

SENATE BILL REPORT

SB 6504

As Passed Senate, February 14, 2008

Title: An act relating to exempting certain minor new construction associated with construction storm water general permits from the state environmental policy act.

Brief Description: Exempting certain minor new construction associated with construction storm water general permits from SEPA.

Sponsors: Senators Hatfield, Swecker, Delvin, Regala, Schoesler, Morton, Pridemore and Rasmussen; by request of Department of Ecology.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 1/16/08, 1/18/08 [DP].

Passed Senate: 2/14/08, 48-0.

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin, Fraser, Hatfield, Holmquist, Morton, Oemig and Regala.

Staff: Scott Boettcher (786-7416)

Background: Construction projects must comply with the requirements of the State Environmental Policy Act (SEPA) when they are issued a waste discharge permit by the Department of Ecology (Ecology). This requirement applies to construction projects that disturb one or more acres of land and are covered by an Ecology construction stormwater discharge permit. Until 2005, construction projects that disturbed less than five acres of land were not required to get a construction stormwater permit from Ecology, nor were they required to comply with the requirements of SEPA. When Ecology adopted a new construction stormwater permit in 2005 to meet more stringent federal stormwater requirements, the exemption from SEPA for construction projects that disturbed less than five acres of land was not updated.

Summary of Bill: Construction projects that disturb less than five acres of land and require an Ecology construction stormwater discharge permit are exempt from SEPA. The exemption does not apply if Ecology determines by rule that instances warranting SEPA review exist.

Appropriation: None.

Fiscal Note: Available.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Prior exemption is restored in SEPA for minor new construction projects receiving a construction stormwater permit from Ecology. Environmental protection is not reduced; however, administrative process, costs, and time are. Minor new construction projects could include such projects as driveways, agricultural barns and arenas, small commercial buildings, and small apartments.

Persons Testifying: PRO: Tom Clingman, Department of Ecology; Harry Reinert, Development and Environmental Services, King County; Andy Cook, Building Industry Association of Washington.