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**HOUSE BILL 2385**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Pollet and Farrell

AN ACT Relating to requiring certain asphalt production facilities to meet contemporary air emission standards; and adding a new section to chapter 70.94 RCW.

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

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

(1) A facility that produces asphalt or asphalt products must apply to the department by January 1, 2017, to receive an updated order of approval if the facility meets the following criteria:

(a) The facility has not received a notice of construction order of approval from an authority or the department pursuant to RCW 70.94.152 more recently than January 1, 1996;

(b) The facility is operating under an order of approval that establishes monitoring and testing requirements that are less frequent, or that establishes air contaminant emission limits that are less stringent or of narrower scope, than the facility would have received if the facility had been required to obtain an order of approval under RCW 70.94.152 after January 1, 2006; and

(c) The department or authority has received multiple odor or nuisance complaints, either directly or indirectly via a city or county, during the preceding five years that subsequent investigation attributed to the facility.

(2) Within thirty days of receipt of an application for notice of construction under this section, the department or authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application for an updated order of approval. Within ninety days of the receipt of a complete application by a facility, the department or authority must issue the facility an updated order of approval that contains conditions that are no less stringent and no narrower in the scope of the air contaminants addressed than are the testing and monitoring requirements and air contaminant emission limits contained in the general order of approval 10AQ-GO-01 amendment 1 issued by the department on April 18, 2011. Within thirty days of receipt of an application for notice of construction under this section, the permitting authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(3) An order of approval issued under RCW 70.94.152 before January 1, 1996, to a facility that meets the criteria in subsection (1) of this section expires January 1, 2018, unless the monitoring requirements and air contaminant emission limits contained in the order of approval have been updated pursuant to this section.

(4) A facility that applies to obtain an updated order of approval under subsection (1) of this section must pay the same notice of application fees adopted by rule under RCW 70.94.152 that are required of notice of construction applications, and must also submit to the department or authority the same plans, specifications, and other information that is required of applicants for notice of construction orders of approval under RCW 70.94.152. However, the issuance of an updated order of approval under this section does not require a new determination under RCW 70.94.152(4) and is not subject to the requirements of chapter 43.21C RCW.

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