

# HOUSE BILL REPORT

## HB 2421

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**As Reported By House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to air pollution control.

**Brief Description:** Changing air pollution control measures.

**Sponsors:** Representatives Pennington, G. Chandler, Dunn, Schoesler, Delvin, Schindler, Koster, Mielke, Boldt and Esser.

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 1/28/00, 2/6/00 [DPS].

**Brief Summary of Substitute Bill**

- Provides incentives for using clean fuels and makes additional changes to air pollution control programs.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives G. Chandler, Republican Co-Chair; Linville, Democratic Co-Chair; Koster, Republican Vice Chair; Anderson; B. Chandler; Delvin; Fortunato; Grant; Reardon; Schoesler; Stensen and Sump.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Cooper, Democratic Vice Chair and Wood.

**Staff:** Carole Richmond (786-7114).

**Background:**

*Clean Fuels*

Internal combustion engines commonly emit a variety of pollutants, including volatile organic compounds (hydrocarbon-based chemicals), nitrogen oxides, carbon monoxide,

particulates, and carbon dioxide. Controls on these emissions began to be established with the advent of the catalytic converter in 1975, fuel injection systems in the 1980s, and further refinements. Today's cars are about 95 percent cleaner than the cars of 30 years ago. The continuing increase in vehicle miles traveled has the potential to undermine this progress, however. Some of the most promising ways to control emissions now and into the future is through the use of so-called alternative fuels or clean fuels. These are fuels such as natural gas, propane, ethanol, methanol, and reformulated gasolines, including oxygenated and low-sulfur fuels. Alternatives engines also exist, including electric vehicles, hybrid electric-gasoline vehicles, and fuel cell-powered engines.

### MTBE

The 1990 Clean Air Act amendments require that gasoline sold in carbon monoxide (CO) non-attainment areas contain at least 2.7 percent oxygen, starting in 1992. Refiners decide which oxygenates to use in making cleaner gasoline. One of the additives that has been added to gasoline to increase octane levels and engine efficiency is methyl tertiary butyl ether or MTBE. After this additive started showing up in drinking water supplies in California, the Governor issued an executive order requiring that it be phased out by the end of 2002 and requiring the use of other oxygenates. Problems with MTBE have occurred in other states, as well. Spokane is the only CO non-attainment area in Washington, and refiners here use ethanol as an additive, rather than MTBE. The Department of Ecology does not believe that MTBE is being added to fuel for sale in Washington.

### Vehicle Emissions Testing

Vehicle emissions can be tested using different methods. One test that can be used is the "IM-240 test," which consists of a 240-second emissions test while the vehicle's engine is driven through a computer monitored driving cycle of acceleration, deceleration and idling. Emissions testing in Washington consists instead of steady state tests, meaning either constant idling or a fixed level of acceleration.

### Outdoor Burning

Current state law on outdoor burning provides that outdoor burning shall be prohibited when an alternate technology or method of disposing of the organic refuse is available, reasonably economical, and less harmful to the environment.

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### **Summary of Substitute Bill:**

The Department of Transportation may permit a vehicle with a single occupant to operate in HOV lanes if:

- it is certified as inherently low emission, ultra-low emission, or zero emission;
- is labeled according to federal requirements; and
- bears a special clean fuel license plate.

The Department of Transportation and local traffic authorities may allow vehicles with single occupants to use HOV lanes if they have special clean fuel vehicle plates. Fleet vehicles with single occupants are required to use HOV lanes in air pollution non-attainment areas.

If a vehicle with special clean fuel plates fails emissions testing, the Department of Ecology is required to notify the Department of Licensing. The use of a special clean fuel plate on a vehicle that is not federally certified as a low, ultra-low, or zero emission vehicle is a misdemeanor.

By June 30, 2001, the Department of Transportation is required to issue special clean fuel plates for vehicles that are federally certified and labeled as low, ultra-low, or zero emission vehicles.

Methyl tertiary-butyl ether may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in Washington after December 31, 2002, and may not be present in gasoline above six tenths of one percent by volume.

The transient emission test known as the IM-240 test is prohibited in Washington.

The Department of Ecology is required to define the term "reasonably economical" in a report to the Legislature. In developing the definition, the department must consult with local air authorities where they exist, and with the governing bodies of individual counties where no air authority exists. The definition may not be adopted by rule until the Legislature has had an opportunity to review it.

The chair and other officers on a board of directors for an air authority may only be selected from among the elected officials on the board.

A member of the board of directors of a local air authority may not work in any capacity for an entity that is regulated by a local air authority of which the director is a member. If a member of a board of directors is offered employment with an entity regulated by the authority of which the director is a member, the member must choose service on the board or the employment position. A person who is no longer working for an entity that is regulated by an air authority may serve on the board for that authority.

**Substitute Bill Compared to Original Bill:** The term "clean fuels" is changed to "clean fuel vehicles." A person owning a clean fuel vehicle is not required to purchase special plates but must have special plates to use HOV lanes.

The special clean fuel plates stay with the vehicle they were issued for, instead of with the owner.

If the vehicles are required to have their emissions tested, and the vehicles fail the test, vehicle owners are required to return the license plates.

A penalty is created for the unauthorized use of special clean fuel plates.

The deadline after which the use of MTBE in gasoline in Washington is prohibited is moved to December 31, 2002, to coincide with the same deadlines in California.

The outdoor burning provisions of chapter 70.94 RCW are not amended.

The definition of "reasonably economical" is made by the department instead of the local air authority or the local governing body where no local air authority exists.

The jurisdiction of the Southwest Air Pollution Control Authority is not divided and remains as is.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill provides an incentive for the use of clean fuel vehicles. Prevents the use of MTBE and the IM-240 test.

(Concerns) The deadlines for elimination of MTBE are too soon, even though Washington refineries do not use the additive. It does come up from gasoline refined in California. A study should be done to determine whether MTBE is a problem before banning it. A study should also be done on the impacts of banning MTBE. Prohibiting IM-240 eliminates flexibility in the future.

**Testimony Against:** Opposed to splitting up the Southwest Air Pollution Control Authority. Opposed to conflict of interest section as written. This section would mean that public officials could not serve on a board of directors. As written, motorcycles would not be allowed in HOV lanes.

**Testified:** (In Support) Donna Ewing, League of Women Voters; and David Allen, American Cancer Society.

(Concerns) Brian Sullivan, ARCO; Dan Riley, Western States Petroleum Association; Stu Clark, Department of Ecology; Jim Nolan, Puget Sound Clean Air Agency; Craig Weckesser, Olympic Air Pollution Control Authority; and Toby Rickman, Department of Transportation.

(Opposed) Robert Elliott, SWAPCA; Mark O. Brown, city of Vancouver; Charlie Brown, Washington Oil Marketers Association; and Nick Federici, American Lung Association.