

ESB 5111 - S AMD 551

By Senator McCoy

1 On page 1, line 17, after "projects," insert "to ensure that
2 nearby communities that may be highly impacted by such a project are
3 afforded early notice and an opportunity to participate in the
4 project review,"

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

6 "NEW SECTION. **Sec. 4.** A new section is added to chapter 43.157
7 RCW to read as follows:

8 (1) By January 1, 2018, the department of ecology, in
9 collaboration with the department and the department of health, must
10 create a list of highly impacted communities in this state. When
11 developing the list, the following characteristics must be
12 considered:

13 (a) An unemployment rate more than twenty percent above the state
14 average;

15 (b) A median household income less than seventy-five percent of
16 the state median household income;

17 (c) A significant percentage of community residents who are
18 minorities, foreign-born, or who have limited proficiency in the
19 English language; or

20 (d) Disproportionate environmental burdens based, at a minimum,
21 on data generated from the United States environmental protection
22 agency's risk-screening environmental indicators tool, and any
23 appropriate environmental, scientific, or public health data.

24 (2) The list must be revised as necessary to include communities
25 located near any project of statewide significance designated under
26 RCW 43.157.030, when the community has one or more of the
27 characteristics under subsection (1) of this section.

28 (3) When developing the initial list of highly impacted
29 communities, the department of ecology must rely on existing
30 environmental, economic, scientific, or public health data and may
31 use existing environmental justice mapping tools.

32 (4) The department of ecology must:

1 (a) Consider any person's request to add his or her community to
2 the list of highly impacted communities and determine whether to add
3 the community based on the criteria in subsection (3) of this
4 section;

5 (b) Maintain a list of individuals and organizations that request
6 to be notified when the agency is considering a major agency action
7 within a highly impacted community, including a project of statewide
8 significance designated under RCW 43.157.030;

9 (c) Provide the public with notice and an opportunity to comment
10 on the list of highly impacted communities before publishing the
11 initial list or making any changes to the list; and

12 (d) Update the list of highly impacted communities as new
13 information and data become available.

14 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.21A
15 RCW to read as follows:

16 (1) Prior to considering a major agency action within a highly
17 impacted community, as identified in the list required by section 4
18 of this act, the department must develop a communications plan that:

19 (a) Integrates with other department policies, procedures, or
20 rules for soliciting comments on agency actions;

21 (b) Is tailored to meet the specific needs of the highly impacted
22 community;

23 (c) Ensures that, to the extent practicable, members of the
24 highly impacted community have the opportunity to review and comment
25 on the proposed major agency action; and

26 (d) Provides members of the highly impacted community with the
27 earliest practicable notice that the agency is considering a major
28 agency action within their community.

29 (2) The department must provide notice to individuals and
30 organizations requesting notice under section 4(4)(b) of this act.

31 (3) For the purposes of this section, major agency actions are:

32 (a) State and local permits required for a project of statewide
33 significance designated under RCW 43.157.030;

34 (b) A major stationary source permit or part of a new or modified
35 major stationary source permit, as those terms are utilized in Title
36 I of the federal clean air act;

37 (c) New or major modification permits for treatment, storage, and
38 disposal facilities, or permit renewals, issued by the department,

1 under chapter 70.105 RCW, that necessitate demonstrating compliance
2 with siting criteria;

3 (d) Waste disposal permits, issued by the department under RCW
4 90.48.160, that the department categorizes as a new individual
5 industrial permit; or

6 (e) Other agency actions that are likely to change the
7 characteristic, culture, or environmental health of a highly impacted
8 community, as determined by the department.

9 NEW SECTION. **Sec. 6.** Nothing in sections 4 and 5 of this act
10 create a new cause of action or eliminate or restricts any existing
11 cause of action."

12 Renumber the remaining section consecutively.

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13 On page 1, line 3 of the title, after "43.157.010;" strike the
14 remainder of the title and insert "adding a new section to chapter
15 43.157 RCW; adding a new section to chapter 43.21A RCW; and creating
16 new sections."

EFFECT: Requires the department of ecology to provide notice to
highly impacted communities of major agency actions including permits
for: Projects of statewide significance; stationary source permit
under the clean air act; waste treatment, storage, and disposal
facilities; and industrial waste disposal sewerage systems.

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