**5111.E AMS MCCO S4488.2 - NOT FOR FLOOR USE**

**ESB 5111** - S AMD **551**

By Senator McCoy

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

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

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

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

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

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

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

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

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

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

(4) The department of ecology must:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) New or major modification permits for treatment, storage, and disposal facilities, or permit renewals, issued by the department, under chapter 70.105 RCW, that necessitate demonstrating compliance with siting criteria;

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

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

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

Renumber the remaining section consecutively.

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