

HOUSE BILL REPORT

2E2SHB 1354

As Amended by the Senate

Title: An act relating to air pollution control.

Brief Description: Changing air pollution control provisions.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Pennington, Mielke, Dunn and Boldt).

Brief History:

Committee Activity:

Agriculture & Ecology: 2/3/97, 3/3/97 [DPS];

Appropriations: 3/8/97, 3/10/97 [DP2S(w/o sub AGECE)].

Floor Activity:

Passed House: 3/14/97, 92-2;

Passed House: 1/16/98, 86-2.

Senate Amended.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Chandler, Chairman; Parlette, Vice Chairman; Schoesler, Vice Chairman; Koster; Mastin and Sump.

Minority Report: Without recommendation. Signed by 5 members: Representatives Linville, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Cooper; Delvin and Regala.

Staff: Kenneth Hirst (786-7105).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Ecology. Signed by 17 members: Representatives Huff, Chairman; Alexander, Vice Chairman; Clements, Vice Chairman; Wensman, Vice Chairman; Benson;

Carlson; Cooke; Crouse; Lambert; Lisk; Mastin; McMorris; Parlette; D. Schmidt; Sehlin; Sheahan and Talcott.

Minority Report: Do not pass. Signed by 13 members: Representatives H. Sommers, Ranking Minority Member; Doumit, Assistant Ranking Minority Member; Gombosky, Assistant Ranking Minority Member; Chopp; Cody; Grant; Keiser; Kenney; Kessler; Linville; Poulsen; Regala and Tokuda.

Staff: Nancy Stevenson (786-7137).

Background: Administration of the state's air pollution control laws can be delegated to a county or groups of contiguous counties. To receive delegation, a local air pollution control authority must be activated by one or more counties. The Department of Ecology (DOE) administers air pollution control laws in areas of the state without an activated local authority. There are local authorities throughout western Washington and in many counties in eastern Washington.

The governing body of a local air authority is composed of members that are selected by locally elected officials. Locally elected officials typically serve on the board of a local air authority. Members of the board may appoint a regular alternate.

Under the federal Clean Air Act, areas that do not meet federal air quality standards must prepare a state implementation plan describing the actions to bring the area into, and maintain, compliance with the federal air standards. Motor vehicles are a substantial source of carbon monoxide and ground level ozone. Several areas in the state have been or are in non-attainment with federal carbon monoxide and ground level ozone standards. The greater Puget Sound and Vancouver areas have recently met federal air standards for carbon monoxide and ground level ozone.

State law requires the DOE to administer a program to test vehicle emissions in those areas that violate or are likely to violate federal air quality standards. Currently, vehicle emission tests are generally required of persons living in the area from Everett to Tacoma, the greater Vancouver area, and the greater Spokane area. Vehicles registered in these areas must be tested biennially. State law caps the maximum fee for the test at \$18. The current fee is \$12.

The DOE must approve the creation or expansion of vehicle emission testing programs submitted by a local air pollution control authority. The approved program is incorporated as part of the state's implementation plan and submitted for approval by the U.S. Environmental Protection Agency. The testing boundaries in the greater Vancouver area were expanded by the DOE in November of 1996; testing in this expanded area is scheduled to begin in April of 1997.

State law directs the DOE to provide owner of vehicles that fail the emission test with information regarding federal warranties and a list of certified vehicle emission specialists. Although not required by law, the DOE has established mechanisms to provide temporary waivers for vehicles that fail an emissions test. The DOE is also required to investigate complaints regarding the vehicle emission testing facilities and to make appropriate corrections.

Summary of Bill: A board member of a local air pollution control authority may not designate an alternate to serve as chair of board meetings. Persons with vehicles that fail an emissions test must be provided with information related to obtaining temporary waivers. The DOE is required to file all complaints about the vehicle emissions testing program and make copies available on request.

The maximum allowable fee for the vehicle emission test is reduced to \$14. Collector cars are exempt from testing if the car meets the Department of Licensing requirements. Beginning January 1, 2000, vehicles that are less than five years old or more than 25 years old are also exempted from testing.

A science advisory board is created to review plans that expand the geographical area for which vehicle emission testing is required. The DOE, a local air pollution control authority, or by petition of at least 50 people, the public can request a review by the science advisory board. Copies of the report must be made available to the local air authority and to the public. The DOE must conduct a public hearing if the proposed rule to create or expand a testing area is in conflict with the final majority opinion of the science advisory board. The DOE must include in its rule-making process a written response to any inconsistency between the scientific review of the board and the DOE's rule to expand a testing area. Members of the science advisory board are to be reimbursed for travel expenses.

The Department of Ecology must evaluate the new exemption for vehicles less than five years old or more than 25 years old and other options that meet air quality objectives and lessen the effect of the program on the motorist. It must consider air quality, program costs, and motorist convenience in its evaluation and make recommendations for changes to the program to the appropriate standing committees of the Legislature by January 1, 1999.

EFFECT OF SENATE AMENDMENT(S): The first stage of impaired air quality is reached when particles ten microns and smaller reach the average daily ambient level of 60 micrograms per cubic meter, rather than 75 micrograms per cubic meter as in current statute.

The maximum fee that may be charged under the state's vehicle emission inspection program is set at \$15, rather than \$14 as passed by the House. The provisions of the bill requiring the DOE to make available to the public copies of complaints received

regarding the program and repairs secured to comply with the program are expressly not intended to require the disclosure of information that is exempted from disclosure under the state's public disclosure laws.

Unlike the bill as passed by the House, an alternate may serve as the chair of the board of an air pollution control authority; however, the alternate may not serve as a permanent chair. For a single county authority, one member must represent the most populous city in the county, rather than (as under current law) at least one of the two members of the board appointed to represent cities must represent that city. The method of selecting the member representing the most populous city in the county is also changed. Rather than being selected by a committee of all of the mayors of the cities and towns in the county (as under current law), the member is appointed directly by the legislative authority of the most populous city.

A provision is removed from the bill declaring it to be null and void unless specific funding for it is provided in the 1998 supplemental budget. A provision of the bill requiring a report by January 1, 1999, expires the following June.

Appropriation: None, but the bill is null and void if not funded in the supplemental budget.

Fiscal Note: Available.

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

Testimony For: (Agriculture & Ecology) This bill is the result of two years' work with a local air pollution control authority. Vehicle testing requirements are being inappropriately extended into rural areas. 10 percent of the cars produce 90 percent of the pollution. It does not make sense to test newer cars that are not responsible for air pollution. Oregon exempts vehicles from testing requirements that are four years old or newer. Fewer tests will mean great public savings in terms of time and money. Administration of the vehicle testing law needs to be more user friendly. Information on what to do if you fail a test is not easily available. A science advisory board would provide a more scientific and credible basis for making decisions on testing boundaries. The local board members did not have a firm knowledge of the issues when they decided to expand the testing boundaries into rural areas.

(Appropriations) (Proposed Second Substitute Bill) Decisions to expand the auto emission testing program are not being made on a scientific basis. Funding was provided to study sources of air pollution in southwest Washington. The study is not complete, yet the program was expanded anyway. Local officials are sending alternates to meetings instead of attending themselves so there is not a firm knowledge of the issues when decisions are made. The scientific review board established in the

bill would provide a more credible basis for program expansion. Citizens need more information on how to deal with test failures.

Testimony Against: (Agriculture & Ecology) Vehicle testing is a cost-effective way to reduce carbon monoxide and ground level ozone. Vehicles are the largest single source of air pollution in the state. The bill will reduce the number of vehicles tested statewide by 300,000 and will result in an additional 43 tons of pollutants entering the atmosphere. The Puget Sound area was recently able to meet federal air standards, in part, due to a vehicle testing program. Locally elected officials have numerous commitments and should be allowed to designate a regular alternate. If vehicles are not tested, more expensive ways of reducing air pollution will be required. These requirements will inevitably fall on the business community.

(Appropriations) (Proposed Second Substitute) There are concerns that revising the state implementation plan for southwest Washington may impact the Environmental Protection Agency's decision to redesignate the greater Vancouver/ Portland air shed as an attainment area. An attainment area is one that is in compliance with federal air quality standards. The bill impacts the membership on all local air pollution control boards, not just southwest Washington. It may not be realistic to require elected officials to attend 70 percent of the meetings. It may be difficult to find volunteers for the scientific review board given the requirement that a member cannot be involved in the industry and must have a masters degree.

Testified: (Agriculture & Ecology) Rebecca Francis (pro); Len Dozier (pro); Joe Williams, Department of Ecology (con); Mike Ryherd, Puget Sound Air Pollution Control Authority (con); Dave Williams, Association of Washington Cities (con); Bill Fritz, Envirotest Systems (con); and Ann Burgman, City of Lacey and Olympic Air Pollution Control Authority (con).

(Appropriations) Representative Pennington, prime sponsor (pro); Joe Williams, Department of Ecology; and Mike Ryherd, Puget Sound Air Pollution Control Agency (both con).