
HOUSE BILL 1224

State of Washington

68th Legislature

2023 Regular Session

By Representatives McEntire, Graham, Dye, and Eslick

Read first time 01/11/23. Referred to Committee on Environment & Energy.

1 AN ACT Relating to expediting environmental permitting for job-
2 creating investment in Washington; adding a new section to chapter
3 43.21C RCW; adding a new section to chapter 90.58 RCW; and creating a
4 new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature acknowledges the
7 enactment of the climate commitment act in 2021, which establishes a
8 comprehensive and enforceable program to reduce the emissions of
9 entities covered by the program in proportion to their collective
10 share of the state's greenhouse gas emission targets. Because of the
11 climate commitment act, the legislature finds that it would be a
12 waste of public and private resources and a source of unnecessary
13 delay to condition approval of a permit for a job-creating investment
14 by these entities on a separate environmental assessment of
15 greenhouse gas emissions as part of the state environmental policy
16 act. Whatever quantity of covered greenhouse gas emissions proposed
17 projects by entities may have individually, the environmental impact
18 to the state and global climate remains the same because the
19 department of ecology is directed under the climate commitment act to
20 require reductions from the covered entities in the aggregate that
21 will be consistent with the state's statutory targets.

1 (2) (a) The legislature finds that it has often acknowledged the
2 problem of lengthy delays in environmental permitting and the impact
3 of those delays on job creation and economic development. This was
4 done in the creation of the office of permit assistance in 2002,
5 since renamed the office of regulatory innovation and assistance, and
6 in several updates to the governing statutes for that law, including
7 in chapter 231, Laws of 2007, and in chapter 196, Laws of 2012. The
8 legislature made efforts to expedite permitting with the passage of a
9 comprehensive program to track and improve permit timeliness in
10 chapter 68, Laws of 2014.

11 (b) The legislature also explicitly recognized a concern of
12 excessive delays in the environmental impact analysis process and its
13 impact on those seeking to do business in Washington in an act
14 relating to promoting the completion of environmental impact
15 statements within two years (chapter 289, Laws of 2017). In that law,
16 the legislature required a specific biennial report from the
17 department of ecology to the legislature on the average length of
18 time to complete a final environmental impact statement under the
19 state environmental policy act. In the two most recent reports, the
20 average time was 28 months and 22.6 months, respectively.

21 (3) The legislature finds that assessing greenhouse gas emissions
22 that are already required under state law to be reduced consistent
23 with state targets imposes delay and expense without providing
24 meaningful environmental protection to the citizens of Washington.
25 Therefore, consistent with its previous recognition of the harm to
26 job creation from permitting delay and a desire to promote economic
27 competitiveness, the legislature intends to prohibit the
28 environmental assessment under the state environmental policy act of
29 projects' greenhouse gas emissions that will be subject to the
30 climate commitment act.

31 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21C
32 RCW to read as follows:

33 (1) Covered emissions under chapter 70A.65 RCW, including the
34 covered emissions associated with feedstocks or material inputs used
35 by an entity or products produced by an entity, are not subject to
36 evaluation under this chapter, and may not be the basis for the
37 imposition of mitigation requirements or the denial of a permit under
38 this chapter.

1 (2) Greenhouse gas emissions that will be covered emissions under
2 chapter 70A.65 RCW in the event that a proposed action is permitted
3 and implemented in the form and manner proposed and subject to review
4 under this chapter, including the covered emissions associated with
5 feedstocks or material inputs used by an entity or products produced
6 by an entity, are not subject to evaluation under this chapter, and
7 may not be the basis for the imposition of mitigation requirements or
8 the denial of a permit under this chapter.

9 (3) For the purposes of this section, "covered emissions" has the
10 same meaning as defined in RCW 70A.65.010.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 90.58
12 RCW to read as follows:

13 (1) The consideration of the public interest under this chapter
14 with respect to greenhouse gas emissions that will be covered
15 emissions under chapter 70A.65 RCW is satisfied by a covered entity's
16 submission to the department of the number of compliance instruments
17 equivalent to its covered emissions during a compliance period.

18 (2) Nothing in this section acknowledges, establishes, or creates
19 legal authority under this chapter for the department to consider
20 greenhouse gas emissions or predicted impacts of such emissions.

21 (3) For the purposes of this section, "covered emissions" has the
22 same meaning as defined in RCW 70A.65.010.

23 NEW SECTION. **Sec. 4.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

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