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HOUSE BILL 2385

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State of Washington

64th Legislature

2016 Regular Session

By Representative Pollet

1 AN ACT Relating to requiring certain asphalt production  
2 facilities to meet contemporary air emission standards; and adding a  
3 new section to chapter 70.94 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.94  
6 RCW to read as follows:

7 (1) A facility that produces asphalt or asphalt products must  
8 apply to the department by January 1, 2017, to receive an updated  
9 order of approval if the facility meets the following criteria:

10 (a) The facility has not received a notice of construction order  
11 of approval from an authority or the department pursuant to RCW  
12 70.94.152 more recently than January 1, 1996;

13 (b) The facility is operating under an order of approval that  
14 establishes monitoring and testing requirements that are less  
15 frequent, or that establishes air contaminant emission limits that  
16 are less stringent or of narrower scope, than the facility would have  
17 received if the facility had been required to obtain an order of  
18 approval under RCW 70.94.152 after January 1, 2006; and

19 (c) The department or authority has received multiple odor or  
20 nuisance complaints, either directly or indirectly via a city or

1 county, during the preceding five years that subsequent investigation  
2 attributed to the facility.

3 (2) Within thirty days of receipt of an application for notice of  
4 construction under this section, the department or authority shall  
5 either notify the applicant in writing that the application is  
6 complete or notify the applicant in writing of all additional  
7 information necessary to complete the application for an updated  
8 order of approval. Within ninety days of the receipt of a complete  
9 application by a facility, the department or authority must issue the  
10 facility an updated order of approval that contains conditions that  
11 are no less stringent and no narrower in the scope of the air  
12 contaminants addressed than are the testing and monitoring  
13 requirements and air contaminant emission limits contained in the  
14 general order of approval 10AQ-GO-01 amendment 1 issued by the  
15 department on April 18, 2011. Within thirty days of receipt of an  
16 application for notice of construction under this section, the  
17 permitting authority shall either notify the applicant in writing  
18 that the application is complete or notify the applicant in writing  
19 of all additional information necessary to complete the application.

20 (3) An order of approval issued under RCW 70.94.152 before  
21 January 1, 1996, to a facility that meets the criteria in subsection  
22 (1) of this section expires January 1, 2018, unless the monitoring  
23 requirements and air contaminant emission limits contained in the  
24 order of approval have been updated pursuant to this section.

25 (4) A facility that applies to obtain an updated order of  
26 approval under subsection (1) of this section must pay the same  
27 notice of application fees adopted by rule under RCW 70.94.152 that  
28 are required of notice of construction applications, and must also  
29 submit to the department or authority the same plans, specifications,  
30 and other information that is required of applicants for notice of  
31 construction orders of approval under RCW 70.94.152. However, the  
32 issuance of an updated order of approval under this section does not  
33 require a new determination under RCW 70.94.152(4) and is not subject  
34 to the requirements of chapter 43.21C RCW.

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