H-4297.2

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**HOUSE BILL 2980**

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

**By** Representatives Kochmar, Hickel, and Manweller

AN ACT Relating to prohibiting the siting of certain new facilities that would jeopardize air quality in areas that have recently failed to meet air quality standards; adding a new section to chapter 70.94 RCW; creating a new section; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that the state of Washington has devoted substantial regulatory attention and resources towards ensuring that air quality in communities throughout the state meet federal and state standards that are protective of human health and the environment. Furthermore, in areas of the state that have recently failed to meet air quality standards, the state has adopted extensive and sometimes intrusive policies designed to protect air quality, such as requiring people living in homes with old woodstoves to proactively remove or disable the woodstoves. Therefore, in order to ensure continued air quality improvement in areas where dramatic measures have been enacted to ensure air quality meets state and federal standards, it is the intent of the legislature to avoid authorizing certain new facilities that would jeopardize local air quality and have substantial impacts on the community.

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

(1)(a) The department or a local air authority may not issue a notice of construction permit under RCW 70.94.152 to any new source that generates emissions of criteria pollutants from operations that refine or convert natural gas, crude oil, or other fossil fuels into other marketable products.

(b) For the purposes of this section "criteria pollutants" means pollutants for which the United States environmental protection agency has adopted ambient air quality standards under 40 C.F.R. Part 50, as of the effective date of this section.

(2) Subsection (1) of this section applies only to a new source that is located in an area that has been designated by the United States environmental protection agency as an area of nonattainment for any criteria pollutant during the ten years prior to the receipt of the notice of construction application by the department or air authority.

(3) Nothing in this section prevents a department or air authority from issuing a permit under RCW 70.94.152 for the modification of a source or a new emissions unit at a facility that had been permitted or authorized to operate under this chapter as of January 1, 2015.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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