

House Bill Analysis

HB 2955

HOUSE AGRICULTURE AND ECOLOGY COMMITTEE

February 3, 2000

<p>- Rules adopted by local air pollution control authorities must first be approved by county legislative authorities.</p>

BACKGROUND:

In Washington, authority over local air pollution sources is divided between the Washington Department of Ecology and local air authorities, except for permitting of larger energy facilities. Ecology is primarily responsible for adopting uniform, minimum air pollution standards that form the basis for regulations issued by the local air authorities. The local air authorities are the primary permitting and enforcement authorities for facilities within their jurisdictions (RCW 70.94.141). They have the authority to set air pollution standards that are more stringent, with a couple of exceptions, than those established by Ecology (RCW 70.94.331(2)(b) and .380(2)).

The powers and duties of local air authorities are identified RCW 70.94.141. Among other things, local air authorities may:

- adopt, amend and repeal their own rules and regulations implementing chapter 70.94 RCW;
- hold hearings related to any matter concerning administration of chapter 70.94 RCW, and, in connection with these, issue subpoenas to compel the attendance of witnesses;
- issue such orders as may be necessary to effectuate the purposes of chapter 70.94 RCW;
- require access to records and files specific to the control or release of air contaminants;
- secure necessary services by contract or otherwise; and
- prepare a comprehensive plan(s) for the prevention, abatement and control of air pollution within their jurisdiction.

Local air authorities also have taxing authority (RCW 70.94.091), may borrow money from any component city, town, or county (RCW 70.94.096), and may impose fees to cover the

costs of administering the operating permit program for large air pollution sources (RCW 70.94.161).

Local air authorities have different capabilities. Some local air authorities have the resources only to answer the phones to handle complaints. Others, such as the Puget Sound Air Pollution Control Authority, are full partners with Ecology in implementing every program authorized under chapter 70.94 RCW, except for the programs that Ecology retains. Those programs are:

- permitting of pulp and paper mills and of aluminum smelters;
- administration of the Prevention of Significant Deterioration Program, which involves permit applications in areas of good air quality; and
- motor vehicle emissions tests.

There are seven local air pollution control authorities serving 22 counties.

SUMMARY:

The power of local air pollution control authorities to adopt rules is amended by requiring that rules may only be adopted by a local air authority after it has received approval of its rule by resolution of the county legislative authority in each county within the jurisdiction of an authority.