

I have vetoed section 2 because the language creating the power of the boards is in conflict with the manner in which some agencies in the state operate. Some agencies are funded through political subdivisions and the language in the bill would interfere with the administrative practices of these subdivisions and create a potential for litigation.

With the exception of section 2, Engrossed House Bill No. 1491 is approved.*

CHAPTER 157

[Senate Bill No. 6583]

AIR POLLUTION CONTROL AUTHORITIES

AN ACT Relating to air pollution control authorities; amending RCW 70.94.431; adding a new section to chapter 70.94 RCW; and repealing RCW 70.94.0935.

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

Sec. 1. Section 53, chapter 168, Laws of 1969 ex. sess. as last amended by section 19, chapter 109, Laws of 1987 and RCW 70.94.431 are each amended to read as follows:

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

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

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

(4) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the general fund or, if recovered by the authority, ((fifty percent)) shall be paid into the treasury of the authority and credited to its funds ((and fifty percent shall be distributed to the cities, towns and counties within the authority, on a pro rata basis, as each contributes to support the authority pursuant to RCW 70.94.093)). If

a prior penalty for the same violation has been paid to a local authority, the penalty imposed under subsection (2) of this section shall be reduced by the amount of the payment. Notwithstanding any other provisions of this chapter, no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.

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

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

A condominium owners' association or an association formed by residents of a multiple-family dwelling are not liable for violations of RCW 70.94.473 by a resident of a condominium or multiple-family dwelling. The associations shall cooperate with local air pollution control authorities to acquaint residents with the provisions of this section.

NEW SECTION. Sec. 3. Section 1, chapter 88, Laws of 1984 and RCW 70.94.0935 are each repealed.

Passed the Senate February 5, 1990.

Passed the House March 5, 1990.

Approved by the Governor March 23, 1990.

Filed in Office of Secretary of State March 23, 1990.

CHAPTER 158

[Second Substitute Senate Bill No. 5996]

WASTE MANAGEMENT EDUCATION AND TRAINING PROGRAM FEASIBILITY STUDY

AN ACT Relating to a study of the feasibility of a waste management education and training program; and creating new sections.

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

NEW SECTION. Sec. 1. The legislature finds that the management and safe disposal of hazardous and radioactive waste requires highly specialized skills. The technical and legal requirements for proper disposal of future wastes and environmental restoration of existing waste sites will require the training of a workforce skilled in waste management.

Existing research efforts and waste management in southeastern Washington may provide a unique opportunity for vocational, professional, and business training in waste management and disposal.

NEW SECTION. Sec. 2. Washington State University and Columbia Basin College are directed to study the feasibility of establishing programs for waste management and related technologies involving institutions of higher education, state waste management programs, and private industry.