

The following laws are reference in the Washington Department of Ecology (Ecology) publications “[Focus on Enforcement](#),” “[Focus on State Costs for Spills](#),” and “[Focus on Assessing Oil Spill Damages](#).”

RCW 90.48.080 – Discharge of polluting matter in waters prohibited.

It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter.

RCW 90.48.140 – Penalty.

Any person found guilty of willfully violating any of the provisions of this chapter or chapter 90.56 RCW, or any final written orders or directive of the department or a court in pursuance thereof is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for up to three hundred sixty-four days, or by both such fine and imprisonment in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter or chapter 90.56 RCW occurs may be deemed a separate and additional violation.

RCW 90.48.142 Violations — Liability in damages for injury or death of fish, animals, vegetation — Action to recover. (1) Any person who: (a)(i) Violates any of the provisions of this chapter or chapter 90.56 RCW; (ii) Fails to perform any duty imposed by this chapter or chapter 90.56 RCW; (iii) Violates an order or other determination of the department or the director made pursuant to the provisions of this chapter or chapter 90.56 RCW; (iv) Violates the conditions of a waste discharge permit issued pursuant to RCW 90.48.160; or (v) Otherwise causes a reduction in the quality of the state's waters below the standards set by the department or, if no standards have been set, causes significant degradation of water quality, thereby damaging the same; and (b) Causes the death of, or injury to, fish, animals, vegetation, or other resources of the state; shall be liable to pay the state and affected counties and cities damages in an amount determined pursuant to RCW 90.48.367.

RCW 90.48.144 Violations — Civil penalty — Procedure. Except as provided in RCW 43.05.060 through 43.05.080 and 43.05.150, every person who: (1) Violates the terms or conditions of a waste discharge permit issued pursuant to RCW 90.48.180 or 90.48.260 through 90.48.262, or (2) Conducts a commercial or industrial operation or other point source discharge operation without a waste discharge permit as required by RCW 90.48.160 or 90.48.260 through 90.48.262, or (3) Violates the provisions of RCW 90.48.080 or other sections of this chapter or chapter 90.56 RCW or rules or orders adopted or issued pursuant to either of those chapters, shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars a day for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and

WHY IT MATTERS

The ability of the state to recover costs associated with responding to incidents, cleaning up hazardous material spills, and environmental damage to public property is authorized through numerous state statutes.

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Spills Web Page:

<http://www.ecy.wa.gov/programs/spills/spills.html>

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distinct violation. 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 amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health and/or the environment in addition to other relevant factors. The penalty herein provided for shall be imposed pursuant to the procedures set forth in RCW 43.21B.300.

RCW 90.56.280 – Duty to notify coast guard and division of emergency management of discharge.

It shall be the duty of any person discharging oil or hazardous substances or otherwise causing, permitting, or allowing the same to enter the waters of the state, unless the discharge or entry was expressly authorized by the department prior thereto or authorized by operation of law under RCW 90.48.200, to immediately notify the coast guard and the division of emergency management. The notice to the division of emergency management within the *department of community, trade, and economic development shall be made to the division's twenty-four hour statewide toll-free number established for reporting emergencies.

RCW 90.56.320 – Unlawful for oil to enter waters—Exceptions.

It shall be unlawful, except under the circumstances hereafter described in this section, for oil to enter the waters of the state from any ship or any fixed or mobile facility or installation located offshore or onshore whether publicly or privately operated, regardless of the cause of the entry or fault of the person having control over the oil, or regardless of whether it be the result of intentional or negligent conduct, accident or other cause. This section shall not apply to discharges of oil in the following circumstances:

- (1) The person discharging was expressly authorized to do so by the department prior to the entry of the oil into state waters; or
- (2) The person discharging was authorized to do so by operation of law as provided in RCW 90.48.200.

RCW 90.56.340 – Duty to remove oil.

It shall be the obligation of any person owning or having control over oil entering waters of the state in violation of RCW 90.56.320 to immediately collect and remove the same. If it is not feasible to collect and remove, said person shall take all practicable actions to contain, treat and disperse the same. The director shall prohibit or restrict the use of any chemicals or other dispersant or treatment materials proposed for use under this section whenever it appears to the director that use thereof would be detrimental to the public interest.

RCW 90.56.360 Liability for expenses.

Any person who unlawfully discharges oil or hazardous substances into the waters of the state or who poses a substantial threat of discharging oil or hazardous substances into the waters of the state shall be responsible for the necessary expenses incurred by the state in carrying out a project or activity authorized under RCW 90.56.350.