

2SHB 2041 - H AMD 715

By Representative DeBolt

1 On page 1, after line 10, insert the following:

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3 **"Sec. 2.** RCW 70.94.331 and 1991 c 199 s 710 are each amended to
4 read as follows:

5 (1) The department shall have all the powers as provided in RCW
6 70.94.141.

7 (2) The department, in addition to any other powers vested in it
8 by law after consideration at a public hearing held in accordance with
9 chapters 42.30 and 34.05 RCW shall:

10 (a) Adopt rules establishing air quality objectives and air
11 quality standards;

12 (b) Adopt emission standards which shall constitute minimum
13 emission standards throughout the state. An authority may enact more
14 stringent emission standards, except for emission performance
15 standards for new woodstoves and opacity levels for residential solid
16 fuel burning devices which shall be statewide, but in no event may
17 less stringent standards be enacted by an authority without the prior
18 approval of the department after public hearing and due notice to
19 interested parties;

20 (c) Adopt by rule air quality standards and emission standards for
21 the control or prohibition of emissions to the outdoor atmosphere of
22 radionuclides, dust, fumes, mist, smoke, other particulate matter,
23 vapor, gas, odorous substances, or any combination thereof. Such
24 requirements may be based upon a system of classification by types of
25 emissions or types of sources of emissions, or combinations thereof,
26 which it determines most feasible for the purposes of this chapter.
27 However, an industry, or the air pollution control authority having

1 jurisdiction, can choose, subject to the submittal of appropriate data
2 that the industry has quantified, to have any limit on the opacity of
3 emissions from a source whose emission standard is stated in terms of
4 a weight of particulate per unit volume of air (e.g., grains per dry
5 standard cubic foot) be based on the applicable particulate emission
6 standard for that source, such that any violation of the opacity limit
7 accurately indicates a violation of the applicable particulate
8 emission standard. Any alternative opacity limit provided by this
9 section that would result in increasing air contaminants emissions in
10 any nonattainment area shall only be granted if equal or greater
11 emission reductions are provided for by the same source obtaining the
12 revised opacity limit. A reasonable fee may be assessed to the
13 industry to which the alternate opacity standard would apply. The fee
14 shall cover only those costs to the air pollution control authority
15 which are directly related to the determination on the acceptability
16 of the alternate opacity standard, including testing, oversight and
17 review of data.

18 (3) The air quality standards and emission standards may be for
19 the state as a whole or may vary from area to area or source to
20 source, except that emission performance standards for new woodstoves
21 and opacity levels for residential solid fuel burning devices shall be
22 statewide, as may be appropriate to facilitate the accomplishment of
23 the objectives of this chapter and to take necessary or desirable
24 account of varying local conditions of population concentration, the
25 existence of actual or reasonably foreseeable air pollution,
26 topographic and meteorologic conditions and other pertinent variables.

27 (4) The department is directed to cooperate with the appropriate
28 agencies of the United States or other states or any interstate
29 agencies or international agencies with respect to the control of air
30 pollution and air contamination, or for the formulation for the
31 submission to the legislature of interstate air pollution control
32 compacts or agreements.

33 (5) The department is directed to conduct or cause to be conducted
34 a continuous surveillance program to monitor the quality of the

1 ambient atmosphere as to concentrations and movements of air
2 contaminants and conduct or cause to be conducted a program to
3 determine the quantity of emissions to the atmosphere.

4 (6) The department shall enforce the air quality standards and
5 emission standards throughout the state except where a local authority
6 is enforcing the state regulations or its own regulations which are
7 more stringent than those of the state.

8 (7) The department shall encourage local units of government to
9 handle air pollution problems within their respective jurisdictions;
10 and, on a cooperative basis provide technical and consultative
11 assistance therefor.

12 (8) The department shall have the power to require the addition to
13 or deletion of a county or counties from an existing authority in
14 order to carry out the purposes of this chapter. No such addition or
15 deletion shall be made without the concurrence of any existing
16 authority involved. Such action shall only be taken after a public
17 hearing held pursuant to the provisions of chapter 34.05 RCW.

18 (9) The department shall establish rules requiring sources or
19 source categories to apply reasonable and available control methods.
20 Such rules shall apply to those sources or source categories that
21 individually or collectively contribute the majority of statewide air
22 emissions of each regulated pollutant. The department shall review,
23 and if necessary, update its rules every five years to ensure
24 consistency with current reasonable and available control methods.
25 The department shall have adopted rules required under this subsection
26 for all sources by July 1, 1996.

27 For the purposes of this section, "reasonable and available
28 control methods" shall include but not be limited to, changes in
29 technology, processes, or other control strategies.

30 (10) Notwithstanding the other requirements of this section, the
31 legislature finds that the repeal by section one of this act of the
32 deduction allowed under the motor vehicle fuel and special fuel taxes
33 for fuel handling losses incurred by businesses regulated by the
34 department under this section and chapter means that no fuel handling

1 losses of significance occur after the effective date of this act.
2 Accordingly, the department may not regulate or enforce the provisions
3 of this chapter with respect to fuel handling losses at such
4 businesses after the effective date of section one of this act."

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6 Renumber remaining section accordingly and correct the title.

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EFFECT: Prohibits the Department of Ecology from regulating or enforcing the state Clean Air Act provisions with respect to handling losses after the effective date of the act.

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