

# SENATE BILL REPORT

## SHB 1220

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As Reported By Senate Committee On:  
Ecology & Parks, March 22, 1995

**Title:** An act relating to an exemption from the state environmental policy act for the issuance of air operating permits.

**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).

**Brief History:**

**Committee Activity:** Ecology & Parks: 3/16/95, 3/22/95 [DP].

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### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass.

Signed by Senators Fraser, Chair; C. Anderson, Vice Chair; McAuliffe, McDonald, Spanel and Swecker.

**Staff:** Gary Wilburn (786-7453)

**Background:**

SEPA Requirement for an Environmental Impact Statement (EIS) on Major Actions Significantly Affecting the Environment. The State Environmental Protection Act (SEPA) requires all state agencies and local governments to prepare an environmental impact statement or "EIS" in every report or recommendation for major actions that significantly affect the quality of the environment. An EIS is only required where the action would have a probable specific, adverse impact on the environment. Guidelines adopted by the state Department of Ecology provide procedures for determining whether an EIS must be prepared.

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 EIS must accompany the proposal throughout the agency review process.

Operating Permits for Air Contaminant Sources. Legislation enacted in 1991 requires the Department of Ecology or the board of a local air pollution control authority to 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 for 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 does 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) 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:** A decision pertaining to the issuance, renewal, reopening, or revision of an air operating permit is not subject to the requirements under the State Environmental Protection Act (SEPA) for the preparation of an environmental impact statement (EIS).

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The operating permit requirement primarily involves compiling all existing air pollution emission requirements into a single document, and there will be no adverse environmental impacts from this action for which an EIS is needed. Public review and comment is fully provided in the permit procedures.

**Testimony Against:** None.

**Testified:** PRO: Stu Clark, Ecology; Dennis McLerran, Puget Sound Air Pollution Control; Llewellyn Matthews, NW Pulp and Paper Association; Dan Riley, U.S. Oil and Refining Co./Western States Petroleum Association; Matt Cohen, Heller, Ehrman.