

# Proposed Substitute House Bill 1057

By Representative Fitzgibbon

**Original Bill:** Clarifying the meaning of the term "enjoyment of life and property" within the clean air act.

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## **Proposed Substitute (H-0920.1) compared to the House Bill 1057 (H-0090.2):**

- Creates a work group to develop an odor control plan and best management practices for asphalt plants for the purpose of reducing noxious odors, including requirements related to the enjoyment of life and property.
- Includes in the membership of the work group representatives from the asphalt industry, regional clean air agencies, local health departments, and research institutions, among others.
- Directs that the work group be chaired by the director of the Department of Ecology or his or her designee.
- Directs that the first meeting of the work group take place by August 1, 2021.
- Directs the work group to submit recommendations to Ecology's director by January 1, 2022, on the development of an odor control plan and best management practices for asphalt plants, which may be incorporated into permits or policies adopted by the department and the regional clean air agencies.

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*Committee:* House Environment & Energy Committee  
*Staff:* Robert Hatfield (786-7117), Office of Program Research  
*Date:* February 12, 2021  
*Draft:* H-0920.1

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: H-0920.1/21

ATTY/TYPIST: ML:akl

BRIEF DESCRIPTION: Clarifying the meaning of the term "enjoyment of life and property" within the clean air act.

1 AN ACT Relating to clarifying the meaning of the term "enjoyment  
2 of life and property" within the clean air act; adding a new section  
3 to chapter 70A.15 RCW; and providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.15  
6 RCW to read as follows:

7 (1) A work group is created to develop an odor control plan and  
8 best management practices for asphalt plants for the purpose of  
9 reducing noxious odors, including requirements related to the  
10 enjoyment of life and property.

11 (2) The work group consists of the following members, to be  
12 appointed by the director of the department:

13 (a) Two representatives of the asphalt industry;

14 (b) Two representatives of regional clean air agencies;

15 (c) Two representatives of local government;

16 (d) Two representatives of research institutions in Washington  
17 with expertise in air pollution control and manufacturing or  
18 engineering;

19 (e) Two representatives of local public health agencies; and

1 (f) One representative of a community or environmental  
2 organization with expertise in air pollution, toxicology, or other  
3 relevant fields.

4 (3) The director of the department, or the director's designee,  
5 shall serve as the chair of the work group.

6 (4) The first meeting of the work group must occur by August 1,  
7 2021.

8 (5) Staff support for the work group must be provided by the  
9 department.

10 (6) By January 1, 2022, the work group must submit  
11 recommendations to the director of the department on the development  
12 of an odor control plan and best management practices for asphalt  
13 plants, which may be incorporated into permits or policies adopted by  
14 the department and the regional clean air agencies.

15 (7) This section expires December 31, 2024.

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