H-3571.1

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**HOUSE BILL 2602**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Fey, Jinkins, Sawyer, Wylie, Tarleton, Pollet, and Santos

AN ACT Relating to updating certain standards applicable to toxic air pollutants; adding a new section to chapter 70.94 RCW; creating a new section; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) The legislature finds that toxic air pollutants pose significant threats to public health. The regulatory structure instituted by the clean air act for toxic air pollutants generally requires new sources of toxic air pollutants to meet certain acceptable levels that are adopted by rule by the department of ecology.

(2) The legislature finds that now is an appropriate time for the department of ecology to review and update its acceptable source impact levels for toxic pollutants, with the goal of ensuring that those levels are sufficiently protective on a pollutant-by-pollutant basis.

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

(1) The department must review and update rules adopted by the department codified at WAC 173-460-150, as of January 1, 2018, that establishes acceptable source impact levels applicable to toxic air pollutants for new sources subject to review under RCW 70.94.152. The purpose of the review and update is to ensure that the acceptable source impact levels for individual toxic pollutants are sufficiently protective of public health, and, in appropriate instances, result in new source air quality reviews that take into consideration other sources of a toxic air pollutant that would be emitted by a new source.

(2) The department may review and update the rule in phases, with prioritization given to the acceptable source impact levels for specific toxic air pollutants known to be in widespread commercial or industrial use, or that are known to pose comparatively high public health risks. The department may ignore and decline to review or update the acceptable source impact levels for individual toxic air pollutants. The department is not required to adopt new acceptable source impact levels for toxic air pollutants that it chooses to evaluate under this section.

(3) The department must adopt new acceptable source impact levels for at least a first subset of toxic air pollutants by January 1, 2021.

(4) This section expires July 1, 2022.

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