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HOUSE BILL 2318

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State of Washington

60th Legislature

2007 Regular Session

By Representatives Hasegawa, Hudgins, Santos, Ormsby and Moeller

Read first time 02/20/2007. Referred to Committee on Select  
Committee on Environmental Health.

1 AN ACT Relating to addressing inequities in the location of  
2 facilities that impact human health in low-income or minority  
3 neighborhoods; and adding a new chapter to Title 70 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that certain sites or  
6 facilities may negatively impact human health, safety, and the  
7 environment. Exposure to environmental contaminants can negatively  
8 impact a population's health status. Minority and economically  
9 disadvantaged populations are known to have poorer health status than  
10 the overall population and have higher rates of a variety of diseases.  
11 People with lower socioeconomic status are more likely to live in the  
12 most hazardous environments and to work in the most hazardous  
13 occupations. While many complex factors interact to produce health  
14 disparities among minority and low-income populations, environmental  
15 and occupational exposures contribute to poorer health status.  
16 Therefore, reducing the potential for exposure to environmental health  
17 hazards from site-specific facilities is important to protect human  
18 health, safety, and the environment.

1           NEW SECTION.   **Sec. 2.** The definitions in this section apply

2 throughout this chapter unless the context clearly requires otherwise.

3           (1) "Aggregate total" means the total number of each and every  
4 individual facility or condition that is located or exists within a  
5 five-mile radius, added to the total number of each and every other  
6 individual facility or condition that is located or exists within a  
7 five-mile radius, as a sum total.

8           (2) "Airport" means any area of land or water that is used, or  
9 intended for use, for the landing and takeoff of aircraft, and any  
10 appurtenant areas that are used, or intended for use, for airport  
11 buildings or other airport facilities or right-of-way, together with  
12 all airport buildings and facilities located in those areas, and  
13 including flight paths designated by the federal aviation  
14 administration.

15           (3) "Area with a five-mile radius" means an area or location with  
16 a five-mile radius. Such an area may also be designated through the  
17 use of already existing data or jurisdictional lines, such as county or  
18 city boundary lines, five-digit zip code areas, or United States census  
19 tracts.

20           (4) "Container terminal" means a facility where cargo containers  
21 are loaded or unloaded to or from ships or land vehicles for further  
22 transport.

23           (5) "Drydock or marine maintenance facility" means a location where  
24 a drydock is located or where marine maintenance activities, such as  
25 construction or repair, occur.

26           (6) "Electrical substation" means a subsidiary station of an  
27 electricity generation, transmission, and distribution system where  
28 voltage is transformed from high to low or the reverse using  
29 transformers.

30           (7) "Electric transmission line" means any part of a utility  
31 district's system to conduct electric energy from the place of  
32 production to the point of distribution or at an electric power  
33 substation. The lines and related equipment are designed for or  
34 capable of operating at a nominal voltage in excess of one hundred  
35 fifteen thousand volts.

36           (8) "EPA superfund site" means a site listed on the national  
37 priorities list under the federal comprehensive environmental response,

1 compensation, and liability act (42 U.S.C. Sec. 9601 et seq., as  
2 amended).

3 (9) "Facility" means any site or planned action and includes any  
4 site or planned action that requires an environmental impact statement  
5 as set forth in chapter 43.21C RCW or equivalent land use action notice  
6 by local ordinance.

7 (10) "Free or reduced-price lunches" means lunches served by a  
8 school district that qualify for federal reimbursement as free or  
9 reduced-price lunches under the national school lunch program.

10 (11) "Fuel farm" means a facility used for the purpose of storing  
11 and distributing fuel or petroleum that holds more than one thousand  
12 gallons.

13 (12) "Hazardous waste facility" means all contiguous land,  
14 structures, and improvements on the land used for recycling, storing,  
15 treating, incinerating, or disposing of hazardous waste.

16 (13) "Highway of statewide significance" means an existing or  
17 proposed state route or federal interstate designated as a highway of  
18 statewide significance by the transportation commission, the  
19 department, or the legislature.

20 (14) "Industrial factory" means a building located in an area zoned  
21 as industrial by local ordinance where goods or products are  
22 manufactured and that contains a smokestack that facilitates the  
23 discharge of combustion vapors, gases, or smoke.

24 (15) "Intermodal railway facility" means a facility where freight  
25 is transferred from one mode of transport to another, including  
26 transport on railway lines.

27 (16) "Intermodal solid waste transfer facility" means either a  
28 facility that receives solid waste from refuse collection trucks and  
29 other sources and compacts the waste into intermodal containers or a  
30 facility that loads intermodal containers onto vehicles, such as  
31 trains, trucks, container ships, and railways, for transportation to  
32 another location, or both.

33 (17) "National priorities list" means a list of hazardous waste  
34 sites at which the United States environmental protection agency  
35 intends to proceed with enforcement or cleanup action.

36 (18) "Oil pipeline" means all or parts of a pipeline that  
37 transports oil within a storage field, or transports oil from an

1 interstate pipeline or storage facility to a distribution facility that  
2 has statewide importance.

3 (19) "Passenger ship terminal facility" means a location providing  
4 berth for a ship or vessel greater than three hundred or more gross  
5 tons or five hundred or more international gross tons carrying  
6 passengers for compensation.

7 (20) "Personal wireless service facilities" means unstaffed  
8 facilities that are used for the transmission or reception, or both, of  
9 personal wireless services including, but not limited to, antenna  
10 arrays, transmission cables, equipment shelters, and support  
11 structures.

12 (21) "Rail corridor" means a railway line or lines on which freight  
13 or passenger trains or rail vehicles travel between an origination and  
14 destination point on the railway lines.

15 (22) "Regional transit system" means a high-capacity transportation  
16 system under the jurisdiction of one or more transit agencies,  
17 including a regional transit authority.

18 (23) "Sex offender facility" means a residential facility for  
19 persons civilly confined under the provisions of chapter 71.09 RCW and  
20 includes security measures sufficient to protect the community. These  
21 facilities include total confinement facilities, secure community  
22 transition facilities, and any residence used as a court-ordered  
23 placement under RCW 71.09.096. "Total confinement facility" and  
24 "secure community transition facility" have the same meanings as  
25 defined in RCW 71.09.020.

26 (24) "Transportation night storage facilities" means a facility or  
27 location that is used for overnight storage of an average of fifty  
28 transportation vehicles, including cars or buses, per night, and may be  
29 referred to as a bus barn.

30 (25) "Tugboat or barge facility" means a location providing berth  
31 for tugboats or barges.

32 NEW SECTION. **Sec. 3.** (1) No more than twenty-five of each of the  
33 following facilities or conditions, as an aggregate total, may be  
34 located or exist within an area with a five-mile radius:

- 35 (a) Airport;
- 36 (b) Fuel farm;
- 37 (c) EPA superfund site;

1 (d) Oil pipeline;  
2 (e) Sex offender facility;  
3 (f) Highway of statewide significance;  
4 (g) Intermodal solid waste transfer facility;  
5 (h) Electric transmission line corridor;  
6 (i) Seaport facility with one or more container terminals with rail  
7 access;  
8 (j) Passenger ship terminal facility;  
9 (k) Nonattainment area for national ambient air quality standards  
10 as established by the environmental protection agency;  
11 (l) Rail corridor;  
12 (m) Transportation night storage facilities;  
13 (n) Industrial factory that consumes more than one thousand  
14 kilowatt-hours of electricity per month and releases emissions into the  
15 air;  
16 (o) Electrical substation;  
17 (p) Intermodal railway facility;  
18 (q) Areas or zones designated by local ordinance for adult  
19 entertainment use;  
20 (r) Public high school as designated by the office of the  
21 superintendent of public instruction;  
22 (s) Hazardous waste facility;  
23 (t) Tugboat or barge facility;  
24 (u) Drydock or marine maintenance facility;  
25 (v) Electrical substation;  
26 (w) Personal wireless service facility;  
27 (x) Regional transit system;  
28 (y) Population density of the city in which the area with a  
29 five-mile radius is located is greater than five thousand residents per  
30 square mile as forecasted by the office of financial management as of  
31 the effective date of this section;  
32 (z) Average income level is less than fifty percent of the median  
33 county income level;  
34 (aa) Birth rate of women who receive medical assistance or medical  
35 care services under chapter 74.09 RCW is greater than the county birth  
36 rate of women who receive medical assistance or medical care services  
37 under chapter 74.09 RCW;

1 (bb) Greater than one hundred lots zoned as industrial by local  
2 ordinance;

3 (cc) Greater than thirty percent of the population within a five-  
4 mile radius is at one hundred fifty percent of the United States  
5 average poverty rate as determined by the most current United States  
6 census data;

7 (dd) The number of children that receive free or reduced-price  
8 lunches is greater than the average number of children that receive  
9 free or reduced-price lunches in the county in which the five-mile area  
10 is located; and

11 (ee) The population density within the five-mile area with regard  
12 to race and Hispanic origin as determined by the most current United  
13 States census data is greater than three times the Washington state  
14 average population density with regard to race and Hispanic origin.

15 (2) As of the effective date of this section, this chapter does not  
16 apply to any five-mile area with already existing facilities or  
17 conditions that result in noncompliance with subsection (1) of this  
18 section. After the effective date of this section, no additional  
19 facility or condition as listed in subsection (1) of this section may  
20 be added to or located in such a five-mile area with already existing  
21 facilities or conditions in noncompliance.

22 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act constitute  
23 a new chapter in Title 70 RCW.

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