
SUBSTITUTE SENATE BILL 6539

State of Washington 62nd Legislature 2012 Regular Session

By Senate Environment (originally sponsored by Senator Kastama)

READ FIRST TIME 02/03/12.

1 AN ACT Relating to establishing an air pollution offset program;
2 amending RCW 70.120.070; adding new sections to chapter 70.94 RCW; and
3 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 70.94 RCW
6 to read as follows:

7 (1) The department shall establish a program providing for the
8 replacement of both uncertified solid fuel burning devices and solid
9 fuel burning devices manufactured prior to 1995 for low-income
10 households in air quality nonattainment areas under the federal clean
11 air act (42 U.S.C. Sec. 7401 et seq.) or areas that are at risk of
12 being in violation of federal clean air standards. The department may
13 augment existing solid fuel burning device emission reduction programs
14 but must comply with the restrictions and conditions in subsection (2)
15 of this section.

16 (2) The program must:

17 (a) Provide for the replacement of solid fuel burning devices for
18 low-income households as defined by the department;

1 (b) Provide for the replacement of solid fuel burning devices with
2 priority given to nonattainment areas where a major source of the air
3 pollution is from solid fuel burning devices emissions; and

4 (c) Provide for a replacement heating device with priority given to
5 a heating device that will lower solid fuel burning device emissions
6 and is most cost-effective for household recipients to operate.

7 (3) Any county that elects to participate in the program
8 established in this section must provide twenty-five percent matching
9 funds. The recipient county may not use state funds to match funds
10 from the air pollution offset account established in section 2 of this
11 act unless authorized in the omnibus appropriations act.

12 (4) The department shall use the air pollution offset account
13 established in section 2 of this act as the source for the state match
14 and may use other sources as authorized in the omnibus appropriations
15 act.

16 (5) The department must report annually to the legislature
17 regarding: (a) Revenue and expenditure information; (b) the
18 participating counties; (c) the number of solid fuel burning devices
19 replaced; and (d) the number of uncertified solid fuel burning devices
20 still remaining. The first report is due twelve months from the
21 effective date of this section.

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

24 The air pollution offset account is created in the state treasury.
25 All receipts from the air pollution offset fee established in RCW
26 70.120.070 must be deposited in the account. Other moneys deposited in
27 the account may include transfers from other funds, federal and private
28 grants, gifts, donations, assessments, fees, charges, or other revenue
29 sources related to air pollution control measures. Moneys in the
30 account may only be spent after appropriation. Expenditures from the
31 account may only be used to implement the provisions of section 1 of
32 this act or other air pollution abatement programs in nonattainment
33 areas or areas at risk of nonattainment and pursuant to the omnibus
34 appropriations act. The department may not use more than five percent
35 of the amounts collected under this section for administration.

1 **Sec. 3.** RCW 70.120.070 and 1998 c 342 s 2 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (3) of this section, any
4 person:

5 (a) Whose motor vehicle is tested pursuant to this chapter and
6 fails to comply with the emission standards established for the
7 vehicle; and

8 (b) Who, following such a test, expends more than one hundred
9 dollars on a 1980 or earlier model year motor vehicle or expends more
10 than one hundred fifty dollars on a 1981 or later model year motor
11 vehicle for repairs solely devoted to meeting the emission standards
12 and that are performed by a certified emission specialist authorized by
13 RCW 70.120.020(2)(a); and

14 (c) Whose vehicle fails a retest, may be issued a certificate of
15 acceptance if (i) the vehicle has been in use for more than five years
16 or fifty thousand miles, and (ii) any component of the vehicle
17 installed by the manufacturer for the purpose of reducing emissions, or
18 its appropriate replacement, is installed and operative.

19 To receive the certificate, the person must document compliance
20 with (b) and (c) of this subsection to the satisfaction of the
21 department.

22 Should any provision of (b) of this subsection be disapproved by
23 the administrator of the United States environmental protection agency,
24 all vehicles shall be required to expend at least four hundred fifty
25 dollars to qualify for a certificate of acceptance.

26 (2) Persons who fail the initial tests shall be provided with:

27 (a) Information regarding the availability of federal warranties
28 and certified emission specialists;

29 (b) Information on the availability and procedure for acquiring
30 license trip-permits;

31 (c) Information on the availability and procedure for receiving a
32 certificate of acceptance; and

33 (d) The local phone number of the department's local vehicle
34 specialist.

35 (3) Until January 1, 2020, any person whose motor vehicle is twenty
36 years old or older, is tested pursuant to this chapter, and fails to
37 comply with the emission standards established for the vehicle may:

38 (a) Comply with subsection (1) of this section; or

1 (b) Be issued a certificate of acceptance if, following such a
2 failure: (i) The person pays to the inspection station established in
3 RCW 70.120.170 an air pollution offset fee of one hundred fifty
4 dollars; (ii) any component of the vehicle installed by the
5 manufacturer for the purpose of reducing emissions, or its appropriate
6 replacement, is installed and operative; and (iii) the person documents
7 compliance with this subsection to the satisfaction of the department.

8 (4) Moneys collected from the air pollution offset fee under
9 subsection (3) of this section must be deposited in the air pollution
10 offset account established in section 2 of this act.

11 (5) If any provision of subsection (3) of this section is
12 disapproved by the administrator of the United States environmental
13 protection agency, all vehicles subject to this section must comply
14 with subsection (1) of this section. The department must consult with
15 the United States environmental protection agency to allow
16 complementary pollution reduction strategies for approved state
17 implementation plans.

18 NEW SECTION. Sec. 4. Sections 1 through 3 of this act expire
19 January 1, 2020.

--- END ---