

2 **SHB 1028** - H COMM AMD **Adopted 3-15-91**
3 By Committee on Revenue

4

5 Strike everything after the enacting clause and insert the
6 following:

7

"I.

8

PUBLIC POLICY, FINDINGS, AND INTENT"

9

"NEW SECTION. **Sec. 101.** The legislature finds that ambient air

10 pollution is the most serious environmental threat in Washington state.
11 Air pollution causes significant harm to human health; damages the
12 environment, including trees, crops, and animals; causes deterioration
13 of equipment and materials; contributes to water pollution; and
14 degrades the quality of life.

15 Over three million residents of Washington state live where air
16 pollution levels are considered unhealthful. Of all toxic chemicals
17 released into the environment more than half enter our breathing air.
18 Citizens of Washington state spend hundreds of millions of dollars
19 annually to offset health, environmental, and material damage caused by
20 air pollution. The legislature considers such air pollution levels,
21 costs, and damages to be unacceptable."

22 **"Sec. 102.** RCW 70.94.011 and 1973 1st ex.s. c 193 s 1 are each
23 amended to read as follows:

24 It is declared to be the public policy (~~(of the state)~~) to
25 preserve, protect, and enhance the air quality for current and future
26 generations. Air is an essential resource that must be protected from

1 harmful levels of pollution. Improving air quality is a matter of
2 state-wide concern and is in the public interest. It is the intent of
3 this chapter to secure and maintain ((such)) levels of air quality ((as
4 will)) that protect human health and safety ((and)), including the most
5 sensitive members of the population, to comply with the requirements of
6 the federal clean air act, ((and,)) to ((the—greatest—degree
7 practicable,)) prevent injury to plant ((and)), animal life, and
8 property, to foster the comfort and convenience of ((its)) Washington's
9 inhabitants, to promote the economic and social development of the
10 state, and to facilitate the enjoyment of the natural attractions of
11 the state. ((The problems and effects of air pollution are frequently
12 regional and interjurisdictional in nature, and are dependent upon the
13 existence of urbanization and industrialization in areas having common
14 topography and recurring weather conditions conducive to the buildup of
15 air contaminants))

16 It is further the intent of this chapter to protect the public
17 welfare, to preserve visibility, to protect scenic, aesthetic,
18 historic, and cultural values, and to prevent air pollution problems
19 that interfere with the enjoyment of life, property, or natural
20 attractions.

21 Because of the extent of the air pollution problem the legislature
22 finds it necessary to return areas with poor air quality to levels
23 adequate to protect health and the environment as expeditiously as
24 possible but no later than December 31, 1995. Further, it is the
25 intent of this chapter to prevent any areas of the state with
26 acceptable air quality from reaching air contaminant levels that are
27 not protective of human health and the environment.

28 The legislature recognizes that air pollution control projects may
29 affect other environmental media. In selecting air pollution control
30 strategies state and local agencies shall support those strategies that

1 lessen the negative environmental impact of the project on all
2 environmental media, including air, water, and land.

3 The legislature further recognizes that energy efficiency and
4 energy conservation can help to reduce air pollution and shall
5 therefore be considered when making decisions on air pollution control
6 strategies and projects.

7 It is the policy of the state that the costs of protecting the air
8 resource and operating state and local air pollution control programs
9 shall be shared as equitably as possible among all sources whose
10 emissions cause air pollution.

11 It is also declared as public policy that regional air pollution
12 control programs are to be encouraged and supported to the extent
13 practicable as essential instruments for the securing and maintenance
14 of appropriate levels of air quality.

15 ~~((It is also declared to be the public policy of the state to~~
16 ~~provide for the people of the populous metropolitan regions in the~~
17 ~~state the means of obtaining air pollution control not adequately~~
18 ~~provided by existing agencies of local government. For reasons of the~~
19 ~~present and potential dramatic growth in population, urbanization, and~~
20 ~~industrialization, the special problem of air resource management,~~
21 ~~encompassing both corrective and preventive measures for the control of~~
22 ~~air pollution cannot be adequately met by the individual towns, cities,~~
23 ~~and counties of many metropolitan regions.~~

24 In addition, the state is divided into two major areas, each having
25 unique characteristics as to natural climatic and topographic features
26 which may result in the different potentials for the accumulation and
27 buildup of air contaminant concentrations. These two major areas are
28 the area lying west of the Cascade Mountain crest and the area lying
29 east of the Cascade Mountain crest. Within each of these major areas
30 are regions which, because of the climate and topography and present

1 ~~and potential urbanization and industrial development may, through~~
2 ~~definitive evaluation be classed as regional air pollution areas.))~~

3 To these ends it is the purpose of this chapter to ~~((provide for~~
4 ~~a))~~ safeguard the public interest through an intensive, progressive,
5 and coordinated state-wide program of air pollution prevention and
6 control, to provide for an appropriate distribution of
7 responsibilities, and to encourage coordination and cooperation between
8 the state, regional, and local units of government, ((and for
9 cooperation across jurisdictional lines in dealing with problems of air
10 pollution)) to improve cooperation between state and federal
11 government, public and private organizations, and the concerned
12 individual, as well as to provide for the use of all known, available,
13 and reasonable methods to reduce, prevent, and control air pollution.

14 The legislature recognizes that the problems and effects of air
15 pollution cross political boundaries, are frequently regional or
16 interjurisdictional in nature, and are dependent upon the existence of
17 human activity in areas having common topography and weather conditions
18 conducive to the buildup of air contaminants. In addition, the
19 legislature recognizes that air pollution levels are aggravated and
20 compounded by increased population, and its consequences. These
21 changes often result in increasingly serious problems for the public
22 and the environment.

23 The legislature further recognizes that air emissions from
24 thousands of small individual sources are major contributors to air
25 pollution in many regions of the state. As the population of a region
26 grows, small sources may contribute an increasing proportion of that
27 region's total air emissions. It is declared to be the policy of the
28 state to achieve significant reductions in emissions from those small
29 sources whose aggregate emissions constitute a significant contribution
30 to air pollution in a particular region.

1 It is the intent of the legislature that air pollution goals be
2 incorporated in the missions and actions of state agencies."

3 "Sec. 103. RCW 70.94.030 and 1987 c 109 s 33 are each amended to
4 read as follows:

5 Unless a different meaning is plainly required by the context, the
6 following words and phrases as hereinafter used in this chapter shall
7 have the following meanings:

8 (1) "Air contaminant" means dust, fumes, mist, smoke, other
9 particulate matter, vapor, gas, odorous substance, or any combination
10 thereof.

11 (2) "Air pollution" is presence in the outdoor atmosphere of one or
12 more air contaminants in sufficient quantities and of such
13 characteristics and duration as is, or is likely to be, injurious to
14 human health, plant or animal life, or property, or which unreasonably
15 interfere with enjoyment of life and property.

16 (~~("Person" means and includes an individual, firm, public or~~
17 ~~private corporation, association, partnership, political subdivision,~~
18 ~~municipality or government agency))~~ "Air quality standard" means an
19 established concentration, exposure time, and frequency of occurrence
20 of an air contaminant or multiple contaminants in the ambient air which
21 shall not be exceeded.

22 (4) "Ambient air" means the surrounding outside air.

23 (5) "Authority" means any air pollution control agency whose
24 jurisdictional boundaries are coextensive with the boundaries of one or
25 more counties.

26 (~~(+5))~~ (6) "Board" means the board of directors of an authority.

27 (~~(+6))~~ (7) "Control officer" means the air pollution control
28 officer of any authority.

29 (~~(+7))~~ (8) "Department" means the department of ecology.

1 (2) "Director" means the director of the department of ecology.

2 (3) "Fleet" means ~~((a group of twenty five or more motor vehicles~~
3 ~~owned or leased concurrently by one person))~~ a group of fifteen or more
4 motor vehicles registered in the same name and whose owner has been
5 assigned a fleet identifier code by the department of licensing.

6 (4) "Motor vehicle" means any self-propelled vehicle required to be
7 licensed pursuant to chapter 46.16 RCW.

8 (5) "Motor vehicle dealer" means a motor vehicle dealer, as defined
9 in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

10 (6) "Person" means an individual, firm, public or private
11 corporation, association, partnership, political subdivision of the
12 state, municipality, or governmental agency.

13 (7) The terms "air contaminant," "air pollution," "air quality
14 standard," "ambient air," "emission," and "emission standard" have the
15 meanings given them in RCW 70.94.030."

16 "**Sec. 202.** RCW 70.120.020 and 1989 c 240 s 5 are each amended to
17 read as follows:

18 (1) The department shall conduct ~~((the following programs in a~~
19 ~~manner that will enhance the successful implementation of the air~~
20 ~~pollution control system established for motor vehicles by this~~
21 ~~chapter:~~

22 ~~(a) A voluntary motor vehicle emissions inspection program;~~

23 ~~(b))~~ a public educational program regarding the health effects of
24 air pollution emitted by motor vehicles; the purpose, operation, and
25 effect of emission control devices and systems; and the effect that
26 proper maintenance of motor vehicle engines has on fuel economy and air
27 pollution emission~~((+and~~

28 ~~(c))~~ and a public notification program identifying the geographic
29 areas of the state that are designated as being noncompliance areas and

1 emission contributing areas and describing the requirements imposed
2 under this chapter for those areas.

3 (2)(a) The department(~~(, the superintendent of public instruction,~~
4 ~~and the state board for community college education shall develop~~
5 ~~cooperatively, after consultation with automotive trades joint~~
6 ~~apprenticeship committees approved in accordance with RCW 49.04.040, a~~
7 ~~program for granting)) shall grant certificates of instruction to
8 persons who successfully complete a course of study, under general
9 requirements established by the director, in the maintenance of motor
10 vehicle engines, the use of engine and exhaust analysis equipment, and
11 the repair and maintenance of emission control devices. The director
12 may establish and implement procedures for granting certification to
13 persons who successfully complete other training programs or who have
14 received certification from public and private organizations which meet
15 the requirements established in this subsection, including programs on
16 clean fuel technology and maintenance.~~

17 (b) The department shall make available to the public a list of
18 those persons who have received certificates of instruction under
19 subsection (2)(a) of this section."

20 "Sec. 203. RCW 70.120.070 and 1989 c 240 c 6 are each amended to
21 read as follows:

22 (1) Any person:

23 (a) Whose motor vehicle is tested pursuant to this chapter and
24 fails to comply with the emission standards established for the
25 vehicle; and

26 (b) Who, following such a test, expends more than four hundred
27 fifty dollars on a (~~(1980 or earlier model year motor vehicle or~~
28 ~~expends more than one hundred fifty dollars on a 1981 or later model~~
29 ~~year)) motor vehicle for repairs solely devoted to meeting the emission~~

1 standards and that are performed by a certified emission specialist
2 authorized by RCW 70.120.020(2)(a); and

3 (c) Whose vehicle fails a retest, may be issued a certificate of
4 acceptance if (i) the vehicle has been in use for more than five years
5 or fifty thousand miles, and (ii) any component of the vehicle
6 installed by the manufacturer for the purpose of reducing emissions, or
7 its appropriate replacement, is installed and operative(~~(-)~~); and

8 (d) To receive the certificate, the person must document compliance
9 with (b) and (c) of this subsection to the satisfaction of the
10 department.

11 (2) Persons who fail the initial tests shall be provided with
12 information regarding the availability of federal warranties and
13 certified emission specialists."

14 "NEW SECTION. Sec. 204. (1) A task force is established for the
15 purposes of recommending a program to assist with vehicles failing to
16 comply with emission standards under RCW 70.120.120. The task force
17 shall be appointed by the speaker of house of representatives and the
18 president of the senate and shall consist of:

19 (a) Two members from the house committee on environmental affairs;

20 (b) Two members from the senate committee on environment and
21 natural resources; and

22 (c) Two members from the legislative committee on transportation.

23 (2) In developing recommendations, the task force shall consult
24 with representatives from the departments of ecology, licensing, social
25 and health services, and revenue, the Washington state patrol, vehicle
26 dealers and manufacturers, auto wreckers, and advocates for low-income
27 persons and senior citizens.

1 (3) By November 1, 1991, the task force shall report to the
2 appropriate standing committees of the legislature. The report shall
3 recommend methods to:

4 (a) Use public and private funds to provide credit toward
5 purchasing vehicles ten years or older from persons with vehicles not
6 meeting the emission standards under RCW 70.120.120 for the purpose of
7 permanently removing such vehicles from the road;

8 (b) Identify persons needing assistance with the provisions of RCW
9 70.120.120. In identifying such persons, the task force shall give
10 first consideration to persons with an income of less than one hundred
11 fifty percent of the federal poverty level;

12 (c) Prevent fraud or abuse of the program developed under this
13 section; and

14 (d) Share the cost of the program with new and used car dealers
15 licensed under chapter 46.70 RCW.

16 In the event that the task force determines a program to provide
17 credit toward the purchase of older, polluting vehicles, as described
18 under (a) of this subsection, does not provide an adequate benefit to
19 low-income persons, the task force shall include recommendations to
20 provide public funds for the repair of such vehicles."

21 "**Sec. 205.** RCW 70.120.080 and 1979 ex.s. c 163 s 8 are each
22 amended to read as follows:

23 The director may authorize an owner or lessee of a fleet of motor
24 vehicles, or the owner's or lessee's agent, to inspect the vehicles in
25 the fleet and issue certificates of compliance for the vehicles in the
26 fleet if the director determines that: (1) The director's ((~~emission~~
27 ~~and~~)) inspection ((~~standards~~)) procedures will be complied with; and
28 (2) certificates will be issued only to vehicles in the fleet that meet

1 emission and equipment standards adopted under RCW 70.120.150 and only
2 when appropriate.

3 In addition, the director may authorize an owner or lessee of one
4 or more diesel motor vehicles with a gross vehicle weight rating in
5 excess of eight thousand five hundred pounds, or the owner's or
6 lessee's agent, to inspect the vehicles and issue certificates of
7 compliance for the vehicles. The inspections shall be conducted in
8 compliance with inspection procedures adopted by the department and
9 certificates of compliance shall only be issued to vehicles that meet
10 emission and equipment standards adopted under RCW 70.120.150.

11 The director shall establish by rule the fee for fleet or diesel
12 inspections provided for in this section. The fee shall be set at an
13 amount necessary to offset the department's cost to administer the
14 fleet and diesel inspection program authorized by this section.

15 Owners, leaseholders, or their agents conducting inspections under
16 this section shall pay only the fee established in this section and not
17 be subject to fees under RCW 70.120.170(4)."

18 **"Sec. 206.** RCW 70.120.120 and 1989 c 240 s 8 are each amended to
19 read as follows:

20 The director shall adopt rules implementing and enforcing this
21 chapter ~~((and RCW 46.16.015(2)(g)))~~ in accordance with chapter 34.05
22 RCW. ~~((Notwithstanding the provisions of chapter 34.05 RCW, any rule~~
23 ~~implementing and enforcing RCW 70.120.150(5) may not be adopted until~~
24 ~~it has been submitted to the standing committees on ecology of the~~
25 ~~house of representatives and senate for review and approval.))~~ The
26 ~~((standing committees))~~ department shall take into account when
27 considering proposed modifications of emission contributing boundaries,
28 as provided for in RCW 70.120.150(5), alternative ~~((plans for traffic~~
29 ~~rerouting and traffic bans))~~ transportation control and motor vehicle

1 emission reduction measures that ~~((may have been prepared))~~ are
2 required by local municipal corporations for the purpose of satisfying
3 federal emission guidelines."

4 "Sec. 207. RCW 70.120.150 and 1989 c 240 s 2 are each amended to
5 read as follows:

6 The director:

7 (1) Shall adopt motor vehicle emission and equipment standards to:
8 Ensure that no less than seventy percent of the vehicles tested comply
9 with the standards on the first inspection conducted, meet federal
10 clean air act requirements, and protect human health and the
11 environment.

12 (2) Shall establish, by rule, an emission standard and a test
13 methodology to accurately measure the opacity of emissions from diesel
14 engines. The emission standard adopted by the department shall ensure
15 that properly maintained engines comply with the standards on the first
16 inspection conducted.

17 (3) Shall designate a geographic area as being a "noncompliance
18 area" for motor vehicle emissions if (a) the department's analysis of
19 ~~((the))~~ emission and ambient air quality data, ~~((recorded for))~~
20 covering a period of no less than one year, ~~((at the monitoring sites))~~
21 indicates that the standard has or will probably be exceeded, and (b)
22 the department determines that the primary source of the air
23 contaminant ~~((being monitored at the sites))~~ is motor vehicle
24 emissions.

25 ~~((+3))~~ (4) Shall reevaluate noncompliance areas if the United
26 States environmental protection agency modifies the relevant air
27 quality standards, and shall discontinue the program if compliance is
28 indicated and if the department determines that the area would continue
29 to be in compliance after the program is discontinued. The director

1 shall notify persons residing in noncompliance areas of the
2 reevaluation.

3 ~~((4))~~ (5) Shall analyze information regarding the motor vehicle
4 traffic in a noncompliance area to determine the smallest land area
5 within whose boundaries are present registered motor vehicles that
6 contribute significantly to the violation of motor vehicle-related air
7 quality standards in the noncompliance area. The director shall
8 declare the area to be an "emission contributing area." An emission
9 contributing area established for a carbon monoxide or oxides of
10 nitrogen noncompliance area must contain the noncompliance area within
11 its boundaries. An emission contributing area established for an ozone
12 noncompliance area located in this state need not contain the ozone
13 noncompliance area within its boundaries if it can be proven that
14 vehicles registered in the area contribute significantly to violations
15 of the ozone air quality standard in the noncompliance area. An
16 emission contributing area may be established in this state for
17 violations of federal air quality standards for ozone in an adjacent
18 state if (a) the United States environmental protection agency
19 designates an area to be a "nonattainment area for ozone" under the
20 provisions of the federal Clean Air Act (42 U.S.C. 7401 et. seq.), and
21 (b) ~~((the nonattainment area encompasses portions of both Washington~~
22 ~~and the adjacent state, and (c))~~ it can be proven that vehicles
23 registered in this state contribute significantly to the violation of
24 the federal air quality standards for ozone in the adjacent state's
25 ~~((portion of the))~~ nonattainment area.

26 ~~((5))~~ (6) Shall, after consultation with the appropriate local
27 government entities, designate areas as being noncompliance areas or
28 emission contributing areas, and shall establish the boundaries of such
29 areas by rule. The director may also modify boundaries. In
30 establishing the external boundaries of an emission contributing area,

1 the director shall use the boundaries established for ZIP code service
2 areas by the United States postal service.

3 ~~((+6+))~~ (7) May make grants to units of government in support of
4 planning efforts to reduce motor vehicle emissions ~~((in areas where
5 emission control inspections are not required))~~."

6 "Sec. 208. RCW 70.120.170 and 1989 c 240 s 4 are each amended to
7 read as follows:

8 (1) The department shall administer a system for ~~((biennial))~~
9 emission inspections ~~((of emissions))~~ of all motor vehicles registered
10 within the boundaries of each emission contributing area. ~~((Persons
11 residing within the boundaries of an emission contributing area shall
12 register their motor vehicle within that area, unless business reasons
13 require registration outside the area. Requests for exemption from
14 inspection for business reasons shall be reviewed and approved by the
15 director))~~ Under such system a motor vehicle shall be inspected
16 biennially except where an annual program would be required to meet
17 federal law and prevent federal sanctions. In addition, motor vehicles
18 shall be inspected at each change of registered owner.

19 (2) The director shall:

20 (a) Adopt procedures for conducting emission ~~((tests for))~~
21 inspections of motor vehicles. ~~((tests shall))~~ inspections may
22 include idle and high revolution per minute emission tests. The
23 emission test for diesel vehicles shall consist solely of a smoke
24 opacity test.

25 (b) Adopt criteria for calibrating emission testing equipment.
26 Electronic equipment used to test for emissions standards provided for
27 in this chapter shall be properly calibrated. The department shall
28 examine frequently the calibration of the emission testing equipment
29 used at the stations.

1 (c) Authorize, through contracts, the establishment and operation
2 of inspection stations for conducting ~~((the))~~ vehicle emission
3 ~~((tests))~~ inspections authorized in this chapter. No person contracted
4 to inspect motor vehicles may perform for compensation repairs on any
5 vehicles. No public body may establish or operate contracted
6 inspection stations. Any contracts must be let in accordance with the
7 procedures established for competitive bids in chapter 43.19 RCW.

8 (3) Subsection (2)(c) of this section does not apply to volunteer
9 motor vehicle inspections under RCW 70.120.020(1)(a) if the inspections
10 are conducted for the following purposes:

11 (a) Auditing;

12 (b) Contractor evaluation;

13 (c) Collection of data for establishing calibration and performance
14 standards; or

15 (d) Public information and education.

16 (4)(a) The director shall establish by rule the fee to be charged
17 for emission inspections. The inspection fee shall be a standard fee
18 applicable state-wide or throughout an emission contributing area and
19 shall be no greater than eighteen dollars. Surplus moneys collected
20 from fees over the amount due the contractor shall be paid to the state
21 and deposited in the general fund. Fees shall be set at the minimum
22 whole dollar amount required to (i) compensate the contractor or
23 inspection facility owner, and (ii) offset the general fund
24 appropriation to the department to cover the administrative costs of
25 the motor vehicle emission inspection program.

26 (b) Before each inspection, a person whose motor vehicle is to be
27 inspected shall pay to the inspection station the fee established under
28 this section. The person whose motor vehicle is inspected shall
29 receive the results of the inspection ~~((test))~~. If the inspected
30 ~~((vehicle's emissions comply))~~ vehicle complies with the standards

1 established by the director, the person shall receive a dated
2 certificate of compliance. If the inspected (~~(vehicle's emissions do)~~)
3 vehicle does not comply with those standards, one (~~(retest of the~~
4 vehicle's emission)) reinspection of the vehicle shall be afforded
5 without charge. All fee proceeds shall be deposited into the emission
6 inspection fee account, which is hereby created in the custody of the
7 state treasurer. Expenditures from the account may be used only for
8 contractor reimbursement. Only the director of ecology or the
9 director's designee may authorize expenditures from the account.
10 Quarterly the director shall transfer to the general fund that portion
11 of the account that is not needed for contractor reimbursement.

12 (5) All units of local government and agencies of the state with
13 motor vehicles garaged or regularly operated in an emissions
14 contributing area shall test the emissions of those vehicles
15 (~~(biennially)~~) annually to ensure that the vehicle's emissions comply
16 with the emission standards established by the director. All state
17 agencies outside of emission contributing areas with more than twenty
18 motor vehicles housed at a single facility or contiguous facilities
19 shall test the emissions of those vehicles annually to ensure that the
20 vehicles' emissions comply with standards established by the director.
21 A report of the results of the tests shall be submitted to the
22 department."

23 "Sec. 209. RCW 46.16.015 and 1990 c 42 s 318 are each amended to
24 read as follows:

25 (1) Neither the department of licensing nor its agents may issue or
26 renew a motor vehicle license for any vehicle (~~(registered in an~~
27 ~~emission contributing area, as that area is established under chapter~~
28 ~~70.120 RCW)) or change the registered owner, for any (~~(year in which~~
29 the)) vehicle that is required to be (~~(tested)) inspected~~ under chapter~~

1 70.120 RCW, unless the application for issuance or renewal is: (a)
2 Accompanied by a valid certificate of compliance or a valid certificate
3 of acceptance issued pursuant to chapter 70.120 RCW and the inspection
4 fee established by the director of ecology or proof of payment; or (b)
5 exempted from this requirement pursuant to subsection (2) of this
6 section. The certificates must have a date of validation which is
7 within (~~ninety days~~) six months of the date of application for the
8 vehicle license or license renewal. Certificates for fleet or owner
9 tested diesel vehicles may have a date of validation which is within
10 twelve months of the assigned license renewal date.

11 (2) Subsection (1) of this section does not apply to the following
12 vehicles:

13 (a) New motor vehicles whose equitable or legal title has never
14 been transferred to a person who in good faith purchases the vehicle
15 for purposes other than resale;

16 (b) Motor vehicles with a model year of 1967 or earlier;

17 (c) Motor vehicles that use propulsion units powered exclusively by
18 electricity;

19 (d) Motor vehicles fueled (~~exclusively~~) by propane, compressed
20 natural gas, or liquid petroleum gas, unless it is determined that
21 federal sanctions will be imposed as a result of this exemption;

22 (e) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles
23 as defined in RCW 46.04.332;

24 (~~f~~) (~~Motor vehicles powered by diesel engines;~~

25 ~~g~~) Farm vehicles as defined in RCW 46.04.181; or

26 (~~h~~) ~~Used vehicles which are offered for sale by a motor vehicle~~
27 ~~dealer licensed under chapter 46.70 RCW; or~~

28 ~~i~~) g) Motor vehicles exempted by the director of the department
29 of ecology.

1 The provisions of subparagraph (a) of this subsection may not be
2 construed as exempting from the provisions of subsection (1) of this
3 section applications for the renewal of licenses for motor vehicles
4 that are or have been leased.

5 ~~(3) ((The department of licensing shall mail to each owner of a~~
6 ~~vehicle registered within an emission contributing area a notice~~
7 ~~regarding the boundaries of the area and restrictions established under~~
8 ~~this section that apply to vehicles registered in such areas. The~~
9 ~~information for the notice shall be supplied to the department of~~
10 ~~licensing by the department of ecology.))~~ The department of ecology
11 shall provide information to motor vehicle owners regarding the
12 boundaries of emission contributing areas and restrictions established
13 under this section that apply to vehicles registered in such areas. In
14 addition the department of ecology shall provide information to motor
15 vehicle owners on the relationship between motor vehicles and air
16 pollution and steps motor vehicle owners should take to reduce motor
17 vehicle related air pollution. The department of licensing shall send
18 to all registered motor vehicle owners ~~((who reside within the~~
19 ~~emissions area))~~ affected by the emission testing program notice that
20 they must have an emission test to renew their registration."

21 "NEW SECTION. Sec. 210. A new section is added to chapter 70.120
22 RCW to read as follows:

23 By July 1, 1992, the department shall develop, in cooperation with
24 the departments of general administration and transportation, and the
25 state energy office, aggressive clean-fuel performance and clean-fuel
26 vehicle emissions specifications. To the extent possible, such
27 specifications shall be equivalent for all fuel types. In developing
28 such specifications the department shall consider the requirements of
29 the clean air act and the findings of the environmental protection

1 agency, other states, the American petroleum institute, the gas
2 research institute, and the motor vehicles manufacturers association."

3 "NEW SECTION. Sec. 211. A new section is added to chapter 43.19
4 RCW to read as follows:

5 (1) At least thirty percent of all new vehicles purchased through
6 a state contract shall be clean-fuel vehicles. This requirement shall
7 take effect within twelve months of the time that two or more
8 manufacturers produce clean-fuel vehicles in the same weight class.

9 (2) The percentage of clean-fuel vehicles purchased through a state
10 contract shall increase at the rate of five percent each year.

11 (3) In meeting the procurement requirement established in this
12 section, preference shall be given to vehicles designed to operate
13 exclusively on clean fuels. Clean-fuel vehicles capable of operating
14 on other than clean fuels shall be considered equivalent to one-half of
15 a clean-fuel vehicle for the purposes of meeting the procurement
16 requirements of this section.

17 (4) Fuel purchased through a state contract shall be a clean fuel
18 when the fuel is purchased for the operation of a clean-fuel vehicle.

19 (5)(a) Weight classes are established by the following motor
20 vehicle types:

21 (i) Passenger cars;

22 (ii) Light duty trucks, trucks with a gross vehicle weight rating
23 by the vehicle manufacturer of less than eight thousand five hundred
24 pounds;

25 (iii) Heavy duty trucks, trucks with a gross vehicle weight rating
26 by the vehicle manufacturer of eight thousand five hundred pounds or
27 more.

1 (b) This subsection does not place an obligation upon the state or
2 its political subdivisions to purchase vehicles in any number or weight
3 class other than to meet the thirty percent requirement.

4 (6) For the purposes of this section, "clean fuels" and "clean-fuel
5 vehicles" shall be those fuels and vehicles meeting the specifications
6 provided for in section 210 of this act."

7 "NEW SECTION. Sec. 212. The superintendent of public
8 instruction, in coordination with the Washington state energy office,
9 department of ecology, and selected local school districts that are
10 using or considering the use of compressed natural gas, shall analyze
11 and report on the potential benefits, costs, and safety risks
12 associated with increasing the use of compressed natural gas as a fuel
13 for school buses.

14 The report shall address:

15 (1) The anticipated actual operation and maintenance costs of using
16 compressed natural gas buses versus diesel fuel or gasoline buses;

17 (2) Factors affecting the safety of passengers, drivers, mechanics,
18 and other persons in using compressed natural gas buses versus diesel
19 fuel and gasoline buses;

20 (3) Capital costs, including:

21 (a) The availability and capital cost of purchasing new compressed
22 natural gas buses;

23 (b) The feasibility and capital cost of retrofitting diesel and
24 gasoline buses; and

25 (c) Capital costs associated with fuel storage and refueling;

26 (4) Other considerations, including air quality benefits, necessary
27 to determine the overall costs, problems, and benefits of increasing
28 the use of compressed natural gas as a fuel for school buses.

1 The report shall be submitted to the education committees of the
2 house of representatives and the senate by December 15, 1991."

3 "NEW SECTION. Sec. 213. A new section is added to chapter 70.120
4 RCW to read as follows:

5 The department, in cooperation with the departments of general
6 administration and transportation, the utilities and transportation
7 commission, and the state energy office, shall biennially prepare a
8 report to the legislature starting July 1, 1992, on:

9 (1) Progress of clean fuel and clean-fuel vehicle programs in
10 reducing automotive emissions;

11 (2) Recommendations for enhancing clean-fuel distribution systems;

12 (3) Efforts of the state, units of local government, and the
13 private sector to evaluate and utilize "clean fuel" or "clean-fuel
14 vehicles"; and

15 (4) Recommendations for changes in the existing program to make it
16 more effective and, if warranted, for expansion of the program."

17 "NEW SECTION. Sec. 214. A new section is added to chapter 80.28
18 RCW to read as follows:

19 The legislature finds that compressed natural gas offers
20 significant potential to reduce vehicle emissions and to significantly
21 decrease dependence on petroleum-based fuels. The legislature also
22 finds that well-developed and convenient refueling systems are
23 imperative if compressed natural gas is to be widely used by the
24 public. The legislature declares that the development of compressed
25 natural gas refueling stations are in the public interest."

26 "NEW SECTION. Sec. 215. A new section is added to chapter 80.28
27 RCW to read as follows:

1 The commission shall identify barriers to the development of
2 refueling stations for vehicles operating on compressed natural gas,
3 and shall develop policies to remove such barriers. In developing such
4 policies, the commission shall consider providing rate incentives to
5 encourage natural gas companies to invest in the infrastructure
6 required by such refueling stations."

7 "NEW SECTION. Sec. 216. A new section is added to chapter 70.94
8 RCW to read as follows:

9 The department may disburse matching grants from funds provided by
10 the legislature from the air pollution control account, created in
11 section 245 of this act, to units of local government to partially
12 offset the additional cost of purchasing "clean fuel" and/or operating
13 "clean-fuel vehicles" provided that such vehicles are used for public
14 transit. The department may also disburse grants to vocational-
15 technical institutes for the purpose of establishing programs to
16 certify clean-fuel vehicle mechanics."

17 "NEW SECTION. Sec. 217. A new section is added to chapter 70.94
18 RCW to read as follows:

19 No state agency, metropolitan planning organization, or local
20 government shall approve or fund a transportation plan, program, or
21 project unless a determination has been made that the plan, program, or
22 project conforms with the state implementation plan for air quality.

23 (1) "Conformity to the state implementation plan" means:

24 (a) Conformity to the state implementation plan's purpose of
25 eliminating or reducing the severity and number of violations of the
26 national ambient air quality standards and achieving expeditious
27 attainment of such standards; and

1 (b) Ensuring that a proposed transportation plan, program, or
2 project will not:

3 (i) Cause or contribute to any new violation of any standard in any
4 area;

5 (ii) Increase the frequency or severity of any existing violation
6 of any standard in any area; or

7 (iii) Delay timely attainment of any standard or any required
8 interim emission reductions or other milestones in any area.

9 Conformity determination shall be made by the state or local
10 government or metropolitan planning organization administering or
11 developing the plan, program, or project. The determination of
12 conformity shall be based on the most recent estimates of emissions,
13 and such estimates shall be determined from the most recent
14 population, employment, travel, and congestion estimates as determined
15 by the metropolitan planning organization or other agency authorized to
16 make such estimates.

17 (2) Plans and programs conform if:

18 (a) Emissions resulting from such plans and programs are consistent
19 with baseline emission inventories and emission reduction projections
20 and schedules assigned to those plans and programs in the state
21 implementation plan; and

22 (b) The plans and programs provide for the timely implementation of
23 the transportation provisions in the approved or promulgated state
24 implementation plan.

25 (3) A project conforms if:

26 (a) It is a control measure from the state implementation plan; or

27 (b) It comes from a conforming plan and program, and the design and
28 scope of such project has not changed significantly since the plan and
29 program from which the project derived was found to conform.

1 (c) A project other than one referred to in (a) and (b) of this
2 subsection conforms if it is demonstrated that the project either does
3 not contribute to increased emissions in the nonattainment area, or
4 that offsetting emission reductions for the project are specifically
5 provided for in the transportation plan and program, or are otherwise
6 enforceable through the state implementation plan, before the project
7 is approved.

8 (d) No later than eighteen months after the effective date of this
9 section, the director of the department of ecology and the secretary of
10 transportation, in consultation with other state, regional, and local
11 agencies as appropriate, shall adopt by rule criteria and guidance for
12 demonstrating and assuring conformity of plans, programs, and projects.

13 (4) A project with a scope that is limited to preservation or
14 maintenance, or both, shall be exempted from a conformity determination
15 requirement."

16 "NEW SECTION. Sec. 218. Unless the context clearly requires
17 otherwise, the definitions in this section apply throughout this
18 chapter.

19 (1) "Phase 1 major employer" means a private or public employer
20 that employs one hundred or more full-time employees at a single work
21 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
22 on weekdays for at least six continuous months during the year.

23 (2) "Phase 2 major employer" means a private or public employer
24 that employs fifty to ninety-nine full-time employees at a single work
25 site who begin their regular work day between 6:00 a.m. and 10:00 a.m.
26 on weekdays for at least six continuous months during the year.

27 (3) "Major work site" means a building or group of buildings that
28 are on physically contiguous parcels of land or on parcels separated
29 solely by private or public roadways or rights of way, and at which

1 there are fifty or more full-time equivalent employees of one or more
2 employers, who begin their regular work day between 6:00 a.m. and 10:00
3 a.m. on weekdays, for at least six continuous months.

4 (4) "Commute trip reduction zones" mean areas, such as census
5 tracts or combinations of census tracts, within a jurisdiction that are
6 characterized by similar employment density, population density, level
7 of transit service, parking availability, access to high occupancy
8 vehicle facilities, and other factors that are determined to affect the
9 level of single occupancy vehicle commuting.

10 (5) "Commute trip" means trips made from a worker's home to a work
11 site during the peak period of 6:00 a.m. to 10:00 a.m. on weekdays.

12 (6) "Proportion of single occupant vehicle commute trips" means the
13 number of commute trips made by single occupant automobiles divided by
14 the number of full-time equivalent employees.

15 (7) "Commute trip vehicle miles traveled per employee" means the
16 sum of the individual vehicle commute trip lengths in miles over a set
17 period divided by the number of full-time equivalent employees during
18 that period.

19 (8) "Base year" means the year January 1, 1992, through December
20 31, 1992, on which goals for vehicle miles traveled and single occupant
21 vehicle trips shall be based. Base year goals may be determined using
22 the 1990 journey-to-work census data projected to the year 1992 and
23 shall be consistent with chapter 17, Laws of 1990 1st ex.s. The task
24 force shall establish a method to be used by jurisdictions to determine
25 reductions of vehicle miles traveled."

26 NEW SECTION. **Sec. 219.** (1) Each county with a population over
27 one hundred fifty thousand, and each city or town within those counties
28 containing a phase 1 major employer shall, by July 1, 1992, adopt by
29 ordinance and implement a commute trip reduction plan for all phase 1

1 employers. Each county with a population over one hundred fifty
2 thousand, and each city or town within those counties containing a
3 phase 2 major employer shall, by July 1, 1994, adopt by ordinance and
4 implement a commute trip reduction plan for all phase 2 employers. The
5 plan shall be developed in cooperation with local transit agencies,
6 regional transportation planning organizations as established in RCW
7 47.80.020, phase 1 or phase 2 major employers, and the owners of and
8 employers at major work sites. The plan shall be designed to achieve
9 reductions in the proportion of single occupant vehicle commute trips
10 and the commute trip vehicle miles traveled per employee by employees
11 of phase 1 and phase 2 major public and private sector employers in the
12 jurisdiction.

13 (2) All other counties, and cities and towns in those counties, may
14 adopt and implement a commute trip reduction plan.

15 (3) The department of ecology may, after consultation with the
16 state energy office, as part of the state implementation plan for areas
17 that do not attain the national ambient air quality standards for
18 carbon monoxide or ozone, require municipalities other than those
19 identified in subsection (1) of this section to adopt and implement
20 commute trip reduction plans if the department determines that such
21 plans are necessary for attainment of said standards.

22 (4) A commute trip reduction plan shall be consistent with the
23 guidelines established under section 222 of this act and shall include
24 but is not limited to (a) goals for reductions in the proportion of
25 single occupant vehicle commute trips and the commute trip vehicle
26 miles traveled per employee; (b) designation of commute trip reduction
27 zones; (c) requirements for major public and private sector employers
28 to implement commute trip reduction programs; (d) a commute trip
29 reduction program for employees of the county, city, or town; (e) a
30 review of local parking policies and ordinances as they relate to

1 employers and major work sites and any revisions necessary to comply
2 with commute trip reduction goals and guidelines; and (f) means for
3 determining base year values of the proportion of single occupant
4 vehicle commute trips and the commute trip vehicle miles traveled per
5 employee and progress toward meeting commute trip reduction plan goals
6 on an annual basis. Goals which are established shall take into
7 account existing transportation demand management efforts which are
8 made by phase 1 and phase 2 major employers. The goals for miles
9 traveled per employee for all phase 1 employers shall not be less than
10 a fifteen percent reduction from the base year value of the commute
11 trip reduction zone in which their work site is located by January 1,
12 1994, twenty-five percent reduction from the base year values by
13 January 1, 1996, and thirty-five percent reduction from the base year
14 values by January 1, 1998. The goals for miles traveled per employee
15 for all phase 2 employers shall not be less than a fifteen percent
16 reduction from the base year values of the commute trip reduction zone
17 in which their work site is located by January 1, 1996, twenty-five
18 percent reduction from the base year values by January 1, 1998, and
19 thirty-five percent reduction from the base year values by January 1,
20 2000.

21 (5) A county, city, or town may, as part of its commute trip
22 reduction plan, require commute trip reduction programs for other than
23 phase 1 and phase 2 major employers for major work sites if the county,
24 city, or town determines such programs are necessary to address local
25 transportation or air quality problems.

26 (6) The commute trip reduction plans adopted by counties, cities,
27 and towns under this chapter shall be consistent with and may be
28 incorporated in applicable state or regional transportation plans and
29 local comprehensive plans and shall be coordinated, and consistent
30 with, the commute trip reduction plans of counties, cities, or towns

1 with which the county, city, or town has, in part, common borders or
2 related regional issues. Counties, cities, or towns adopting commute
3 trip reduction plans may enter into agreements through the interlocal
4 cooperation act with other jurisdictions, local transit agencies, or
5 regional transportation planning organizations to coordinate the
6 development and implementation of such plans. Counties, cities, or
7 towns adopting a commute trip reduction plan shall review it annually
8 and revise it as necessary to be consistent with applicable plans
9 developed under RCW 36.70A.070.

10 (7) Each county, city, or town implementing a commute trip
11 reduction program shall, by July 15, 1992, for phase 1 employers and by
12 July 15, 1994, for phase 2 employers submit a summary of its plan along
13 with certification of adoption to the commute trip reduction task force
14 established under section 222 of this act.

15 (8) Each county, city, or town implementing a commute trip
16 reduction program shall submit an annual progress report to the commute
17 trip reduction task force established under section 222 of this act.
18 The report shall be due July 1, 1993, and each July 1 thereafter
19 through July 1, 2000. The report shall describe progress in attaining
20 the applicable commute trip reduction goals for each commute trip
21 reduction zone and shall highlight any problems being encountered in
22 achieving the goals. The information shall be reported in a form
23 established by the commute trip reduction task force.

24 (9) Each county, city, or town implementing a commute trip
25 reduction program shall count commute trips eliminated through work-at-
26 home options or alternative work schedules as one and two-tenths
27 vehicle trips eliminated for the purpose of meeting trip reduction
28 goals.

29 (10) Plans implemented under this section shall not apply to
30 commute trips for seasonal agricultural employees."

1 "NEW SECTION. Sec. 220. (1) Not more than six months after the
2 adoption of the commute trip reduction plan by a jurisdiction, each
3 phase 1 and phase 2 major employer in that jurisdiction shall develop
4 a commute trip reduction program and shall submit a description of that
5 program to the jurisdiction for review. The program shall be
6 implemented not more than six months after submission to the
7 jurisdiction.

8 (2) A commute trip reduction program shall consist of, at a minimum
9 (a) designation of an on-site transportation coordinator; (b) regular
10 distribution of information to employees regarding alternatives to
11 single occupant vehicle commuting; (c) an annual review of employee
12 commuting and reporting of progress toward meeting the single occupant
13 vehicle reduction goals to the county, city, or town consistent with
14 the method established in the commute trip reduction plan; and (d)
15 implementation of a set of measures designed to achieve the applicable
16 commute trip reduction goals adopted by the jurisdiction. Such
17 measures may include but are not limited to:

18 (i) Provision of preferential parking or reduced parking charges,
19 or both, for high occupancy vehicles;

20 (ii) Instituting or increasing parking charges for single occupant
21 vehicles;

22 (iii) Provision of commuter ride matching services to facilitate
23 employee ridesharing for commute trips;

24 (iv) Provision of subsidies for transit fares;

25 (v) Provision of vans for van pools;

26 (vi) Provision of subsidies for car pooling or van pooling;

27 (vii) Permitting the use of the employer's vehicles for car pooling
28 or van pooling;

29 (viii) Permitting flexible work schedules to facilitate employees'
30 use of transit, car pools, or van pools;

1 (ix) Cooperation with transportation providers to provide
2 additional regular or express service to the work site;

3 (x) Construction of special loading and unloading facilities for
4 transit, car pool, and van pool users;

5 (xi) Provision of bicycle parking facilities, lockers, changing
6 areas, and showers for employees who bicycle or walk to work;

7 (xii) Provision of a program of parking incentives such as a rebate
8 for employees who do not use the parking facility;

9 (xiii) Establishment of a program to permit employees to work part
10 or full time at home or at an alternative work site closer to their
11 homes;

12 (xiv) Establishment of a program of alternative work schedules such
13 as compressed work week schedules which reduce commuting; and

14 (xv) Implementation of other measures designed to facilitate the
15 use of high occupancy vehicles such as on-site day care facilities and
16 emergency taxi services.

17 (3) Employers or owners of work sites may form or utilize existing
18 transportation management associations to assist members in developing
19 and implementing commute trip reduction programs."

20 "NEW SECTION. Sec. 221. (1) Each jurisdiction implementing a
21 commute trip reduction plan under this chapter or as part of a plan or
22 ordinance developed under RCW 36.70A.070 shall review each employer's
23 initial commute trip reduction program to determine if the program is
24 likely to meet the applicable commute trip reduction goals. The
25 employer shall be notified by the jurisdiction of its findings. If the
26 jurisdiction finds that the program is not likely to meet the
27 applicable commute trip reduction goals, the jurisdiction will work
28 with the employer to modify the program as necessary. The jurisdiction

1 shall complete review of each employer's initial commute trip reduction
2 program within six months of receipt.

3 (2) Each jurisdiction shall annually review each employer's
4 progress toward meeting the applicable commute trip reduction goals.
5 If it appears an employer is not likely to meet the applicable commute
6 trip reduction goals, the jurisdiction shall work with the employer to
7 make modifications to the commute trip reduction program.

8 (3) If an employer fails to meet the applicable commute trip
9 reduction goals, the jurisdiction shall propose modifications to the
10 program and direct the employer to revise its program within thirty
11 days to incorporate those modifications or modifications which the
12 jurisdiction determines to be equivalent.

13 (4) Each jurisdiction implementing a commute trip reduction plan
14 pursuant to this chapter may impose civil penalties, in the manner
15 provided in chapter 7.80 RCW, for failure by an employer to implement
16 a commute trip reduction program or to modify its commute trip
17 reduction program as required in subsection (3) of this section."

18 "NEW SECTION. Sec. 222. (1) A commute trip reduction task force
19 shall be established by the state energy office. The task force shall
20 be composed of one representative from the state energy office who
21 shall serve as chair; one representative from each of the departments
22 of transportation, ecology, community development, and general
23 administration; three representatives from counties, based on
24 recommendations from the Washington state association of counties;
25 three representatives from cities or towns, based on recommendations
26 from the association of Washington cities; three representatives from
27 transit agencies recommended by Washington state transit association;
28 three interested citizens; and six representatives from major
29 employers. The task force shall be dissolved on July 1, 2000.

1 (2) By January 1, 1992, the commute trip reduction task force shall
2 establish guidelines for commute trip reduction plans. The guidelines
3 are intended to ensure consistency in commute trip reduction plans and
4 goals among jurisdictions while fairly taking into account differences
5 in employment and housing density, employer size, existing and
6 anticipated levels of transit service, and other factors the task force
7 determines to be relevant. The guidelines shall include criteria for
8 establishing commute trip reduction zones, allowances for employers
9 that have implemented trip reduction programs prior to the base year,
10 and the information requirements for determining progress in meeting
11 the commute trip reduction goals. The task force may also develop
12 alternative but equivalent trip reduction criteria for phase 1 and
13 phase 2 major employers, which cannot meet the goals of this chapter
14 because of the unique nature of their business. The task force may
15 develop alternate but equivalent criteria for major employers whose
16 major work sites change, and who contribute substantially to traffic
17 congestion in a trip reduction zone.

18 (3) The task force shall review the costs and benefits of commute
19 trip plans and programs and shall make recommendations to the
20 legislature by December 1, 1993, December 1, 1995, December 1, 1997,
21 and December 1, 1999. In assessing the costs and benefits, the task
22 force shall also consider the costs of not having implemented commute
23 trip reduction plans and programs. The recommendations shall address
24 the need for continuation, modification, or termination of any or all
25 requirements of this chapter."

26 "NEW SECTION. **Sec. 223.** (1) A technical assistance team shall be
27 established under the direction of the state energy office and include
28 representatives of the departments of transportation and ecology. The
29 team shall provide staff support to the commute trip reduction task

1 force in carrying out the requirements of section 222 of this act and
2 to the department of general administration in carrying out the
3 requirements of section 226 of this act.

4 (2) The team shall provide technical assistance to counties,
5 cities, and towns, the department of general administration, other
6 state agencies, and other employers in developing and implementing
7 commute trip reduction plans and programs. The technical assistance
8 shall include: (a) Guidance in determining base and subsequent year
9 values of single occupant vehicle commuting proportion and commute trip
10 reduction vehicle miles traveled to be used in determining progress in
11 attaining plan goals; (b) developing model plans and programs
12 appropriate to different situations; and (c) providing consistent
13 training and informational materials for the implementation of commute
14 trip reduction programs. Model plans and programs, training, and
15 informational materials shall be developed in cooperation with
16 representatives of local governments, transit agencies, and employers."

17 "NEW SECTION. Sec. 224. A portion of the funds made available
18 under section 245 of this act shall be used to fund the commute trip
19 reduction task force, the interagency technical assistance team, and
20 counties, cities, and towns implementing commute trip reduction plans.
21 Funds shall be provided to the counties in proportion to the number of
22 major employers and major work sites in each county. The counties
23 shall provide funds to cities and towns within the county which are
24 implementing commute trip reduction plans in proportion to the number
25 of major employers and major work sites within the city or town."

26 "NEW SECTION. Sec. 225. The legislature hereby recognizes the
27 state's crucial leadership role in establishing and implementing
28 effective commute trip reduction programs. Therefore, it is the policy

1 of the state that the department of general administration and other
2 state agencies shall aggressively develop substantive programs to
3 reduce commuter trips by state employees. Implementation of these
4 programs will reduce energy consumption, congestion in urban areas, and
5 air and water pollution associated with automobile travel."

6 "NEW SECTION. Sec. 226. (1) The director of general
7 administration, with the concurrence of an interagency task force
8 established for the purposes of this section, shall coordinate a
9 commute trip reduction plan for state agencies which are phase 1 major
10 employers by July 1, 1992, and for state agencies which are phase 2
11 major employers by July 1, 1994. The task force shall include
12 representatives of the state energy office, the departments of
13 transportation and ecology, and such other departments as the director
14 of general administration determines to be necessary to be generally
15 representative of state agencies. The state agency plan shall be
16 consistent with the requirements of sections 219 and 220 of this act
17 and shall be developed in consultation with state employees, local and
18 regional governments, local transit agencies, the business community,
19 and other interested groups. The plan shall consider and recommend
20 policies applicable to all state agencies including but not limited to
21 policies regarding parking and parking charges, employee incentives for
22 commuting by other than single occupant automobiles, flexible and
23 alternative work schedules, alternative work sites, and the use of
24 state-owned vehicles for car and van pools. The plan shall also
25 consider the costs and benefits to state agencies of achieving commute
26 trip reductions and consider mechanisms for funding state agency
27 commute trip reduction programs. The department shall, by July 15,
28 1992, for phase 1 major employers and by July 15, 1994, for phase 2
29 major employers submit a summary of its plan along with certification

1 of adoption to the commute trip reduction task force established under
2 section 222 of this act.

3 (2) Not more than three months after the adoption of the commute
4 trip reduction plan, each state agency shall, for each facility which
5 is a phase 1 or phase 2 major employer, develop a commute trip
6 reduction program. The program shall be designed to meet the goals of
7 the commute trip reduction plan of the county, city, or town or, if
8 there is no local commute trip reduction plan, the state. The program
9 shall be consistent with the policies of the state commute trip
10 reduction plan and section 220 of this act. The agency shall submit a
11 description of that program to the local jurisdiction implementing a
12 commute trip reduction plan or, if there is no local commute trip
13 reduction plan, to the department of general administration. The
14 program shall be implemented not more than three months after
15 submission to the department. Annual reports required in section
16 220(2)(c) of this act shall be submitted to the local jurisdiction
17 implementing a commute trip reduction plan and to the department of
18 general administration. An agency which is not meeting the applicable
19 commute trip reduction goals shall, to the extent possible, modify its
20 program to comply with the recommendations of the local jurisdiction or
21 the department of general administration.

22 (3) State agencies sharing a common location may develop and
23 implement a joint commute trip reduction program or may delegate the
24 development and implementation of the commute trip reduction program to
25 the department of general administration.

26 (4) The department of general administration in consultation with
27 the state technical assistance team shall review the initial commute
28 trip reduction program of each state agency subject to the commute trip
29 reduction plan for state agencies to determine if the program is likely
30 to meet the applicable commute trip reduction goals and notify the

1 agency of any deficiencies. If it is found that the program is not
2 likely to meet the applicable commute trip reduction goals, the team
3 will work with the agency to modify the program as necessary.

4 (5) For each agency subject to the state agency commute trip
5 reduction plan, the department of general administration in
6 consultation with the technical assistance team shall annually review
7 progress toward meeting the applicable commute trip reduction goals.
8 If it appears an agency is not meeting or is not likely to meet the
9 applicable commute trip reduction goals, the team shall work with the
10 agency to make modifications to the commute trip reduction program.

11 (6) The department of general administration shall submit an annual
12 progress report for state agencies subject to the state agency commute
13 trip reduction plan to the commute trip reduction task force
14 established under section 222 of this act. The report shall be due
15 April 1, 1993, and each April 1 through 2000. The report shall report
16 progress in attaining the applicable commute trip reduction goals for
17 each commute trip reduction zone and shall highlight any problems being
18 encountered in achieving the goals. The information shall be reported
19 in a form established by the commute trip reduction task force."

20 "NEW SECTION. Sec. 227. Sections 218 through 226 of this act
21 shall constitute a new chapter in Title 70 RCW."

22 "NEW SECTION. Sec. 228. The long-range health and environmental
23 goals for the state of Washington require the protection of the state's
24 air quality for the health, safety, and enjoyment of its people. It is
25 the purpose of this chapter to encourage the purchase of efficient, low
26 emission motor vehicles."

1 "NEW SECTION. Sec. 229. Unless the context clearly requires
2 otherwise, the definitions in this section apply throughout this
3 chapter.

4 (1) "Motor vehicle" means all motor vehicles of the type designed
5 primarily to be used upon the public streets and highways, for the
6 convenience or pleasure of the owner, or for the conveyance, for hire
7 or otherwise, of persons or property, including automobiles, light
8 trucks, fixed loads and facilities for human habitation; but shall not
9 include (a) dock and warehouse tractors and their cars or trailers,
10 lumber carriers of the type known as spiders, and all other automotive
11 equipment not designed primarily for use upon public streets, or
12 highways, (b) mobile home and travel trailers as defined in RCW
13 82.50.010, (c) farm vehicles as defined in RCW 46.04.181, (d) vehicles
14 carrying exempt licenses, (e) semitrailers as defined in RCW 46.04.530,
15 (f) trailers as defined in RCW 46.04.620, or (g) motor vehicles owned
16 by nonresident military personnel of the armed forces of the United
17 States stationed in the state of Washington provided personnel were
18 also nonresident at the time of their entry into military service.

19 (2) "New motor vehicle dealer" means the initial retail seller of
20 motor vehicles as defined in subsection (1) of this section."

21 "NEW SECTION. Sec. 230. An excise tax is imposed on the
22 privilege of selling by manufacturers or the distribution companies of
23 manufacturers new motor vehicles to the new motor vehicle dealers in
24 the state. The excise tax shall be an amount computed by section 231
25 of this act."

26 "NEW SECTION. Sec. 231. (1) The tax under section 230 of this
27 act will be based on a vehicle's emissions of hydrocarbons, carbon
28 monoxide, oxides of nitrogen, and carbon dioxide weighted by the

1 estimated emissions control costs, relative to the weighted emissions
2 of other new motor vehicles in the class. The state energy office
3 shall establish for each new motor vehicle class a standard acceptable
4 weighted emission quantity for the state equal to one hundred fifteen
5 percent of the average weighted emissions quantity for new motor
6 vehicles in the class. The tax for each new vehicle exceeding the
7 standard established by the state energy office shall be one hundred
8 twenty-five dollars. In calculating the acceptable weighted emission
9 standard for each class of motor vehicle, the state energy office
10 shall, in consultation with the department of ecology, utilize
11 estimated control costs for each pollutant and emission, and fuel
12 economy as provided by the manufacturer. The standard shall be
13 established annually, in order to incorporate new information on
14 emissions and control costs. This tax shall be adjusted annually to
15 account for inflation as determined by the state office of the economic
16 and revenue forecast council.

17 (2) The manufacturers of motor vehicles sold in the state shall, by
18 July 1 of each year, submit to the energy office the emissions of
19 hydrocarbons, carbon monoxide, oxides of nitrogen, and fuel economy of
20 vehicles manufactured by them for the following model year as provided
21 to the United States environmental protection agency.

22 (3) The tax on new motor vehicles for which the emissions and fuel
23 economy statements are not submitted to the energy office shall be one
24 hundred twenty-five dollars."

25 "NEW SECTION. **Sec. 232.** The excise tax imposed by section 230 of
26 this act is due and payable by the vehicle manufacturer or the
27 distribution company of a vehicle manufacturer to the department of
28 revenue or its agents quarterly as determined by the department of
29 revenue. Automobiles and light trucks with a gross vehicle weight less

1 than eight thousand five hundred pounds and trucks with gross weight
2 greater than eight thousand five hundred pounds shall each be
3 considered separate classes for the purposes of the emissions fee
4 imposed by section 230 of this act."

5 "NEW SECTION. Sec. 233. Chapter 82.32 RCW applies to the tax
6 imposed by this chapter, in addition to any other provisions of law for
7 the payment and enforcement of the tax imposed by this chapter. The
8 department of revenue shall by rule provide for the effective
9 administration of this chapter."

10 "NEW SECTION. Sec. 234. The state energy office shall publish
11 annually, by September 1, for each new automobile and truck make,
12 model, body type, engine type, and displacement and transmission type,
13 the state acceptable weighted emissions quantity for that vehicle; and
14 whether the vehicle is subject to the excise tax. This information
15 shall be distributed to all new motor vehicle dealers along with a form
16 for display of this information. New motor vehicle dealers shall
17 prominently display this information for each vehicle using the
18 prescribed form."

19 "NEW SECTION. Sec. 235. (1) Credit shall be allowed, in
20 accordance with rules of the department, against the taxes imposed in
21 this chapter for any emissions tax paid to another state with respect
22 to the same new motor vehicle. The amount of the credit shall not
23 exceed the tax liability arising under this chapter with respect to
24 that new motor vehicle.

25 (2) For purposes of this section:

1 (a) An emissions tax for which a credit is allowed is a tax which
2 any part of which is based upon the new motor vehicle's quantity of
3 estimated emissions as determined by state or federal standards.

4 (b) "State" means (i) a state of the United States other than
5 Washington, or any political subdivision of such other state, (ii) the
6 District of Columbia, and (iii) any foreign country or political
7 subdivision thereof."

8 "NEW SECTION. Sec. 236. Sections 229 through 235 and 245 of this
9 act shall constitute a new chapter in Title 82 RCW."

10 "**Sec. 237.** RCW 82.44.020 and 1990 c 42 s 302 are each amended to
11 read as follows:

12 (1) An excise tax is imposed for the privilege of using in the
13 state any motor vehicle, except those operated under reciprocal
14 agreements, the provisions of RCW 46.16.160 as now or hereafter
15 amended, or dealer's licenses. The annual amount of such excise tax
16 shall be two percent of the value of such vehicle.

17 (2) An additional excise tax is imposed, in addition to any other
18 tax imposed by this section, for the privilege of using in the state
19 any such motor vehicle, and the annual amount of such additional excise
20 shall be two-tenths of one percent of the value of such vehicle.

21 (3) Effective with October 1992 motor vehicle registration
22 expirations, a clean air and water excise tax is imposed in addition to
23 any other tax imposed by this section for the privilege of using in the
24 state any motor vehicle, and the annual amount of the additional excise
25 tax shall be two dollars and fifty cents.

26 (4) Effective with October 1992 motor vehicle registration
27 expirations, an excise tax is imposed in addition to any other tax
28 imposed by this section for the privilege of using in this state a new

1 motor vehicle upon which the tax imposed by section 230 of this act has
2 not been paid by the manufacturer.

3 (a) The amount of the tax is an amount based on a vehicle's
4 emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, and
5 carbon dioxide weighted by the estimated emissions control costs,
6 relative to the weighted emissions of other new motor vehicles in the
7 class. The state energy office shall establish for each new motor
8 vehicle class a standard acceptable weighted emission quantity for the
9 state equal to one hundred fifteen percent of the average weighted
10 emissions quantity for new motor vehicles in the class. The tax for
11 each new vehicle exceeding the standard established by the state energy
12 office shall be one hundred twenty-five dollars. In calculating the
13 acceptable weighted emissions standard for each class of motor vehicle,
14 the state energy office shall, in consultation with the department of
15 ecology, utilize estimated control costs for each pollutant and
16 emission, and fuel economy as provided by the manufacturer. The
17 standard shall be established annually, in order to incorporate new
18 information on emissions and control costs. This tax shall be adjusted
19 annually to account for inflation as determined by the state office of
20 the economic and revenue forecast council.

21 (b) For purposes of this subsection, the term "new motor vehicle"
22 means all motor vehicles of the type designed primarily to be used,
23 upon the public streets and highways, for the convenience or pleasure
24 of the owner, or for the conveyance, for hire or otherwise, of persons
25 or property, including fixed loads and facilities for human habitation
26 which has not been previously permanently registered in this or any
27 other state, or, any foreign country; but shall not include:

28 (i) Vehicles carrying exempt licenses;

29 (ii) Dock and warehouse tractors and their cars or trailers, lumber
30 carriers of the type known as spiders, and all other automotive

1 equipment not designed primarily for use upon public streets, or
2 highways;

3 (iii) Mobile homes and travel trailers as defined in RCW 82.50.010;

4 (iv) Farm vehicles as defined in RCW 46.04.181;

5 (v) Semitrailers as defined in RCW 46.04.530;

6 (vi) Trailers as defined in RCW 46.04.620; or

7 (vii) Motor vehicles owned by nonresident military personnel of the
8 armed forces of the United States stationed in the state of Washington
9 provided personnel were also nonresident at the time of their entry
10 into military service.

11 (c) Credit shall be allowed against the taxes imposed in this
12 subsection for any emissions tax paid to another state with respect to
13 the same new motor vehicle. The amount of the credit shall not exceed
14 the tax liability arising under this chapter with respect to that new
15 motor vehicle. For purposes of this subsection:

16 (i) An emissions tax for which a credit is allowed is a tax which
17 any part of which is based upon the new motor vehicle's quantity of
18 estimated emissions as determined by state or federal standards.

19 (ii) "State" means a state of the United States other than
20 Washington, or any political subdivision of such other state, the
21 District of Columbia, and any foreign country or political subdivision
22 thereof.

23 (5) In no case shall the total tax be less than two dollars except
24 for proportionally registered vehicles.

25 ((+4)) (6) Washington residents, as defined in RCW 46.16.028, who
26 license motor vehicles in another state or foreign country and avoid
27 Washington motor vehicle excise taxes are liable for such unpaid excise
28 taxes. The department of revenue may assess and collect the unpaid
29 excise taxes under chapter 82.32 RCW, including the penalties and
30 interest provided therein."

1 **"Sec. 238.** RCW 82.44.110 and 1990 2nd ex.s. c 1 s 801 are each
2 amended to read as follows:

3 The county auditor shall regularly, when remitting license fee
4 receipts, pay over and account to the director of licensing for the
5 excise taxes collected under the provisions of this chapter. The
6 director shall forthwith transmit the excise taxes to the state
7 treasurer.

8 (1) The state treasurer shall deposit the excise taxes collected
9 under RCW 82.44.020(1) as follows:

10 ~~((1))~~ (a) 1.60 percent into the motor vehicle fund to defray
11 administrative and other expenses incurred by the department in the
12 collection of the excise tax.

13 ~~((2))~~ (b) 8.15 percent into the Puget Sound capital construction
14 account in the motor vehicle fund.

15 ~~((3))~~ (c) 4.07 percent into the Puget Sound ferry operations
16 account in the motor vehicle fund.

17 ~~((4))~~ (d) 8.83 percent into the general fund to be distributed
18 under RCW 82.44.155.

19 ~~((5))~~ (e) 4.75 percent into the municipal sales and use tax
20 equalization account in the general fund created in RCW 82.14.210.

21 ~~((6))~~ (f) 1.60 percent into the county sales and use tax
22 equalization account in the general fund created in RCW 82.14.200.

23 ~~((7))~~ (g) 62.6440 percent into the general fund through June 30,
24 1993, 57.6440 percent into the general fund beginning July 1, 1993, and
25 66 percent into the general fund beginning January 1, 1994.

26 ~~((8))~~ (h) 5 percent into the transportation fund created in RCW
27 82.44.180 beginning July 1, 1993.

28 ~~((9))~~ (i) 5.9686 percent into the county criminal justice
29 assistance account created in RCW 82.14.310 through December 31, 1993.

1 (~~(10)~~) (j) 1.1937 percent into the municipal criminal justice
2 assistance account for distribution under RCW 82.14.320 through
3 December 31, 1993.

4 (~~(11)~~) (k) 1.1937 percent into the municipal criminal justice
5 assistance account for distribution under RCW 82.14.330 through
6 December 31, 1993.

7 (2) The state treasurer shall deposit the excise taxes collected
8 under RCW 82.44.020(2) into the transportation fund.

9 (3) The state treasurer shall deposit the excise taxes imposed by
10 RCW 82.44.020 (3) and (4) into the air pollution control account."

11 "**Sec. 239.** RCW 82.44.150 and 1990 c 42 s 308 are each amended to
12 read as follows:

13 (1) The director of licensing shall, on the twenty-fifth day of
14 February, May, August, and November of each year, advise the state
15 treasurer of the total amount of motor vehicle excise taxes imposed by
16 RCW 82.44.020 (1) and (2) remitted to the department during the
17 preceding calendar quarter ending on the last day of March, June,
18 September, and December, respectively, except for those payable under
19 RCW 82.44.030, from motor vehicle owners residing within each
20 municipality which has levied a tax under RCW 35.58.273, which amount
21 of excise taxes shall be determined by the director as follows:

22 The total amount of motor vehicle excise taxes remitted to the
23 department, except those payable under RCW 82.44.020 (3) and (4) and
24 82.44.030, from each county shall be multiplied by a fraction, the
25 numerator of which is the population of the municipality residing in
26 such county, and the denominator of which is the total population of
27 the county in which such municipality or portion thereof is located.
28 The product of this computation shall be the amount of excise taxes
29 from motor vehicle owners residing within such municipality or portion

1 thereof. Where the municipality levying a tax under RCW 35.58.273 is
2 located in more than one county, the above computation shall be made by
3 county, and the combined products shall provide the total amount of
4 motor vehicle excise taxes from motor vehicle owners residing in the
5 municipality as a whole. Population figures required for these
6 computations shall be supplied to the director by the office of
7 financial management, who shall adjust the fraction annually.

8 (2) On the first day of the months of January, April, July, and
9 October of each year, the state treasurer based upon information
10 provided by the department shall, from motor vehicle excise taxes
11 deposited in the general fund, under RCW 82.44.110(7), make the
12 following deposits:

13 (a) To the high capacity transportation account created in RCW
14 47.78.010, a sum equal to four and five-tenths percent of the special
15 excise tax levied under RCW 35.58.273 by those municipalities
16 authorized to levy a special excise tax within a class AA county, or
17 within a class A county contiguous to a class AA county, or within a
18 second class county contiguous to a class A county that is contiguous
19 to a class AA county;

20 (b) To the central Puget Sound public transportation account
21 created in RCW 82.44.180, for revenues distributed after December 31,
22 1992, within a class AA county or within a class A county contiguous to
23 a class AA county, a sum equal to the difference between (i) the
24 special excise tax levied and collected under RCW 35.58.273 by those
25 municipalities authorized to levy and collect a special excise tax
26 subject to the requirements of subsections (3) and (4) of this section
27 and (ii) the special excise tax that the municipality would otherwise
28 have been eligible to levy and collect at a tax rate of .815 percent
29 and been able to match with locally generated tax revenues, other than
30 the excise tax imposed under RCW 35.58.273, budgeted for any public

1 transportation purpose. Before this deposit, the sum shall be reduced
2 by an amount equal to the amount distributed under (a) of this
3 subsection for each of the municipalities within the counties to which
4 this subsection (2)(b) applies; however, any transfer under this
5 subsection (2)(b) must be greater than zero;

6 (c) To the public transportation systems account created in RCW
7 82.44.180, for revenues distributed after December 31, 1992, within
8 counties not described in (b) of this subsection, a sum equal to the
9 difference between (i) the special excise tax levied and collected
10 under RCW 35.58.273 by those municipalities authorized to levy and
11 collect a special excise tax subject to the requirements of subsections
12 (3) and (4) of this section and (ii) the special excise tax that the
13 municipality would otherwise have been eligible to levy and collect at
14 a tax rate of .815 percent and been able to match with locally
15 generated tax revenues, other than the excise tax imposed under RCW
16 35.58.273, budgeted for any public transportation purpose. Before this
17 deposit, the sum shall be reduced by an amount equal to the amount
18 distributed under (a) of this subsection for each of the municipalities
19 within the counties to which this subsection (2)(c) applies; however,
20 any transfer under this subsection (2)(c) must be greater than zero;
21 and

22 (d) To the transportation fund created in RCW 82.44.180, for
23 revenues distributed after June 30, 1991, a sum equal to the difference
24 between (i) the special excise tax levied and collected under RCW
25 35.58.273 by those municipalities authorized to levy and collect a
26 special excise tax subject to the requirements of subsections (3) and
27 (4) of this section and (ii) the special excise tax that the
28 municipality would otherwise have been eligible to levy and collect at
29 a tax rate of .815 percent notwithstanding the requirements set forth

1 in subsections (3) through (6) of this section, reduced by an amount
2 equal to distributions made under (a), (b), and (c) of this subsection.

3 (3) On the first day of the months of January, April, July, and
4 October of each year, the state treasurer, based upon information
5 provided by the department, shall remit motor vehicle excise tax
6 revenues imposed and collected under RCW 35.58.273 as follows:

7 (a) The amount required to be remitted by the state treasurer to
8 the treasurer of any municipality levying the tax shall not exceed in
9 any calendar year the amount of locally-generated tax revenues,
10 excluding the excise tax imposed under RCW 35.58.273 for the purposes
11 of this section, which shall have been budgeted by the municipality to
12 be collected in such calendar year for any public transportation
13 purposes including but not limited to operating costs, capital costs,
14 and debt service on general obligation or revenue bonds issued for
15 these purposes; and

16 (b) In no event may the amount remitted in a single calendar
17 quarter exceed the amount collected on behalf of the municipality under
18 RCW 35.58.273 during the calendar quarter next preceding the
19 immediately preceding quarter.

20 (4) At the close of each calendar year accounting period, but not
21 later than April 1, each municipality that has received motor vehicle
22 excise taxes under subsection (3) of this section shall transmit to the
23 director of licensing and the state auditor a written report showing by
24 source the previous year's budgeted tax revenues for public
25 transportation purposes as compared to actual collections. Any
26 municipality that has not submitted the report by April 1 shall cease
27 to be eligible to receive motor vehicle excise taxes under subsection
28 (3) of this section until the report is received by the director of
29 licensing. If a municipality has received more or less money under
30 subsection (3) of this section for the period covered by the report

1 than it is entitled to receive by reason of its locally-generated
2 collected tax revenues, the director of licensing shall, during the
3 next ensuing quarter that the municipality is eligible to receive motor
4 vehicle excise tax funds, increase or decrease the amount to be
5 remitted in an amount equal to the difference between the locally-
6 generated budgeted tax revenues and the locally-generated collected tax
7 revenues. In no event may the amount remitted for a calendar year
8 exceed the amount collected on behalf of the municipality under RCW
9 35.58.273 during that same calendar year. At the time of the next
10 fiscal audit of each municipality, the state auditor shall verify the
11 accuracy of the report submitted and notify the director of licensing
12 of any discrepancies.

13 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
14 required to be remitted under this section shall be remitted without
15 legislative appropriation.

16 (6) Any municipality levying and collecting a tax under RCW
17 35.58.273 which does not have an operating, public transit system or a
18 contract for public transportation services in effect within one year
19 from the initial effective date of the tax shall return to the state
20 treasurer all motor vehicle excise taxes received under subsection (3)
21 of this section."

22 **"Sec. 240.** RCW 82.44.155 and 1990 c 42 s 309 are each amended to
23 read as follows:

24 When distributions are made under RCW 82.44.150, the state
25 treasurer shall apportion and distribute the motor vehicle excise taxes
26 deposited into the general fund under RCW 82.44.110(4) to the cities
27 and towns ratably on the basis of population as last determined by the
28 office of financial management. When so apportioned, the amount
29 payable to each such city and town shall be transmitted to the city

1 treasurer thereof, and shall be used by the city or town for the
2 purposes of police and fire protection and the preservation of the
3 public health in the city or town, and not otherwise. If it is
4 adjudged that revenue derived from the excise (~~(tax)~~) taxes imposed by
5 (~~(this chapter)~~) RCW 82.44.020 (1) and (2) cannot lawfully be
6 apportioned or distributed to cities or towns, all moneys directed by
7 this section to be apportioned and distributed to cities and towns
8 shall be credited and transferred to the state general fund."

9 **"Sec. 241.** RCW 82.44.180 and 1990 c 42 s 312 are each amended to
10 read as follows:

11 (1) The transportation fund is created in the state treasury.
12 Revenues under RCW 82.44.020 (1) and (2), 82.44.110, 82.44.150, and the
13 surcharge under RCW 82.50.510 shall be deposited into the fund as
14 provided in those sections.

15 Moneys in the fund may be spent only after appropriation.
16 Expenditures from the fund may be used only for transportation
17 purposes.

18 (2) There is hereby created the central Puget Sound public
19 transportation account within the transportation fund. Moneys
20 deposited into the account under RCW 82.44.150(2)(b) shall be expended
21 within the three county region from which the funds are derived, solely
22 for:

23 (a) Development of high capacity transportation systems as defined
24 in RCW 81.104.010;

25 (b) Development of high occupancy vehicle lanes and related
26 facilities as defined in RCW 81.100.020; and

27 (c) Public transportation system contributions required to fund
28 projects approved by the transportation improvement board.

1 (3) There is hereby created the public transportation systems
2 account within the transportation fund. Moneys deposited into the
3 account under RCW 82.44.150(2)(c) shall be available to the public
4 transportation system from which the funds are derived, solely for:

5 (a) Development of high capacity transportation systems as defined
6 in RCW 81.104.010;

7 (b) Development of high occupancy vehicle lanes and related
8 facilities as defined in RCW 81.100.020;

9 (c) Other public transportation system-related roadway projects on
10 state highways, county roads, or city streets; and

11 (d) Public transportation system contributions required to fund
12 projects approved by the transportation improvement board."

13 "Sec. 242. RCW 82.50.410 and 1990 c 42 s 321 are each amended to
14 read as follows:

15 The rate and measure of tax imposed by (~~this chapter~~) RCW
16 82.50.400 for each registration year shall be one percent, and a
17 surcharge of one-tenth of one percent, of the value of the travel
18 trailer or camper, as determined in the manner provided in this
19 chapter: PROVIDED, That the excise tax upon a travel trailer or camper
20 licensed for the first time in this state after the last day of any
21 registration month may only be levied for the remaining months of the
22 registration year including the month in which the travel trailer or
23 camper is first licensed: PROVIDED FURTHER, That the minimum amount of
24 tax payable shall be two dollars: PROVIDED FURTHER, That every dealer
25 in mobile homes or travel trailers, for the privilege of using any
26 mobile home or travel trailer eligible to be used under a dealer's
27 license plate, shall pay an excise tax of two dollars, and such tax
28 shall be collected upon the issuance of each original dealer's license
29 plate, and also a similar tax shall be collected upon the issuance of

1 each dealer's duplicate license plate, which taxes shall be in addition
2 to any tax otherwise payable under this chapter.

3 A travel trailer or camper shall be deemed licensed for the first
4 time in this state when such vehicle was not previously licensed by
5 this state for the registration year or any part thereof immediately
6 preceding the registration year in which application for license is
7 made or when it has been registered in another jurisdiction subsequent
8 to any prior registration in this state."

9 "NEW SECTION. Sec. 243. A new section is added to chapter 82.50
10 RCW to read as follows:

11 An additional annual clean air and water excise tax of two dollars
12 and fifty cents is imposed on the owner of any travel trailer or camper
13 for the privilege of using such travel trailer or camper in this state.
14 The excise tax hereby imposed shall be due and payable to the
15 department of licensing or its agents at the time of registration of a
16 travel trailer or camper. Whenever an application is made to the
17 department of licensing or its agents for a license for a travel
18 trailer or camper there shall be collected, in addition to the amount
19 of the license fee or renewal license fee, the amount of the excise tax
20 imposed by this chapter, and no dealer's license or license plates, and
21 no license or license plates for a travel trailer or camper may be
22 issued unless such tax is paid in full. No additional tax shall be
23 imposed under this chapter upon any travel trailer or camper upon the
24 transfer of ownership thereof, if the tax imposed by this chapter with
25 respect to such travel trailer or camper has already been paid for the
26 registration year or fractional part thereof in which such transfer
27 occurs. Receipts from the tax levied in this section shall be
28 deposited in the air pollution control account."

1 **"Sec. 244.** RCW 82.50.510 and 1990 c 42 s 322 are each amended to
2 read as follows:

3 The county auditor shall regularly, when remitting motor vehicle
4 excise taxes, pay to the state treasurer the excise taxes ((collected
5 ~~under this chapter~~) imposed by RCW 82.50.400). The treasurer shall
6 then distribute such funds quarterly on the first day of the month of
7 January, April, July and October of each year in the following amount:
8 (1) For the one percent tax imposed under RCW 82.50.410, fifteen
9 percent to cities and towns for the use thereof apportioned ratably
10 among such cities and towns on the basis of population; fifteen percent
11 to counties for the use thereof to be apportioned ratably among such
12 counties on the basis of moneys collected in such counties from the
13 excise taxes imposed under this chapter; and seventy percent for
14 schools to be deposited in the state general fund; and (2) for the one-
15 tenth of one percent surcharge imposed under RCW 82.50.410, one hundred
16 percent to the transportation fund created in RCW 82.44.180."

17 "NEW SECTION. **Sec. 245.** (1)(a) The air pollution control account
18 is established in the state treasury. All receipts from sections 230,
19 243, 404, and 408 of this act and RCW 70.94.483 shall be deposited into
20 the account. Moneys in the account may be spent only after
21 appropriation. Expenditures from the account may be used only by the
22 department and local air authorities to develop and implement the
23 provisions of this chapter and chapters 70.94 and 70.120 RCW.

24 (b) The amounts collected and allocated in accordance with this
25 section shall be expended upon appropriation except as otherwise
26 provided in this section and in accordance with the following
27 limitations:

1 Portions of moneys received by the department of ecology from the
2 air pollution control account shall be distributed by the department to
3 local authorities based on:

4 (i) The level and extent of air quality problems within such
5 authority's jurisdiction;

6 (ii) The costs associated with implementing air pollution
7 regulatory programs by such authority; and

8 (iii) The amount of funding available to such authority from other
9 sources, whether state, federal, or local, that could be used to
10 implement such programs.

11 (c) The air operating permit account is created in the custody of
12 the state treasurer. All receipts paid to the department of revenue
13 under section 301 of this act shall be deposited into the account.
14 Expenditures from the account may be used only for the direct and
15 indirect costs of implementing the air operating permit program under
16 section 301 of this act. Only the director of the department of
17 ecology or the director's designee may authorize expenditures from the
18 account. The account is subject to the allotment procedures under
19 chapter 43.88 RCW, but no appropriation is required for such
20 expenditures.

21 (2) On the first day of the months of January, April, July, and
22 October of each year the department of revenue shall deposit all excise
23 taxes collected under this chapter into the air pollution control
24 account."

25 "NEW SECTION. Sec. 246. A new section is added to chapter 70.120
26 RCW to read as follows:

27 (1) It is the intent of the legislature that the state take
28 advantage of the best emission control systems available on new motor
29 vehicles. The department may adopt, by rule, the same vehicle emission

1 standards as required in California, if it finds that such standards
2 will provide a significant benefit to ambient air quality in this
3 state.

4 (2) In the event that California vehicle emission standards are
5 adopted, the department shall not include a program for in-use testing
6 and recall of vehicles required to meet California emission standards."

7 "NEW SECTION. Sec. 247. The department of ecology shall contract
8 with Western Washington University for the biennium ending June 30,
9 1993, for research and development of alternative fuel and solar
10 powered vehicles. A report on the progress of such research shall be
11 presented to the standing environmental committees and the department
12 by January 1, 1994."

13 "III.
14 INDUSTRIAL AND COMMERCIAL SOURCES"

15 "NEW SECTION. Sec. 301. A new section is added to chapter 70.94
16 RCW to read as follows:

17 The department of ecology, or board of an authority, shall require
18 renewable permits for the operation of air contaminant sources subject
19 to the following conditions and limitations:

20 (1) Unless a different meaning is plainly required by the context,
21 the following words and phrases shall have the following meanings:

22 (a) "Lowest achievable emission rate" (LAER) means for any source
23 that rate of emissions which reflects:

24 (i) The most stringent emission limitation that is contained in the
25 implementation plan of any state for such class or category of source,
26 unless the owner or operator of the proposed new or modified source
27 demonstrates that such limitations are not achievable; or

1 (ii) The most stringent emission limitation that is achieved in
2 practice by such class or category of source, whichever is more
3 stringent.

4 In no event shall the application of this term permit a proposed
5 new or modified source to emit any pollutant in excess of the amount
6 allowable under applicable new source performance standards.

7 (b) "Best available control technology" (BACT) means technology
8 that will result in an emission limitation, including a visible
9 emission standard, based on the maximum degree of reduction for each
10 air pollutant subject to this regulation that would be emitted from any
11 proposed new or modified source that the permitting authority, on a
12 case-by-case basis, taking into account energy, environmental, and
13 economic impacts and other costs, determines is achievable for such
14 sources or modification through application of production processes,
15 available methods, systems, and techniques, including fuel cleaning or
16 treatment or innovative fuel combustion techniques for control of such
17 air pollutant. In no event shall application of the best available
18 technology result in emissions of any air pollutant that would exceed
19 the emissions allowed by any applicable standard under 40 C.F.R. Part
20 60 and Part 61. If the reviewing agency determines that technological
21 or economic limitations on the application of measurement methodology
22 to a particular class of sources would make the imposition of an
23 emission standard infeasible, it may instead prescribe a design,
24 equipment, work practice, or operational standard, or combination
25 thereof, to meet the requirement of best available control technology.
26 Such standard shall, to the degree possible, set forth the emission
27 reduction achievable by implementation of such design, equipment, work
28 practice, or operation and shall provide for compliance by means that
29 achieve equivalent results. The requirement of RCW 70.94.152 that a
30 new source will provide "all known available and reasonable methods of

1 emission control" is interpreted to mean the same as best available
2 control technology.

3 (c) "Best available retrofit technology" (BART) means any emission
4 limitation based on the degree of reduction achievable through the
5 application of the best system of continuous emission reduction for
6 each pollutant that is emitted by source. The emission limitation must
7 be established, on a case-by-case basis, taking into consideration the
8 technology available, the costs of compliance, the energy and nonair
9 quality environmental impacts of compliance, any pollution control
10 equipment in use or in existence at the source, the remaining useful
11 life of the source, and the degree of improvement in public health,
12 environmental protection, or visibility that may reasonably be
13 anticipated to result from the use of such technology. If an emission
14 limitation is not feasible, a design, equipment, work practice,
15 operational standard, or combination thereof, may be required. Such
16 standards shall, to the degree possible, set forth the emission
17 reductions achieved and provide for compliance by prescribing
18 appropriate conditions in a permit.

19 (d) "Reasonably available control technology" (RACT) means the
20 lowest emission limit that a particular source or source category is
21 capable of meeting by the application of control technology that is
22 reasonably available considering technological and economic
23 feasibility. RACT is determined on a case-by-case basis for an
24 individual source or source category taking into account the impact of
25 the source upon air quality, the availability of additional controls,
26 the emission reduction to be achieved by additional controls, the
27 impact of additional controls on air quality, and the capital and
28 operating costs of the additional controls. RACT requirements for any
29 source or source category may be adopted as an order or rule after
30 public involvement per WAC 173-403-110.

1 (e) "Source" means all of the emissions units including
2 quantifiable fugitive emissions, that are located on one or more
3 contiguous or adjacent properties, and are under the control of the
4 same person, or persons under common control, whose activities are
5 ancillary to the production of a single product or functionally related
6 group of products.

7 (f) "New source" means a source that commences construction after
8 the effective date of this section. Addition to, enlargement,
9 modification, replacement, restart after a period of five years of
10 nonoperation, or any alteration of any process or source that may
11 increase emissions or ambient air concentrations of any contaminant for
12 which federal or state ambient or emission standards have been
13 established shall be construed as construction or installation or
14 establishment of a new source. In addition every major modification
15 shall be construed as construction.

16 (2) Permits shall be issued for a term of five years. A permit may
17 be modified or amended during its term at the request of the permittee,
18 or for any reason allowed by the federal clean air act. The rules
19 adopted pursuant to subsection (3) of this section shall include rules
20 for permit amendments and modifications.

21 (3)(a) Rules establishing content and minimum requirements for a
22 state-wide operating permit program and the process for permit
23 application and renewal consistent with federal requirements shall be
24 established by the department by January 1, 1993. The rules shall
25 provide that every proposed permit must be reviewed prior to issuance
26 by a professional engineer or staff under the direct supervision of a
27 professional engineer in the employ of the permitting authority. The
28 permit program established by these rules shall be administered by the
29 department and delegated local air authorities.

1 (b) The board of any local air pollution control authority may
2 apply to the department of ecology for a delegation order authorizing
3 the local authority to administer the operating permit program within
4 that authority's territorial jurisdiction. The department shall, by
5 order, approve such delegation, if the department finds that the local
6 authority has the technical and financial resources, to discharge the
7 responsibilities of a permitting authority under Title V of the federal
8 clean air act. A delegation request shall include adequate information
9 about the local authority's resources to enable the department to make
10 the findings required by this subsection; provided, any delegation
11 order issued under this subsection shall take effect ninety days after
12 the environmental protection agency authorizes the local authority to
13 issue operating permits under Title V of the federal clean air act.

14 (4) "Best available control technology" (BACT) is required for new
15 sources in areas where ambient air quality standards are not being
16 exceeded for those pollutants causing the area to exceed such
17 standards.

18 "Lowest achievable emission rate" (LAER) is required for new
19 sources in areas where ambient air quality standards are being exceeded
20 for those pollutants causing the area to exceed such standards.

21 "Reasonably available control technology" (RACT) is required for
22 existing sources in areas where ambient air quality standards are not
23 being exceeded.

24 "Best available retrofit technology" (BART) is required for
25 existing sources in areas where ambient air quality standards are being
26 exceeded.

27 In establishing technical standards, defined in subsection (2) of
28 this section, the permitting authority shall consider and, if found to
29 be appropriate, give credit for waste reduction within the process.

1 (5) Operating permits shall apply to all sources (a) where required
2 by the federal clean air act, and (b) for any source that may cause or
3 contribute to air pollution in such quantity as can reasonably be
4 demonstrated by the department or board of any authority to create a
5 threat to the public health or welfare. Subsection (5)(b) of this
6 section applies only in areas exceeding or threatening to exceed
7 federal or state air quality standards. For purposes of this section
8 areas threatening to exceed air quality standards shall mean areas
9 projected by the department to exceed such standards within five years.
10 Prior to identifying threatened areas the department shall hold a
11 public hearing or hearings within the proposed areas.

12 (6) Sources operated by government agencies are not exempt under
13 this section.

14 (7) By October 1, 1993, or ninety days after the United States
15 environmental protection agency approves the state operating permit
16 program, whichever is later, any person required to have a permit shall
17 submit to the permitting agency a compliance plan and permit
18 application, signed by a responsible official, certifying the accuracy
19 of the information submitted. Existing sources shall be allowed to
20 operate under presently applicable standards and conditions provided
21 that such sources submit complete and timely permit applications.

22 (8) All proposed permits shall be subject to public notice and
23 comment. The rules adopted pursuant to subsection (3) of this section
24 shall specify procedures for public notice and comment. Such
25 procedures shall provide the permitting agency with an opportunity to
26 respond to comments received from interested parties prior to the time
27 that the proposed permit is submitted to the environmental protection
28 agency for review pursuant to section 505(a) of the federal clean air
29 act. In the event that the environmental protection agency objects to
30 a proposed permit pursuant to section 505(b) of the federal clean air

1 act, the permitting authority shall not issue the permit, unless the
2 permittee consents to the changes required by the environmental
3 protection agency.

4 (9) The procedures contained in chapter 43.21B RCW shall apply to
5 permit appeals. The pollution control hearings board may stay the
6 effectiveness of any permit issued under this section during the
7 pendency of an appeal filed by the permittee, if the permittee
8 demonstrates that compliance with the permit during the pendency of the
9 appeal would require significant expenditures that would not be
10 necessary in the event that the permittee prevailed on the merits of
11 the appeal.

12 (10) After the effective date of any permit program promulgated
13 under this section, it shall be unlawful for any person to: (a)
14 Operate a permitted source in violation of any requirement of a permit
15 issued under this section; or (b) fail to submit a permit application
16 at the time required by rules adopted under subsection (3) of this
17 section.

18 (11) Each air operating permit shall state the origin of and
19 specific legal authority for each requirement included therein. Every
20 requirement in an operating permit shall be based upon the most
21 stringent of the following requirements:

22 (a) The federal clean air act and rules implementing that act,
23 including provision of an approved state implementation plan;

24 (b) This chapter and rules adopted thereunder; and

25 (c) Permits issued by a local air pollution control authority or
26 any resolution or bylaws adopted by that authority.

27 (12) Consistent with the provisions of the federal clean air act,
28 the permitting authority may issue general permits covering categories
29 of permitted sources, and temporary permits authorizing emissions from
30 similar operations at multiple temporary locations.

1 (13) Permitted sources within the territorial jurisdiction of an
2 authority delegated the operating permit program shall file their
3 permit applications with that authority, except that permit
4 applications for sources regulated on a state-wide basis pursuant to
5 RCW 70.94.395 shall be filed with the department. Permitted sources
6 outside the territorial jurisdiction of a delegated authority shall
7 file their applications with the department.

8 (14) When issuing operating permits to coal fired electric
9 generating plants, the permitting authority shall give consideration to
10 the federal time lines for the implementation of required control
11 technology.

12 (15)(a) Each source emitting one hundred tons or more per year of
13 a regulated pollutant shall pay an interim assessment of ten dollars
14 multiplied by the annual emissions of each regulated pollutant during
15 calendar years 1991 and 1992. "Regulated pollutant" shall have the
16 same meaning as defined in section 502(b) of the federal clean air act
17 amendments of 1990.

18 (b) Fees collected under (a) of this subsection shall be
19 distributed as follows: Eighty percent to the department and twenty
20 percent to delegated local air authorities.

21 (16) On or before November 1, 1992, the department, in consultation
22 with the department of revenue, shall report to the appropriate
23 standing committees of the legislature recommendations on air operating
24 permit fees. The department shall recommend a level of fees to cover
25 the direct and indirect costs of implementing the operating permit
26 program required under the 1990 federal clean air act. In making such
27 recommendations, the department shall address:

28 (a) The costs of the permit program elements as identified in
29 regulations promulgated by the United States environmental protection
30 agency, including, as applicable:

1 (i) Oversight of a delegated local air authority;
2 (ii) Ambient air monitoring, modeling, and reporting;
3 (iii) Training;
4 (iv) Data management and quality assurance;
5 (v) Development of state implementation plans;
6 (vi) Emission inventories;
7 (vii) Technical assistance;
8 (viii) Rule making and guidelines; and
9 (ix) Any other activities, consistent with the federal clean air
10 act, that may be identified by the department;

11 (b) The appropriate division of fees with delegated local air
12 authorities; and

13 (c) A methodology for tracking revenues and expenditures from fees
14 paid under this chapter.

15 (17) The department shall determine the persons liable for the fee,
16 compute the fee, and provide by November 1 of each year, the identity
17 of the fee payer with the computation of the fee to the department of
18 revenue for collection. The department of revenue shall collect the
19 fee computed by the department from the fee payers identified by the
20 department. The administrative, collection, and penalty provisions of
21 chapter 82.32 RCW shall apply to the collection of the fee by the
22 department of revenue. The department shall provide technical
23 assistance to the department of revenue for decisions made by the
24 department of revenue pursuant to RCW 82.32.160 and 82.32.170. All
25 fees collected shall be deposited in the air pollution control account.

26 All fees identified in this section shall be due and payable on
27 March 1 of each year.

28 (18) For sources or source categories not required to obtain
29 permits under subsection (5) of this section, the department or local
30 authority may establish by rule control technology requirements. If

1 control technology rule revisions are made by the department or local
2 authority under this subsection, the department or local authority
3 shall consider the remaining useful life of control equipment
4 previously installed on existing sources before requiring technology
5 changes. The department or any local air authority may issue a general
6 permit, as authorized under the federal clean air act, for such
7 sources."

8 "Sec. 302. RCW 70.94.152 and 1973 1st ex.s. c 193 s 2 are each
9 amended to read as follows:

10 (1) The department of ecology or board of any authority may require
11 notice of the construction, installation, or establishment of any new
12 air contaminant sources except single family and duplex dwellings. The
13 department of ecology or board may require such notice to be
14 accompanied by a fee and determine the amount of such fee: PROVIDED,
15 That the amount of the fee may not exceed the cost of reviewing the
16 plans, specifications, and other information and administering such
17 notice: PROVIDED FURTHER, That any such notice given or notice of
18 construction application submitted to either the board or to the
19 department of ecology shall preclude a further ~~((notice))~~ submittal of
20 a duplicate application to ~~((be given to))~~ any ~~((other))~~ board or to
21 the department of ecology. Within thirty days of ~~((its))~~ receipt of
22 ~~((such notice))~~ a notice of construction application, the department of
23 ecology or board may require, as a condition precedent to the
24 construction, installation, ~~((or))~~ establishment, or modification, of
25 the air contaminant source or sources covered thereby, the submission
26 of plans, specifications, and such other information as it deems
27 necessary ~~((in order))~~ to determine whether the proposed construction,
28 installation, ~~((or))~~ establishment, or modification, will be in accord
29 with applicable rules and regulations in force ~~((pursuant to))~~ under

1 this chapter, and will provide all known available and reasonable
2 methods of emission control. If on the basis of plans, specifications,
3 or other information required (~~((pursuant to))~~) under this section the
4 department of ecology or board determines that the proposed
5 construction, installation, (~~((or))~~) establishment, or modification, will
6 not be in accord with this chapter or the applicable ordinances,
7 resolutions, rules, and regulations adopted (~~((pursuant thereto))~~) under
8 this chapter, or will not provide all known available and reasonable
9 means of emission control, it shall issue an order for the prevention
10 of the construction, installation, (~~((or))~~) establishment, or
11 modification of the air contaminant source or sources. If on the basis
12 of plans, specifications, or other information required (~~((pursuant to))~~)
13 under this section, the department of ecology or board determines that
14 the proposed construction, installation, (~~((or))~~) establishment, or
15 modification will be in accord with this chapter, and the applicable
16 ordinances, resolutions, rules, and regulations adopted (~~((pursuant~~
17 ~~thereto and will provide all known available and reasonable methods of~~
18 ~~emission control))~~) under this chapter, it shall issue (~~((an order of~~
19 ~~approval of))~~) a permit for the construction, installation, (~~((and))~~)
20 establishment, or modification of the air contaminant source or
21 sources, which (~~((order))~~) permit may provide such conditions (~~((of~~
22 ~~operation))~~) as are reasonably necessary to assure the maintenance of
23 compliance with this chapter and the applicable ordinances,
24 resolutions, rules, and regulations adopted (~~((pursuant thereto))~~) under
25 this chapter.

26 (2) For the purposes of this chapter, addition to or enlargement or
27 replacement of an air contaminant source, or any major alteration
28 (~~((therein))~~) of a source, shall be construed as construction or
29 installation or establishment of a new air contaminant source. The
30 determination(~~((7))~~) required under subsection (1) of this section(~~((7 of~~

1 ~~whether a proposed construction, installation, or establishment will be~~
2 ~~in accord with this chapter and the applicable ordinances, resolutions,~~
3 ~~rules, and regulations adopted pursuant thereto))~~ shall include a
4 determination of whether the operation of the new air contaminant
5 source at the location proposed will cause any ambient air quality
6 standard to be exceeded. For the purposes of this section, "source"
7 shall be limited to the part of the facility or plant being
8 constructed, installed, established, or modified.

9 (3) Nothing in this section shall be construed to authorize the
10 department of ecology or board to require the use of emission control
11 equipment or other equipment, machinery, or devices of any particular
12 type, from any particular supplier, or produced by any particular
13 manufacturer.

14 (4) Any features, machines, and devices constituting parts of or
15 called for by plans, specifications, or other information submitted
16 pursuant to subsection (1) ~~((hereof))~~ of this section shall be
17 maintained and operate in good working order.

18 (5) The absence of an ordinance, resolution, rule, or regulation,
19 or the failure to issue ~~((an order pursuant to this section))~~ a permit
20 under this section shall not relieve any person from his or her
21 obligation to comply with ~~((any))~~ applicable emission control
22 requirements or with any other provision of law.

23 (6) The department or appropriate local authority shall provide in
24 writing to any source for which notice of construction decisions will
25 be delayed more than ninety days after a complete application is
26 received, (a) the causes of the delay and (b) the time period that will
27 elapse before a decision is rendered including a reasonable schedule of
28 time requirements and steps necessary for the department or local
29 authority to reach such decision."

1 "NEW SECTION. **Sec. 303.** A new section is added to chapter 70.94
2 RCW to read as follows:

3 All sources not subject to permits under section 301 of this act
4 but emitting more than ten tons of a criteria air contaminant or one
5 ton of a hazardous air pollutant, as identified by the federal clean
6 air act, per year shall be required to develop emission reduction plans
7 for the reduction of air contaminant emissions. A person with multiple
8 facilities may submit a single plan for one or more of those
9 facilities. The department shall adopt rules for preparation, format,
10 and approval process for these plans. The rules shall be, to the
11 extent possible, consistent with rules adopted by the department under
12 chapter 114, Laws of 1990. Where applicable hazardous substance
13 reduction plans required by chapter 114, Laws of 1990 shall constitute
14 full or partial compliance with these requirements. The rules shall
15 require the plan to address, where applicable, at a minimum the
16 following options: Process changes, product substitution, equipment
17 modifications, hazardous substance use reduction, recycling, and energy
18 efficiency. The plan shall contain but not be limited to a written
19 policy articulating corporate management or agency director support for
20 the plan and an executive summary documenting the scope, objectives,
21 and methods of emission reduction chosen. The appropriate local air
22 authority or the department shall approve the emission reduction plan
23 consistent with rules adopted under this section. Sources that
24 voluntarily install best available control technology and best
25 management practices for all emission points are exempt from the plans
26 under this subsection. Specific levels, quantities, or percentage
27 emission reduction shall not be required by these plans. Failure to
28 submit an adequate plan may result in penalties as provided for in RCW
29 70.94.430 and 70.94.431."

1 **"Sec. 304.** RCW 70.94.155 and 1981 c 224 s 1 are each amended to
2 read as follows:

3 (1) As used in subsection (3) of this section, the term "bubble"
4 means an air pollution control system which permits aggregate
5 measurements of allowable emissions, for a single category of
6 pollutant, for emissions points from a specified emissions-generating
7 facility or facilities. Individual point source emissions levels from
8 such specified facility or facilities may be modified provided that the
9 aggregate limit for the specified sources is not exceeded.

10 (2) Whenever any regulation relating to emission standards or other
11 requirements for the control of emissions is adopted which provides for
12 compliance with such standards or requirements no later than a
13 specified time after the date of adoption of the regulation, the
14 appropriate activated air pollution control authority or, if there be
15 none, the department of ecology shall, by permit or regulatory order,
16 issue to air contaminant sources subject to the standards or
17 requirements, schedules of compliance setting forth timetables for the
18 achievement of compliance as expeditiously as practicable, but in no
19 case later than the time specified in the regulation. Interim dates in
20 such schedules for the completion of steps of progress toward
21 compliance shall be as enforceable as the final date for full
22 compliance therein.

23 (3) Wherever requirements necessary for the attainment of air
24 quality standards or, where such standards are not exceeded, for the
25 maintenance of air quality can be achieved through the use of a control
26 program involving the bubble concept, such program may be authorized by
27 a regulatory order or orders or permit issued to the air contaminant
28 source or sources involved. Such order or permit shall only be
29 authorized after the control program involving the bubble concept is
30 accepted by United States environmental protection agency as part of an

1 approved state implementation plan. Any such order or permit provision
2 shall restrict total emissions within the bubble to no more than would
3 otherwise be allowed in the aggregate for all emitting processes
4 covered. The orders or permits provided for by this subsection shall
5 be issued by the department or the authority with jurisdiction. If the
6 bubble involves interjurisdictional approval, concurrence in the total
7 program must be secured from each regulatory entity concerned."

8 "Sec. 305. RCW 70.94.181 and 1983 c 3 s 176 are each amended to
9 read as follows:

10 (1) Any person who owns or is in control of any plant, building,
11 structure, establishment, process or equipment may apply to the
12 department of ecology (~~(where it has regulatory authority under RCW~~
13 ~~70.94.390, 70.94.395, 70.94.410, and 70.94.420,)~~) or appropriate local
14 authority board for a variance from rules or regulations governing the
15 quality, nature, duration or extent of discharges of air contaminants.
16 The application shall be accompanied by such information and data as
17 the department of ecology or board may require. The department of
18 ecology or board may grant such variance, provided that variances to
19 state rules shall require the department's approval prior to being
20 issued by a local authority board. The total time period for a
21 variance and renewal of such variance shall not exceed one year.
22 Variances may be issued by either the department or a local board but
23 only after public hearing or due notice, if ((it)) the department or
24 board finds that:

25 (a) The emissions occurring or proposed to occur do not endanger
26 public health or safety or the environment; and

27 (b) Compliance with the rules or regulations from which variance is
28 sought would produce serious hardship without equal or greater benefits
29 to the public.

1 (2) No variance shall be granted pursuant to this section until the
2 department of ecology or board has considered the relative interests of
3 the applicant, other owners of property likely to be affected by the
4 discharges, and the general public.

5 (3) Any variance or renewal thereof shall be granted within the
6 requirements of subsection (1) ~~((and for time periods))~~ of this section
7 and under conditions consistent with the reasons therefor, and within
8 the following limitations:

9 (a) If the variance is granted on the ground that there is no
10 practicable means known or available for the adequate prevention,
11 abatement or control of the pollution involved, it shall be only until
12 the necessary means for prevention, abatement or control become known
13 and available, and subject to the taking of any substitute or alternate
14 measures that the department of ecology or board may prescribe.

15 ~~(b) ((If the application for variance shows that there is no
16 automobile fragmentizer within a reasonable distance of the wrecking
17 yard for which the variance is sought, a variance will be granted for
18 a period not to exceed three years for commercial burning of automobile
19 hulks, subject to such conditions as the department of ecology may
20 impose as to climatic conditions and hours during which burning of such
21 hulks may be carried out: PROVIDED, HOWEVER, That any variance granted
22 hereunder shall be of no force and effect after July 1, 1970.~~

23 ~~(c))~~ If the variance is granted on the ground that compliance with
24 the particular requirement or requirements from which variance is
25 sought will require the taking of measures which, because of their
26 extent or cost, must be spread over a considerable period of time, it
27 shall be for a period not to exceed such reasonable time as, in the
28 view of the department of ecology or board is requisite for the taking
29 of the necessary measures. A variance granted on the ground specified
30 herein shall contain a timetable for the taking of action in an

1 expeditious manner and shall be conditioned on adherence to such
2 timetable.

3 ~~((d))~~ (c) If the variance is granted on the ground that it is
4 justified to relieve or prevent hardship of a kind other than that
5 provided for in ~~((item))~~ (a)~~((, —(b)))~~ and ~~((e))~~ (b) of this
6 ~~((subparagraph))~~ subsection, it shall be for not more than one year.

7 (4) Any variance granted pursuant to this section may be renewed on
8 terms and conditions and for periods which would be appropriate on
9 initial granting of a variance. If complaint is made to the department
10 of ecology or board on account of the variance, no renewal thereof
11 shall be granted unless following a public hearing on the complaint on
12 due notice the ~~((state board))~~ department or board finds that renewal
13 is justified. No renewal shall be granted except on application
14 therefor. Any such application shall be made at least sixty days prior
15 to the expiration of the variance. Immediately upon receipt of an
16 application for renewal, the department of ecology or board shall give
17 public notice of such application in accordance with rules ~~((and~~
18 ~~regulations))~~ of the department of ecology or board.

19 (5) A variance or renewal shall not be a right of the applicant or
20 holder thereof but shall be granted at the discretion of the department
21 of ecology or board. However, any applicant adversely affected by the
22 denial or the terms and conditions of the granting of an application
23 for a variance or renewal of a variance by the department of ecology or
24 board may obtain judicial review thereof under the provisions of
25 chapter 34.05 RCW as now or hereafter amended.

26 (6) Nothing in this section and no variance or renewal granted
27 pursuant hereto shall be construed to prevent or limit the application
28 of the emergency provisions and procedures of RCW 70.94.710 through
29 70.94.730 to any person or his or her property.

1 (7) An application for a variance, or for the renewal thereof,
2 submitted to the department of ecology or board pursuant to this
3 section shall be approved or disapproved by the department or board
4 within sixty-five days of receipt unless the applicant and the
5 department of ecology or board agree to a continuance.

6 (8) Variances approved under this section shall not be included in
7 orders or permits provided for in section 301 of this act or RCW
8 70.94.152 until such time as the variance has been accepted by the
9 United States environmental protection agency as part of an approved
10 state implementation plan."

11 "Sec. 306. RCW 70.94.205 and 1973 1st ex.s. c 193 s 4 are each
12 amended to read as follows:

13 Whenever any records or other information, other than ambient air
14 quality data or emission data, furnished to or obtained by the
15 department of ecology or the board of any authority (~~pursuant to any~~
16 ~~sections in chapter 70.94 RCW~~) under this chapter, relate to processes
17 or production unique to the owner or operator, or is likely to affect
18 adversely the competitive position of such owner or operator if
19 released to the public or to a competitor, and the owner or operator of
20 such processes or production so certifies, such records or information
21 shall be only for the confidential use of the department of ecology or
22 board. Nothing herein shall be construed to prevent the use of records
23 or information by the department of ecology or board in compiling or
24 publishing analyses or summaries relating to the general condition of
25 the outdoor atmosphere: PROVIDED, That such analyses or summaries do
26 not reveal any information otherwise confidential under the provisions
27 of this section: PROVIDED FURTHER, That emission data furnished to or
28 obtained by the department of ecology or board shall be correlated with
29 applicable emission limitations and other control measures and shall be

1 available for public inspection during normal business hours at offices
2 of the department of ecology or board."

3 "NEW SECTION. Sec. 307. A new section is added to chapter 70.94
4 RCW to read as follows:

5 The department shall establish a technical assistance unit within
6 its air quality program, consistent with the federal clean air act, to
7 provide the regulated community, especially small businesses with:

8 (1) Information on air pollution laws, rules, compliance methods,
9 and technologies;

10 (2) Information on air pollution prevention methods and
11 technologies, and prevention of accidental releases;

12 (3) Assistance in obtaining permits and developing emission
13 reduction plans;

14 (4) Information on the health and environmental effects of air
15 pollution.

16 No representatives of the department designated as part of the
17 technical assistance unit created in this section may have any
18 enforcement authority. Staff of the technical assistance unit who
19 provide on-site consultation at an industrial or commercial facility
20 and who observe violations of air quality rules shall immediately
21 inform the owner or operator of the facility of such violations. On-
22 site consultation visits shall not be regarded as an inspection or
23 investigation and no notices or citations may be issued or civil
24 penalties assessed during such a visit. However, violations shall be
25 reported to the appropriate enforcement agency and the facility owner
26 or operator shall be notified that the violations will be reported. No
27 enforcement action shall be taken by the enforcement agency for
28 violations reported by technical assistance unit staff unless and until
29 the facility owner or operator has been provided reasonable time to

1 correct the violation. Violations that place any person in imminent
2 danger of death or substantial bodily harm or cause physical damage to
3 the property of another in an amount exceeding one thousand dollars may
4 result in immediate enforcement action by the appropriate enforcement
5 agency."

6 "Sec. 308. RCW 70.94.211 and 1974 ex.s. c 69 s 4 are each amended
7 to read as follows:

8 Whenever the board or the control officer has reason to believe
9 that any provision of this chapter or any ordinance, resolution, rule
10 or regulation relating to the control or prevention of air pollution
11 has been violated, such board or control officer may cause written
12 notice to be served upon the alleged violator or violators. The notice
13 shall specify the provision of this chapter or the ordinance,
14 resolution, rule or regulation alleged to be violated, and the facts
15 alleged to constitute a violation thereof, and may include an order
16 directing that necessary corrective action be taken within a reasonable
17 time. In lieu of an order, the board or the control officer may
18 require that the alleged violator or violators appear before the board
19 for a hearing, or in addition to or in place of an order or hearing,
20 the board may initiate action pursuant to RCW 70.94.425, 70.94.430,
21 70.94.431, and 70.94.435."

22 "Sec. 309. RCW 70.94.430 and 1984 c 255 s 1 are each amended to
23 read as follows:

24 (1) Any person who knowingly violates any of the provisions of
25 (~~this~~) chapter 70.94 or 70.120 RCW, or any ordinance, resolution,
26 (~~rule~~) or regulation in force pursuant thereto shall be guilty of a
27 (~~misdemeanor~~) crime and upon conviction thereof shall be punished by
28 a fine of not more than (~~one~~) ten thousand dollars, or by

1 imprisonment in the county jail for not more than ~~((ninety days))~~ one
2 year, or by both ~~((fine and imprisonment))~~ for each separate violation.

3 ~~((Any person who wilfully violates any of the provisions of this~~
4 ~~chapter or any ordinance, resolution, rule or regulation in force~~
5 ~~pursuant thereto shall be guilty of a gross misdemeanor. Upon~~
6 ~~conviction the offender shall be punished by a fine of not less than~~
7 ~~one hundred dollars for each offense or by imprisonment for a term of~~
8 ~~not more than one year or by both fine and imprisonment.~~

9 ~~In case of a continuing violation, whether or not wilfully~~
10 ~~committed, each day's continuance shall be a separate and distinct~~
11 ~~violation.))~~

12 (2) Any person who negligently releases into the ambient air any
13 substance listed by the department of ecology as a hazardous air
14 pollutant, other than in compliance with the terms of an applicable
15 permit or emission limit, and who at the time negligently places
16 another person in imminent danger of death or substantial bodily harm
17 shall be guilty of a crime and shall, upon conviction, be punished by
18 a fine of not more than ten thousand dollars, or by imprisonment for
19 not more than one year, or both.

20 (3) Any person who knowingly releases into the ambient air any
21 substance listed by the department of ecology as a hazardous air
22 pollutant, other than in compliance with the terms of an applicable
23 permit or emission limit, and who knows at the time that he or she
24 thereby places another person in imminent danger of death or
25 substantial bodily harm or causes physical damage to the property of
26 another in an amount exceeding ten thousand dollars, shall be guilty of
27 a crime and shall, upon conviction, be punished by a fine of not less
28 than fifty thousand dollars, or by imprisonment for not more than five
29 years, or both.

1 (4) Any person who knowingly fails to disclose a potential conflict
2 of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor,
3 and upon conviction thereof shall be punished by a fine or not more
4 than five thousand dollars."

5 **"Sec. 310.** RCW 70.94.431 and 1990 c 157 s 1 are each amended to
6 read as follows:

7 (1) In addition to or as an alternate to any other penalty provided
8 by law, any person who violates any of the provisions of chapter 70.94
9 RCW, chapter 70.120 RCW, or any of the rules ~~((and regulations of the~~
10 ~~department or the board shall))~~ in force under such chapters may incur
11 a civil penalty in an amount not to exceed ((one)) ten thousand dollars
12 per day for each violation. Each such violation shall be a separate
13 and distinct offense, and in case of a continuing violation, each day's
14 continuance shall be a separate and distinct violation. ((For the
15 purposes of this subsection, the maximum daily fine imposed by a local
16 board for violations of standards by a specific emissions unit is one
17 thousand dollars.))

18 Any person who fails to take action as specified by an order issued
19 pursuant to this chapter shall be liable for a civil penalty of not
20 more than ten thousand dollars for each day of continued noncompliance.

21 (2) Penalties incurred but not paid shall accrue interest,
22 beginning on the ninety-first day following the date that the penalty
23 becomes due and payable, at the highest rate allowed by RCW 19.52.020
24 on the date that the penalty becomes due and payable. If violations or
25 penalties are appealed, interest shall not begin to accrue until the
26 thirty-first day following final resolution of the appeal.

27 The maximum penalty amounts established in this section may be
28 increased annually to account for inflation as determined by the state
29 office of the economic and revenue forecast council.

1 (~~(2) Further, the person is subject to a fine of up to five~~
2 ~~thousand dollars to be levied by the director of the department of~~
3 ~~ecology if requested by the board of a local authority or if the~~
4 ~~director determines that the penalty is needed for effective~~
5 ~~enforcement of this chapter. A local board shall not make such a~~
6 ~~request until notice of violation and compliance order procedures have~~
7 ~~been exhausted, if such procedures are applicable. For the purposes of~~
8 ~~this subsection, the maximum daily fine imposed by the department of~~
9 ~~ecology for violations of standards by a specific emissions unit is~~
10 ~~five thousand dollars.))~~

11 (3) Each act of commission or omission which procures, aids or
12 abets in the violation shall be considered a violation under the
13 provisions of this section and subject to the same penalty. The
14 penalties provided in this section shall be imposed pursuant to RCW
15 43.21B.300.

16 (4) All penalties recovered under this section by the department
17 shall be paid into the state treasury and credited to the (~~general~~
18 ~~fund~~) air pollution control account established in section 245 of this
19 act or, if recovered by the authority, shall be paid into the treasury
20 of the authority and credited to its funds. If a prior penalty for the
21 same violation has been paid to a local authority, the penalty imposed
22 by the department under subsection (~~(2)~~) (1) of this section shall be
23 reduced by the amount of the payment. (~~Notwithstanding any other~~
24 ~~provisions of this chapter, no penalty may be levied for the violation~~
25 ~~of any opacity standard in an amount exceeding four hundred dollars per~~
26 ~~day.))~~

27 (5) To secure the penalty incurred under this section, the state or
28 the authority shall have a lien on any vessel used or operated in
29 violation of this chapter which shall be enforced as provided in RCW
30 60.36.050.

1 (6) Public or private entities that are recipients or potential
2 recipients of department grants, whether for air quality related
3 activities or not, may have such grants rescinded or withheld by the
4 department for failure to comply with provisions of this chapter.

5 (7) In addition to other penalties provided by this chapter,
6 persons found under-reporting emissions or other information used to
7 set fees, or persons required to pay emission or permit fees who are
8 more than ninety days late with such payments may be subject to a
9 penalty equal to three times the amount of the original fee owed."

10 **"Sec. 311.** RCW 70.94.860 and 1984 c 164 s 2 are each amended to
11 read as follows:

12 The department of ecology may accept delegation of (~~the prevention~~
13 ~~of significant deterioration program pursuant to Part C, Subpart 1 of~~)
14 programs as provided for in the federal clean air act. Subject to
15 federal approval, the department may, in turn, delegate ((this)) such
16 programs to the local authority with jurisdiction in a given area."

17 **"Sec. 312.** RCW 70.94.875 and 1985 c 456 s 3 are each amended to
18 read as follows:

19 The department of ecology, in consultation with the (~~joint~~
20 ~~legislative committee on science and technology or the~~) appropriate
21 committees of the house of representatives and of the senate, shall:

22 (1) Continue evaluation of information and research on acid
23 deposition in the Pacific Northwest region;

24 (2) Establish critical levels of acid deposition and lake, stream,
25 and soil acidification; and

26 (3) Notify the legislature if acid deposition or lake, stream, and
27 soil acidification reaches the levels established under subsection (2)
28 of this section."

1 "NEW SECTION. **Sec. 313.** A new section is added to chapter 70.94
2 RCW to read as follows:

3 (1) The science advisory board is hereby created to advise the
4 department on procedures for assessing and managing the risks
5 associated with air contaminant emissions. The board shall consist of
6 five members knowledgeable in the fields of risk assessment or risk
7 management. Members shall be appointed by the director of the
8 department. The board shall be staffed by the department.

9 (2) The board shall:

10 (a) Advise the department on the most appropriate methods for
11 identifying and measuring cancer risks or other chronic health effects
12 resulting from exposure to air contaminant emissions; and

13 (b) Identify, evaluate, and recommend procedures relating to
14 managing the risks associated with exposure to air contaminant
15 emissions.

16 (3) In fulfilling its duties under subsection (2) of this section,
17 the board shall consider all appropriate studies and reports relating
18 to risk assessment or risk management including but not limited to
19 reports authorized by the federal clean air act from the national
20 academy of sciences and the risk assessment and risk management
21 commission.

22 (4) Members shall be compensated as provided in RCW 43.03.250 and
23 shall be reimbursed for travel expenses as provided in RCW 43.03.050
24 and 43.03.060.

25 (5) The duties of the board shall terminate on July 1, 1996."

26 "IV.

27 OUTDOOR BURNING"

1 **"Sec. 401.** RCW 70.94.745 and 1972 ex.s. c 136 s 2 are each amended
2 to read as follows:

3 It shall be the responsibility and duty of the department of
4 natural resources, department of ecology, department of agriculture,
5 fire districts, and local air pollution control authorities to
6 establish, through regulations, ordinances, or policy, a limited
7 burning program for the people of this state, consisting of a one-
8 permit system, until such time as ~~((an))~~ alternate technology or
9 methods of disposing of the organic refuse ~~((described in this chapter~~
10 ~~shall))~~ have been developed ~~((which is))~~ that are reasonably economical
11 and less harmful to the environment. It is the policy of this state to
12 ~~((encourage the fostering and development of such))~~ foster and
13 encourage development of alternate methods or technology for disposing
14 of or reducing the amount of organic refuse."

15 **"NEW SECTION. Sec. 402.** A new section is added to chapter 70.94
16 RCW to read as follows:

17 (1) Consistent with the policy of the state to reduce outdoor
18 burning to the greatest extent practical:

19 (a) Outdoor burning shall not be allowed in any area of the state
20 where federal or state ambient air quality standards are exceeded for
21 pollutants emitted by outdoor burning.

22 (b) Outdoor burning shall not be allowed in any urban growth area
23 as defined by RCW 36.70A.030, or any city of the state having a
24 population greater than ten thousand people if such cities are
25 threatened to exceed state or federal air quality standards, and
26 alternative disposal practices consistent with good solid waste
27 management are reasonably available or practices eliminating production
28 of organic refuse are reasonably available. In no event shall such
29 burning be allowed after December 31, 2000.

1 (2) "Outdoor burning" means the combustion of material of any type
2 in an open fire or in an outdoor container without providing for the
3 control of combustion or the control of emissions from the combustion.

4 (3) This section shall not apply to silvicultural burning used to
5 improve or maintain fire dependent ecosystems for rare plants or
6 animals within state, federal, and private natural area preserves,
7 natural resource conservation areas, parks, and other wildlife areas."

8 "NEW SECTION. Sec. 403. A new section is added to chapter 70.94
9 RCW to read as follows:

10 (1) The department of natural resources shall administer a program
11 to reduce state-wide emissions from silvicultural forest burning so as
12 to achieve the following minimum objectives:

13 (a) Twenty percent reduction by December 31, 1994 providing a
14 ceiling for emissions until December 31, 2000; and

15 (b) Fifty percent reduction by December 31, 2000 providing a
16 ceiling for emissions thereafter.

17 Reductions shall be calculated from the average annual emissions
18 level from calendar years 1985 to 1989, using the same methodology for
19 both reduction and base year calculations. The average annual
20 emissions level from calendar years 1985 to 1989 shall constitute an
21 emissions ceiling until December 31, 1994.

22 (2) The department of natural resources, within twelve months after
23 the effective date of this section, shall develop a plan, in
24 consultation with the department of ecology, public and private land
25 owners, engaged in silvicultural forest burning, and representatives of
26 the public to carry out the program as described in this section.

27 The plan shall recognize the variations in silvicultural forest
28 burning including, but not limited to, a landowner's responsibility to
29 abate an extreme fire hazard under chapter 76.04 RCW and other

1 objectives of burning, including abating and preventing a fire hazard,
2 geographic region, climate, elevation and slope, proximity to populated
3 areas, and diversity of land ownership. The plan shall establish
4 priorities that the department of natural resources shall use to
5 allocate allowable emissions, including but not limited to,
6 silvicultural burning used to improve or maintain fire dependent
7 ecosystems for rare plants or animals within state, federal, and
8 private natural area preserves, natural resource conservation areas,
9 parks, and other wildlife areas.

10 The emission reductions in this section are to apply to all forest
11 lands including those owned and managed by the United States. If the
12 United States does not participate in implementing the plan, the
13 departments of natural resources and ecology shall use all appropriate
14 and available methods or enforcement powers to ensure participation.
15 Until such time as satisfactory participation occurs, the contribution
16 of emissions from such lands shall be deleted from the calculation of
17 the base period and the percentage reductions.

18 The plan shall include a tracking system designed to measure the
19 degree of progress toward the emission reductions goals set in this
20 section. Emissions are to be determined by the department of natural
21 resources using the Pacific Northwest research station's smoke
22 management system information model or best available method of
23 estimation. The department of natural resources shall report annually
24 to the department of ecology and the legislature on the status of the
25 plan, emission reductions and progress toward meeting the objectives
26 specified in this section, and the goals of this chapter and chapter
27 76.04 RCW.

28 (3) If the December 31, 1994, emission reductions targets in this
29 section are not met, the department of natural resources, in
30 consultation with the department of ecology, shall use its authority

1 granted in this chapter and chapter 76.04 RCW to immediately limit
2 emissions from such burning to the 1994 target levels and limit
3 silvicultural forest burning in subsequent years to achieve equal
4 annual incremental reductions so as to achieve the December 31, 2000,
5 target level. If, as a result of the program established in this
6 section, the emission reductions are met in 1994, but are not met by
7 December 31, 2000, the department of natural resources in consultation
8 with the department of ecology shall immediately limit silvicultural
9 forest burning to reduce emissions from such burning to the December
10 31, 2000, target level in all subsequent years."

11 "Sec. 404. RCW 70.94.660 and 1971 ex.s. c 232 s 2 are each amended
12 to read as follows:

13 (1) The department of natural resources shall have the
14 responsibility for issuing and regulating burning permits required by
15 it relating to the following activities ~~((declared to be))~~ for the
16 protection of life or property and/or ~~((in))~~ for the public health,
17 safety, and welfare:

18 ~~((+1))~~ (a) Abating a forest fire hazard;

19 ~~((+2))~~ (b) Prevention of a fire hazard;

20 ~~((+3))~~ (c) Instruction of public officials in methods of forest
21 fire fighting; ~~((and~~

22 ~~(+4))~~ (d) Any silvicultural operation to improve the forest lands
23 of the state; and

24 (e) Silvicultural burning used to improve or maintain fire
25 dependent ecosystems for rare plants or animals within state, federal,
26 and private natural area preserves, natural resource conservation
27 areas, parks, and other wildlife areas.

28 (2) The department of natural resources shall not retain such
29 authority, but it shall be the responsibility of the appropriate fire

1 protection agency for permitting and regulating outdoor burning on
2 lands where the department of natural resources does not have fire
3 protection responsibility.

4 (3) Permit fees shall be assessed for silvicultural burning under
5 the jurisdiction of the department of natural resources and collected
6 by the department of natural resources as provided for in this section.
7 All fees shall be deposited in the air pollution control account,
8 created in section 245 of this act. The legislature shall appropriate
9 to the department of natural resources funds from the air pollution
10 control account to enforce and administer the program under section 403
11 of this act and RCW 70.94.660, 70.94.670, and 70.94.690. Fees shall be
12 set by rule by the department of natural resources at the level
13 necessary to cover the costs of the program."

14 **"Sec. 405.** RCW 70.94.670 and 1971 ex.s. c 232 s 3 are each amended
15 to read as follows:

16 The department of natural resources in granting burning permits for
17 fires for the purposes set forth in RCW 70.94.660 shall condition the
18 issuance and use of such permits to comply with air quality standards
19 established by the department of ecology after full consultation with
20 the department of natural resources. Such burning shall not cause the
21 state air quality standards ~~((for suspended particulate matter))~~ to be
22 exceeded in the ambient air up to two thousand feet above ground level
23 over critical areas designated by the department of ecology, otherwise
24 subject to air pollution from other sources. Air quality standards
25 ~~((for suspended particulate matter))~~ shall be established and published
26 by the department of ecology which shall also establish a procedure for
27 advising the department of natural resources when ~~((the))~~ and where air
28 contaminant levels exceed~~((s))~~ or threaten~~((s))~~ to exceed the ambient
29 air standards over such critical areas. The ~~((suspended particulate~~

1 matter)) air quality shall be quantitatively measured by the department
2 of ecology or the appropriate local air pollution control authority at
3 established (~~primary air mass stations or primary ground level~~)
4 monitoring stations over such designated areas. Further, such
5 permitted burning shall not cause damage to public health or the
6 environment. All permits issued under this section shall be subject to
7 all applicable fees, permitting, penalty, and enforcement provisions of
8 this chapter. The department of natural resources shall set forth
9 smoke dispersal objectives designed consistent with this section to
10 minimize any air pollution (~~from smoke~~) from such burning and the
11 procedures necessary to meet those objectives.

12 The department of natural resources shall encourage more intense
13 utilization in logging and alternative silviculture practices to reduce
14 (~~forest fire hazards and shall encourage development and use of~~
15 ~~procedures and equipment to burn forest debris in a manner that will~~
16 ~~produce less smoke~~) the need for burning. The department of natural
17 resources shall, whenever practical, encourage development and use of
18 alternative acceptable disposal methods subject to the following
19 priorities: (1) Slash production minimization, (2) slash utilization,
20 (3) nonburning disposal, (4) silvicultural burning. Such alternative
21 methods shall be evaluated as to the relative impact on air, water, and
22 land pollution, public health, and their financial feasibility.

23 The department of natural resources shall not issue burning permits
24 and shall revoke previously issued permits at any time in any area
25 where the department of ecology or local board has declared a stage of
26 impaired air quality as defined in RCW 70.94.473."

27 "Sec. 406. RCW 70.94.690 and 1971 ex.s. c 232 s 5 are each amended
28 to read as follows:

1 In the regulation of outdoor burning not included in RCW 70.94.660
2 requiring permits from the department of natural resources, said
3 department and the state, local, or regional air pollution control
4 authorities will cooperate in regulating such burning so as to minimize
5 insofar as possible duplicate inspections and separate permits while
6 still accomplishing the objectives and responsibilities of the
7 respective agencies. The department of natural resources shall include
8 any local authority's burning regulations with permits issued where
9 applicable pursuant to RCW 70.94.740 through 70.94.775. The department
10 shall develop agreements with all local authorities to coordinate
11 regulations.

12 Permits shall be withheld by the department of natural resources
13 when so requested by the department of ecology if a forecast, alert,
14 warning, or emergency condition exists as defined in the episode
15 criteria of the department of ecology."

16 "NEW SECTION. Sec. 407. A new section is added to chapter 70.94
17 RCW to read as follows:

18 Nothing contained in this chapter shall prohibit fires necessary:
19 (1) To promote the regeneration of rare and endangered plants found
20 within natural area preserves as identified under chapter 79.70 RCW;
21 and (2) for Indian ceremonies or for the sending of smoke signals if
22 part of a religious ritual. Permits issued for burning under this
23 section shall be drafted to minimize emissions including denial of
24 permission to burn during periods of adverse meteorological
25 conditions."

26 "**Sec. 408.** RCW 70.94.650 and 1971 ex.s. c 232 s 1 are each amended
27 to read as follows:

1 (1) Any person who proposes to set fires in the course of ~~((the~~
2 following:
3 ~~((1))~~) (a) weed abatement,
4 ~~((2))~~) (b) instruction in methods of fire fighting (except forest
5 fires), or
6 ~~((3) Disease prevention relating to))~~) (c) agricultural activities,
7 shall, prior to carrying out the same, obtain a permit from an air
8 pollution control authority or the department of ecology, as
9 appropriate. Each such authority and the department of ecology shall,
10 by rule or ordinance, establish a permit system to carry out the
11 provisions of this section except as provided in RCW 70.94.660.
12 General criteria of state-wide applicability for ruling on such permits
13 shall be established by the department, by rule ~~((or regulation))~~,
14 after consultation with the various air pollution control authorities.
15 Permits shall be issued under this section based on seasonal operations
16 or by individual operations, or both~~((: PROVIDED, That))~~. All permits
17 so issued shall be conditioned to insure that the public interest in
18 air, water, and land pollution and safety to life and property is fully
19 considered. In addition to any other requirements established by the
20 department to protect air quality pursuant to other laws, applicants
21 for permits must show that the setting of fires as requested is the
22 most reasonable procedure to follow in safeguarding life or property
23 under all circumstances or is otherwise reasonably necessary to
24 successfully carry out the enterprise in which the applicant is engaged
25 ~~((in))~~, or both. All burning permits will be designed to minimize air
26 pollution insofar as practical. Nothing in this section shall relieve
27 the applicant from obtaining permits, licenses, or other approvals
28 required by any other law~~((: PROVIDED FURTHER, That))~~. An application
29 for a permit to set fires in the course of agricultural burning for
30 controlling diseases, insects, ~~((and))~~ weed abatement or development of

1 physiological conditions conducive to increased crop yield, shall be
2 (~~granted~~) acted upon within (~~fourteen~~) seven days from the date
3 such application is filed(~~(: PROVIDED, That nothing herein shall~~
4 ~~prevent a householder from setting fire in the course of burning~~
5 ~~leaves, clippings or trash when otherwise permitted locally. Nothing~~
6 ~~contained herein shall prohibit Indian campfires or the sending of~~
7 ~~smoke signals if part of a religious ritual)~~)).

8 (2) Except as provided in RCW 70.94.780 permit fees shall be
9 assessed for outdoor burning under this section and shall be collected
10 by the department of ecology or the appropriate local air authority at
11 the time the permit is issued. All fees collected shall be deposited
12 in the air pollution control account created in section 245 of this
13 act. Fees shall be set by rule by the permitting agency at the level
14 necessary to cover the costs of administering and enforcing the permit
15 programs, to provide funds for research into alternative methods to
16 reduce emissions from such burning, and to the extent possible be
17 consistent with fees charged for such burning permits in neighboring
18 states.

19 The permitting agency shall provide, to the extent possible, in its
20 rules developed under this subsection for lesser fees for permittees
21 who use best management practices to minimize air contaminant
22 emissions. After fees are established by rule, any increases in such
23 fees shall be limited to annual inflation adjustments as determined by
24 the state office of the economic and revenue forecast council.

25 (3) Conservation districts and the Washington State University
26 agricultural extension program in conjunction with the department shall
27 develop public education material for the agricultural community
28 identifying the health and environmental affects of agricultural
29 outdoor burning and providing technical assistance in alternatives to
30 agricultural outdoor burning.

1 (4) An agricultural burning practices and research task force shall
2 be established under the direction of the department. The task force
3 shall be composed of a representative from the department who shall
4 serve as chair; one representative of eastern Washington local air
5 authorities; three representatives of the agricultural community from
6 different agricultural pursuits; one representative of the department
7 of agriculture; two representatives from universities or colleges
8 knowledgeable in agricultural issues; one representative of the public
9 health or medical community; and one representative of the conservation
10 districts. The task force shall identify best management practices for
11 reducing air contaminant emissions from agricultural activities and
12 provide such information to the department and local air authorities.
13 The task force shall identify research needs related to minimizing
14 emissions from agricultural burning and alternatives to such burning.
15 Further, the task force shall make recommendations to the department on
16 priorities for spending funds provided through this chapter for
17 research into alternative methods to reduce emissions from agricultural
18 burning."

19 **"Sec. 409.** RCW 70.94.654 and 1973 1st ex.s. c 193 s 6 are each
20 amended to read as follows:

21 Whenever the department of ecology shall find that any fire
22 protection agency, county, or conservation district which is outside
23 the jurisdictional boundaries of an activated air pollution control
24 authority is capable of effectively administering the issuance and
25 enforcement of permits for any or all of the kinds of burning
26 identified in RCW 70.94.650 (~~((1) and (3))~~) and desirous of doing so,
27 the department of ecology may delegate (~~(all)~~) powers necessary for the
28 issuance (~~(and)~~) or enforcement, or both, of permits for any or all of
29 the kinds of burning to the fire protection agency, county(~~(: PROVIDED,~~

1 ~~That~~)), or conservation district. Such delegation may be withdrawn by
2 the department of ecology upon ((a)) its finding that the fire
3 protection agency, county, or conservation district is not effectively
4 administering the permit program."

5 "Sec. 410. RCW 70.94.775 and 1974 ex.s. c 164 s 1 are each amended
6 to read as follows:

7 No person shall cause or allow any outdoor fire:

8 (1) Containing garbage, dead animals, asphalt, petroleum products,
9 paints, rubber products, plastics, or any substance other than natural
10 vegetation ((which)) that normally emits dense smoke or obnoxious odors
11 ((~~except as provided in RCW 70.94.650: PROVIDED, That~~)). Agricultural
12 heating devices ((which)) that otherwise meet the requirements of this
13 chapter shall not be considered outdoor fires under this section;

14 (2) During a forecast, alert, warning or emergency condition as
15 defined in RCW 70.94.715 or impaired air quality condition as defined
16 in RCW 70.94.473;

17 (3) In any area which has been designated by the department of
18 ecology or board of an activated authority as an area exceeding or
19 threatening to exceed state or federal ambient air quality standards((~~7~~
20 ~~or after July 1, 1976, state ambient air quality goals for~~
21 ~~particulates~~)), except instructional fires permitted by RCW
22 70.94.650(2)."

23 "Sec. 411. RCW 70.94.780 and 1973 1st ex.s. c 193 s 10 are each
24 amended to read as follows:

25 In addition to any other powers granted to them by law, the fire
26 protection agency, county, or conservation district authorized to issue
27 burning permits ((~~may~~)) shall regulate or prohibit outdoor burning ((~~in~~
28 ~~order~~)) as necessary to prevent or abate the nuisances caused by such

1 burning. No fire protection agency, county, or conservation district
2 may issue a burning permit in an area where the department or local
3 board has declared any stage of impaired air quality per RCW 70.94.473
4 or any stage of an air pollution episode. All burning permits issued
5 shall be subject to all applicable fee, permitting, penalty, and
6 enforcement provisions of this chapter. The permitted burning shall
7 not cause damage to public health or the environment.

8 Any entity authorized to issue a permit under this section may
9 charge a fee at the level necessary to recover the costs of
10 administering and enforcing the permit program."

11 **"Sec. 412.** RCW 70.94.750 and 1972 ex.s. c 136 s 3 are each amended
12 to read as follows:

13 The following outdoor fires described in this section may be burned
14 subject to the provisions of (~~the program established pursuant to RCW~~
15 ~~70.94.755 for any area~~) this chapter and also subject to city
16 ordinances, county resolutions, (~~and~~) rules (~~and regulations~~) of
17 fire districts and laws, and rules (~~and regulations~~) enforced by the
18 department of natural resources if a permit has been issued by a fire
19 protection agency, county, or conservation district:

20 (1) Fires consisting of leaves, clippings, prunings and other yard
21 and gardening refuse originating on lands immediately adjacent and in
22 close proximity to a human dwelling and burned on such lands by the
23 property owner or his or her designee.

24 (2) Fires consisting of residue of a natural character such as
25 trees, stumps, shrubbery or other natural vegetation arising from land
26 clearing projects or agricultural pursuits for pest or disease control;
27 provided the fires described in this subsection may be prohibited in
28 those areas having a general population density of one thousand or more
29 persons per square mile."

2 WOODSTOVES AND FIREPLACES"

3 "Sec. 501. RCW 70.94.457 and 1987 c 405 s 4 are each amended to
4 read as follows:

5 ((Before January 1, 1988,)) The department of ecology shall
6 establish by rule under chapter 34.05 RCW:

7 (1) State-wide emission performance standards for new wood stoves.
8 Notwithstanding any other provision of this chapter which allows an
9 authority to adopt more stringent emission standards, no authority
10 shall adopt any emission standard for new wood stoves other than the
11 state-wide standard adopted by the department under this section.

12 (a) ((For new wood stoves sold after July 1, 1988, the state-wide
13 performance standard, by rule, shall be the equivalent of and
14 consistent with state-wide emission standards in effect in bordering
15 states on or before January 1, 1987. For solid fuel burning devices
16 for which bordering states have not established emission standards, the
17 department may temporarily exempt or establish, by rule, state-wide
18 standards including emission levels and test procedures for such
19 devices and such emission levels and test procedures shall be
20 equivalent to emission levels per pound per hour burned for other new
21 wood stoves regulated by this subsection)) After January 1, 1993, no
22 solid fuel burning device shall be offered for sale that has
23 particulate air contaminant emissions exceeding four and one-half grams
24 per hour, except that catalytic wood stoves shall not have contaminant
25 emissions exceeding two and one-half grams per hour.

26 (b) After January 1, 1995, no solid fuel burning device shall be
27 offered for sale that has particulate air contaminant emissions
28 exceeding two and one-half grams per hour, except that catalytic wood

1 stoves shall not have contaminant emissions exceeding one and four-
2 tenths gram per hour.

3 (c) After January 1, 1993, no fireplace, except masonry fireplaces,
4 shall be offered for sale unless such fireplace meets the 1988 United
5 States environmental protection agency standards for wood stoves.

6 (d) After January 1, 1995, no fireplace, except masonry fireplaces,
7 shall be offered for sale unless such fireplace meets the 1990 United
8 States environmental protection agency standards for wood stoves.

9 (e) Subsection (1) (a) and (b) of this section shall not apply to
10 fireplaces.

11 ~~((b))~~ (f) Notwithstanding (a) of this subsection, the department
12 is authorized to adopt, by rule, emission standards adopted by the
13 United States environmental protection agency for new wood stoves sold
14 at retail. For solid fuel burning devices for which the United States
15 environmental protection agency has not established emission standards,
16 the department may ~~((temporarily))~~ exempt or establish, by rule, state-
17 wide standards including emission levels and test procedures for such
18 devices and such emission levels and test procedures shall be
19 equivalent to emission levels per pound per hour burned for other new
20 wood stoves and fireplaces regulated under this subsection.

21 (2) A program to:

22 (a) Determine whether a new ~~((wood stove))~~ solid fuel burning
23 device complies with the state-wide emission performance standards
24 established in subsection (1) of this section; and

25 (b) Approve the sale of ~~((stoves))~~ devices that comply with the
26 state-wide emission performance standards."

27 "**Sec. 502.** RCW 70.94.470 and 1987 c 405 s 5 are each amended to
28 read as follows:

1 (1) (~~Before January 1, 1988,~~) The department shall establish, by
2 rule under chapter 34.05 RCW, (~~state-wide opacity levels for~~
3 ~~residential solid fuel burning devices as follows:~~

4 ~~(a) A state-wide opacity level of twenty percent for the purpose of~~
5 ~~public education;~~

6 ~~(b) Until July 1, 1990, a state-wide opacity level of forty percent~~
7 ~~for the purpose of enforcement on a complaint basis; and~~

8 ~~(c) After July 1, 1990, a)~~ (a) state-wide opacity level of twenty
9 percent for residential solid fuel burning devices for the purpose of
10 enforcement on a complaint basis and (b) after July 1, 1995, a state-
11 wide opacity of ten percent for purposes of enforcement on a complaint
12 basis.

13 (2) Notwithstanding any other provision of this chapter which may
14 allow an authority to adopt a more stringent opacity level, no
15 authority shall adopt or enforce an opacity level(~~:~~

16 ~~(a) Lower than forty percent until July 1, 1990; and~~

17 ~~(b) Lower than twenty percent after July 1, 1990))~~ for solid fuel
18 burning devices other than established in this section."

19 "NEW SECTION. Sec. 503. A new section is added to chapter 70.94
20 RCW to read as follows:

21 After January 1, 1992, no used solid fuel burning device shall be
22 installed in new or existing buildings unless such device is either
23 Oregon department of environmental quality phase II or United States
24 environmental protection agency certified or a pellet stove either
25 certified or exempt from certification by the United States
26 environmental protection agency.

27 (1) By July 1, 1992, the state building code council shall adopt
28 rules requiring an adequate source of heat other than woodstoves in all
29 new and substantially remodeled residential and commercial

1 construction. This rule shall apply to areas designated by a county to
2 be an urban growth area under chapter 36.70A RCW.

3 (2) For purposes of this section, "substantially remodeled" means
4 any alteration or restoration of a building exceeding sixty percent of
5 the appraised value of such building within a twelve-month period."

6 "Sec. 504. RCW 70.94.473 and 1990 c 128 s 2 are each amended to
7 read as follows:

8 (1) Any person in a residence or commercial establishment which has
9 an adequate source of heat without burning wood shall:

10 (a) Not burn wood in any solid fuel burning device whenever the
11 department has determined under RCW 70.94.715 that any air pollution
12 episode exists in that area;

13 (b) Not burn wood in any solid fuel burning device except those
14 which (~~meet the standards set forth in RCW 70.94.457,~~) are either
15 Oregon department of environmental quality phase II or United States
16 environmental protection agency certified or certified by the
17 department under RCW 70.94.457(1)(b) or a pellet stove either certified
18 or issued an exemption ((certificate)) by the United States
19 environmental protection agency in accordance with Title 40, Part 60 of
20 the code of federal regulations, in the geographical area and for the
21 period of time that a first stage of impaired air quality has been
22 determined, by the department or any authority, for that area. A first
23 stage of impaired air quality is reached when particulates ten microns
24 and smaller in diameter are at an ambient level of seventy-five
25 micrograms per cubic meter measured on a twenty-four hour average or
26 when carbon monoxide is at an ambient level of eight parts of
27 contaminant per million parts of air by volume measured on an eight-
28 hour average; and

1 (c) Not burn wood in any solid fuel burning device, including those
2 which meet the standards set forth in RCW 70.94.457, in a geographical
3 area and for the period of time that a second stage of impaired air
4 quality has been determined by the department or any authority, for
5 that area. A second stage of impaired air quality is reached when
6 particulates ten microns and smaller in diameter are at an ambient
7 level of one hundred five micrograms per cubic meter measured on a
8 twenty-four hour average.

9 (2) (~~When~~) If a local air authority exercises the limitation on
10 solid fuel burning devices specified under RCW 70.94.477(2), a single
11 stage of impaired air quality applies in the geographical area defined
12 by the authority in accordance with RCW 70.94.477(2) and is reached
13 when particulates ten microns and smaller in diameter are at an ambient
14 level of ninety micrograms per cubic meter measured on a twenty-four
15 hour average or when carbon monoxide is at an ambient level of eight
16 parts of contaminant per million parts of air by volume measured on an
17 eight-hour average.

18 (~~When~~) If this single stage of impaired air quality is reached,
19 no person in a residence or commercial establishment (~~which~~) that has
20 an adequate source of heat without burning wood shall burn wood in any
21 solid fuel burning device, including those which meet the standards set
22 forth in RCW 70.94.457."

23 "**Sec. 505.** RCW 70.94.483 and 1990 c 128 s 5 are each amended to
24 read as follows:

25 (1) The wood stove education and enforcement account is hereby
26 created in the general fund. Money placed in the account shall include
27 all money received under subsection (2) of this section and any other
28 money appropriated by the legislature. Money in the account shall be
29 spent for the purposes of the wood stove education program established

1 under RCW 70.94.480 and for enforcement of the wood stove program, and
2 shall be subject to legislative appropriation.

3 (2) The department of ecology, with the advice of the advisory
4 committee, shall set a flat fee(~~(, not to exceed fifteen)~~) of thirty
5 dollars, on the retail sale, as defined in RCW 82.04.050, of each solid
6 fuel burning device, excepting masonry fireplaces, after January 1,
7 (~~(1988)~~) 1992. The fee shall be imposed upon the consumer and shall
8 not be subject to the retail sales tax provisions of chapters 82.08 and
9 82.12 RCW. The fee may be adjusted annually above (~~(fifteen)~~) thirty
10 dollars (~~((according to changes in the consumer price index after~~
11 ~~January 1, 1989))~~) to account for inflation as determined by the state
12 office of the economic and revenue forecast council. The fee shall be
13 collected by the department of revenue in conjunction with the retail
14 sales tax under chapter 82.08 RCW. If the seller fails to collect the
15 fee herein imposed or fails to remit the fee to the department of
16 revenue in the manner prescribed in chapter 82.08 RCW, the seller shall
17 be personally liable to the state for the amount of the fee. The
18 collection provisions of chapter 82.32 RCW shall apply. The department
19 of revenue shall deposit fees collected under this section in the wood
20 stove education and enforcement account."

21 "Sec. 506. RCW 70.94.041 and 1983 c 3 s 175 are each amended to
22 read as follows:

23 Except as otherwise provided in this section, any building or
24 structure listed on the national register of historic sites,
25 structures, or buildings established pursuant to 80 Stat. 915, 16
26 U.S.C. Sec. 470a, or on the state register established pursuant to RCW
27 (~~((43.51A.080))~~) 27.34.220, shall be permitted to burn wood as it would
28 have when it was a functioning facility as an authorized exception to

1 the provisions of this chapter. Such burning of wood shall not be
2 exempted from the provisions of RCW 70.94.710 through 70.94.730."

3 "Sec. 507. RCW 70.94.656 and 1990 c 113 s 1 are each amended to
4 read as follows:

5 It is hereby declared to be the policy of this state that strong
6 efforts should be made to minimize adverse effects on air quality from
7 the open burning of field and turf grasses grown for seed. To such end
8 this section is intended to promote the development of economical and
9 practical alternate agricultural practices to such burning, and to
10 provide for interim regulation of such burning until practical
11 alternates are found.

12 (1) The department shall approve of a study or studies for the
13 exploration and identification of economical and practical alternate
14 agricultural practices to the open burning of field and turf grasses
15 grown for seed. Prior to the issuance of any permit for such burning
16 under RCW 70.94.650, there shall be collected a fee not to exceed one
17 dollar per acre of crop to be burned. Any such fees received by any
18 authority shall be transferred to the department of ecology. The
19 department of ecology shall deposit all such acreage fees in a special
20 grass seed burning research account, hereby created, in the state
21 treasury. All earnings of investments of balances in the special grass
22 seed burning research account shall be credited to the general fund.
23 The department shall allocate moneys annually from this account for the
24 support of any approved study or studies as provided for in this
25 subsection. For the conduct of any such study or studies, the
26 department may contract with public or private entities: PROVIDED,
27 That whenever the department of ecology shall conclude that sufficient
28 reasonably available alternates to open burning have been developed,
29 and at such time as all costs of any studies have been paid, the grass

1 seed burning research account shall be dissolved, and any money
2 remaining therein shall revert to the general fund.

3 The fee collected under this subsection shall constitute the
4 research portion of fees required under RCW 70.94.650 for open burning
5 of grass grown for seed.

6 (2) Whenever on the basis of information available to it, the
7 department after public hearings have been conducted wherein testimony
8 will be received and considered from interested parties wishing to
9 testify shall conclude that any procedure, program, technique, or
10 device constitutes a practical alternate agricultural practice to the
11 open burning of field or turf grasses grown for seed, the department
12 shall, by order, certify approval of such alternate. Thereafter, in
13 any case which any such approved alternate is reasonably available, the
14 open burning of field and turf grasses grown for seed shall be
15 disallowed and no permit shall issue therefor.

16 (3) Until approved alternates become available, the department or
17 the authority may limit the number of acres on a pro rata basis among
18 those affected for which permits to burn will be issued in order to
19 effectively control emissions from this source.

20 (4) Permits issued for burning of field and turf grasses may be
21 conditioned to minimize emissions insofar as practical, including
22 denial of permission to burn during periods of adverse meteorological
23 conditions."

24 "VI.

25 GLOBAL WARMING AND OZONE DEPLETION"

26 "NEW SECTION. Sec. 601. The legislature finds that:

27 (1) The release of chlorofluorocarbons and other ozone-depleting
28 chemicals into the atmosphere contributes to the destruction of

1 stratospheric ozone and threatens plant and animal life with harmful
2 overexposure to ultraviolet radiation;

3 (2) The technology and equipment to extract and recover
4 chlorofluorocarbons and other ozone-depleting chemicals from air
5 conditioners, refrigerators, and other appliances are available;

6 (3) A number of nonessential consumer products contain ozone-
7 depleting chemicals; and

8 (4) Unnecessary releases of chlorofluorocarbons and other ozone-
9 depleting chemicals from these sources should be eliminated."

10 "NEW SECTION. Sec. 602. A new section is added to chapter 70.94
11 RCW to read as follows:

12 (1) Regulated refrigerant means a class I or class II substance as
13 listed in Title VI of section 602 of the federal clean air act
14 amendments of November 15, 1990.

15 (2) A person who services or repairs or disposes of a motor vehicle
16 air conditioning system; commercial or industrial air conditioning,
17 heating, or refrigeration system; or consumer appliance shall use
18 refrigerant extraction equipment to recover regulated refrigerant that
19 would otherwise be released into the atmosphere. This subsection does
20 not apply to off-road commercial equipment.

21 (3) Upon request, the department shall provide information and
22 assistance to persons interested in collecting, transporting, or
23 recycling regulated refrigerants.

24 (4) The willful release of regulated refrigerant from a source
25 listed in subsection (2) of this section is prohibited."

26 "NEW SECTION. Sec. 603. A new section is added to chapter 70.94
27 RCW to read as follows:

1 No person may sell, offer for sale, or purchase any of the
2 following:

3 (1) A regulated refrigerant in a container designed for consumer
4 recharge of a motor vehicle air conditioning system or consumer
5 appliance during repair or service. This subsection does not apply to
6 a regulated refrigerant purchased for the recharge of the air
7 conditioning system of off-road commercial or agricultural equipment
8 and sold or offered for sale at an establishment which specializes in
9 the sale of off-road commercial or agricultural equipment or parts or
10 service for such equipment;

11 (2) A cleaning spray designed for noncommercial or nonindustrial
12 cleaning of electronic or photographic equipment that contains
13 chlorofluorocarbons or other ozone-depleting chemicals; and

14 (3) Nonessential consumer products that contain chlorofluorocarbons
15 or other ozone-depleting chemicals, and for which substitutes are
16 readily available. Products affected under this subsection shall
17 include, but are not limited to, party streamers, tire inflators, air
18 horns, and noise makers."

19 "NEW SECTION. Sec. 604. A new section is added to chapter 70.94
20 RCW to read as follows:

21 The department shall adopt rules to implement sections 602 and 603
22 of this act. Rules shall include but not be limited to minimum
23 performance specifications for refrigerant extraction equipment, as
24 well as procedures for enforcing sections 602 and 603 of this act.

25 Enforcement provisions adopted by the department shall not include
26 penalties or fines in areas where equipment to collect or recycle
27 regulated refrigerants is not readily available."

2 MISCELLANEOUS SECTIONS"

3 "Sec. 701. RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34
4 are each reenacted and amended to read as follows:

5 (1) In each county of the state there is hereby created an air
6 pollution control authority, which shall bear the name of the county
7 within which it is located. The boundaries of each authority shall be
8 coextensive with the boundaries of the county within which it is
9 located. An authority shall include all incorporated and
10 unincorporated areas of the county within which it is located.

11 (2) All authorities which are presently ~~((or may hereafter be~~
12 ~~within counties of the first class, class A or class AA, are hereby~~
13 ~~designated as))~~ activated authorities ~~((and))~~ shall carry out the
14 duties and exercise the powers provided in this chapter. Those
15 activated authorities ~~((hereby activated))~~ which encompass contiguous
16 counties ~~((located in one or the other of the two major areas~~
17 ~~determined in RCW 70.94.011))~~ are declared to be and directed to
18 function as a multicounty authority.

19 (3) Except as provided in RCW 70.94.232, all other air pollution
20 control authorities are hereby designated as inactive authorities.

21 (4) The boards of those authorities designated as activated
22 authorities by this chapter shall be comprised of such appointees
23 and/or county commissioners or other officers as is provided in RCW
24 70.94.100. ~~((The first meeting of the boards of those authorities~~
25 ~~designated as activated authorities by this chapter shall be on or~~
26 ~~before sixty days after June 8, 1967.~~

27 ~~(5) The department is directed to conduct the necessary evaluations~~
28 ~~and delineate appropriate air pollution regions throughout the state,~~
29 ~~taking into consideration:~~

1 ~~(a) The natural climatic and topographic features affecting the~~
2 ~~potential for buildup of air contaminant concentrations.~~

3 ~~(b) The degree of urbanization and industrialization and the~~
4 ~~existence of activities which are likely to cause air pollution.~~

5 ~~(c) The county boundaries as related to the air pollution regions~~
6 ~~and the practicality of administering air pollution control~~
7 ~~programs.))"~~

8 **"Sec. 702.** RCW 70.94.055 and 1967 c 238 s 5 are each amended to
9 read as follows:

10 The board of county commissioners of any county (~~other than a~~
11 ~~first class, class A or class AA county~~)) may activate an air pollution
12 control authority following a public hearing on its own motion, or upon
13 a filing of a petition signed by one hundred property owners within the
14 county. If the board of county commissioners determines as a result of
15 the public hearing that:

16 (1) Air pollution exists or is likely to occur; and

17 (2) The city or town ordinances, or county resolutions, or their
18 enforcement, are inadequate to prevent or control air pollution, they
19 (~~shall~~) may by resolution activate an air pollution control authority
20 or combine with a contiguous county or counties to form a multicounty
21 air pollution control authority."

22 **"Sec. 703.** RCW 70.94.092 and 1975 1st ex.s. c 106 s 1 are each
23 amended to read as follows:

24 Notwithstanding the provisions of RCW 1.16.030, the budget year of
25 each activated authority shall be the fiscal year beginning July 1st
26 and ending on the following June 30th. (~~The current budget year shall~~
27 ~~be terminated June 30, 1975, and a budget for the fiscal year beginning~~
28 ~~July 1, 1975, shall be adopted pursuant to this section as now or~~

1 ~~hereafter amended.))~~ On or before the fourth Monday in June of each
2 year, each activated authority shall adopt a budget for the following
3 fiscal year. The activated authority budget shall contain adequate
4 funding and provide for staff sufficient to carry out the provisions of
5 all applicable ordinances, resolutions, and local regulations related
6 to the reduction, prevention, and control of air pollution. The
7 legislature acknowledges the need for the state to provide reasonable
8 funding to local authorities to carry out the requirements of this
9 chapter. The budget shall contain an estimate of all revenues to be
10 collected during the following budget year, including any surplus funds
11 remaining unexpended from the preceding year. The remaining funds
12 required to meet budget expenditures, if any, shall be designated as
13 "supplemental income" and shall be obtained from the component cities,
14 towns, and counties in the manner provided in this chapter. The
15 affirmative vote of three-fourths of all members of the board shall be
16 required to authorize emergency expenditures."

17 **"Sec. 704.** RCW 70.94.100 and 1989 c 150 s 1 are each amended to
18 read as follows:

19 (1) The governing body of each authority shall be known as the
20 board of directors.

21 (2) In the case of an authority comprised of one county the board
22 shall be comprised of two appointees of the city selection committee
23 ~~((as hereinafter provided))~~, at least one of whom shall represent the
24 city having the most population in the county, and two representatives
25 to be designated by the board of county commissioners. In the case of
26 an authority comprised of two ~~((or))~~, three, four, or five counties,
27 the board shall be comprised of one appointee ~~((of the city selection~~
28 ~~committee of))~~ from each county ~~((as hereinafter provided))~~, who shall
29 represent the city having the most population in such county, to be

1 designated by the mayor and city council of such city, and one
2 representative from each county to be designated by the board of county
3 commissioners of each county making up the authority. ~~((In the case of~~
4 ~~an authority comprised of four or five counties, the board shall be~~
5 ~~comprised of one appointee of the city selection committee of each~~
6 ~~county as hereinafter provided who shall represent the city having the~~
7 ~~most population in such county, and one representative from each county~~
8 ~~to be designated by the board of county commissioners of each county~~
9 ~~making up the authority.))~~ In the case of an authority comprised of
10 six or more counties, the board shall be comprised of one
11 representative from each county to be designated by the board of county
12 commissioners of each county making up the authority, and ~~((one))~~ three
13 appointees, one each from ~~((each city with over one hundred thousand~~
14 ~~population))~~ the three largest cities within the local authority's
15 jurisdiction to be appointed by the mayor and city council of such
16 city.

17 (3) If the board of an authority otherwise would consist of an even
18 number, the members selected as above provided shall agree upon and
19 elect an additional member who shall be either a member of the
20 governing body of one of the towns, cities or counties comprising the
21 authority, or a private citizen residing in the authority. ~~((All board~~
22 ~~members shall hold office at the pleasure of the appointing body.))~~

23 (4) The terms of office of board members shall be four years.

24 (5) Wherever a member of a board has a potential conflict of
25 interest in an action before the board, the member shall declare to the
26 board the nature of the potential conflict prior to participating in
27 the action review. The board shall, if the potential conflict of
28 interest, in the judgment of a majority of the board, may prevent the
29 member from a fair and objective review of the case, remove the member
30 from participation in the action."

1 **"Sec. 705.** RCW 70.94.130 and 1969 ex.s. c 168 s 15 are each
2 amended to read as follows:

3 The board shall exercise all powers of the authority except as
4 otherwise provided. The board shall conduct its first meeting within
5 thirty days after all of its members have been appointed or designated
6 as provided in RCW 70.94.100. The board shall meet at least ten times
7 per year. All meetings shall be publicly announced prior to their
8 occurrence. All meetings shall be open to the public. A majority of
9 the board shall constitute a quorum for the transaction of business and
10 shall be necessary for any action taken by the board. The board shall
11 elect from its members a (~~chairman~~) chair and such other officers as
12 may be necessary. Any member of the board may designate a regular
13 alternate to serve on the board in his or her place with the same
14 authority as the member when he or she is unable to attend. Each
15 member of the board, or his or her representative, shall receive from
16 the authority (~~twenty-five dollars per day~~) compensation consistent
17 with such authority's rates (but not to exceed one thousand dollars per
18 year) for (~~each full day~~) time spent in the performance of (~~his~~)
19 duties under this chapter, plus the actual and necessary expenses
20 incurred by (~~him~~) the member in such performance. The board may
21 appoint (~~an executive director~~) a control officer, and any other
22 personnel, and shall determine their salaries, and pay same, together
23 with any other proper indebtedness, from authority funds."

24 **"Sec. 706.** RCW 70.94.170 and 1969 ex.s. c 168 s 21 are each
25 amended to read as follows:

26 Any activated authority which has adopted an ordinance, resolution,
27 or valid rules and regulations as provided herein for the control and
28 prevention of air pollution shall appoint a full time control officer,
29 (~~who~~) whose sole responsibility shall be to observe and enforce the

1 provisions of this chapter and all orders, ordinances, resolutions, or
2 rules and regulations of such activated authority pertaining to the
3 control and prevention of air pollution."

4 "Sec. 707. RCW 70.94.231 and 1969 ex.s. c 168 s 29 are each
5 amended to read as follows:

6 Upon the date that an authority begins to exercise its powers and
7 functions, all ~~((districts formed as a district under chapter 70.94 RCW
8 prior to June 8, 1967 which previously were wholly or partially
9 composed of one or more cities or towns located within such activated
10 authority shall be considered to be dissolved but its))~~ rules and
11 regulations in force on such date shall remain in effect until
12 superseded by the rules and regulations of the authority as provided in
13 RCW 70.94.230. ~~((In such event, the board of any such district shall
14 proceed to wind up the affairs of the district in the same manner as if
15 the district were dissolved as provided in RCW 70.94.260.))"~~

16 "Sec. 708. RCW 70.94.240 and 1969 ex.s. c 168 s 30 are each
17 amended to read as follows:

18 The board of any authority ~~((shall))~~ may appoint an air pollution
19 control advisory council to advise and consult with such board, and the
20 control officer in effectuating the purposes of this chapter. The
21 council shall consist of at least five appointed members who are
22 residents of the authority and who are preferably skilled and
23 experienced in the field of air pollution control, ~~((two))~~ chemistry,
24 meteorology, public health, or a related field, at least one of whom
25 shall serve as a representative~~((s))~~ of industry and one of whom shall
26 serve as a representative of the environmental community. The
27 ~~((chairman))~~ chair of the board of any such authority shall serve as ex
28 officio member of the council and be its ~~((chairman))~~ chair. Each

1 member of the council shall receive from the authority per diem and
2 travel expenses in an amount not to exceed that provided for the state
3 board in this chapter (but not to exceed one thousand dollars per year)
4 for each full day spent in the performance of his or her duties under
5 this chapter."

6 "Sec. 709. RCW 70.94.331 and 1988 c 106 s 1 are each amended to
7 read as follows:

8 (1) The department shall have all the powers as provided in RCW
9 70.94.141.

10 (2) The department, in addition to any other powers vested in it by
11 law after consideration at a public hearing held in accordance with
12 chapters 42.30 ((RCW)) and ((chapter)) 34.05 RCW shall:

13 (a) Adopt rules ((and regulations)) establishing air quality
14 objectives and air quality standards;

15 (b) Adopt emission standards which shall constitute minimum
16 emission standards throughout the state. An authority may enact more
17 stringent emission standards, except for emission performance standards
18 for new wood stoves and opacity levels for residential solid fuel
19 burning devices which shall be state-wide, but in no event may less
20 stringent standards be enacted by an authority without the prior
21 approval of the department after public hearing and due notice to
22 interested parties;

23 (c) Adopt by rule ((and regulation)) air quality standards and
24 emission standards for the control or prohibition of emissions to the
25 outdoor atmosphere of radionuclides, dust, fumes, mist, smoke, other
26 particulate matter, vapor, gas, odorous substances, or any combination
27 thereof. Such requirements may be based upon a system of
28 classification by types of emissions or types of sources of emissions,
29 or combinations thereof, which it determines most feasible for the

1 purposes of this chapter. However, an industry, or the air pollution
2 control authority having jurisdiction, can choose, subject to the
3 submittal of appropriate data that the industry has quantified, to have
4 any limit on the opacity of emissions from a source whose emission
5 standard is stated in terms of a weight of particulate per unit volume
6 of air (e.g., grains per dry standard cubic foot) be based on the
7 applicable particulate emission standard for that source, such that any
8 violation of the opacity limit accurately indicates a violation of the
9 applicable particulate emission standard. Any alternative opacity
10 limit provided by this section that would result in increasing air
11 contaminants emissions in any nonattainment area shall only be granted
12 if equal or greater emission reductions are provided for by the same
13 source obtaining the revised opacity limit. A reasonable fee may be
14 assessed to the industry to which the alternate opacity standard would
15 apply. The fee shall cover only those costs to the air pollution
16 control authority which are directly related to the determination on
17 the acceptability of the alternate opacity standard, including testing,
18 oversight and review of data.

19 (3) The air quality standards and emission standards may be for the
20 state as a whole or may vary from area to area or source to source,
21 except that emission performance standards for new wood stoves and
22 opacity levels for residential solid fuel burning devices shall be
23 state-wide, as may be appropriate to facilitate the accomplishment of
24 the objectives of this chapter and to take necessary or desirable
25 account of varying local conditions of population concentration, the
26 existence of actual or ((reasonable)) reasonably foreseeable air
27 pollution, topographic and meteorologic conditions and other pertinent
28 variables.

29 (4) The department is directed to cooperate with the appropriate
30 agencies of the United States or other states or any interstate

1 agencies or international agencies with respect to the control of air
2 pollution and air contamination, or for the formulation for the
3 submission to the legislature of interstate air pollution control
4 compacts or agreements.

5 (5) The department is directed to conduct or cause to be conducted
6 a continuous surveillance program to monitor the quality of the ambient
7 atmosphere as to concentrations and movements of air contaminants and
8 conduct or cause to be conducted a program to determine the quantity of
9 emissions to the atmosphere.

10 (6) The department shall enforce the air quality standards and
11 emission standards throughout the state except where a local authority
12 is enforcing the state regulations or its own regulations which are
13 more stringent than those of the state.

14 (7) The department shall encourage local units of government to
15 handle air pollution problems within their respective jurisdictions;
16 and, on a cooperative basis provide technical and consultative
17 assistance therefor.

18 (8) The department shall have the power to require the addition to
19 or deletion of a county or counties from an existing authority in order
20 to carry out the purposes of this chapter(~~(:—PROVIDED, HOWEVER,~~
21 ~~That))~~). No such addition or deletion shall be made without the
22 concurrence of any existing authority involved. Such action shall only
23 be taken after a public hearing held pursuant to the provisions of
24 chapter 34.05 RCW."

25 "Sec. 710. RCW 70.94.332 and 1987 c 109 s 18 are each amended to
26 read as follows:

27 Whenever the department of ecology has reason to believe that any
28 provision of this chapter or any rule or regulation adopted by it or
29 being enforced by it under RCW 70.94.410 relating to the control or

1 prevention of air pollution has been violated, it may cause written
2 notice to be served upon the alleged violator or violators. The notice
3 shall specify the provision of this chapter or the rule or regulation
4 alleged to be violated, and the facts alleged to constitute a violation
5 thereof, and may include an order that necessary corrective action be
6 taken within a reasonable time. In lieu of an order, the department
7 may require that the alleged violator or violators appear before it for
8 the purpose of providing the department information pertaining to the
9 violation or the charges complained of. In addition to or in place of
10 an order or hearing, the department may initiate action pursuant to RCW
11 70.94.425, 70.94.430, 70.94.431, and 70.94.435."

12 "Sec. 711. RCW 70.94.385 and 1987 c 109 s 41 are each amended to
13 read as follows:

14 (1) Any authority may apply to the department for state financial
15 aid. The department shall ~~((by rule and regulation))~~ annually
16 establish the ~~((ratio))~~ amount of state funds ~~((to))~~ available for the
17 local ~~((funds))~~ authorities taking into consideration available federal
18 and state funds. The establishment of funding amounts shall be
19 consistent with federal requirements and local maintenance of effort
20 necessary to carry out the provisions of this chapter. Any such aid
21 shall be expended from the general fund or from ~~((such))~~ other
22 appropriations as the legislature may provide for this purpose:
23 PROVIDED, That federal funds shall be utilized to the maximum unless
24 otherwise approved by the department: PROVIDED FURTHER, That the
25 ~~((ratio))~~ amount of state funds provided to local ~~((funds of))~~
26 authorities during the previous year shall not be ~~((changed))~~ reduced
27 without a public notice or public hearing held by the department if
28 requested by the affected local authority, unless such changes are the

1 direct result of a reduction in the available federal funds for air
2 pollution control programs.

3 (2) Before any such application is approved and financial aid is
4 given or approved by the department, the authority shall demonstrate to
5 the satisfaction of the department that it is fulfilling the
6 requirements of (~~RCW 70.94.380, or,~~) this chapter. If the department
7 has not adopted ambient air quality standards and objectives as
8 permitted by RCW 70.94.331, the authority shall demonstrate to the
9 satisfaction of the department that it is acting in good faith and
10 doing all that is possible and reasonable to control and prevent air
11 pollution within its jurisdictional boundaries and to carry out the
12 purposes of this chapter.

13 (3) The department shall adopt rules (~~and regulations~~) requiring
14 the submission of such information by each authority including the
15 submission of its proposed budget and a description of its program in
16 support of the application for state financial aid as necessary to
17 enable the department to determine the need for state aid."

18 "Sec. 712. RCW 70.94.395 and 1987 c 109 s 43 are each amended to
19 read as follows:

20 If the department finds, after public hearing upon due notice to
21 all interested parties, that the emissions from a particular type or
22 class of air contaminant source should be regulated on a state-wide
23 basis in the public interest and for the protection of the welfare of
24 the citizens of the state, it may adopt and enforce rules (~~and~~
25 ~~regulations~~) to control and/or prevent the emission of air
26 contaminants from such source(~~(:—PROVIDED, That)~~). An authority may,
27 after public hearing and a finding by the board of a need for more
28 stringent rules (~~and regulations~~) than those adopted by the
29 department under this section, propose the adoption of such rules (~~and~~

1 ~~regulations~~) by the department for the control of emissions from the
2 particular type or class ~~((of))~~ of air contaminant source within the
3 geographical area of the authority. The department shall hold a public
4 hearing and shall adopt the proposed rules ~~((and regulations))~~ within
5 the area of the requesting authority, unless it finds that the proposed
6 rules ~~((and regulations))~~ are inconsistent with the rules ~~((and~~
7 ~~regulations))~~ adopted by the department under this section~~((:~~
8 ~~PROVIDED, FURTHER, That))~~. When such standards are adopted by the
9 department it shall delegate solely to the requesting authority all
10 powers necessary for their enforcement at the request of the
11 authority~~((:~~ ~~PROVIDED, That the department may delegate the~~
12 ~~responsibility for the enforcement of such rules and regulations to any~~
13 ~~authority which it deems capable of enforcing such regulations:~~
14 ~~PROVIDED FURTHER, That))~~. If after public hearing the department finds
15 that the regulation on a state-wide basis of a particular type ~~((of))~~
16 or class of air contaminant source is no longer required for the public
17 interest and the protection of the welfare of the citizens of the
18 state, the department may relinquish exclusive jurisdiction over such
19 source."

20 **"Sec. 713.** RCW 70.94.405 and 1987 c 109 s 45 are each amended to
21 read as follows:

22 At any time after an authority has been activated for no less than
23 one year, the department may, on its own motion, conduct a hearing held
24 in accordance with chapters 42.30 ~~((RCW))~~ and ~~((chapter))~~ 34.05 RCW,
25 ~~((as now or hereafter amended))~~ to determine whether or not the air
26 pollution prevention and control program of such authority is being
27 carried out in good faith and is as effective as possible ~~((under the~~
28 ~~circumstances))~~. If at such hearing the department finds that such
29 authority is not carrying out its air pollution control or prevention

1 program in good faith, ~~((or))~~ is not doing all that is possible and
2 reasonable to control and/or prevent air pollution within the
3 geographical area over which it has jurisdiction, or is not carrying
4 out the provisions of this chapter, it shall set forth in a report or
5 order to the appropriate authority: (1) Its recommendations as to how
6 air pollution prevention and/or control might be more effectively
7 accomplished; and (2) guidelines which will assist the authority in
8 carrying out the recommendations of the department."

9 "Sec. 714. RCW 70.94.410 and 1987 c 109 s 46 are each amended to
10 read as follows:

11 (1) If, after thirty days from the time that the department issues
12 a report or order to an authority under RCW 70.94.400 and 70.94.405,
13 such authority has not taken ~~((any))~~ action which indicates that it is
14 attempting in good faith to implement the recommendations or actions of
15 the department as set forth in the report or order, the department may,
16 by order, declare as null and void any or all ordinances, resolutions,
17 rules or regulations of such authority relating to the control and/or
18 prevention of air pollution, and at such time the department shall
19 become the sole body with authority to make and enforce rules and
20 regulations for the control and/or prevention of air pollution within
21 the geographical area of such authority. ~~((In))~~ If this ~~((connection))~~
22 occurs, the department may assume all those powers which are given to
23 it by law to effectuate the purposes of this chapter. The department
24 may, by order, continue in effect and enforce ~~((those))~~ provisions of
25 the ordinances, resolutions, or rules ~~((and regulations))~~ of such
26 authority which are not less stringent than those requirements which
27 the department may have found applicable to the area under RCW
28 70.94.331, until such time as the department adopts its own rules ~~((and~~
29 ~~regulations))~~. Any rules ~~((and regulations))~~ promulgated by the

1 department shall be subject to the provisions of chapter 34.05 RCW (~~as~~
2 ~~it now appears or may hereinafter be amended~~). Any enforcement actions
3 shall be subject to RCW 43.21B.300 or 43.21B.310.

4 (2) No provision of this chapter is intended to prohibit any
5 authority from reestablishing its air pollution control program which
6 meets with the approval of the department and which complies with the
7 purposes of this chapter and with applicable rules (~~and regulations~~)
8 and orders of the department.

9 (3) Nothing in this chapter shall prevent the department from
10 withdrawing the exercise of its jurisdiction over an authority upon its
11 own motion(~~(:—PROVIDED, That)~~) if the department has found at a
12 hearing held in accordance with chapters 42.30 ((RCW)) and ((chapter))
13 34.05 RCW (~~as now or hereafter amended~~), that the air pollution
14 prevention and control program of such authority will be carried out in
15 good faith ((~~or~~)), that such program will do all that is possible and
16 reasonable to control and/or prevent air pollution within the
17 geographical area over which it has jurisdiction, and that the program
18 complies with the provisions of this chapter. Upon the withdrawal of
19 the department, the department shall prescribe certain recommendations
20 as to how air pollution prevention and/or control is to be effectively
21 accomplished and guidelines which will assist the authority in carrying
22 out the recommendations of the department."

23 "Sec. 715. RCW 70.94.420 and 1987 c 109 s 47 are each amended to
24 read as follows:

25 ((~~1~~)) It is declared to be the intent of the legislature of the
26 state of Washington that any state department or agency having
27 jurisdiction over any building, installation, ((~~or~~)) other property, or
28 other activity creating or likely to create significant air pollution
29 shall cooperate with the department and with air pollution control

1 agencies in preventing and/or controlling the pollution of the air in
2 any area insofar as the discharge of ~~((the matter))~~ air contaminants
3 from or by such building, installation, ~~((or))~~ other property, or
4 activity may cause or contribute to pollution of the air in such area.
5 Such state department or agency shall comply with the provisions of
6 this chapter and with any ordinance, resolution, rule or regulation
7 issued hereunder in the same manner as any other person subject to such
8 laws~~((7))~~ or rules ~~((or regulations))~~.

9 ~~((2) In addition to its other powers and duties prescribed by law,~~
10 ~~the department may establish classes of potential pollution sources for~~
11 ~~which any state department or agency having jurisdiction over any~~
12 ~~building, installation, or other property, which is not located within~~
13 ~~the geographical boundaries of any authority which has an air pollution~~
14 ~~control and/or prevention program in effect, shall, before discharging~~
15 ~~any matter into the air, obtain a permit from the department for such~~
16 ~~discharge, such permits to be issued for a specified period of time to~~
17 ~~be determined by the department and subject to revocation if the~~
18 ~~department finds that such discharge is endangering the health and~~
19 ~~welfare of any persons. Such permits may also be required for any such~~
20 ~~building, installation, or other property which is located within the~~
21 ~~geographical boundaries of any authority which has an air pollution~~
22 ~~control and prevention program in effect if the standards set by the~~
23 ~~department for state departments and agencies are more stringent than~~
24 ~~those of the authority. In connection with the issuance of any permits~~
25 ~~under this section, there shall be submitted to the department such~~
26 ~~plans, specifications, and other information as it deems relevant~~
27 ~~thereto and under such other conditions as it may prescribe.))"~~

28 "Sec. 716. RCW 70.146.080 and 1986 c 3 s 11 are each amended to
29 read as follows:

1 Within thirty days after June 30, 1987, and within thirty days
2 after each succeeding fiscal year thereafter, the state treasurer shall
3 determine the tax receipts deposited into the water quality account for
4 the preceding fiscal year. If the tax receipts deposited into the
5 account in each of the fiscal years 1988 and 1989 are less than forty
6 million dollars, the state treasurer shall transfer sufficient moneys
7 from general state revenues into the water quality account to bring the
8 total receipts in each fiscal year up to forty million dollars.

9 After June 30, 1989, if the tax receipts deposited into the water
10 quality account for the preceding fiscal year are less than forty-five
11 million dollars, the state treasurer shall transfer sufficient moneys
12 from general state revenues into the water quality account to bring the
13 total receipts up to forty-five million dollars.

14 Beginning in fiscal year 1992, if the tax receipts deposited into
15 the water quality account for the preceding fiscal year are less than
16 forty-five million dollars, the state treasurer shall transfer
17 sufficient moneys from the air pollution control account to bring the
18 receipts up to forty-five million dollars. When transferring
19 sufficient moneys into the water quality account the state treasurer
20 shall transfer one-quarter of the required amount each calendar
21 quarter."

22 "NEW SECTION. Sec. 717. Sections 229 through 235 and 245 of this
23 act shall take effect October 1, 1991. Sections 602 and 603 of this
24 act shall take effect July 1, 1992. Sections 202 through 209 of this
25 act shall take effect January 1, 1993.

26 The remainder of this act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and shall take
29 effect immediately."

1 "NEW SECTION. **Sec. 718.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 70.120.110 and 1989 c 240 s 7, 1985 c 7 s 131, & 1979 ex.s.
4 c 163 s 12;

5 (2) RCW 70.120.140 and 1987 c 505 s 62 & 1980 c 176 s 5;

6 (3) RCW 70.120.900 and 1989 c 240 s 9;

7 (4) RCW 70.94.232 and 1983 c 3 s 177 & 1967 c 238 s 40;

8 (5) RCW 70.94.680 and 1971 ex.s. c 232 s 4;

9 (6) RCW 70.94.740 and 1972 ex.s. c 136 s 1;

10 (7) RCW 70.94.810 and 1984 c 277 s 3;

11 (8) RCW 70.94.815 and 1984 c 277 s 5;

12 (9) RCW 70.94.825 and 1984 c 277 s 7; and

13 (10) RCW 70.94.870 and 1984 c 164 s 3."

14 "NEW SECTION. **Sec. 719.** If any provision of this act or its
15 application to any person or circumstance is held invalid, the
16 remainder of the act or the application of the provision to other
17 persons or circumstances is not affected."

18 **SHB 1028** - H COMM AMD
19 By Committee on Revenue

20
21 On page 1, line 2 of the title, after "quality;" strike the
22 remainder of the title and insert "amending RCW 70.94.011, 70.94.030,
23 70.120.010, 70.120.020, 70.120.070, 70.120.080, 70.120.120, 70.120.150,
24 70.120.170, 46.16.015, 82.44.020, 82.44.110, 82.44.150, 82.44.155,
25 82.44.180, 82.50.410, 82.50.510, 70.94.152, 70.94.155, 70.94.181,
26 70.94.205, 70.94.211, 70.94.430, 70.94.431, 70.94.860, 70.94.875,
27 70.94.745, 70.94.660, 70.94.670, 70.94.690, 70.94.650, 70.94.654,
28 70.94.775, 70.94.780, 70.94.750, 70.94.457, 70.94.470, 70.94.473,

1 70.94.483, 70.94.041, 70.94.656, 70.94.055, 70.94.092, 70.94.100,
2 70.94.130, 70.94.170, 70.94.231, 70.94.240, 70.94.331, 70.94.332,
3 70.94.385, 70.94.395, 70.94.405, 70.94.410, 70.94.420, and 70.146.080;
4 reenacting and amending RCW 70.94.053; adding new sections to chapter
5 70.120 RCW; adding a new section to chapter 43.19 RCW; adding new
6 sections to chapter 80.28 RCW; adding new sections to chapter 70.94
7 RCW; adding a new section to chapter 82.50 RCW; adding a new chapter
8 to Title 82 RCW; adding a new chapter to Title 70 RCW; creating new
9 sections; repealing RCW 70.120.110, 70.120.140, 70.120.900, 70.94.232,
10 70.94.680, 70.94.740, 70.94.810, 70.94.815, 70.94.825, and 70.94.870;
11 prescribing penalties; providing effective dates; and declaring an
12 emergency."