

2 SHB 2844 - H AMD  
3 By Representative

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5 On page 2, after line 24, insert the following:

6 "NEW SECTION. **Sec. 4.** A new section is added to chapter 43.21K  
7 RCW to read as follows:

8 (1) In addition to any termination provisions contained in an  
9 environmental excellence program agreement, a director of an agency may  
10 terminate an environmental excellence program agreement in whole or in  
11 part with respect to a legal requirement administered by that agency,  
12 if the director finds: (a) That after notice and a reasonable  
13 opportunity to cure, the covered facility is in violation of a material  
14 requirement of the agreement; (b) that the facility has repeatedly  
15 violated any requirements of the agreement; (c) that the operation of  
16 the facility under the agreement has caused endangerment to public  
17 health or the environment that cannot be remedied by modification of  
18 the agreement; or (d) that the facility has failed to make substantial  
19 progress in achieving the voluntary goals identified under RCW  
20 43.21K.050(4), and these goals are material to the overall objectives  
21 of the agreement.

22 (2) A director of an agency terminating an environmental excellence  
23 program agreement in any respect must provide each of the parties to  
24 the agreement with a written notice of that action specifying the  
25 extent to which the environmental excellence program agreement is to be  
26 terminated, the factual and legal basis for termination, and a  
27 description of the opportunity for judicial review of the decision to  
28 terminate the environmental excellence program agreement.

29 (3) If a director terminates less than the entire environmental  
30 excellence program agreement, the owner or operator of the covered  
31 facility may elect to terminate the entire agreement as it applies to  
32 the facility.

33 (4) If a director decides to terminate an environmental excellence  
34 program agreement because the facility has not been able to meet the  
35 legal requirements established under the agreement, or because  
36 operation of the facility under the agreement has caused endangerment

1 to public health or the environment, as provided in subsection (1)(c)  
2 of this section, the director may establish in the notice of  
3 termination: (a) Practical interim requirements for the facility that  
4 are no less stringent than the legal requirements that would apply to  
5 the facility in the absence of the agreement; and (b) a practical  
6 schedule of compliance for meeting the interim requirements. The  
7 interim requirements and schedule of compliance shall be subject to  
8 judicial review under the provisions of RCW 43.21K.090(4). The  
9 facility must comply with the interim requirements established under  
10 this subsection after they are final and no longer subject to judicial  
11 review until applicable permits or permit modifications have been  
12 issued under RCW 43.21K.100."

13 Correct the title.

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