

Chapter 478-324 WAC

RULES AND REGULATIONS FOR THE UNIVERSITY OF WASHINGTON IMPLEMENTATION OF THE STATE ENVIRONMENTAL POLICY ACT

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 478-324-050 | Additional considerations in threshold determination process. [Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-050, filed 10/2/84.] Repealed by WSR 00-04-039, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120. |
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WAC 478-324-010 Authority. The University of Washington adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA rules, WAC 197-11-904.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-010, filed 10/2/84. Formerly chapter 478-325 WAC.]

WAC 478-324-020 Adoption by reference. The university hereby adopts by reference the following sections of the SEPA rules, chapter 197-11 of the Washington Administrative Code.

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[Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 8. WSR 14-17-097, § 478-324-020, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-020, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-020, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-020, filed 10/2/84.]

WAC 478-324-030 Additional consideration in timing of threshold determination and EIS process. (1) For project-type actions involving construction or modification of facilities, the threshold determination, DNS, mitigated-DNS, or draft EIS shall be completed no later than the authorization to prepare construction documents. When an EIS is required, the final EIS shall be issued no later than seven days prior to the award of a construction contract.

(2) For nonproject-type actions, the threshold determination, DNS, mitigated-DNS, or EIS shall be completed prior to final approval or adoption of the proposal by the board of regents or agent delegated by the board to take such action. When an EIS is required, the final EIS shall be issued no later than seven days prior to the approval or adoption of a proposal.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-030, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-030, filed 10/2/84.]

WAC 478-324-040 SEPA advisory committee established for environmental review. A SEPA advisory committee (the committee) shall be established to assist the university with environmental review and with integrating SEPA procedures with the planning and decision-making process. The committee shall aid the university in complying with the State Environmental Policy Act (chapter 43.21C RCW) and State Environmental Policy Act rules (chapter 197-11 WAC), except for those actions pertaining to the metropolitan tract. The committee shall consist of members representing the students, faculty, and staff of the university and shall be appointed by the president. It shall be the mission of the committee to ensure that sound decision making at the university includes early consideration of environmental values and goals and timely preparation and review of environmental analysis.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-040, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-040, filed 10/2/84.]

WAC 478-324-045 SEPA advisory committee responsibility. (1) The responsible official shall consult with the committee as follows:

(a) After completion of an environmental checklist but before threshold determination.

(b) Prior to the responsible official's reconsideration of the threshold determination if substantive comments have been received regarding the DNS.

(c) Prior to the responsible official issuing a mitigated DNS.

(d) Prior to the issuance of a scoping notice.

(e) Prior to the publication of any draft EIS.

(f) Prior to the publication of any final EIS.

(2) Committee review of scoping notice, DNS, and mitigated DNS may occur without a formal meeting.

(3) The university shall give the committee notice of public hearings on the environmental impact of a proposal.

(4) The committee's recommendations shall be advisory and shall not relieve the responsible officials of their responsibilities as established by these procedures.

[Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 1, § 2. WSR 10-23-039, § 478-324-045, filed 11/10/10, effective 12/11/10. Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-045, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-045, filed 1/25/00, effective 2/25/00.]

WAC 478-324-060 Additional considerations in determination of nonsignificance. (1) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

(2) If the university withdraws a DNS and makes a new threshold determination, the responsible official shall send notice of any withdrawn DNS and new threshold determination to agencies with jurisdiction, the city-university community advisory committee, and the SEPA advisory committee.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-060, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-060, filed 10/2/84.]

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WAC 478-324-070 Additional considerations in mitigated DNS. (1) In consultation with the SEPA advisory committee, the responsible official will determine if there are mitigating measures and clarifications or changes to the environmental checklist which would reduce impacts to the extent that a mitigated DNS could be issued.

(2) All mitigation measures in a mitigated DNS for a proposed project shall be included in the final project, with the exception of any measures clearly the responsibility of another agency.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-070, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-070, filed 10/2/84.]

WAC 478-324-090 Additional considerations in determination of significance and scoping. (1) Scoping shall be used for EIS's and supplemental EIS's.

(2) The university shall notify members of the SEPA advisory committee, the city-university community advisory committee, agencies with jurisdiction, and others on the university SEPA mailing list of the DS and the initiation of this scoping process. Written comments shall be provided to the university within twenty-one days of the issuance of the DS.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-090, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-090, filed 10/2/84.]

WAC 478-324-100 Additional consideration of EIS content. Where the university is lead agency, the EIS preparers of the university shall determine the organization of the EIS, even though other agencies with jurisdiction are involved with the proposal.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-100, filed 10/2/84.]

WAC 478-324-110 Additional recipients of DEIS. (1) The university shall send copies of the draft EIS to the SEPA advisory committee and the city-university community advisory committee.

(2) The university shall provide notice of the draft EIS to all individuals, organizations and agencies who provided comment during the scoping process.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-110, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-110, filed 10/2/84.]

WAC 478-324-120 Additional recipients of FEIS. (1) The university shall send copies of the final EIS to the SEPA advisory committee and the city-university community advisory committee.

(2) The responsible official shall send notice of availability of the final EIS to anyone who received and/or commented on the DEIS.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-120, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-120, filed 10/2/84.]

WAC 478-324-130 Establishment of the SEPA information web site. (1) The University of Washington capital projects office shall serve as the location for the university's SEPA information web site.

(2) The following documents shall be maintained at the SEPA information web site:

(a) All SEPA public information registers for a period of one year from the date of publication.

(b) All environmental checklists, determinations of non-significance and determinations of significance for a period of one year from the date of issue.

(c) All current scoping and public hearing notices.

(d) All draft and final EISs for a period of three years after the date of publication.

(e) All draft and final EISs which have been incorporated by reference shall be maintained at the SEPA information web site for the same time period as the underlying document is maintained.

(f) A current list of individuals designated as responsible officials for university compliance with SEPA.

(g) A current membership list of the SEPA advisory committee.

(h) Agendas and minutes of the SEPA advisory committee for a period of one year after the date of issue.

(3) The documents at the SEPA information web site shall be available for public inspection online.

[Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 8. WSR 14-17-097, § 478-324-130, filed 8/19/14, effective 9/19/14. Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 1, § 2. WSR 10-23-039, § 478-324-130, filed 11/10/10, effective 12/11/10. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-130, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-130, filed 10/2/84.]

WAC 478-324-140 Additional methods of public notice. The university shall provide public notice of scoping, DNS with comment period, public hearings scheduled in accordance with these procedures and availability of draft and final EISs by providing notice in such form as a press release or advertisement in the online *UW Today*, University of Washington *Daily*, and/or in another legal newspaper of general circulation in the area where the property which is the subject of the action is located (e.g., *The Seattle Times* or *Tacoma News Tribune*).

[Statutory Authority: RCW 28B.20.130 and BRG, Standing Orders, chapter 1. WSR 12-03-038, § 478-324-140, filed 1/9/12, effective 2/9/12. Statutory Authority: RCW 28B.20.130 and UWBR, Standing Orders, chapter 1, § 2. WSR 10-23-039, § 478-324-140, filed 11/10/10, effective 12/11/10. Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-140, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-140, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-140, filed 10/2/84.]

WAC 478-324-145 No administrative appeal. There is no administrative appeal of any university determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

[Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-145, filed 5/22/03, effective 6/22/03.]

WAC 478-324-150 Additional definitions. (1) "Final action" means the university's decision to proceed or not proceed with a proposal and is so defined in compliance with public notice requirements, RCW 43.21C.080. For proposals involving a series of decision points, the final action shall be clearly identified in the environmental checklist and/or EIS.

(8/19/14)

The point at which the final action is made during the planning process may vary depending upon the nature of the proposal, but at no time shall the final action occur before fourteen days following issuance of a DNS or seven days following issuance of an FEIS.

(2) "SEPA mailing list" means a current list maintained at the capital projects office at the university of all individuals, groups, and agencies who have communicated to the university their interest in SEPA policies, procedures, and documents. This list shall include the city-university community advisory committee and all community organizations represented on the committee, including those with alternative representation.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-150, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-150, filed 10/2/84.]

WAC 478-324-160 University compliance with flexible thresholds. The university will use the flexible thresholds established by the particular jurisdiction in which a university project is located.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-160, filed 10/2/84.]

WAC 478-324-170 Emergencies. Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

(1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, water, or land.

(2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.

(3) Cleanup or decontamination of academic and research facilities or equipment accidentally exposed or contaminated, to permit maintenance, repair or relocation, when procedures followed are in accordance with federal or state guidelines, recommendations, or standards.

(4) Emergency actions implemented to reduce an imminent hazard to the health and safety of an element of the university resulting from structural failure, equipment malfunction, human error or natural event.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-170, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-170, filed 10/2/84.]

WAC 478-324-180 Designation of responsible official. The associate vice president for capital projects or his or her designee shall serve as the responsible official for all university projects.

[Statutory Authority: RCW 28B.20.130 and 43.21C.120. WSR 03-12-007, § 478-324-180, filed 5/22/03, effective 6/22/03. Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-180, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-180, filed 10/2/84.]

WAC 478-324-190 Procedures on consulted agencies. The capital projects office shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EIS's, and supplemental EIS's.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-190, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-190, filed 10/2/84.]

WAC 478-324-200 Determining the lead agency. (1) Except as otherwise specially provided herein, the university shall serve as the lead agency for all proposals.

(2) When the total proposal will involve both private and university construction activity, it shall be characterized as either a private or a university project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the university or a private party. Any project in which university and private interests are too intertwined to make this characterization shall be considered a university project.

(3) The university's responsibilities as lead agency include complying with the threshold determination procedures; the initiation and administration of the scoping process; the supervision or actual preparation of draft EIS's, including the circulation of such statements, the conduct of any public hearings or public meetings required by these rules; and the supervision or preparation of required final EIS's and supplemental EIS's.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-200, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-200, filed 10/2/84.]

WAC 478-324-210 Determination of lead unit. (1) For university actions subject to SEPA, the capital projects office shall be charged with the university's lead agency responsibilities.

(2) The capital projects office shall have primary university responsibility for providing procedural advice with regard to these rules.

(3) All university units with environmental expertise should strive to make their services available to the capital projects office to assist in the university's compliance with SEPA.

[Statutory Authority: RCW 43.21C.120. WSR 00-04-039, § 478-324-210, filed 1/25/00, effective 2/25/00. Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-210, filed 10/2/84.]

WAC 478-324-220 SEPA policy rule and substantive authority. In order to carry out the policy of the State Environmental Policy Act, the University of Washington or its agents shall use all practical means, consistent with other essential considerations of state and university policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) Assure for all people of Washington safe, healthful, productive, and esthetically and culturally pleasing surroundings;

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(4) Preserve important historic, cultural, and natural aspects of our national heritage;

(5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-220, filed 10/2/84.]

WAC 478-324-230 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: RCW 43.21C.120 and WAC 197-11-904. WSR 84-20-074 (Order), § 478-324-230, filed 10/2/84.]