

FINAL BILL REPORT

2E2SHB 1354

C 342 L 98

Synopsis as Enacted

Brief Description: Changing air pollution control provisions.

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

House Committee on Agriculture & Ecology

House Committee on Appropriations

Senate Committee on Agriculture & Environment

Background: Administration of the state's air pollution control laws may be delegated to a county or groups of contiguous counties. To receive delegation, a local air pollution control authority must be activated by the 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. A member 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. State law requires the DOE to administer a program to test vehicle emissions in those areas that violate or are likely to violate these federal air quality standards. 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 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 to the U.S. Environmental Protection Agency.

Summary: The maximum allowable fee for an emissions test under the state's vehicle emission testing program is reduced to \$15 from \$18. Collector cars are exempt from

testing if they meet certain requirements. Beginning January 1, 2000, vehicles that are less than five years old or more than 25 years old are also exempt from testing. Persons whose vehicles fail the emissions tests must be provided information regarding obtaining temporary waivers from further testing. The DOE must keep copies of the complaints it receives about the vehicle emissions testing program and repairs secured for such testing and must, within disclosure law limitations, make them available to the public upon request.

The DOE must establish a science advisory board to review plans that establish or expand the geographical area for which vehicle emission testing is required. A review by the science advisory board may be requested by the DOE or a local air pollution control authority or by the board's being petitioned by at least 50 people living within the boundaries of the area. 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 department must include in its rule-making process a written response to any inconsistency between the scientific review of the board and its rule to expand a testing area. Members of the science advisory board are to be reimbursed for travel expenses.

The DOE 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 motorists. It must consider air quality, program costs, and motorist convenience in its evaluation. Its recommendations for changes to the program must be reported to the appropriate standing committees of the Legislature by January 1, 1999.

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). A person designated as the alternate for a member of the board of a local air pollution control authority may not serve as the permanent chair of the board.

Votes on Final Passage:

House 86 2
Senate 32 17 (Senate amended)
House (House refused to concur)

Conference Committee

Senate 39 7

House 98 0

Effective: June 11, 1998