

or of any military campaign for which a campaign ribbon shall have been awarded, who shall submit to the director of (~~licenses~~) motor vehicles satisfactory proof that he has lost the use of one or both of his (~~lower extremities~~) arms or legs as the result of his military service in such war or military campaign, shall be entitled to have issued to him by the director of (~~licenses~~) motor vehicles an annual motor vehicle license for one automobile without the payment of any license fee or excise tax thereon.

Passed the House April 29, 1971.

Passed the Senate May 10, 1971.

Approved by the Governor May 20, 1971.

Filed in Office of Secretary of State May 20, 1971.

CHAPTER 194

[House Bill No. 992]

AIR POLLUTION--

EPISODE AVOIDANCE PLANS--

EMERGENCY ORDERS

AN ACT Relating to air pollution; authorizing the issuance of orders; authorizing episode avoidance plans; adding new sections to chapter 232, Laws of 1957 and to chapter 70.94 RCW; and repealing section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415.

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

NEW SECTION. Section 1. The legislature finds that whenever meteorological conditions occur which reduce the effective volume of air into which air contaminants are introduced, there is a high danger that normal operations at air contaminant sources in the area affected will be detrimental to public health or safety. Whenever such conditions, herein denominated as air pollution episodes, are forecast, there is a need for rapid short-term emission reduction in order to avoid adverse health or safety consequences.

Therefore, it is declared to be the policy of this state that an episode avoidance plan should be developed and implemented for the temporary reduction of emissions during air pollution episodes.

It is further declared that power should be vested in the governor to issue emergency orders for the reduction or discontinuance of emissions when such emissions and weather combine to create conditions imminently dangerous to public health and safety.

NEW SECTION. Sec. 2. The department of ecology is hereby authorized to develop an episode avoidance plan providing for the

phased reduction of emissions wherever and whenever an air pollution episode is forecast. Such an episode avoidance plan shall conform with any applicable federal standards and shall be effective state-wide. The episode avoidance plan may be implemented on an area basis in accordance with the occurrence of air pollution episodes in any given area.

The department of ecology may delegate authority to adopt source emission reduction plans and authority to implement all stages of occurrence up to and including the warning stage, and all intermediate stages up to the warning stage, in any area of the state, to the air pollution control authority with jurisdiction therein.

The episode avoidance plan, which shall be established by regulation in accordance with chapter 34.04 RCW, shall include, but not be limited to the following:

(1) The designation of episode criteria and stages, the occurrence of which will require the carrying out of preplanned episode avoidance procedures. The stages of occurrence shall be (a) forecast, (b) alert, (c) warning, (d) emergency, and such intermediate stages as the department shall designate. "Forecast" means the presence of meteorological conditions that are conducive to accumulation of air contaminants and is the first stage of an episode. "Alert" means concentration of air contaminants at levels at which short-term health effects may occur, and is the second stage of an episode. "Warning" means concentrations are continuing to degrade, contaminant concentrations have reached a level which, if maintained, can result in damage to health, and additional control actions are needed and is the third level of an episode. "Emergency" means the air quality is posing an imminent and substantial endangerment to public health and is the fourth level of an episode;

(2) The requirement that persons responsible for the operation of air contaminant sources prepare and obtain approval from the director of source emission reduction plans, consistent with good operating practice and safe operating procedures, for reducing emissions during designated episode stages;

(3) Provision for the director of the department of ecology or his authorized representative, or the air pollution control officer if implementation has been delegated, on the satisfaction of applicable criteria, to declare and terminate the forecast, alert, warning and all intermediate stages, up to the warning episode stage, such declarations constituting orders for action in accordance with applicable source emission reduction plans;

(4) Provision for the governor to declare and terminate the emergency stage and all intermediate stages above the warning episode stage, such declarations constituting orders in accordance with

applicable source emission reduction plans;

(5) Provisions for enforcement by state and local police, personnel of the departments of ecology and social and health services, and personnel of local air pollution control agencies; and

(6) Provisions for reduction or discontinuance of emissions immediately, consistent with good operating practice and safe operating procedures, under an air pollution emergency as provided in section 3 of this 1971 act.

Source emission reduction plans shall be considered orders of the department and shall be subject to appeal to the pollution control hearings board according to the procedure in chapter 43.21B RCW.

NEW SECTION. Sec. 3. Whenever the governor finds that emissions from the operation of one or more air contaminant sources is causing imminent danger to public health or safety, he may declare an air pollution emergency and may order the person or persons responsible for the operation of such air contaminant source or sources to reduce or discontinue emissions consistent with good operating practice, safe operating procedures and source emission reduction plans, if any, adopted by the department of ecology or any local air pollution control authority to which the department of ecology has delegated authority to adopt emission reduction plans. Orders authorized by this section shall be in writing and may be issued without prior notice or hearing. In the absence of the governor, any findings, declarations and orders authorized by this section may be made and issued by his authorized representative.

NEW SECTION. Sec. 4. Whenever any order has been issued pursuant to this act, the attorney general, upon request from the governor, the director of the department of ecology, an authorized representative of either, or the attorney for a local air pollution control authority upon request of the control officer, shall petition the superior court of the county in which is located the air contaminant source for which such order was issued for a temporary restraining order requiring the immediate reduction or discontinuance of emissions from such source.

Upon request of the party to whom a temporary restraining order is directed, the court shall schedule a hearing thereon at its earliest convenience, at which time the court may withdraw the restraining order or grant such temporary injunction as is reasonably necessary to prevent injury to the public health or safety.

NEW SECTION. Sec. 5. Orders issued to declare any stage of an air pollution episode avoidance plan under section 2 of this 1971 act, and to declare an air pollution emergency, under section 3 of this 1971 act, and orders to persons responsible for the operation of an air contaminant source to reduce or discontinue emissions,

according to sections 2 and 3 of this 1971 act shall be effective immediately and shall not be stayed pending completion of review.

NEW SECTION. Sec. 6. Sections 1 through 5 of this 1971 act are added to chapter 232, Laws of 1957 and to chapter 70.94 RCW.

NEW SECTION. Sec. 7. Section 57, chapter 238, Laws of 1967, section 43, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.415 are each repealed.

Passed the House May 10, 1971.

Passed the Senate May 9, 1971.

Approved by the Governor May 21, 1971.

Filed in Office of Secretary of State May 21, 1971.

CHAPTER 195

[Engrossed House Bill No. 892]

LEGISLATIVE TRANSPORTATION COMMITTEE CREATED--
POWERS AND DUTIES--
STUDIES AUTHORIZED

AN ACT Relating to transportation; creating a legislative transportation committee; describing powers and duties of the legislative transportation committee and the Washington state highway commission; providing for transportation studies; amending section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 68, chapter 145, Laws of 1967 ex. sess. and RCW 44.40.010; amending section 38, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.030; amending section 39, chapter 3, Laws of 1963 ex. sess. and RCW 44.40.040; amending section 14, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.130; amending section 78, chapter 145, Laws of 1967 ex. sess. and RCW 47.01.145; amending section 23, chapter 3, Laws of 1963 ex. sess. and RCW 47.60.045; amending section 8, chapter 85, Laws of 1970 ex. sess.; adding a new section to chapter 3, Laws of 1963 ex. sess. and to chapter 44.40 RCW; creating new sections; making appropriations; and declaring an emergency.

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

Section 1. Section 35, chapter 3, Laws of 1963 ex. sess. as last amended by section 68, chapter 145, Laws of 1967 ex. sess. and RCW 44.40.010 are each amended to read as follows:

The joint fact finding committee on highways, streets, and bridges originally created by chapter 111, Laws of 1947, ((is hereby)) recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming