
HOUSE BILL 1396

State of Washington

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By Representatives Delvin and Regala

Read first time 01/24/97. Referred to Committee on Agriculture & Ecology.

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

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

5 **Sec. 1.** RCW 70.94.030 and 1993 c 252 s 2 are each amended to read
6 as follows:

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

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

13 (2) "Air pollution" is presence in the outdoor atmosphere of one or
14 more air contaminants in sufficient quantities and of such
15 characteristics and duration as is, or is likely to be, injurious to
16 human health, plant or animal life, or property, or which unreasonably
17 interfere with enjoyment of life and property. For the purpose of this
18 chapter, air pollution shall not include air contaminants emitted in
19 compliance with chapter 17.21 RCW.

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

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

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

8 (6) "Automotive volatile organic compound" means any motor vehicle
9 paint, which contains an organic compound that participates in
10 atmospheric photochemical reactions. However, "automotive volatile
11 organic compound" does not mean a compound determined to have
12 negligible photochemical reactivity by the United States environmental
13 protection agency and listed in 40 C.F.R. Sec. 51.165.

14 (7) "Best available control technology" (BACT) means an emission
15 limitation based on the maximum degree of reduction for each air
16 pollutant subject to regulation under this chapter emitted from or that
17 results from any new or modified stationary source, that the permitting
18 authority, on a case-by-case basis, taking into account energy,
19 environmental, and economic impacts and other costs, determines is
20 achievable for such a source or modification through application of
21 production processes and available methods, systems, and techniques,
22 including fuel cleaning, clean fuels, or treatment or innovative fuel
23 combustion techniques for control of each such a pollutant. In no
24 event shall application of "best available control technology" result
25 in emissions of any pollutants that will exceed the emissions allowed
26 by any applicable standard under 40 C.F.R. Part 60 and Part 61, as they
27 exist on July 25, 1993, or their later enactments as adopted by
28 reference by the director by rule. Emissions from any source utilizing
29 clean fuels, or any other means, to comply with this subsection shall
30 not be allowed to increase above levels that would have been required
31 under the definition of BACT as it existed prior to enactment of the
32 (~~{federal}~~) federal clean air act amendments of 1990.

33 (~~{7}~~) (8) "Best available retrofit technology" (BART) means an
34 emission limitation based on the degree of reduction achievable through
35 the application of the best system of continuous emission reduction for
36 each pollutant that is emitted by an existing stationary facility. The
37 emission limitation must be established, on a case-by-case basis,
38 taking into consideration the technology available, the costs of
39 compliance, the energy and nonair quality environmental impacts of

1 compliance, any pollution control equipment in use or in existence at
2 the source, the remaining useful life of the source, and the degree of
3 improvement in visibility that might reasonably be anticipated to
4 result from the use of the technology.

5 ~~((+8+))~~ (9) "Board" means the board of directors of an authority.

6 ~~((+9+))~~ (10) "Control officer" means the air pollution control
7 officer of any authority.

8 ~~((+10+))~~ (11) "Department" or "ecology" means the department of
9 ecology.

10 ~~((+11+))~~ (12) "Emission" means a release of air contaminants into
11 the ambient air.

12 ~~((+12+))~~ (13) "Emission standard" and "emission limitation" mean a
13 requirement established under the federal clean air act or this chapter
14 that limits the quantity, rate, or concentration of emissions of air
15 contaminants on a continuous basis, including any requirement relating
16 to the operation or maintenance of a source to assure continuous
17 emission reduction, and any design, equipment, work practice, or
18 operational standard adopted under the federal clean air act or this
19 chapter.

20 ~~((+13+))~~ (14) "Lowest achievable emission rate" (LAER) means for
21 any source that rate of emissions that reflects:

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

26 (b) The most stringent emission limitation that is achieved in
27 practice by such class or category of source, whichever is more
28 stringent.

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

32 ~~((+14+))~~ (15) "Modification" means any physical change in, or
33 change in the method of operation of, a stationary source that
34 increases the amount of any air contaminant emitted by such source or
35 that results in the emission of any air contaminant not previously
36 emitted. The term modification shall be construed consistent with the
37 definition of modification in Section 7411, Title 42, United States
38 Code, and with rules implementing that section.

1 (~~(15)~~) (16) "Multicounty authority" means an authority which
2 consists of two or more counties.

3 (~~(16)~~) (17) "New source" means (a) the construction or
4 modification of a stationary source that increases the amount of any
5 air contaminant emitted by such source or that results in the emission
6 of any air contaminant not previously emitted, and (b) any other
7 project that constitutes a new source under the federal clean air act.

8 (~~(17)~~) (18) "Permit program source" means a source required to
9 apply for or to maintain an operating permit under RCW 70.94.161.

10 (~~(18)~~) (19) "Person" means an individual, firm, public or private
11 corporation, association, partnership, political subdivision of the
12 state, municipality, or governmental agency.

13 (~~(19)~~) (20) "Reasonably available control technology" (RACT)
14 means the lowest emission limit that a particular source or source
15 category is capable of meeting by the application of control technology
16 that is reasonably available considering technological and economic
17 feasibility. RACT is determined on a case-by-case basis for an
18 individual source or source category taking into account the impact of
19 the source upon air quality, the availability of additional controls,
20 the emission reduction to be achieved by additional controls, the
21 impact of additional controls on air quality, and the capital and
22 operating costs of the additional controls. RACT requirements for a
23 source or source category shall be adopted only after notice and
24 opportunity for comment are afforded.

25 (~~(20)~~) (21) "Silvicultural burning" means burning of wood fiber
26 on forest land consistent with the provisions of RCW 70.94.660.

27 (~~(21)~~) (22) "Source" means all of the emissions units including
28 quantifiable fugitive emissions, that are located on one or more
29 contiguous or adjacent properties, and are under the control of the
30 same person, or persons under common control, whose activities are
31 ancillary to the production of a single product or functionally related
32 group of products.

33 (~~(22)~~) (23) "Stationary source" means any building, structure,
34 facility, or installation that emits or may emit any air contaminant.

35 NEW SECTION. Sec. 2. A new section is added to chapter 70.94 RCW
36 to read as follows:

37 (1) A business, its agent, or an individual may purchase automotive
38 volatile organic compound material only if that business, agent, or

1 individual provides the seller with an EPA/state identification number
2 as referred to in WAC 173-303-060 as it exists on the effective date of
3 this act. The purchaser must ensure that the purchaser's EPA/state
4 identification number is recorded on all bills of sale at the time of
5 purchase.

6 (2) Subsection (1) of this section does not apply to small
7 quantities of the products, in containers of sixteen ounces or less.

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