

RCW 70A.245.130 Overwater structures containing certain plastic foam—Prohibition on sale, distribution, installation—Rule-making authority—Penalty. (1) Beginning January 1, 2024, it is prohibited to sell, distribute, install, or arrange for the installation of in or into Washington state:

(a) Overwater structures containing expanded or extruded plastic foam that is not fully enclosed and contained in a shell made of plastic with a minimum thickness of 0.15 inches, concrete, aluminum, or steel; and

(b) Blocks or floats containing or comprised of expanded or extruded plastic foam that are not fully enclosed and contained in a shell made of plastic with a minimum thickness of 0.15 inches, concrete, aluminum, or steel, and that are intended for use in or in conjunction with overwater structures.

(2) (a) The department may adopt rules to implement, administer, and enforce this section.

(b) A person in violation of this section is subject to a civil penalty for each violation in an amount not to exceed \$10,000.

(c) Penalties collected under this section must be deposited in the model toxics control operating account created in RCW 70A.305.180.

(d) Penalties issued under this section are appealable to the pollution control hearings board established in chapter 43.21B RCW.

(3) For the purposes of this section, overwater structures do not include floating homes or floating on-water residences, as those terms are defined in RCW 90.58.270, but do include docks, floats, walkways, or other accessory overwater structures associated with floating homes or floating on-water residences.

(4) Nothing in this section applies to any dock sold, distributed, or installed prior to January 1, 2024. [2023 c 135 s 3.]

Finding—Intent—2023 c 135: See note following RCW 19.27.590.