

CERTIFICATION OF ENROLLMENT

SENATE BILL 5821

Chapter 125, Laws of 1991

52nd Legislature
1991 Regular Session

AIR POLLUTION CONTROL AUTHORITIES--WITHDRAWAL BY COUNTY
FROM MULTICOUNTY AUTHORITY

EFFECTIVE DATE: 7/28/91

Passed by the Senate April 25, 1991
Yeas 34 Nays 4

ALAN BLUECHEL
President of the Senate

Passed by the House April 19, 1991
Yeas 97 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved May 10, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5821** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 10, 1991 - 2:17 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5821

AS AMENDED BY THE HOUSE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senators Craswell, Owen and Oke.

Read first time February 22, 1991. Referred to Committee on
Environment & Natural Resources.

1 AN ACT Relating to the creation of air pollution control
2 authorities; reenacting and amending RCW 70.94.053; and adding a new
3 section to chapter 70.94 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.94.053 and 1987 c 505 s 60 and 1987 c 109 s 34 are
6 each reenacted and amended to read as follows:

7 (1) In each county of the state there is hereby created an air
8 pollution control authority, which shall bear the name of the county
9 within which it is located. The boundaries of each authority shall be
10 coextensive with the boundaries of the county within which it is
11 located. An authority shall include all incorporated and
12 unincorporated areas of the county within which it is located.

13 (2) Except as provided in section 2 of this act, all authorities
14 which are presently or may hereafter be within counties of the first
15 class, class A or class AA, are hereby designated as activated

1 authorities and shall carry out the duties and exercise the powers
2 provided in this chapter. Those authorities hereby activated which
3 encompass contiguous counties located in one or the other of the two
4 major areas determined in RCW 70.94.011 are declared to be and directed
5 to function as a multicounty authority.

6 (3) Except as provided in RCW 70.94.232, all other air pollution
7 control authorities are hereby designated as inactive authorities.

8 (4) The boards of those authorities designated as activated
9 authorities by this chapter shall be comprised of such appointees
10 and/or county commissioners or other officers as is provided in RCW
11 70.94.100. The first meeting of the boards of those authorities
12 designated as activated authorities by this chapter shall be on or
13 before sixty days after June 8, 1967.

14 (5) The department is directed to conduct the necessary evaluations
15 and delineate appropriate air pollution regions throughout the state,
16 taking into consideration:

17 (a) The natural climatic and topographic features affecting the
18 potential for buildup of air contaminant concentrations.

19 (b) The degree of urbanization and industrialization and the
20 existence of activities which are likely to cause air pollution.

21 (c) The county boundaries as related to the air pollution regions
22 and the practicality of administering air pollution control programs.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 70.94 RCW
24 to read as follows:

25 (1) Any county that is part of a multicounty authority, pursuant to
26 RCW 70.94.053, may withdraw from the multicounty authority after
27 January 1, 1992, if the county wishes to provide for air quality
28 protection and regulation by an alternate air quality authority. A
29 withdrawing county shall:

1 (a) Create its own single county authority;

2 (b) Join another existing multicounty authority with which its
3 boundaries are contiguous;

4 (c) Join with one or more contiguous inactive authorities to
5 operate as a new multicounty authority; or

6 (d) Become an inactive authority and subject to regulation by the
7 department of ecology.

8 (2) In order to withdraw from an existing multicounty authority, a
9 county shall make arrangements, by interlocal agreement, for division
10 of assets and liabilities and the appropriate release of any and all
11 interest in assets of the multicounty authority.

12 (3) In order to effectuate any of the alternate arrangements in
13 subsection (1) of this section, the procedures of this chapter to
14 create an air pollution control authority shall be met and the actions
15 must be taken at least six months prior to the effective date of
16 withdrawal. The rules of the original multicounty authority shall
17 continue in force for the withdrawing county until such time as all
18 conditions to create an air pollution control authority have been met.

19 (4) At the effective date of a county's withdrawal, the remaining
20 counties shall reorganize and reconstitute the legislative authority
21 pursuant to this chapter. The air pollution control regulations of the
22 existing multicounty authority shall remain in force and effect after
23 the reorganization.

24 (5) If a county elects to withdraw from an existing multicounty
25 authority, the air pollution control regulations shall remain in effect
26 for the withdrawing county until suspended by the adoption of rules,
27 regulations, or ordinances adopted under one of the alternatives of
28 subsection (1) of this section. A county shall initiate proceedings to
29 adopt such rules, regulations, or ordinances on or before the effective
30 date of the county's withdrawal.

Passed the Senate April 25, 1991.
Passed the House April 19, 1991.
Approved by the Governor May 10, 1991.
Filed in Office of Secretary of State May 10, 1991.