
HOUSE BILL 1709

State of Washington

53rd Legislature

1993 Regular Session

By Representatives Roland, Tate and Scott

Read first time 02/05/93. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to volatile organic compound emissions; amending
2 RCW 70.94.030; adding new sections to chapter 70.94 RCW; and creating
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In the interest of the public health and
6 welfare and in keeping with the objectives of RCW 70.94.011, it is the
7 policy of the state to control, reduce, and prevent air pollution
8 caused by volatile organic compound emissions. It is the policy of the
9 state to limit the sale of a paint product that contains volatile
10 organic compound material to those individuals who understand and abide
11 by the laws and rules applicable to the use of the material.

12 **Sec. 2.** RCW 70.94.030 and 1991 c 199 s 103 are each amended to
13 read as follows:

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

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

4 (2) "Air pollution" is presence in the outdoor atmosphere of one or
5 more air contaminants in sufficient quantities and of such
6 characteristics and duration as is, or is likely to be, injurious to
7 human health, plant or animal life, or property, or which unreasonably
8 interfere with enjoyment of life and property. For the purpose of this
9 chapter, air pollution shall not include air contaminants emitted in
10 compliance with chapter 17.21 RCW.

11 (3) "Air quality standard" means an established concentration,
12 exposure time, and frequency of occurrence of an air contaminant or
13 multiple contaminants in the ambient air which shall not be exceeded.

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

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

18 (6) "Automotive volatile organic compound" means an organic
19 compound that participates in atmospheric photochemical reactions and
20 is used on an automobile. However, "volatile organic compound" does
21 not mean a compound determined to have negligible photochemical
22 reactivity by the United States environmental protection agency and
23 listed in 40 C.F.R. Sec. 51.165.

24 (7) "Board" means the board of directors of an authority.

25 ~~((+7))~~ (8) "Control officer" means the air pollution control
26 officer of any authority.

27 ~~((+8))~~ (9) "Department" means the department of ecology.

28 ~~((+9))~~ (10) "Emission" means a release of air contaminants into
29 the ambient air.

30 ~~((+10))~~ (11) "Emission standard" means a limitation on the release
31 of an air contaminant or multiple contaminants into the ambient air.

32 ~~((+11))~~ (12) "Multicounty authority" means an authority which
33 consists of two or more counties.

34 ~~((+12))~~ (13) "Person" means an individual, firm, public or private
35 corporation, association, partnership, political subdivision of the
36 state, municipality, or governmental agency.

37 ~~((+13))~~ (14) "Silvicultural burning" means burning of wood fiber
38 on forest land consistent with the provisions of RCW 70.94.660.

1 (15) "User identification number" means the number a business or
2 individual receives from the department after meeting the criteria
3 necessary to use automotive volatile materials under section 3 of this
4 act.

5 NEW SECTION. Sec. 3. (1) A business or individual, or its agent,
6 may purchase over one pint of automotive volatile organic compound
7 material only if that business or individual has received a volatile
8 organic compound user identification number from the department, except
9 as provided in section 4 of this act.

10 (2) In order to obtain a volatile organic compound user
11 identification number, a business or individual shall provide the
12 information requested and comply with the rules adopted by the
13 department under this section.

14 (3) The department shall adopt rules governing the user
15 identification number process by January 1, 1994. The rules must at
16 least include:

17 (a) The format of the application for obtaining a user
18 identification number, including an emphasis on understanding the rules
19 governing automotive volatile organic compound application and disposal
20 relevant to the county where that applicant is going to use the
21 automotive volatile organic compound material;

22 (b) A one-time fee of up to fifty dollars for the issuance of a
23 user identification number; and

24 (c) Allowances for an agent of a user identification number holder
25 to purchase automotive volatile organic material.

26 NEW SECTION. Sec. 4. (1) A business or individual may purchase up
27 to one one-gallon container of automotive volatile organic compound
28 material without a user identification number if the purchaser obtains
29 a temporary user identification number from the business or individual
30 selling the material.

31 (2) In order to obtain a temporary user identification number, a
32 business or individual shall provide the information requested and
33 comply with the rules adopted by the department under this section.

34 (3) The department shall adopt rules governing the temporary user
35 identification number process under this section by January 1, 1994.
36 The rules must at least include:

1 (a) The format of the application for obtaining a temporary user
2 identification number, including an emphasis on understanding the rules
3 governing automotive volatile organic compound application and disposal
4 relevant to the county where that applicant is going to use the
5 automotive volatile organic compound; and

6 (b) That the temporary user identification number must cost fifty
7 percent of the amount charged for the user identification number.

8 NEW SECTION. **Sec. 5.** (1) A business or individual that sells
9 automotive paints or supplies may not sell over one pint of automotive
10 volatile organic compound material to a business or individual that has
11 not obtained a user identification number under section 3 of this act,
12 unless the purchaser and seller comply with the rules governing the
13 temporary user identification number under section 4 of this act.

14 (2) A business or individual that sells automotive paint or
15 supplies shall place on the invoice for over one pint of automotive
16 volatile organic compound material the name and address of the business
17 or individual, the user identification number, or temporary user
18 identification number of the purchaser, and have the authorized
19 purchaser using the user identification number sign the invoice.

20 NEW SECTION. **Sec. 6.** A business or person that sells over one
21 pint of automotive volatile organic compound material to a business or
22 individual that does not have a valid user identification number or
23 temporary user permit is subject to a fine of an amount to be
24 determined by rule adopted by the department.

25 NEW SECTION. **Sec. 7.** Sections 3 through 6 of this act are each
26 added to chapter 70.94 RCW.

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