

**Chapter 140-09 WAC**  
**WASHINGTON STATE CONVENTION AND TRADE CENTER—SEPA GUIDELINES**

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WAC

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140-09-100 Mitigated DNS. [Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-100, filed 1/3/85.] Repealed by WSR 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.  
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140-09-200 Fees. [Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-200, filed 1/3/85.] Repealed by WSR 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.

**PART ONE - AUTHORITY**

**WAC 140-09-010 Authority.** These rules are promulgated pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.120, and are intended to administratively implement that statute, as further authorized by WAC 197-11-904. This chapter contains this corporation's SEPA procedures and policies. The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this chapter.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-010, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-010, filed 1/3/85. Formerly chapter 140-08 WAC.]

## **PART TWO - GENERAL REQUIREMENTS**

**WAC 140-09-020 Purpose of this part and adoption by reference.** This part contains the basic requirements that apply to the SEPA process. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

### **WAC**

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-250 SEPA/Model Toxics Control Act integration
- 197-11-253 SEPA lead agency for MTCA actions.
- 197-11-256 Preliminary evaluation.
- 197-11-259 Determination of nonsignificance for MTCA remedial action.
- 197-11-262 Determination of significance and EIS for MTCA remedial actions.
- 197-11-265 Early scoping for MTCA remedial actions.
- 197-11-268 MTCA interim actions.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-020, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-020, filed 1/3/85.]

**WAC 140-09-030 Additional definitions.** In addition to those definitions contained within WAC 197-11-700 through 197-11-799, the following terms shall have the following meanings when used in this chapter, unless the context indicates otherwise:

(1) "Corporation" means the Washington state convention and trade center as established by chapter 67.40 RCW.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Early notice" means the corporation's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

[Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-030, filed 1/3/85.]

**WAC 140-09-040 Designation of responsible official.** (1) For those proposals for which the corporation is the lead agency, the responsible official shall be the president of the Washington state convention and trade center.

(2) For all proposals for which the corporation is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 140-09-020.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-040, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-040, filed 1/3/85.]

**WAC 140-09-050 Lead agency determination and responsibilities.** (1) The corporation receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940.

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

(3) When the corporation is not the lead agency for a proposal, the corporation shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The corporation shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the corporation may conduct supplemental environmental review under WAC 197-11-600.

(4) If the corporation receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the corporation must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the corporation may be initiated by the president of the Washington state convention and trade center.

(5) The corporation is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided that the responsible official approves the agreement.

(6) The corporation, making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require nonexempt licenses?).

(7) When the corporation is the lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the corporation shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-050, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-050, filed 1/3/85.]

### **PART THREE - CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS**

#### **WAC 140-09-065 Purpose of this part and adoption by reference.**

This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

#### WAC

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-065, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-065, filed 1/3/85.]

**PART FOUR - ENVIRONMENTAL IMPACT STATEMENT (EIS)**

**WAC 140-09-110 Purpose of this part and adoption by reference.**

This part contains the rules for preparing environmental impact statements. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-110, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-110, filed 1/3/85.]

**PART FIVE - COMMENTING**

**WAC 140-09-128 Adoption by reference.** This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-508 SEPA register.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.

WAC

197-11-560 FEIS response to comments.  
197-11-570 Consulted agency costs to assist lead agency.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-128, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-128, filed 1/3/85.]

**WAC 140-09-129 Availability and cost of environmental documents.**

(1) SEPA documents required by the SEPA rules shall be retained by the corporation and made available in accordance with chapter 42.56 RCW.

(2) The corporation shall make copies of any environmental document available in accordance with chapter 42.56 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-129, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-130 Public notice.**

(1) Whenever the SEPA rules require notice to be given under WAC [197-11-510] the corporation shall give public notice as follows:

(a) Posting the property, for site-specific proposals; and

(b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located (e.g., The Seattle Times or the Seattle Post-Intelligencer).

(2) Whenever possible, the corporation shall integrate the public notice required under this section with existing notice procedures for the corporation's nonexempt licenses required for the proposal.

(3) The corporation may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-130, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-130, filed 1/3/85.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 140-09-140 Designation of official to perform consulted agency responsibilities for the corporation.**

The president of the corporation, or his or her designee, shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EISs, and supplemental EISs.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-140, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C

**PART SIX - USING EXISTING ENVIRONMENTAL DOCUMENTS**

**WAC 140-09-150 Purpose of this part and adoption by reference.**

This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the corporation's own environmental compliance. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-150, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-150, filed 1/3/85.]

**PART SEVEN - SEPA AND AGENCY DECISIONS**

**WAC 140-09-155 Purpose of this part and adoption by reference.**

This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-155, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-155, filed 1/3/85.]

**WAC 140-09-160 Substantive authority.** (1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the Washington state convention and trade center.

(2) The corporation may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The corporation has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The corporation may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The corporation designates and adopts by reference the following policies as the basis for the corporation's exercise of authority pursuant to this section:

(a) The corporation shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

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

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

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

(iv) Preserve when feasible important historic, cultural, and natural aspects of our national heritage;

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

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

(vii) Enhance the quality of renewable resources and support recycling of depletable resources.

(b) The corporation recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(5) To the extent that the appeal provision of RCW 43.21C.060 may be applicable to the corporation, the corporation hereby eliminates any appeal to the legislative authority of the corporation of decisions to grant, condition, or deny a proposal.

[Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-160, filed 1/3/85.]

**WAC 140-09-170 No administrative appeal.** There is no administrative appeal of any corporation determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-170, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-173 Notice/statute of limitations.** (1) The corporation, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the corporation, applicant or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-173, filed 1/3/85.]

## **PART EIGHT - DEFINITIONS**

**WAC 140-09-175 Purpose of this part and adoption by reference.** This part contains uniform usage and definitions of terms under SEPA. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference, as supplemented by WAC 140-09-030:

WAC	
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.

WAC

- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-775 Open record hearing.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-175, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-175, filed 1/3/85.]

**PART NINE - CATEGORICAL EXEMPTIONS**

**WAC 140-09-180 Adoption by reference.** The corporation adopts by reference the following rules for categorical exemptions from chapter 197-11 of the Washington Administrative Code:

WAC	
197-11-800	Categorical exemptions.
197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-820	Department of licensing.
197-11-825	Department of labor and industries.
197-11-830	Department of natural resources.
197-11-835	Department of fisheries.
197-11-840	Department of game.
197-11-845	Department of social and health services.
197-11-850	Department of agriculture.
197-11-855	Department of ecology.
197-11-860	Department of transportation.
197-11-865	Utilities and transportation commission.
197-11-870	Department of commerce and economic development.
197-11-875	Other agencies.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-180, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-180, filed 1/3/85.]

**WAC 140-09-182 Corporation compliance with flexible thresholds.** The corporation will use the flexible thresholds established by the city of Seattle.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-182, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-183 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 the corporation's 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 public health or safety resulting from structural failure, accidental or intentional acts or omissions, equipment malfunction, human error or natural event.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-183, filed 6/6/08, effective 7/7/08.]

## **PART TEN - AGENCY COMPLIANCE**

### **WAC 140-09-185 Purpose of this part and adoption by reference.**

This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

#### WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-910 Designation of responsible official.
- 197-11-912 Procedures of consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.

WAC  
197-11-955 Effective date.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-185, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-185, filed 1/3/85.]

**WAC 140-09-220 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: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-220, filed 1/3/85.]

#### PART ELEVEN - FORMS

**WAC 140-09-230 Adoption by reference.** The corporation adopts the following forms and sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC  
197-11-960 Environmental checklist.  
197-11-965 Adoption notice.  
197-11-970 Determination of nonsignificance (DNS).  
197-11-980 Determination of significance and scoping notice (DS).  
197-11-985 Notice of assumption of lead agency status.  
197-11-990 Notice of action.

[Statutory Authority: RCW 43.21C.120. WSR 08-13-015, § 140-09-230, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. WSR 85-03-004 (Order 3, Resolution No. 103), § 140-09-230, filed 1/3/85.]