
HOUSE BILL 2602

State of Washington

65th Legislature

2018 Regular Session

By Representatives Fey, Jenkins, and Sawyer

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

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

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

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

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

18 (1) The department must review and update rules adopted by the
19 department codified at WAC 173-460-150, as of January 1, 2018, that
20 establishes acceptable source impact levels applicable to toxic air

1 pollutants for new sources subject to review under RCW 70.94.152. The
2 purpose of the review and update is to ensure that the acceptable
3 source impact levels for individual toxic pollutants are sufficiently
4 protective of public health, and, in appropriate instances, result in
5 new source air quality reviews that take into consideration other
6 sources of a toxic air pollutant that would be emitted by a new
7 source.

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

17 (3) The department must adopt new acceptable source impact levels
18 for at least a first subset of toxic air pollutants by January 1,
19 2021.

20 (4) This section expires July 1, 2022.

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