

SENATE BILL REPORT

2E2SHB 1354

As Reported By Senate Committee On:
Agriculture & Environment, February 24, 1998

Title: An act relating to air pollution control.

Brief Description: Changing air pollution control provisions.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Pennington, Mielke, Dunn and Boldt).

Brief History:

Committee Activity: Agriculture & Environment: 4/2/97; 2/18/98, 2/24/98 [DPA].

SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT

Majority Report: Do pass as amended.

Signed by Senators Morton, Chair; Swecker, Vice Chair; Oke and Rasmussen.

Staff: Vic Moon (786-7469)

Background: Administration of the state's air pollution control laws can be delegated to a county or groups of contiguous counties. To receive delegation, a local air pollution control authority must be activated by one or more counties. The Department of Ecology (DOE) administers air pollution control laws in areas of the state without an activated local authority. There are local authorities throughout western Washington and in many counties in eastern Washington.

The governing body of a local air authority is composed of members that are selected by locally elected officials. Locally elected officials typically serve on the board of a local air authority. Members of the board may appoint a regular alternate.

Under the federal Clean Air Act, areas that do not meet federal air quality standards must prepare a state implementation plan describing the actions to bring the area into, and maintain, compliance with the federal air standards. Motor vehicles are a substantial source of carbon monoxide and ground level ozone. Several areas in the state have been or are in non-attainment with federal carbon monoxide and ground level ozone standards. The greater Puget Sound and Vancouver areas have recently met federal air standards for carbon monoxide and ground level ozone.

State law requires DOE to administer a program to test vehicle emissions in those areas that violate or are likely to violate federal air quality standards. Currently, vehicle emission tests are generally required of persons living in the area from Everett to Tacoma, the greater Vancouver area, and the greater Spokane area. Vehicles registered in these areas must be tested biennially. State law caps the maximum fee for the test at \$18. The current fee is \$12.

DOE must approve the creation or expansion of vehicle emission testing programs submitted by a local air pollution control authority. The approved program is incorporated as part of the state's implementation plan and submitted for approval by the U.S. Environmental Protection Agency. The testing boundaries in the greater Vancouver area were expanded by DOE in November of 1996; testing in this expanded area is scheduled to begin in April of 1997.

State law directs DOE to provide owners of vehicles that fail the emission test with information regarding federal warranties and a list of certified vehicle emission specialists. Although not required by law, DOE has established mechanisms to provide temporary waivers for vehicles that fail an emissions test. DOE is also required to investigate complaints regarding the vehicle emission testing facilities and to make appropriate corrections.

Summary of Amended Bill: A board member of a local air pollution control authority may not designate an alternate to serve as permanent chair of board meetings. Persons with vehicles that fail an emissions test must be provided with information related to obtaining temporary waivers. DOE is required to file all complaints about the vehicle emissions testing program and make copies available on request. Information which is confidential under the Public Disclosure Act remains confidential.

The maximum allowable fee for the vehicle emission test is reduced to \$15. Collector cars are exempt from testing if the car meets the Department of Licensing requirements. Beginning January 1, 2000, vehicles that are less than five years old or more than 25 years old are also exempt from testing.

A science advisory board is created to review plans that expand or create a vehicle emission testing area. DOE, a local air pollution control authority, or by petition of at least 50 people, the public can request a review by the science advisory board. Copies of the report must be made available to the local air authority and to the public. DOE must conduct a public hearing if the proposed rule to create or expand a testing area is in conflict with the final majority opinion of the science advisory board. DOE must include in its rule-making process a written response to any inconsistency between the scientific review of the board and DOE's rule to expand a testing area. Members of the science advisory board are reimbursed for travel expenses.

The Department of Ecology must evaluate the new exemption for vehicles less than five years old or more than 25 years old and other options that meet air quality objectives and lessen the effect of the program on the motorist. It must consider air quality, program costs, and motorist convenience in its evaluation and make recommendations for changes to the program to the appropriate standing committees of the Legislature by January 1, 1999.

Amended Bill Compared to Substitute Bill: The fee is increased from \$14 to \$15. Confidentiality is maintained and an unnecessary null and void clause is removed.

Appropriation: None.

Fiscal Note: Available.

Effective Date Ninety days after adjournment of session in which bill is passed.

Testimony For: More scientific evidence is needed before air pollution areas are expanded. Better public input is needed and the public needs more information. The \$14 fee cap may be low (original bill).

Testimony Against: None.

Testified: PRO: Representative Pennington, prime sponsor; Joe Williams, Department of Ecology; Mike Ryherd, Puget Sound Air Pollution Authority; Bill Fritz, Envirotest Systems (with concerns).