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SENATE BILL 5618

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State of Washington

64th Legislature

2015 Regular Session

By Senator McCoy

Read first time 01/26/15. Referred to Committee on Energy,  
Environment & Telecommunications.

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

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that every  
8 individual in the state has a fundamental right to a healthful  
9 environment and a right to the pursuit of commonplace activities such  
10 as breathing, drinking, eating, working, and recreating without  
11 risking their health as a result of environmental degradation. There  
12 are vulnerable communities throughout the state that bear a  
13 disproportionate burden of pollution problems. Residents of these  
14 communities face higher rates of cancer and other life-threatening  
15 public health problems. All residents of the state, regardless of  
16 race, color, culture, national origin, or income level, have a right  
17 to participate meaningfully and receive fair treatment during the  
18 implementation and enforcement of environmental laws, rules, and  
19 policies. The improvement of environmental law and policy decision-  
20 making processes helps state agencies meet their responsibility to

1 comply with 42 U.S.C. Sec. 2000(d). These important objectives and  
2 responsibilities are satisfied by the passage of this act.

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

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A  
11 RCW to read as follows:

12 (1) The department must provide notice to persons residing in a  
13 highly impacted community, as identified by the department of health  
14 under section 3 of this act, when initiating: (a) Review of an  
15 environmental permit application for issuance or reissuance under RCW  
16 70.94.161, 70.105.130, or 90.48.160 for a facility or multiple  
17 facilities within or near a highly impacted community; and (b)  
18 development of a remedial action or the review of a proposed remedial  
19 action under chapter 70.105D RCW within or near a highly impacted  
20 community.

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

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

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

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

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 43.70  
2    RCW to read as follows:

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

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

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

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

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

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

22       NEW SECTION.    **Sec. 4.**    Nothing in section 2 or 3 of this act  
23   creates a new cause of action, or eliminates or restricts any cause  
24   of action, with respect to the liability of a party to a claimant,  
25   including but not limited to the liability of a party associated with  
26   hazardous wastes or substances.

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