

NEW SECTION. Sec. 1. There is added to chapter 36.32 RCW a new section to read as follows:

Vacancies in the position of county freeholder shall be filled with a person qualified for the position who is appointed by majority action of the remaining county freeholders.

Passed the Senate February 28, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 164

[Engrossed Substitute Senate Bill No. 3616]

AIR POLLUTION—EMISSION CREDITS BANKING PROGRAM

AN ACT Relating to air pollution; and adding new sections to chapter 70.94 RCW.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 70.94 RCW a new section to read as follows:

The department of ecology and the local boards may implement an emission credits banking program. For the purposes of this section, an emission credits banking program means a program whereby an air contaminant source which reduces emissions of a given air contaminant by an amount greater than that required by applicable law, regulation, or order is granted credit for a given amount, which credit shall be administered by a credit bank operated by the appropriate agency. The amount of the credit shall be determined by the department or local board with jurisdiction, but it shall be less than the amount of the emissions reduction. The credit may be used, traded, sold, or otherwise expended for purposes established by regulation of state or local agencies consistent with the provisions of the prevention of significant deterioration program under section 2 of this act, the bubble program under RCW 70.94.155, and the new source review program under RCW 70.94.152, if there will be no net adverse impact on air quality.

NEW SECTION. Sec. 2. There is added to chapter 70.94 RCW a new section to read as follows:

The department of ecology may accept delegation of the prevention of significant deterioration program pursuant to Part C, Subpart 1 of the federal Clean Air Act. The department may, in turn, delegate this program to the local authority with jurisdiction in a given area.

NEW SECTION. Sec. 3. There is added to chapter 70.94 RCW a new section to read as follows:

The department of ecology shall study the emission credits banking program and report to the legislature on its effectiveness by January 1,

1986. The report shall include a recommendation as to whether the program should be continued.

Passed the Senate March 1, 1984.

Passed the House February 13, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 165

[Substitute Senate Bill No. 3740]

HAZARDOUS MATERIALS INCIDENTS—COMMAND AGENCY DESIGNATION—HAZARDOUS MATERIALS TRANSPORTERS—INCIDENT LIABILITY

AN ACT Relating to hazardous materials liability; amending section 4, chapter 172, Laws of 1982 and RCW 70.136.030; amending section 5, chapter 172, Laws of 1982 and RCW 70.136.050; and adding a new section to chapter 4.24 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 4, chapter 172, Laws of 1982 and RCW 70.136.030 are each amended to read as follows:

The governing body of each applicable political subdivision of this state ((shall)) may designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of the state department of emergency services or its successor agency. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. ~~((If a political subdivision has not designated an incident command agency within six months after April 1, 1982, the chief of the Washington state patrol shall be so notified by that political subdivision. The Washington state patrol shall then assume the role of incident command agency until a designation is made.))~~

Sec. 2. Section 5, chapter 172, Laws of 1982 and RCW 70.136.050 are each amended to read as follows:

Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct, if:

(1) The political subdivision has designated a hazardous materials incident command agency ((as required in RCW 70.136.030)); and