

# HOUSE BILL REPORT

## SSB 6466

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**As Passed House:**  
February 28, 1996

**Title:** An act relating to review of minor new sources of air pollution.

**Brief Description:** Allowing construction that has a minor impact on air quality to proceed without a notice of construction or review approval from the department of ecology.

**Sponsors:** Senate Committee on Ecology & Parks (originally sponsored by Senators Spanel, Swecker, Sutherland, Morton, Bauer, A. Anderson and Fraser).

**Brief History:**

**Committee Activity:**

Agriculture & Ecology: 2/22/96 [DP].

**Floor Activity:**

Passed House: 2/28/96, 93-0.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** Do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; Chappell, Ranking Minority Member; Linville, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Mastin; Murray; Ogden; Regala; Robertson; Rust and Schoesler.

**Staff:** Jennifer Galvin (786-7349).

**Background:** A new source of air pollution is any construction or modification at a facility that increases air pollution emission or results in the emission of a new contaminant. The Washington Clean Air Act requires that new a source submit a prior notice of construction to the Department of Ecology (DOE) or the appropriate local air authority for review. The department or board then determines whether the new source will meet regulatory requirements. Residences are currently exempted from the notice and review requirements.

New sources are required to meet best available control technology standards (BACT) unless the federal Clean Air Act requires compliance with stricter standards.

**Summary of Bill:** The section on best available control technology (BACT) is rewritten. The notice of construction approval must include a determination that the new source will achieve BACT standards or will achieve more stringent federal controls where required.

An exemption from the notice of construction and review requirements is created for de minimis new sources. These de minimis new sources are defined as new sources with trivial levels of emission that do not pose a threat to human health or the environment. The DOE must adopt rules identifying categories of de minimis new sources. The department may identify de minimis new sources by category, size, or emission thresholds.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill gives the Department of Ecology explicit authority to make the de minimis exemptions it has been allowing. Statutory vagueness over BACT requirements is corrected.

**Testimony Against:** None.

**Testified:** Joe Williams, Department of Ecology; and Llewellyn Matthews, Northwest Pulp and Paper Association (in favor).