

2 **SHB 2376** - S AMD - 217  
3 By Senators Swecker and Snyder

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

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

9 (1) A gasoline vapor recovery device that captures vapors during  
10 vehicle fueling may only be required at a service station, or any other  
11 gasoline dispensing facility supplying fuel to the general public, in  
12 any of the following circumstances:

13 (a) The facility sells in excess of six hundred thousand gallons of  
14 gasoline per year and is located in a county, any part of which is  
15 designated as nonattainment for ozone under the federal clean air act,  
16 42 U.S.C. Sec. 7407; or

17 (b) The facility sells in excess of six hundred thousand gallons of  
18 gasoline per year and is located in a county where a maintenance plan  
19 has been adopted by a local air pollution control authority or the  
20 department of ecology that includes gasoline vapor recovery devices as  
21 a control strategy; or

22 (c) From the effective date of this section until December 31,  
23 1998, in any facility that sells in excess of one million two hundred  
24 thousand gallons of gasoline per year and is located in an ozone-  
25 contributing county. For purposes of this section, an ozone-  
26 contributing county means a county in which the emissions have  
27 contributed to the formation of ozone in any county where violations of  
28 federal ozone standards have been measured, and includes: Cowlitz,  
29 Island, Kitsap, Lewis, Skagit, Thurston, Wahkiakum, and Whatcom  
30 counties; or

31 (d) After December 31, 1998, in any facility that sells in excess  
32 of eight hundred forty thousand gallons of gasoline per year and is  
33 located in any county, no part of which is designated as nonattainment  
34 for ozone under the federal clean air act, 42 U.S.C. Sec. 7407,  
35 provided that the department of ecology determines by December 31,  
36 1997, that the use of gasoline vapor control devices in the county is

1 important to achieving or maintaining attainment status in any other  
2 county.

3 (2) This section does not preclude the department of ecology or any  
4 local air pollution authority from requiring a gasoline vapor recovery  
5 device that captures vapors during vehicle refueling as part of the  
6 regulation of sources as provided in RCW 70.94.152, 70.94.331, or  
7 70.94.141 or where required under 42 U.S.C. Sec. 7412.

8 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and shall take  
11 effect immediately."

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15 On page 1, line 2 of the title, after "facilities;" strike the  
16 remainder of the title and insert "adding a new section to chapter  
17 70.94 RCW; and declaring an emergency."

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