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**SENATE BILL 5618**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator McCoy

AN ACT Relating to requiring the department of ecology to notify residents of a highly impacted community when initiating review of certain environmental permit applications; adding a new section to chapter 43.21A RCW; adding a new section to chapter 43.70 RCW; and creating new sections.

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

NEW SECTION. **Sec.**  (1) The legislature finds that every individual in the state has a fundamental right to a healthful environment and a right to the pursuit of commonplace activities such as breathing, drinking, eating, working, and recreating without risking their health as a result of environmental degradation. There are vulnerable communities throughout the state that bear a disproportionate burden of pollution problems. Residents of these communities face higher rates of cancer and other life-threatening public health problems. All residents of the state, regardless of race, color, culture, national origin, or income level, have a right to participate meaningfully and receive fair treatment during the implementation and enforcement of environmental laws, rules, and policies. The improvement of environmental law and policy decision-making processes helps state agencies meet their responsibility to comply with 42 U.S.C. Sec. 2000(d). These important objectives and responsibilities are satisfied by the passage of this act.

(2) Pursuant to the policy declared in this section, and consistent with federal executive order 12898, state agencies shall, to the extent practical, make achieving environmental justice part of their mission by identifying and addressing, as appropriate, the disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in Washington state.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21A RCW to read as follows:

(1) The department must provide notice to persons residing in a highly impacted community, as identified by the department of health under section 3 of this act, when initiating: (a) Review of an environmental permit application for issuance or reissuance under RCW 70.94.161, 70.105.130, or 90.48.160 for a facility or multiple facilities within or near a highly impacted community; and (b) development of a remedial action or the review of a proposed remedial action under chapter 70.105D RCW within or near a highly impacted community.

(2)(a) The department must ensure, to the extent feasible, members of a highly impacted community are notified and have the opportunity to review and comment on environmental permit applications and proposed remedial actions.

(b) Notice must be provided to members of a highly impacted community no later than fifteen days prior to when the department initiates the review of an environmental permit application or proposed remedial action.

(c) The department may utilize existing notification procedures if the notification requirements provide substantially similar, earlier, or more frequent requirements for notification as specified in this section.

(3) The department must maintain a list of community organizations and persons who have requested to receive notification of environmental permitting and remedial action activities in highly impacted communities and use the list to provide notification in accordance with subsections (1) and (2) of this section.

NEW SECTION. **Sec.**  A new section is added to chapter 43.70 RCW to read as follows:

(1) The department must identify highly impacted communities in this state. The department may rely on existing environmental, economic, scientific, or public health data and must consider, at minimum, areas that have any of the following characteristics:

(a) Unemployment rates more than twenty percent above the state average;

(b) Median household income that is less than seventy-five percent of the state median household income;

(c) Disproportionate public health challenges, as demonstrated by environmental, scientific, or public health data; or

(d) A significant percentage of community residents who are minorities, foreign-born, or who lack proficiency in the English language.

(2) The department must develop a draft list of highly impacted communities and widely solicit comments from throughout the state prior to adoption of a final list. The department must review and update the list not less than biennially, applying any new data or information relating to characteristics appropriate for identification as a highly impacted community.

NEW SECTION. **Sec.**  Nothing in section 2 or 3 of this act creates a new cause of action, or eliminates or restricts any cause of action, with respect to the liability of a party to a claimant, including but not limited to the liability of a party associated with hazardous wastes or substances.

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