

SENATE BILL REPORT

SHB 1480

As Reported by Senate Committee On:
Environment, Energy & Technology, March 26, 2019

Title: An act relating to streamlining the permitting process for disposing of dredged materials.

Brief Description: Streamlining the permitting process for disposing of dredged materials.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Fey, Barkis and Jinkins).

Brief History: Passed House: 3/06/19, 97-0.

Committee Activity: Environment, Energy & Technology: 3/20/19, 3/26/19 [DP, DNP].

Brief Summary of Bill

- Exempts the disposal of dredged materials at approved sites from permit requirements under the Shoreline Management Act, so long as the disposal proponent obtains a valid site use authorization from the Department of Natural Resources.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Carlyle, Chair; Palumbo, Vice Chair; Fortunato, Assistant Ranking Member, Environment; Billig, Das, Hobbs, Liias, McCoy, Nguyen, Rivers, Short and Wellman.

Minority Report: Do not pass.

Signed by Senator Ericksen, Ranking Member.

Staff: Greg Vogel (786-7413)

Background: Dredged Materials Management. The Department of Natural Resources (DNR) is responsible for managing state-owned aquatic lands to provide a balance of public benefits for the state. The aquatic lands that DNR manages includes tidelands, shorelands, harbors, and the lands lying beneath navigable waters.

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.

Materials dredged from harbors, rivers, and shipping lanes may be disposed of at certain aquatic land disposal sites, which are approved through a cooperative process involving the Department of Ecology (DOE), DNR, the United States Environmental Protection Agency (EPA), and the United States Army Corps of Engineers (USACE). There are currently eight approved dredged material disposal sites in Puget Sound, two sites in Grays Harbor, and two sites in Willapa Bay.

Before dredged material may be taken to a disposal site, a dredger must apply to DNR's Dredged Material Management Program Office for a site use authorization. DNR only issues site use authorizations after:

- all other applicable federal, state, and local permits have been acquired by the proponent; and
- DOE and EPA notify DNR that the dredged materials are suitable for disposal under the federal Clean Water Act and do not appear to create a threat to human health, welfare, or the environment.

Dredging proponents must pay a per-cubic yard disposal fee adopted by DNR rule in order to use a disposal site. Disposal must occur consistent with conditions imposed by DNR in the site use authorization, which include the terms and conditions imposed by any other federal, state, and local permits.

Shoreline Management Act Permits. The Shoreline Management Act of 1971 requires that most developments near state shorelines be consistent with shoreline master programs, which are plans developed by local governments for the uses of its shoreline areas. Certain projects require a substantial development permit that is reviewed by the local government and filed with DOE. Projects that require a substantial development permit include developments exceeding a cost of \$7,047—as adjusted for inflation by the Office of Financial Management in September 2017, or any development that materially interferes with the normal public use of the water or shorelines of the state. In certain property-specific circumstances, variance permits or conditional use permits may be issued by a local government allowing development that is not consistent with the local shoreline master program.

Summary of Bill: The disposal of dredged materials at a disposal site approved through the cooperative process involving DOE, DNR, USACE, and EPA does not require a permit under the Shoreline Management Act, provided that the proponent of the disposal obtains a valid site use authorization from DNR.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Local governments have found in the process of approving permits for disposal of dredged materials, there are also requirements by EPA and other federal and state agencies, which make the local review unnecessary. Rather than

have one extra hoop for entities to jump through, we recommend curtailing the local review portion, which would also unburden local governments.

Persons Testifying: PRO: Representative Jake Fey, Prime Sponsor; Michal Rechner, DNR; Michael Shaw, Pierce County.

Persons Signed In To Testify But Not Testifying: No one.