers and dam safety. Field citations have been used to address well construction violations. Formal actions may be appealed to the PCHB.

Selected Case Examples

Steve Foster

On October 26, 1992, Ecology penalized Steven Foster of Carnation \$1,380 for commencing the construction of a 4' high impoundment to serve as a "training course for competition water skiing" without first securing dam safety approval of the project plans and specifications. An order was also included requiring Foster to comply with Ch. 90.03 RCW dam safety approval requirements. Foster paid the penalty.

B & M Pump and Well Drilling

On August 18, 1992, Ecology imposed a \$600 penalty against B & M Well Drilling for failing to submit start cards and/or well reports on four wells constructed in the Yakima area. According to state law, start cards must be submitted 72 hours prior to beginning construction of a well. Well reports must be submitted 30 days after the well is completed. Ecology has made several attempts to gain B & M's compliance voluntarily without success. The penalty was not appealed.

Shorelands Program

The Shorelands Program works closely with local governments to regulate shoreline and wetlands development. The regulatory scheme of the Shorelines Management Act operates primarily through a local government master program which is both a local ordinance and a state rule adopted by Ecology. Locals issue permits for any "substantial development" within a shoreline. Ecology reviews all permits; only conditional use and variance permits must be approved by Ecology. Ecology can appeal the issuance of permits to the Shorelines Hearings Board. Violations of the Shoreline Management Act are usually addressed by joint order or penalty from Ecology and local government. Penalties may be appealed to the Shorelines Hearings Board. Court injunctions are also used to gain compliance.

Selected Case Examples

Lagoon Mobile/ RV Park

On September 16, 1992 Ecology and the City of Oroville imposed a \$2,500 penalty against the owners of the Lagoon Mobile/RV Park for expanding the Park without a substantial development permit in violation of the Oroville Shoreline Management Master Program. The owners had originally submitted a permit application to expand the Park but it was later withdrawn. Eventually, the City of Oroville gave the owners a variance to do significantly less work than was proposed in the permit application. Five months after the exemption was granted, a city inspector found that the owners had completed significantly more work than was contemplated by the exemption. A cease and desist order was issued on June 12, 1992. A follow-up inspection two weeks later found that the owners had failed to comply with the order. As a result, Ecology and the City of Oroville issued the \$2,500 penalty and a second order. An Application for Relief was submitted. There were no facts presented justifying a reduction in the penalty. There is no record of an appeal. The penalty has neither been appealed nor paid. Ecology will begin the collection process to recover the penalty.

Charles Wilson

Charles Wilson of Rochester was issued a \$3,000 penalty on November 17, 1992 for cutting and clearing vegetation and landfilling and dredging without a substantial development permit or exemption. The activity occurred in a wetland associated with Black River in an area designated as a "Natural Environment" by the Thurston County Shoreline Master Program. Development in such areas is prohibited under most circumstances. The penalty included an order. Ecology and Thurston County indicated to Wilson that the penalty would be waived if he complied with the order. The penalty was appealed to the Shorelines Hearings Board where it was upheld. Payment has not been received. Ecology will begin the collection process to recover the penalty.

Nuclear and Mixed Waste Program

The recent passage of the Federal Facility Compliance Act gives Ecology clear authority to use civil penalties and administrative orders to gain compliance with environmental laws at the Hanford reservation. The Nuclear and Mixed Waste Program also regulates "non-Hanford" low level radioactive waste activities. Penalties and orders may be appealed to the PCHB.

Selected Case Example

U.S. Department of Energy – Westinghouse Hanford Co v Ecology

On March 10, 1993, Ecology issued a \$100,000 penalty against the U.S. Department of Energy (DOE) and Westinghouse Hanford Co. under state dangerous waste laws for failing to test and properly label over 2,000 drums stored at the Hanford reservation. The drums contained contaminated dirt and other materials from cleanup of chemical spills at the Hanford tank farm. During the investigation a few drums were tested by Ecology. All of the drums tested contained radioactive substances. This is the first penalty issued by Ecology to a federal facility since passage of the Federal Facility Compliance Act. The Act, which took effect in October, 1992, allows states to penalize federal facilities for hazardous waste violations. The penalty was appealed but later settled. Under the terms of the settlement, DOE and Westinghouse-Hanford will pay \$60,000 toward a sagebrush restoration project on the Hanford site and provide a grant of \$40,000 to the Columbia Basin College Foundation for an environmental science endowment to benefit selected students.

Toxics Cleanup Program

Along with issuing orders and filing consent decrees in superior court requiring cleanup of contaminated sites under the Model Toxics Control Act, the Toxics Cleanup Program, through its Underground Storage Tank (UST) section, also issues penalties and orders to people who violate state underground storage tank laws and regulations. Model Toxic Control Act cleanup orders are subject to a complicated superior court review process, UST penalties and orders are appealable to the PCHB.

Central Programs

Central Program's Industrial Section is unique in that it provides large industry with a "cross-media" approach to environmental regulation. This gives facilities a single point of contact for air, water quality, hazardous waste and cleanup compliance issues. In addition to regulating large facilities, Central Programs also responds, through its Spills Section, to releases of oil and hazardous substances throughout the state, both on land and water. Civil penalties and administrative orders imposed by Central Programs are, with the exception of Model Toxics Control Act orders, appealable to the PCHB.

Selected Spill Case Examples

Trans Mountain Oil Pipeline Corporation

On March 7, 1992, a pressure relief valve at the Trans Mountain Oil Pipeline pumpstation in Whatcom County improperly released approximately 126,000 gallons of "British Columbian" light crude oil into a relief tank. The relief tank overflowed into the containment area that surrounded the tank. The containment area is fitted with a manually operated gate valve. The valve had been left partially open. Approximately 1,260 to 2,100 gallons of the light crude oil escaped through the gate valve to an adjacent wetland. On September 28, 1992 the Ecology penalized Trans Mountain \$120,000 under Ch. 90.56 RCW for negligently discharging oil to a water of the state over a six day period. Trans Mountain submitted an Application For Relief asking Ecology to reduce the penalty. Ecology found no basis for a reduction and Trans Mountain paid the penalty.

**Washington Water
Power Company v
Ecology**

PCHB 93-36: On Saturday August 22, 1992, Ecology was called to investigate an oil sheen visible on the Spokane River in the downtown Spokane area. The investigation revealed Washington Water Power Company as the source of the oil. The oil sheen was caused when a diesel hose broke during a fueling operation at Washington Water Power on August 21st. The refueling area is located near two storm drains at the facility. When the hose broke, some of the diesel fuel escaped to the storm drains where it was carried and released into the Spokane River. Washington Water Power failed to report the spill to proper authorities as required by state law. An effort was made to contain and clean up the spill. On October 14th, Ecology penalized Washington Water Power \$18,000 under Ch. 90.56 RCW for unlawfully discharging diesel fuel to the Spokane River and for failing to report the spill to the Department of Emergency Management. The penalty was appealed but later settled. Under the settlement, Washington Water Power paid \$2,000 to Ecology and agreed to spend an additional \$15,000 for innovative projects.

Criminal Enforcement

In recognition that some people are not deterred by civil sanctions, state and federal legislators have included criminal provisions in most environmental statutes. The sanctions provided by these laws include jail time, criminal penalties, restitution and probation. Criminal prosecutions are aimed where they will have the greatest deterrent effect. This usually means prosecution will focus on the highest ranking individual within an organization who had knowledge about the criminal act.

Investigations of possible criminal violations are conducted by a joint Ecology/EPA task force. The task force is an efficient way for Ecology and EPA to pool resources and work in a coordinated manner. The average task force investigator has over 14 years of criminal investigations experience. They have worked in a wide of range of law enforcement organizations including; the FBI, the DEA, and the IRS. Cases are referred for prosecution to local or federal prosecutors.

Criminal Enforcement Summary - FY 91-93			
	Fiscal Year 91	Fiscal Year 92	Fiscal Year 93
Complaints/ Referrals Recieved	225	133	121
Cases Retained for Criminal Investigation	11	12	18
Criminal Warrants Served	3	6	13
Cases Referred for Criminal Prosecution (Number of Cases)	4	10	12
Criminal Charges Filed (Number of Defendants)	10	8	13
Criminal Convictions (Number of Defendants)	5	10	13
Total Penalties Collected	\$554,300	\$548,453	\$563,120

Criminal Case Summary FY 93

Deaconess Hospital

In September 1992, the Criminal Task Force, acting on a tip, investigated the alleged unlawful removal and disposal of asbestos, PCB fluid and PCB transformers during the renovation of the Deaconess Hospital in Wenatchee. The hospital was being renovated into luxury condominiums by the Meydenbauer Development Company.

The Task Force obtained a confession from site foreman Bradley Brown implicating the CEO of the Meydenbauer Development Company in a conspiracy to illegally remove and dispose of asbestos, PCB fluid and PCB transformers. Also, during the execution of search warrants three unlawful disposal sites for asbestos, PCB fluid and PCB transformers were discovered. Almost a million dollars has been spent in emergency response costs for these sites.

Based on evidence presented to a Federal Grand Jury, indictments have been handed down to Marvel Morgan (CEO and owner of the Meydenbauer Development Company), Bradley Brown (site "foreman" for the Deaconess Hospital renovation project), and the Meydenbauer Development Company (a real estate development corporation located in Bellevue, Washington). Bradley Brown pleaded guilty to PCB disposal violations and is currently awaiting sentencing. Marvel Morgan and the Meydenbauer Development Company are scheduled for trial in early 1994.

Fields Corporation

The Fields Corporation, located in Tacoma, is a manufacturer of asphalt and wood preservation products. In June of 1992 the Criminal Task Force received information that Fields Corporation had a xylene spill at their facility.

During the investigation that followed, the Task Force learned that rather than report the spill as required by law, the Field Corporation concealed the spill by paving the spill site. The investigation also revealed that the company had falsely declared the xylene to U.S. Customs as mineral spirits. The Fields Corporation also never reported to EPA that they were handling xylene as required by federal law.

In July 1993, a search warrant was executed at the Fields Corporation. Corroborating documentation was obtained as well as statements and environmental samples which substantiated the alleged violations.

In June 1993, the Fields Corporation pled guilty to the failure to report a spill of a reportable quantity of the solvent xylene in violation of CERCLA.

**Long
Services Inc**

In July of 1989, Long Services Inc. (a major asbestos removal contractor in the Pacific NW) was under contract to remove asbestos from the Castle Rock High School. During the removal, Long Services Inc. introduced significant quantities of asbestos and asbestos slurry into the sewer system and the publicly owned wastewater treatment plant. Following discovery of the illegal disposal, the sewer system had to be cleaned of asbestos contamination and the contaminated sludge from the treatment plant had to be disposed of properly. Calculations based on the asbestos concentration in the sludge indicated that 2500-3000 lbs. of asbestos had been introduced into the system.

Long Services Inc. pled guilty on 4/23/93 to two counts of violating the Clean Air Act by illegally disposing of asbestos. On 6/18/93 Long Services Inc. was sentenced to pay a \$25,000 fine.

**Northwest
Etch
Technology, Inc**

The Criminal Task Force received a tip that Northwest Etch Technology, Inc. (NET), was illegally dumping contaminated waste water into a storm-drain, which drained directly into the Puget Sound. NET is a photo chemical milling business in Tacoma. During daily operations approximately 2,500 gallons of process waste water contaminated with heavy metals was produced. The corporation made false representations to the City of Tacoma that NET would use a "closed loop waste water recycling system" that would generate no waste water discharge.

The resulting investigation by the Criminal Task Force confirmed that NET was using a PVC pipe to illegally discharge process waste water into a stormdrain. A search warrant was served and supporting documents and interviews were obtained.

United States Magistrate Judge Franklin Burgess sentenced two people and NET for criminal violations of the clean water act. NET Chief Chemist Samuel Edward Emery was sentenced to two months of home detention, two years of probation and a fine of \$1,000. NET President Carl Leroy Whinery was sentenced to five years probation and fined \$25,000 on behalf of the corporation.

**Pacific NW
Terminals
Inc. (PNT)**

Prior to April 1988, Pacific NW Terminals Inc. (PNT) operated a large bulk tank storage facility for tallow at the Port of Tacoma. The tallow is continuously steam heated using a series of pipes which connect the numerous storage tanks at the facility. Between April 1988 and June 1989 PNT relocated their bulk tank storage facility. As part of the move an asbestos covered steam line needed to be disassembled and removed.

According to witnesses, PNT owner and CEO, Ellis Kiser, was aware of Clean Air Act requirements for asbestos removal including notification. Witnesses said that Mr. Kiser decided against complying with the asbestos requirements because of cost. Instead he directed PNT employees to remove the dry friable asbestos from the pipes even though they were not qualified to do so. The asbestos removed from the pipes was dropped to the ground and abandoned.

In January 1993, PNT and Kiser entered a guilty plea, as part of a plea agreement, to a one count violation of the Clean Air Act. PNT and Kiser admitted the knowing disposal of at least 260 linear feet of friable asbestos in violation of applicable work practices and operational standards.

In March 1993, Pacific NW Terminals Inc. and Ellis Kiser, were sentenced. PNT received a \$ 10,000 fine and was ordered to pay approximately \$17,000 in restitution to the Port of Tacoma for cleanup of the abandoned asbestos. Ellis Kiser was sentenced to 6 months of home detention, on year of probation and a \$2,000 fine.

**Pacific Aqua
Tech Ltd.**

In 1991 the Criminal Task Force received information about the illegal removal and burial of asbestos from a building owned by Pacific Aqua Tech Ltd. The resulting investigation revealed that Gerhard Zimm, President of Pacific Aqua Tech Ltd. and his daughter Brigitte Zimm Pund both participated in and directed the removal of asbestos from Pacific Aqua Tech Ltd. building by unskilled laborers. They also participated in and directed the burial of large amounts of asbestos insulation, which was removed from the Pacific Aqua Tech building in the course of scrap metal removal operations from 1987 through spring of 1991.

On May 4, 1993 Gerhard Zimm Sr, the President of Pacific Aqua Tech Ltd., his daughter Brigitte Zimm Pund, and Pacific Aqua Tech Ltd. entered guilty pleas in United States District Court in the Eastern District of Washington. On September 10, 1993 Brigitte Zimm Pund was sentenced to one year probation, 200 hours of community service, and a \$1,000 fine. Gerhard Zimm Sr is still awaiting sentencing.

The State-EPA Relationship

Most federal environmental programs were designed by Congress to be administered at the state (and sometimes local) level. Programs delegated to Ecology include; water quality, air quality, and hazardous waste: For these delegated programs, EPA remains ultimately responsible for ensuring progress is made in meeting the national environmental goals of the program.

EPA has stated: "Strong state enforcement is an essential component to achieve environmental compliance. EPA may use federal enforcement authority when the state asks, when the state lacks the appropriate authority, or when state priorities conflict directly with EPA priorities." To be effective both agencies need to work in a coordinated manner.

In fiscal year 1992, EPA and Ecology signed two major agreements which will improve the environmental benefit of their enforcement actions. One of the agreements provides guidelines which will be used when Ecology and EPA work together on multimedia inspections. The other agreement supplements existing compliance assurance agreements for the agencies. Both agencies have made a commitment to work together to assure that enforcement actions result in maximum environmental benefit.

In fiscal year 1993 Ecology and EPA worked together on several multimedia inspections and associated enforcement actions. Continued cooperation in these efforts is anticipated for fiscal year 1994.

Appendix A

Summary of Major Laws

The Washington Clean Air Act, Chapter 70.94 RCW

The Washington Clean Air Act was adopted in 1967 and recently amended in 1991. Implementation of the Act requires Ecology coordination with EPA and local air pollution control authorities. EPA coordination is necessary because EPA approves State Implementation Plans (SIP's) which demonstrate how a particular state intends to attain and/or maintain national ambient air quality standards. Ecology regulates air pollution in coordination with local air authorities located throughout the state. Ecology has exclusive jurisdiction to regulate certain industrial sources such as kraft and sulfite pulp mills and primary aluminum plants. Ecology also regulates vehicle exhaust. Local air authorities are primarily responsible for regulating other forms of air pollution. Civil penalties up to \$10,000 a day for each violation are authorized under Chapter 70.94 RCW. The Act also includes criminal sanctions.

The Washington Hazardous Waste Management Act, Chapter 70.105 RCW

The Hazardous Waste Management Act was passed in 1976. The statute authorizes Ecology to create a "cradle to grave" program to regulate the transportation, generation and treatment, storage and disposal of dangerous waste. The regulations that implement the Hazardous Waste Management Act, (Ch. 173-303 WAC), are similar to, but more stringent than federal regulations that implement the Resource Conservation and Recovery Act (RCRA). As a result, Washington is an "authorized state" meaning that Ecology can operate its dangerous waste program in lieu of RCRA. EPA does retain independent authority to enforce its own RCRA regulations. The Hazardous Waste Management Act authorizes civil penalties of \$10,000 a day for each violation. The Act also includes criminal sanctions.

The Shorelines Management Act, Chapter 90.58 RCW

The Shorelines Management Act was enacted in 1971 to preserve, protect, and manage development and uses of the state's shorelines. The regulatory scheme of the Shorelines Management Act operates primarily through a local government master program which is both a local ordinance and a state rule adopted by Ecology. The master program governs the development of shorelines. All development must be consistent with both the master program and the Shorelines Management Act and its regulations. A permit is required for any "substantial development" within a shoreline. Permits are issued by local government and reviewed by Ecology. Although Ecology reviews all permits, only conditional use and variance permits must be approved by Ecology. The Shorelines Management Act authorizes civil penalties of \$1,000 a day for each violation.

The Water Pollution Control Act, Chapter 90.48 RCW

First passed in 1945, the Water Pollution Control Act makes it unlawful to discharge or allow the discharge of matter into the waters of the state that will cause or tend to cause pollution. Washington's water pollution program is approved by EPA. This means that Ecology can issue National Pollutant Discharge Elimination System (NPDES) permits to industries and municipalities to regulate the amount of pollution being discharged to surface waters of the state. In addition to NPDES permits, Ecology also regulates water quality through the state waste discharge program, the use of administrative orders and by seeking injunctive relief in superior court. The Water Pollution Control Act authorizes civil penalties up to \$10,000 a day for each violation. The Act also includes criminal sanctions.

The Model Toxics Control Act, Chapter 70.105D RCW

The Model Toxics Control Act (MTCA) was passed by citizens initiative (Initiative 97) in November, 1988. MTCA is patterned after the federal Comprehensive Response, Compensation, and Liability Act (CERCLA or Superfund). The purpose of both these statutes is to address the risk posed by the release of hazardous substances to the environment. MTCA creates a strict and joint liability scheme. In other words, people who are liable under the Act are liable without regard to fault. Compliance with MTCA is achieved by the use of unilateral orders, consent orders or consent decrees. A liable person who refuses, without sufficient cause, to comply with a MTCA order can be liable for up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply. The person can also be penalized up to twenty-five thousand dollars for each day they refuse to comply. There is no pre-enforcement review. Liable persons who incur costs complying with a MTCA order can petition Ecology for reimbursement of those costs. If Ecology refuses to grant reimbursement, the person can file suit and recover costs by proving that he or she was not a liable person under the Act and that the costs incurred were reasonable.

The Oil and Hazardous Substance Spill Prevention and Response Act

The Oil and Hazardous Substance Spill Prevention and Response Act, Ch. 90.56 RCW, was passed in 1991 to protect Washington's navigable waters from the risks posed by marine transportation of crude oil and related products. The act is comprehensive in scope, imposing spill prevention and response planning requirements on people and facilities responsible for transporting, loading and offloading crude oil and other petroleum based products. Spills of oil to state waters can result in civil penalties of up to \$ 100,000 per day per violation. Intentional discharges or spills caused by recklessness or intoxication can bring criminal sanctions. Failure to complete or submit a spill prevention or contingency plan can result in \$100,000 civil penalty. Operating a regulated facility without such plans will subject a facility to criminal sanctions.

The Water Well Construction Act, Chapter 18.104 RCW

The Water Well Construction Act, Ch. 18.104 RCW, protects public health, welfare and safety by imposing licensing requirements on well contractors and operators and by regulating well design and construction. The Act was amended in 1993 resulting in some significant changes including: (1) reducing to three years the time period during which Ecology can order a contractor to repair or decommission a well (for wells completed before July 1, 1993, Ecology has six years to issue orders); (2) increasing license renewal terms from one year to two; (3) creating separate licenses for drillers of water wells and resource protection wells; (4) establishing a training license for drillers; (5) establishing minor, serious and major violations and increasing maximum civil penalties from \$100 to \$10,000 based on violation category. Minor violations do not seriously threaten public health, safety and the environment and carry a maximum \$500 penalty. Serious violations pose a "critical or serious threat" to public health, safety and the environment and carry a maximum \$5,000 penalty. Major violations occur when a person constructs a well without a license and can result in a maximum \$10,000 penalty. In addition, Ecology can issue cease and desist orders to people who violate well construction or well operation requirements.

Appendix B

Summary of Enforcement Options

Summary of Enforcement Options

When voluntary compliance cannot be obtained, formal enforcement must be used. The following list summarizes Ecology's formal enforcement options. The options discussed below apply to most, but not all, programs administered by Ecology.

• **Notice of Violation:** A Notice of Violation (NOV) is a document authorized by Chapter 90.48 RCW, Chapter 90.58 RCW, Chapter 70.94 RCW which provides formal notice that a specific violation has occurred or is about to occur, and requests a report from the violator (typically within 30 days) on the circumstances surrounding the violation and what steps are being taken to correct or prevent the violation. An NOV, authorized by Chapter 90.48 RCW or Chapter 90.58 RCW, may not be needed prior to issuing an administrative order and/or civil penalty when the Department of Ecology is sufficiently aware of the circumstances and the appropriate measures to correct the problem. However, use of a NOV is mandatory prior to issuing penalties under Chapter 70.94 RCW. Unless immediate action is necessary, NOVs are also mandatory, under Chapter 90.48 RCW. NOVs are discretionary under Chapter 90.58 RCW. The NOV is not a warning letter, but a formal notice authorized by law.

• **Administrative Order:** This is a unilateral order requiring a person or business to take steps to correct violations. Administrative orders are authorized by statute. All orders can be appealed. Most orders are appealed to the Pollution Control Hearings Board (PCHB). Model Toxic orders (Chapter 70.105D RCW), and certain orders issued under the State Oil Spill Law (Chapter 90.56 RCW) are treated differently, they are only reviewed in superior court. For Model Toxics orders there is no pre-enforcement review. (See RCW 70.105D.160)

• **Consent Order, Response Order by Consent, Agreed Order, Compliance Order:** These are all terms used to describe the same basic document. It is a negotiated agreement between the agency and regulated party. They maybe used instead of an administrative order. Basically they are contracts, which are enforceable in court. They typically include a dispute resolution clause and enforcement provisions.

- **Consent Decree:** Is an agreement negotiated and entered into by parties to resolve actual or threatened litigation. The consent decree is filed with the court, signed by a judge and enforceable as an order of the court. Failure to comply with a consent decree can result in a finding of contempt and imposition of whatever sanctions the court deems appropriate, including jail. In the case of the Model Toxic Act, the entry of a consent decree is preceded by the filing of a civil complaint against the parties and is in effect as long as necessary to achieve the desired result.

- **Civil Penalty:** Can be imposed only when specifically authorized by statute. Statutes authorizing civil penalties set maximum amounts, usually on a per day basis. (Some statutes also set minimum amounts.) Prior to filing a formal appeal, a violator can, under most statutes, request that Ecology mitigate, suspend or cancel the penalty. Unless extraordinary circumstances exist, such as the existence of facts not known to Ecology when the penalty was issued, the penalty must be affirmed. Requesting mitigation is optional, but must be done within 15 days of receiving the penalty. Ecology is not required to respond to applications for relief within a specific time period.

The violator has 30 days to appeal the penalty to the PCHB. The 30 day appeal period runs either from the date the penalty is received, or if an Application for Relief is submitted, from the date Ecology's response to the application is received. Failure to appeal means the penalty is due and owing.

- **Injunctive Relief:** Involves a court order or decree that requires a person to do or refrain from doing a particular activity. Injunctions can be sought on an emergency basis. Injunctions can be appropriate in a variety of situations, especially when a violator refuses to comply with terms of an order (assuming a stay has not been granted).

- **Criminal Prosecution:** This is the most severe enforcement action authorized by statute. Many of the statutes Ecology implements contain criminal sanctions. Criminal prosecution can be recommended in certain cases involving willful or intentional violations. The decision to initiate criminal proceedings is made by the local prosecutor and not Ecology. Ecology and the AG's office can, however, strongly recommend to the local prosecutor that criminal sanctions be pursued. The burden of proof in a criminal case is much higher than that required in a civil proceeding at the PCHB or superior court.

Appendix C

Print out of 1993 Fiscal Year Enforcement Actions

PROGRAM	ORGANIZATION	LOCATION	DOCKET NUMBER	ISSUE DATE	TYPE ACTION	AMOUNT ASSESSED
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I092	7/8/92	N	
AIR QUALITY	DEATLEY CO	LEWISTON	92AQ-E127	7/9/92	P	500.00
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I093	7/14/92	P	4,000.00
AIR QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92AQ-I098	7/31/92	P	1,000.00
AIR QUALITY	TUNNEL HILL GRANITE	CHEHALIS	92AQ-C421	8/19/92	N	
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I103	8/27/92	N	
AIR QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92AQ-I104	8/27/92	N	
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I105	8/27/92	N	
AIR QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92AQ-I108	9/9/92	N	
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I109	9/10/92	N	
AIR QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92AQ-I113	9/21/92	N	
AIR QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92AQ-I115	9/23/92	N	
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I112	9/25/92	N	
AIR QUALITY	ASSOCIATED SAND AND GRAVEL	EVERETT	92AQ-C431	10/6/92	N	
AIR QUALITY	ODESSA SCHOOL DIST 105	ODESSA	92AQ-E135	10/8/92	N	
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I123	10/21/92	N	
AIR QUALITY	NORTHWEST ALLOYS INC	ADDY	92AQ-I120	10/23/92	N	
AIR QUALITY	VAAGEN BROTHERS LUMBER CO	REPUBLIC	92AQ-E136	10/27/92	N	
AIR QUALITY	CHEWELAH ASPHALT	CHEWELAH	92AQ-E137	10/29/92	N	
AIR QUALITY	SETY JOE	CHEWELAH	92AQ-E140	10/29/92	N	
AIR QUALITY	CHEWELAH ASPHALT	CHEWELAH	92AQ-E138	10/29/92	O	
AIR QUALITY	LANE MOUNTAIN SILICA	VALLEY	92AQ-E139	10/30/92	N	
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I111	11/4/92	P	31,000.00
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I129	11/17/92	N	
AIR QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92AQ-I130	11/18/92	N	
AIR QUALITY	COLUMBIA RIVER ASPHALT	E WENATCHEE	92AQ-C501	12/1/92	N	
AIR QUALITY	COLVILLE RANGER DIST	COLVILLE	92AQ-E142	12/8/92	N	
AIR QUALITY	GRIMSLEY PAUL	CURLEW	92AQ-E143	12/8/92	N	
AIR QUALITY	ZAKARISON CLIFF	PULLMAN	92AQ-E144	12/8/92	N	
AIR QUALITY	SETY JOE	CHEWELAH	92AQ-E146	12/9/92	P	10,000.00
AIR QUALITY	VAAGEN BROTHERS LUMBER CO	REPUBLIC	92AQ-E147	12/9/92	P	1,000.00
AIR QUALITY	GEORGIA PACIFIC CORP – BELLINGHAM	BELLINGHAM	92AQ-I136	12/17/92	O	
AIR QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92AQ-I137	1/4/93	P	1,000.00
AIR QUALITY	SPIESS ROBERT	CASHMERE	93AQ-C102	1/15/93	N	
AIR QUALITY	SPIESS ROBERET	CASHMERE	93AQ-C104	1/5/93	N	
AIR QUALITY	HAYES ROTARY ENGINEERING	REDMOND	92AQ-N320	1/6/93	P	2,500.00
AIR QUALITY	LANE MOUNTAIN SILICA	VALLEY	93AQ-E101	1/7/93	N	
AIR QUALITY	LANE MOUNTAIN SILICA	VALLEY	93AQ-E102	1/7/93	O	
AIR QUALITY	CHEWELAH ASPHALT	CHEWELAH	93AQ-E103	1/14/93	P	20,000.00
AIR QUALITY	SPIESS ROBERT	CASHMERE	93AQ-C103	1/20/93	O	
AIR QUALITY	SPIESS ROBERT	CASHMERE	93AQ-C105	1/20/93	O	
AIR QUALITY	WEYERHAEUSER CO – LONGVIEW	LONGVIEW	93AQ-I139	1/23/93	N	
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I134	2/1/93	N	
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92AQ-I133	2/5/93	P	20,000.00
AIR QUALITY	PARK WEST TRAILER COURT	PULLMAN	93AQ-E104	2/11/93	O	
AIR QUALITY	COLUMBIA RIVER ASPHALT	E WENATCHEE	93AQ-E106	3/8/93	P	500.00
AIR QUALITY	MID WEST AGRI	OTHELLO	93AQ-E109	3/11/93	N	
AIR QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	93AQ-I051	3/16/93	N	
AIR QUALITY	WA STATE UNIVERSITY	PULLMAN	93AQ-E110	3/19/93	N	
AIR QUALITY	ROWLAND JANET	BRIDGEPORT	93AQ-C176	4/7/93	N	
AIR QUALITY	KITITTAS CO	ELLENSBURG	93AQ-C179	4/19/93	N	
AIR QUALITY	OROVILLE BIN AND PALLET CO	OROVILLE	93AQ-C180	4/21/93	N	
AIR QUALITY	HENRY WILSON ENTERPRISES	TONASKET	93AQ-C327	4/29/93	N	
AIR QUALITY	OROVILLE BIN AND PALLET CO	OROVILLE	93AQ-C321	4/29/93	O	
AIR QUALITY	ALUMINUM CO OF AMERICA–WENATCHEE	WENATCHEE	93AQ-I059	5/3/93	N	
AIR QUALITY	KAISER ALUMINUM AND CHEMICAL CORP	TACOMA	93AQ-I057	5/7/93	N	

PROGRAM	ORGANIZATION	LOCATION	DOCKET NUMBER	ISSUE DATE	TYPE ACTION	AMOUNT ASSESSED
AIR QUALITY	WA STATE UNIVERSITY	PULLMAN	93AQ-E115	5/17/93	O	
AIR QUALITY	S AND D PAVING	E WENATCHEE	93AQ-E118	6/10/93	N	
AIR QUALITY	LLOYD LOGGING INC	TWISP	93AQ-C358	6/29/93	N	
CENTRAL PROGRAMS	TRANS MOUNTAIN OIL PIPELINE CORP	VANCOUVER	92CP-N291	9/28/92	P	120,000.00
CENTRAL PROGRAMS	TRANS MOUNTAIN OIL PIPELINE CORP	VANCOUVER	92CP-N290	9/29/92	P	10,000.00
CENTRAL PROGRAMS	WA WATER POWER CO	SPOKANE	92CP-E102	10/14/92	P	18,000.00
CENTRAL PROGRAMS	WA WATER POWER CO	SPOKANE	92CP-E101	10/14/92	O	
CENTRAL PROGRAMS	BP OIL CO – CLEVELAND	CLEVELAND	92CP-259	11/16/92	O	
CENTRAL PROGRAMS	WEYERHAEUSER CO – LONGVIEW	LONGVIEW	93CP-S329	2/5/93	O	
SHORELANDS	EISEN PAUL	OROVILLE	92SH-255	9/16/92	PO	2,500.00
SHORELANDS	BOLSER DUANE	LEAVENWORTH	92SH-257	10/5/92	PO	2,000.00
SHORELANDS	DYE ERROL	OLYMPIA	92SH-256	10/7/92	PO	1,000.00
SHORELANDS	SYMINGTON DAVE	SEATTLE	92SH-260	10/26/92	PO	5,000.00
SHORELANDS	WILSON CHARLES	ROCHESTER	92SH-262	11/19/92	PO	3,000.00
SHORELANDS	TOMAS CHUCK	TARZANA	92SH-263	12/1/92	PO	1,000.00
SHORELANDS	WORTHINGTON DOUGLAS	SHAW ISLAND	92SH-264	12/1/92	PO	1,000.00
SHORELANDS	RICHTER DON	ISSAQUAH	92SH-265	2/2/93	PO	1,000.00
SHORELANDS	ZEMETRA RICHARD	LACEY	93SH-203	2/19/93	PO	3,000.00
SHORELANDS	BLAIR GARY	LACEY	93SH-204	2/19/93	PO	1,000.00
SHORELANDS	HUDSON JACOB	REPUBLIC	93SH-205	3/2/93	PO	500.00
SHORELANDS	UNDERHILL DONALD	MILL CREEK	93SH-206	3/23/93	PO	3,000.00
SHORELANDS	SHERER MIKE	STEHIKAN	93SH-209	3/29/93	PO	1,000.00
SHORELANDS	BONACI PAUL	SEATTLE	93SH-210	4/2/93	PO	1,000.00
SHORELANDS	BLAIR ANDREW	FOX ISLAND	93SH-213	4/29/93	PO	3,000.00
SHORELANDS	STAATS JACK	ASOTIN	93SH-218	6/11/93	PO	1,000.00
SOL/HAZ WASTE	SO GRAYS HARBOR TIMBER RESOURCES	SHELTON	92HS-S207	7/2/92	P	206,000.00
SOL/HAZ WASTE	INTALCO ALUMINUM CORP – FERNDALE	FERNDALE	92HS-I095	7/13/92	P	10,000.00
SOL/HAZ WASTE	PORT TOWNSEND PAPER CORP	PORT TOWNSEND	92HS-I096	7/17/92	P	16,000.00
SOL/HAZ WASTE	KLEIN BICYCLE INC	CHEHALIS	92HS-S227	8/10/92	P	242,000.00
SOL/HAZ WASTE	KLEIN BICYCLE INC	CHEHALIS	92HS-S226	8/10/92	O	
SOL/HAZ WASTE	PUGET SOUND NAVAL SHIPYARD	BREMERTON	92HS-N307	9/29/92	O	
SOL/HAZ WASTE	NORTHWEST ETCH TECHNOLOGY	TACOMA	92HS-S302	12/4/92	P	21,000.00
SOL/HAZ WASTE	NORTHWEST ETCH TECHNOLOGY	TACOMA	92HS-S301	12/4/92	O	
SOL/HAZ WASTE	KAISER ALUMINUM AND CHEMICAL CORP	MEAD	93HS-I045	2/12/93	P	34,000.00
SOL/HAZ WASTE	COMSTOR PRODUCTIVITY CENTERS INC	SPOKANE	93HS-E921	2/19/93	P	2,000.00
SOL/HAZ WASTE	COLUMBIA ALUMINUM CORP-GOLDENDA	GOLDENDALE	93HS-I043	2/23/93	P	72,000.00
SOL/HAZ WASTE	COLUMBIA ALUMINUM CORP-GOLDENDA	GOLDENDALE	93HS-I042	2/23/93	O	
SOL/HAZ WASTE	REYNOLDS METALS CO – LONGVIEW	LONGVIEW	93HS-I047	2/26/93	P	3,000.00
SOL/HAZ WASTE	VANALCO INC	VANCOUVER	93HS-I058	4/21/93	O	
SOL/HAZ WASTE	SOL PRO INC	TACOMA	93HS-S139	4/23/93	P	50,000.00
SOL/HAZ WASTE	SOL PRO INC	TACOMA	93HS-212	4/23/93	O	
SOL/HAZ WASTE	SOL PRO INC	TACOMA	93HS-S172	4/23/93	O	
SOL/HAZ WASTE	AER EX EXCAVATING INC	ELLENSBURG	93HS-C330	4/30/93	O	
SOL/HAZ WASTE	JOSEPH SIMON AND SONS INC	TACOMA	93HS-S101	5/18/93	O	
SOL/HAZ WASTE	COMMUNITY COLLEGES OF SPOKANE	SPOKANE	93HS-E94	5/21/93	O	
SOL/HAZ WASTE	SPOKANE GALVANIZING INC	AIRWAY HEIGHTS	93HS-E925	5/24/93	O	
SOL/HAZ WASTE	CASCADE POLE CO – TACOMA	TACOMA	92HS-S146	6/7/93	O	
SOL/HAZ WASTE	ALUMINUM CO OF AMERICA-WENATCHEE	WENATCHEE	93HS-I061	6/25/93	P	1,500.00
TOXICS CLEANUP	LLOYDS ROCKET AND HEATING OIL CO	SEATTLE	92TC-N284	9/1/92	O	
TOXICS CLEANUP	BURNS BROTHERS INC	PORTLAND	92TC-C327	9/11/92	P	103,052.00
TOXICS CLEANUP	PASCO PORT OF	PASCO	92TC-E106	10/15/92	O	
TOXICS CLEANUP	CASCADE POLE CO – TACOMA	TACOMA	92TC-S299	11/12/92	O	
TOXICS CLEANUP	TAYLOR WAY PROPERTIES INC	SEATTLE	92TC-S264	12/8/92	O	
TOXICS CLEANUP	LOUISIANA PACIFIC CORP	PORTLAND	92TC-S312	12/21/92	O	
TOXICS CLEANUP	WESTERN STEEL FABRICATORS	TACOMA	93TC-S317	1/15/93	O	
TOXICS CLEANUP	WATTLES CO THE	TACOMA	93TC-S318	1/15/93	O	

PROGRAM	ORGANIZATION	LOCATION	DOCKET NUMBER	ISSUE DATE	TYPE ACTION	AMOUNT ASSESSED
TOXICS CLEANUP	US DEPT OF ENERGY	RICHLAND	93NM-202	3/10/93	P	100,000.00
TOXICS CLEANUP	US DEPT OF ENERGY	RICHLAND	93NM-201	3/10/93	O	
TOXICS CLEANUP	BURNS BROTHERS	PORTLAND	93TC-C171	3/17/93	O	
TOXICS CLEANUP	CENTRALIA LANDFILL	CENTRALIA	93CD-211	3/26/93	O	
TOXICS CLEANUP	AIRCO GASES	MURRAY HILL	93TC-S153	3/31/93	O	
TOXICS CLEANUP	POWELL CHRISTENSEN INC	GRANDVIEW	93TC-E101	5/5/93	P	1,650.00
TOXICS CLEANUP	LEICHRER BROS LAND RECLAMATION CO	VANCOUVER	93TC-S151	5/6/93	O	
WATER QUALITY	SMITH CHROM PLATING	WALLA WALLA	92WQ-E330	7/1/92	P	4,250.00
WATER QUALITY	HORNBY DAIRY	GRANDVIEW	92WQ-C405	7/1/92	O	
WATER QUALITY	BOISE CASCADE – STEILACOOM	STEILACOOM	92WQ-I085	7/2/92	P	750.00
WATER QUALITY	SEATTLE COLD STORAGE	RENTON	92WQ-N242	7/7/92	N	
WATER QUALITY	SEATTLE COLD STORAGE	RENTON	92WQ-N243	7/7/92	N	
WATER QUALITY	THURSTON CO PARKS AND REC DEPT	OLYMPIA	92WQ-S242	7/7/92	N	
WATER QUALITY	CLEARWATER MARINE INC	KIRKLAND	92WQ-N251	7/7/92	O	
WATER QUALITY	FOWLER MELVIN	LONGVIEW	92WQ-S236	7/8/92	N	
WATER QUALITY	SCHLECHT ED	LONGVIEW	92WQ-S237	7/8/92	N	
WATER QUALITY	JOHNSON PAT	LONGVIEW	92WQ-S238	7/8/92	N	
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92WQ-I087	7/9/92	P	10,000.00
WATER QUALITY	OVERMYER PAUL	CHEWELAH	92WQ-E329	7/9/92	O	
WATER QUALITY	CADMAN ROCK INC	MONROE	92WQ-N247	7/13/92	N	
WATER QUALITY	WILCOX FAMILY FARMS INC	ROY	92WQ-S211	7/13/92	O	
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92WQ-I081	7/14/92	P	2,000.00
WATER QUALITY	COX CONRAD	IONE	92WQ-E332	7/14/92	N	
WATER QUALITY	LONGVIEW FIBRE CO – LONGIEW	LONGVIEW	92WQ-I082	7/14/92	O	
WATER QUALITY	GILLERAN RICHARD	NINE MILE FALLS	92WQ-E331	7/21/92	P	1,000.00
WATER QUALITY	WA STATE DEPT SOCIAL & HEALTH SERVI	MEDICAL LAKE	92WQ-E335	7/21/92	N	
WATER QUALITY	HASELWOOD CHARLES	BREMERTON	92WQ-N249	7/23/92	P	3,000.00
WATER QUALITY	HASELWOOD CHARLES	BREMERTON	92WQ-N248	7/23/92	N	
WATER QUALITY	CUSTOM PLYWOOD CORP	ANACORTES	92WQ-N255	7/23/92	N	
WATER QUALITY	BATTLE GROUND CITY OF	BATTLE GROUND	92WQ-S231	7/27/92	O	
WATER QUALITY	KALAMA CHEMICAL INC	KALAMA	92WQ-S259	7/27/92	O	
WATER QUALITY	MYERS SAM	PORT ORCHARD	92WQ-S257	8/5/92	P	1,000.00
WATER QUALITY	TAYLOR UNITED INC	SHELTON	92WQ-S252	8/5/92	N	
WATER QUALITY	US OIL AND REFINING CO – TACOMA	TACOMA	92CP-122	8/5/92	O	
WATER QUALITY	NIELSEN BROTHERS INC	BELLINGHAM	92WQ-N266	8/5/92	O	
WATER QUALITY	WEYERHAEUSER CO – SNOQUALMIE	SNOQUALMIE	92WQ-N256	8/18/92	O	
WATER QUALITY	CHLARSON TRUCKING	MOSES LAKE	92WQ-E334	8/21/92	O	
WATER QUALITY	WA STATE DEPT SOCIAL & HEALTH SERV	MEDICAL LAKE	92WQ-E346	8/26/92	O	
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I102	8/27/92	P	1,000.00
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I101	8/27/92	O	
WATER QUALITY	KAISER ALUMINUM AND CHEMICAL CORP	SPOKANE	92WQ-E345	8/31/92	N	
WATER QUALITY	COX CONRAD	IONE	92WQ-E344	9/1/92	O	
WATER QUALITY	MOUNTAIN VIEW DAIRY	OUTLOOK	92WQ-C424	9/2/92	P	1,000.00
WATER QUALITY	TEXACO REFINING AND MARKETING-ANA	ANACORTES	92CP-121	9/2/92	O	
WATER QUALITY	HASELWOOD CHARLES	BREMERTON	92WQ-N283	9/3/92	O	
WATER QUALITY	SOUND REFINING INC	TACOMA	92WQ-I107	9/4/92	P	1,000.00
WATER QUALITY	MV SUN ROSE	SEATTLE	92CP-S267	9/9/92	P	6,000.00
WATER QUALITY	WEISBERG BOB	OLYMPIA	92WQ-S279	9/10/92	P	500.00
WATER QUALITY	BP OIL CO – CLEVELAND	CLEVELAND	92WQ-N294	9/15/92	P	3,000.00
WATER QUALITY	DAYTON CITY OF	DAYTON	92WQ-E328	9/18/92	O	
WATER QUALITY	DETLING DAIRY FARM	STANWOOD	92WQ-N292	9/23/92	O	
WATER QUALITY	WEYERHAEUSER CO – LONGVIEW	LONGVIEW	92WQ-I097	9/25/92	P	2,000.00
WATER QUALITY	THURSTON CO PUB WORKS DEPT	OLYMPIA	92WQ-S286	9/25/92	P	250.00
WATER QUALITY	PACIFIC COAST COAL CO	BLACK DIAMOND	92WQ-N297	10/2/92	N	
WATER QUALITY	CARLSON WILLIAM	EASTSOUND	92WQ-N300	10/2/92	N	
WATER QUALITY	DEFREES 3 R FARMS DAIRY	VANCOUVER	92WQ-S234	10/2/92	O	

PROGRAM	ORGANIZATION	LOCATION	DOCKET NUMBER	ISSUE DATE	TYPE ACTION	AMOUNT ASSESSED
WATER QUALITY	DUVALL CITY OF	DUVALL	92WQ-N306	10/9/92	O	
WATER QUALITY	PEND OREILLE CO DEPT PUB WORKS	NEWPORT	92WQ-E354	10/12/92	P	2,000.00
WATER QUALITY	ICMG PLASTICS CORP	SPOKANE	92WQ-E355	10/12/92	N	
WATER QUALITY	MESSENGER HOUSE CARE CENTER	BAINBRIDGE IS	92WQ-N298	10/13/92	N	
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I119	10/22/92	P	10,000.00
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I124	10/22/92	P	10,000.00
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I118	10/22/92	O	
WATER QUALITY	KAISER ALUMINUM AND CHEMICAL CORP	TACOMA	92WQ-I110	10/26/92	P	6,000.00
WATER QUALITY	TEXACO REFINING AND MARKETING-ANA	ANACORTES	92WQ-I121	10/29/92	N	
WATER QUALITY	TEXACO REFINING AND MARKETING-ANA	ANACORTES	92WQ-I122	10/30/92	N	
WATER QUALITY	SCHLECHT ED	LONGVIEW	92WQ-S290	11/6/92	O	
WATER QUALITY	SCOTT PAPER CO – EVERETT	EVERETT	92WQ-I127	11/10/92	P	1,000.00
WATER QUALITY	ILWACO CITY OF	ILWACO	92WQ-S304	11/19/92	O	
WATER QUALITY	HORNBY DAIRY	GRANDVIEW	92WQ-C502	11/23/92	P	1,000.00
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92WQ-I114	11/24/92	P	66,000.00
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92WQ-I088	11/25/92	O	
WATER QUALITY	CARLSON WILLIAM	EASTSOUND	92WQ-N302	11/30/92	O	
WATER QUALITY	TOWNSEND KAY	VALLEYFORD	92WQ-E362	12/1/92	O	
WATER QUALITY	PACIFIC FRUIT GROWERS INC	YAKIMA	92WQ-C506	12/2/92	N	
WATER QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	92WQ-I128	12/3/92	P	3,000.00
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	92WQ-I132	12/7/92	P	19,250.00
WATER QUALITY	STERLING ROBERT	COLBERT	92WQ-E360	12/7/92	O	
WATER QUALITY	WA WATER POWER CO	SPOKANE	92WQ-E363	12/7/92	O	
WATER QUALITY	REDMOOR CORP	REDMOND	92WQ-N334	12/8/92	P	500.00
WATER QUALITY	WRIGHT BROTHERS DAIRY	SILVER CREEK	92WQ-S298	12/8/92	O	
WATER QUALITY	FOWLER MELVIN	LONGVIEW	92WQ-S306	12/17/92	O	
WATER QUALITY	JOHNSON PAT	LONGVIEW	92WQ-S307	12/17/92	O	
WATER QUALITY	RHAY BOB	WALLA WALLA	92WQ-E370	12/18/92	N	
WATER QUALITY	SEATTLE COLD STORAGE – 2	ALGONA	92WQ-N333	12/19/92	P	2,200.00
WATER QUALITY	SEATTLE COLD STORAGE – 2	ALGONA	92WQ-N339	12/19/92	O	
WATER QUALITY	BEVERLY BEACH HOMEOWNERS ASSOC	OLYMPIA	92WQ-S310	12/21/92	O	
WATER QUALITY	KEITH UDDENBERG INC	BELFAIR	92WQ-S289	12/23/92	N	
WATER QUALITY	NATIONAL FROZEN FOODS CORP	CHEHALIS	92WQ-S313	12/24/92	N	
WATER QUALITY	OCEAN CONSTRUCTION SUPPLIES CO	SEATTLE	92WQ-N337	12/29/92	N	
WATER QUALITY	WESCO WOOL	ELLENSBURG	93WQ-C106	1/7/93	N	
WATER QUALITY	HART BREWING INC	KALAMA	92WQ-S314	1/7/93	O	
WATER QUALITY	FARMAN BROTHERS PICKLE CO	TACOMA	92WQ-N341	1/8/93	N	
WATER QUALITY	TEXACO REFINING AND MARKETING-SEA	SEATTLE	93WQ-N103	1/19/93	N	
WATER QUALITY	NIELSEN BROTHERS INC	BELLINGHAM	92WQ-N164	12/1/93	P	22,000.00
WATER QUALITY	IBP INC	DAKOTA CITY	93WQ-E307	1/28/93	O	
WATER QUALITY	OCEAN CONSTRUCTION SUPPLIES CO	SEATTLE	92WQ-N338	1/29/93	O	
WATER QUALITY	LONGVIEW FIBRE CO – LONGVIEW	LONGVIEW	93WQ-I138	2/1/93	N	
WATER QUALITY	TRIPLE M HORSE LOGGING	REPUBLIC	92WQ-E377	2/1/93	O	
WATER QUALITY	POMEROY CITY OF	POMEROY	93WQ-E304	2/2/93	O	
WATER QUALITY	COWLITZ SEWER OPERATING BOARD	KELSO	93WQ-S319	2/4/93	O	
WATER QUALITY	RITZVILLE CITY OF	RITZVILLE	93WQ-E309	2/8/93	O	
WATER QUALITY	LEYENDEKKER DAIRY	SUNNYSIDE	93WQ-C115	2/10/93	N	
WATER QUALITY	CLARK CO PUB WORKS DEPT	VANCOUVER	93WQ-S330	2/10/93	O	
WATER QUALITY	HORNBY DAIRY	GRANDVIEW	93WQ-C118	2/19/93	P	3,000.00
WATER QUALITY	LIQUID CARBONIC COCRP INC	FERNDALE	93WQ-N123	2/23/93	N	
WATER QUALITY	MESSENGER HOUSE CARE CENTER	BAINBRIDGE IS	93WQ-N106	2/23/93	O	
WATER QUALITY	ITT RAYONIER INC – PORT ANGELES	PORT ANGELES	93WQ-I049	3/4/93	P	3,000.00
WATER QUALITY	PRODUCTION PLATING INC	MUKILTEO	93WQ-N109	3/4/93	P	9,000.00
WATER QUALITY	CEDAR CREEK CORRECTIONS CENTER	LITTLE ROCK	93WQ-S133	3/4/93	N	
WATER QUALITY	PRODUCTION PLATING INC	MUKILTEO	93WQ-N108	3/4/93	O	
WATER QUALITY	ROYAL CITY TOWN OF	ROYAL CITY	93WQ-E315	3/10/93	O	

PROGRAM	ORGANIZATION	LOCATION	DOCKET NUMBER	ISSUE DATE	TYPE ACTION	AMOUNT ASSESSED
WATER QUALITY	RHAY BOB	WALLA WALLA	93WQ-E318	3/10/93	O	
WATER QUALITY	YAKIMA BREWING AND MALTING CO INC	YAKIMA	93WQ-C168	3/12/93	O	
WATER QUALITY	ZILLAH CITY OF	ZILLAH	93WQ-C169	3/12/93	O	
WATER QUALITY	EL RANCHITO	ZILLAH	93WQ-C170	3/12/93	O	
WATER QUALITY	BREMERTON CITY OF	BREMERTON	93WQ-N150	3/15/93	O	
WATER QUALITY	INTALCO ALUMINUM CORP – FERNDALE	FERNDALE	93WQ-I048	3/16/93	P	9,500.00
WATER QUALITY	WINTER DAIRY	TENINO	93WQ-S146	3/16/93	O	
WATER QUALITY	COLUMBIA ALUMINUM CORP–GOLDENDA	GOLDENDALE	93WQ-I053	3/18/93	P	500.00
WATER QUALITY	TEXACO REFINING AND MARKETING-ANA	ANACORTES	93CP-N105	3/19/93	P	7,000.00
WATER QUALITY	REYNOLDS METALS CO – LONGVIEW	LONGVIEW	93WQ-I052	3/19/93	P	3,000.00
WATER QUALITY	MARYSVILLE LIVESTOCK AUCTION INC	MARYSVILLE	93WQ-N111	3/19/93	P	1,500.00
WATER QUALITY	MARYSVILLE LIVESTOCK AUCTION INC	MARYSVILLE	93WQ-N110	3/19/93	N	
WATER QUALITY	KLEIN DAIRY FARM	ARLINGTON	93WQ-N153	3/19/93	O	
WATER QUALITY	PASCO CITY OF	PASCO	93WQ-E323	3/22/93	P	3,000.00
WATER QUALITY	DUWAMISH SHIPYARDS INC	SEATTLE	93WQ-N149	4/1/93	N	
WATER QUALITY	WEYERHAEUSER CO – LONGVIEW	LONGVIEW	93WQ-I055	4/2/93	O	
WATER QUALITY	DEGROOT JIM	EVERSON	93WQ-N125	4/7/93	N	
WATER QUALITY	RAINBOW INTERNATIONAL CARPET	SPOKANE	93WQ-E342	4/8/93	P	1,500.00
WATER QUALITY	GOODALE AND BARBIERI CO	SPOKANE	93WQ-E341	4/8/93	O	
WATER QUALITY	MCCONKIE PAUL	MOSES LAKE	93WQ-E337	4/9/93	O	
WATER QUALITY	PACIFIC FRUIT GROWERS INC	YAKIMA	93WQ-C178	4/13/93	P	2,500.00
WATER QUALITY	LEYENDEKKER DAIRY	SUNNYSIDE	93WQ-C177	4/13/93	O	
WATER QUALITY	EBBELAAR DAIRY	OUTLOOK	93WQ-C322	4/21/93	O	
WATER QUALITY	COW PALACE THE	YAKIMA	93WQ-C328	4/28/93	N	
WATER QUALITY	REECE GEORGE	KENNEWICK	93WQ-C331	5/7/93	O	
WATER QUALITY	SCABROCK FEEDERS INC	OTHELLO	93WQ-E349	5/14/93	O	
WATER QUALITY	GLOBAL PACIFIC FOREST PRODUCTS	SNOHOMISH	93WQ-E350	5/18/93	O	
WATER QUALITY	ELECTRO HEAVY EQUIPMENT	VANCOUVER	93WQ-S208	5/20/93	P	7,500.00
WATER QUALITY	ELECTRO HEAVY EQUIPMENT	VANCOUVER	93WQ-S207	5/20/93	O	
WATER QUALITY	UNDERHILL DONALD	MILL CREEK	93WQ-C350	5/21/93	P	1,000.00
WATER QUALITY	RIGHT ANGLE REGISTERED HOLSTEIN	DEER PARK	93WQ-E352	5/21/93	O	
WATER QUALITY	INTALCO ALUMINUM CORP – FERNDALE	FERNDALE	93WQ-I060	6/7/93	O	
WATER QUALITY	EASTERDAY GALE	MESA	93WQ-E359	6/9/93	P	5,000.00
WATER QUALITY	EASTERDAY GALE	MESA	93WQ-E358	6/9/93	O	
WATER QUALITY	WOOD MFG INC	ARLINGTON	93WQ-N196	6/16/93	P	5,200.00
WATER QUALITY	WOOD MFG INC	ARLINGTON	93WQ-N195	6/16/93	N	
WATER QUALITY	BOLLEMA FAMILY DAIRY FARM	MOUNT VERNON	93WQ-N156	6/21/93	P	2,500.00
WATER QUALITY	BOLLEMA FAMILY DAIRY FARM	MOUNT VERNON	93WQ-N146	6/21/93	N	
WATER QUALITY	HILL VAUGHN	LOON LAKE	93WQ-E366	6/25/93	O	
WATER QUALITY	TRIMAC TRANSPORTATION SERVICE INC	USK	93WQ-E367	6/25/93	O	
WATER QUALITY	ECHO BAY EXPLORATION INC	REPUBLIC	93WQ-E382	6/28/93	O	
WATER RESOURCES	DIETRICH WELL DRILLING	WENATCHEE	92WR-C314	7/22/92	P	100.00
WATER RESOURCES	BRANDT LYLE	WAPATO	92WR-C316	7/29/92	O	
WATER RESOURCES	B AND M PUMP AND WELL	ZILLAH	92WR-C319	8/8/92	P	600.00
WATER RESOURCES	SIEMION GARY	WOODINVILLE	92WR-C318	8/18/92	P	200.00
WATER RESOURCES	B AND M PUMP AND WELL	ZILLAH	92WR-C320	8/18/92	O	
WATER RESOURCES	PARADISE VALLEY RV PARK	TWISP	92WR-C444	9/14/92	O	
WATER RESOURCES	PONDEROSA DRILLING AND DEVELOPME	SPOKANE	92WR-E180	9/23/92	O	
WATER RESOURCES	MARTIN GEORGE	SPOKANE	92WR-E181	9/23/92	O	
WATER RESOURCES	J AND J DRILLING	GREENACRES	92WR-E182	10/15/92	P	100.00
WATER RESOURCES	FOSTER STEVEN	CARNATION	92WR-259	10/20/92	O	
WATER RESOURCES	FISCHER FRED	ZILLAH	92WR-C354	10/22/92	O	
WATER RESOURCES	FOSTER STEVEN	CARNATION	92WR-261	10/26/92	P	1,380.00
WATER RESOURCES	CLAPP BART	TACOMA	92WR-178	10/27/92	O	
WATER RESOURCES	ARCHIBALD NEUMAN	MT VERNON	92WR-209	10/27/92	O	
WATER RESOURCES	SMITH DANNY	DEER PARK	92WR-210	10/27/92	O	

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WATER RESOURCES	WOODRUFF DEE	BURNS	92WR-211	10/27/92	O	
WATER RESOURCES	WITCRAFT GEORGE	SHELTON	92WR-226	11/4/92	O	
WATER RESOURCES	KKUCH MELVIN	MARLIN	92WR-E183	11/4/92	O	
WATER RESOURCES	CONDON WILLIAM	CARSON	92WR-212	11/5/92	O	
WATER RESOURCES	DAVIS THOMAS	BELFAIR	92WR-213	11/5/92	O	
WATER RESOURCES	GRAHAM LEO	DEER PARK	92WR-214	11/5/92	O	
WATER RESOURCES	HOLDER ED	CALDWELL	92WR-215	11/5/92	O	
WATER RESOURCES	INGALLS CHARLES	PORT TOWNSEND	92WR-216	11/5/92	O	
WATER RESOURCES	KEMPE ROBERT	PUYALLUP	92WR-217	11/5/92	O	
WATER RESOURCES	KUNZE DOUGLAS	SPRINGVILLE	92WR-218	11/5/92	O	
WATER RESOURCES	PITNER DONALD	LA CENTER	92WR-221	11/5/92	O	
WATER RESOURCES	YENTER DAVID	LOPEZ ISLAND	92WR-222	11/5/92	O	
WATER RESOURCES	SARGENT MICHAEL	KIRKLAND	92WR-228	11/18/92	O	
WATER RESOURCES	SMITH EARL	PASCO	92WR-230	12/8/92	O	
WATER RESOURCES	HICKAM JAMES	DAYTON	92WR-E193	12/15/92	P	300.00
WATER RESOURCES	HICKAM JAMES	DAYTON	92WR-3192	12/15/92	O	
WATER RESOURCES	ACKLEY VICTOR	SHELTON	93WR-100	1/8/93	O	
WATER RESOURCES	HOECK JOHN	BUHL	93WR-102	1/8/93	O	
WATER RESOURCES	SIMMONS WAYNE	ST HELENS	93WR-103	1/8/93	O	
WATER RESOURCES	SYDOW ROBERT	SPOKANE	93WR-104	1/8/93	O	
WATER RESOURCES	CLOSE WELL DRILLING	QUINCY	93WR-E103	1/20/93	P	100.00
WATER RESOURCES	HICKAM WELL DRILLING	DAYTON	93WR-E108	1/20/93	P	200.00
WATER RESOURCES	MYRICKS WELL DRILLING	MOSES LAKE	93WR-E109	1/20/93	P	200.00
WATER RESOURCES	CLOSE WELL DRILLING	QUINCY	93WR-E102	1/20/93	O	
WATER RESOURCES	MOLINE PAUL	QUINCY	93WR-E104	1/20/93	O	
WATER RESOURCES	BARTHOLOMEW DRILLING	SPOKANE	93WR-E105	1/20/93	O	
WATER RESOURCES	KUNZE RAY	REARDAN	93WR-E106	1/20/93	O	
WATER RESOURCES	MYRICKS WELL DRILLING	MOSES LAKE	93WR-E110	1/20/93	O	
WATER RESOURCES	DIETZ FRANK	EDMONDS	93WR-121	2/18/93	O	
WATER RESOURCES	EVANS HAROLD	ARLINGTON	93WR-122	2/18/93	O	
WATER RESOURCES	HERBERT HAROLD	ABBORTSFORD	93WR-124	2/18/93	O	
WATER RESOURCES	D AND D DRILLING	AMBOY	93WR-S325	3/5/93	P	400.00
WATER RESOURCES	D AND D DRILLING	AMBOY	93WR-S326	3/5/93	O	
WATER RESOURCES	VONDERHOFEN HANS	SEATTLE	93WR-N151	3/11/93	O	
WATER RESOURCES	HOGUE SHANNON	KENT	93WR-N152	3/11/93	O	
WATER RESOURCES	HENDRICK LYNNWOOD	OTIS ORCHARD	93WR-141	3/18/93	O	
WATER RESOURCES	HOFFER ROBERET	CATALDO	93WR-142	3/18/93	O	
WATER RESOURCES	OSBORN DRILLING	MOSES LAKE	93WR-E121	3/25/93	P	100.00
WATER RESOURCES	COUNTRYMAN WELL DRILLING	BOW	93WR-N163	3/30/93	O	
WATER RESOURCES	SCAFCO CORP	SPOKANE	93WR-E122	4/5/93	O	
WATER RESOURCES	SCAFCO CORP	SPOKANE	93WR-E123	4/5/93	O	
WATER RESOURCES	J AND J DRILLING	GREENACRES	93WR-E124	4/5/93	O	
WATER RESOURCES	US AIR FORCE	FAIRCHILD	93WR-E125	4/5/93	O	
WATER RESOURCES	SCAFCO CORP	SPOKANE	93WR-E126	4/5/93	O	
WATER RESOURCES	LOFALL WELL DRILLING	POULSBO	93WR-N155	4/6/93	P	3,800.00
WATER RESOURCES	KRASNOWSKY FRANK	DUVALL	93WR-N171	4/6/93	O	
WATER RESOURCES	ELITE TRUCKING	NORDLAND	93WR-S182	4/23/93	P	100.00
WATER RESOURCES	ELITE TRUCKING	NORDLAND	93WR-S179	4/23/93	O	
WATER RESOURCES	ELITE TRUCKING	NORDLAND	93WR-S181	4/23/93	O	
WATER RESOURCES	MARTEL WELL DRILLING INC	LOPEZ ISLAND	FCN501	4/29/93	P	100.00
WATER RESOURCES	MARTEL WELL DRILLING INC	LOPEZ ISLAND	FCN502	4/29/93	P	100.00
WATER RESOURCES	CARRELL D	YAKIMA	93WR-156	5/5/93	O	
WATER RESOURCES	PETERSON DONALD	OROVILLE	93WR-164	5/18/93	O	
WATER RESOURCES	RITOLA WILLY	VANCOUVER	93WR-165	5/18/93	O	
WATER RESOURCES	TONGEDAHL DAVID	TACOMA	93WR-166	5/18/93	O	
WATER RESOURCES	MYRICKS WELL DRILLING	MOSES LAKE	93WR-E142	5/19/93	P	6,000.00

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WATER RESOURCES	DEL KING RONALD	MCCLEARY	93WR-163	5/19/93	O	
WATER RESOURCES	MYRICKS WELL DRILLING	MOSES LAKE	93WR-E141	5/19/93	O	
WATER RESOURCES	ELITE TRUCKING	NORDLAND	93WR-S257	6/16/93	P	3,000.00
WATER RESOURCES	BURD LARRY	PENDLETON	FCC001	6/16/93	P	100.00