

---

HOUSE BILL 1897

---

State of Washington                      56th Legislature                      1999 Regular Session

By Representatives G. Chandler and Linville

Read first time . Referred to Committee on .

1            AN ACT Relating to air pollution control authority's rule-making  
2 authority; and amending RCW 70.94.141.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 70.94.141 and 1991 c 199 s 706 are each amended to  
5 read as follows:

6            The board of any activated authority in addition to any other  
7 powers vested in them by law, shall have power to:

8            (1) Adopt, amend and repeal its own rules and regulations,  
9 implementing this chapter and consistent with it, after consideration  
10 at a public hearing held in accordance with chapter 42.30 RCW. Rules  
11 and regulations shall also be adopted in accordance with the notice and  
12 adoption procedures set forth in RCW 34.05.320, those provisions of RCW  
13 34.05.325 that are not in conflict with chapter 42.30 RCW, the  
14 procedures for significant legislative rules under RCW 34.05.328, and  
15 with the procedures of RCW 34.05.340(~~(, 34.05.355)~~) through 34.05.380,  
16 and with chapter 34.08 RCW, except that rules shall not be published in  
17 the Washington Administrative Code, and shall also conform with the  
18 requirements of chapter 19.85 RCW. Judicial review of rules adopted by  
19 an authority shall be in accordance with Part V of chapter 34.05 RCW.

1 An air pollution control authority shall not be deemed to be a state  
2 agency.

3 (2) Hold hearings relating to any aspect of or matter in the  
4 administration of this chapter not prohibited by the provisions of  
5 chapter 62, Laws of 1970 ex. sess. and in connection therewith issue  
6 subpoenas to compel the attendance of witnesses and the production of  
7 evidence, administer oaths and take the testimony of any person under  
8 oath.

9 (3) Issue such orders as may be necessary to effectuate the  
10 purposes of this chapter and enforce the same by all appropriate  
11 administrative and judicial proceedings subject to the rights of appeal  
12 as provided in chapter 62, Laws of 1970 ex. sess.

13 (4) Require access to records, books, files and other information  
14 specific to the control, recovery or release of air contaminants into  
15 the atmosphere.

16 (5) Secure necessary scientific, technical, administrative and  
17 operational services, including laboratory facilities, by contract or  
18 otherwise.

19 (6) Prepare and develop a comprehensive plan or plans for the  
20 prevention, abatement and control of air pollution within its  
21 jurisdiction.

22 (7) Encourage voluntary cooperation by persons or affected groups  
23 to achieve the purposes of this chapter.

24 (8) Encourage and conduct studies, investigation and research  
25 relating to air pollution and its causes, effects, prevention,  
26 abatement and control.

27 (9) Collect and disseminate information and conduct educational and  
28 training programs relating to air pollution.

29 (10) Advise, consult, cooperate and contract with agencies and  
30 departments and the educational institutions of the state, other  
31 political subdivisions, industries, other states, interstate or  
32 interlocal agencies, and the United States government, and with  
33 interested persons or groups.

34 (11) Consult, upon request, with any person proposing to construct,  
35 install, or otherwise acquire an air contaminant source or device or  
36 system for the control thereof, concerning the efficacy of such device  
37 or system, or the air pollution problems which may be related to the  
38 source, device or system. Nothing in any such consultation shall be  
39 construed to relieve any person from compliance with this chapter,

1 ordinances, resolutions, rules and regulations in force pursuant  
2 thereto, or any other provision of law.

3 (12) Accept, receive, disburse and administer grants or other funds  
4 or gifts from any source, including public and private agencies and the  
5 United States government for the purpose of carrying out any of the  
6 functions of this chapter.

--- END ---