

FINAL BILL REPORT

SHB 1220

C 172 L 95

Synopsis as Enacted

Brief Description: Providing a SEPA exemption for air operating permits.

Sponsors: House Committee on Agriculture & Ecology (originally sponsored by Representatives Chandler, Mastin, Horn, Johnson, Kremen, Boldt, Sheahan and Huff).

House Committee on Agriculture & Ecology
Senate Committee on Ecology & Parks

Background:

1. SEPA Requirement for an Environmental Impact Statement

The State Environmental Protection Act (SEPA) requires all branches of government in the state, including state agencies, municipal and public corporations, and counties to include a detailed statement (environmental impact statement or EIS) in every report or recommendation for major actions that significantly affect the quality of the environment.

The EIS must include: (1) the environmental impact of the proposed action; (2) any adverse environmental effects that cannot be avoided if the proposal is implemented; (3) alternatives to the proposed action; (4) the relationship between local short-term uses of the environment and the maintenance and enhancement of long-term productivity; and (5) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented. The subjects that must be discussed in the EIS do not have to be discussed as separate sections. The EIS must accompany the proposal throughout the agency review process.

2. Operating Permits for Air Contaminant Sources

The Department of Ecology or the board of a local air pollution control authority must require renewable permits for the operation of air contaminant sources, subject to certain conditions. The permits are issued for a term of five years. Every proposed permit must be reviewed by a professional engineer or a staff person under the direct supervision of a professional engineer.

Operating permits apply to all sources of air contaminants where required by the Federal Clean Air Act and to any source that may cause or contribute to air pollution in such quantity as to create a threat to the public health or welfare. The threat to public health or welfare conditions do not apply to small businesses unless the source is in an area exceeding or threatening to exceed federal or state air quality standards, and the department provides a reasonable justification that the permit is necessary.

Each air operating permit must state the origin of and specific legal authority for each requirement included. Every requirement in an operating permit must be based upon the most stringent of the following requirements: (1) the Federal Clean Air Act and the rules implementing the act, including provision of the approved state implementation plan; (2) the Washington Clean Air Act; (3) for permits issued by a local air pollution control authority, the requirements of any order or regulation adopted by that authority; (4) state nuclear radiation control statutes and regulations; and (5) state energy facility site evaluation council statutes and regulations.

It has been suggested that the information required to be submitted for an EIS duplicates the information that must be submitted for the issuance of an air operating permit.

Summary of Bill: An environmental impact statement is not required for a decision pertaining to the issuance, renewal, reopening, or revision of an air operating permit.

Votes on Final Passage:

House	98	0
Senate	48	0

Effective: July 23, 1995