

SHB 1193 - S COMM AMD

By Committee on Environment, Energy & Technology

NOT ADOPTED 04/03/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 90.58.355 and 2020 c 20 s 1506 are each amended to
4 read as follows:

5 Requirements to obtain a substantial development permit,
6 conditional use permit, variance, letter of exemption, or other
7 review conducted by a local government to implement this chapter do
8 not apply to:

9 (1) Any person conducting a remedial action at a facility
10 pursuant to a consent decree, order, or agreed order issued pursuant
11 to chapter 70A.305 RCW, or to the department of ecology when it
12 conducts a remedial action under chapter 70A.305 RCW. The department
13 must ensure compliance with the substantive requirements of this
14 chapter through the consent decree, order, or agreed order issued
15 pursuant to chapter 70A.305 RCW, or during the department-conducted
16 remedial action, through the procedures developed by the department
17 pursuant to RCW 70A.305.090;

18 (2) Any person installing site improvements for stormwater
19 treatment in an existing boatyard facility to meet requirements of a
20 national pollutant discharge elimination system stormwater general
21 permit. The department must ensure compliance with the substantive
22 requirements of this chapter through the review of engineering
23 reports, site plans, and other documents related to the installation
24 of boatyard stormwater treatment facilities; ((~~or~~))

25 (3) The department of transportation projects and activities that
26 meet the conditions of RCW 90.58.356; or

27 (4)(a) Actions taken on the Columbia river by the United States
28 army corps of engineers, under the authority of United States Code
29 Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve
30 federal navigation channels in accordance with federally mandated
31 dredged material management and improvement project plans, provided

1 the project: (a) Has undergone environmental review under both the
2 national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the
3 state environmental policy act, chapter 43.21C RCW; and (b) has
4 applied for federal clean water act section 401 water quality
5 certifications issued by the department.

6 (b) Nothing in this subsection may be construed to require a
7 permit, variance, letter of exemption, or other review under this
8 chapter for actions taken by the United States army corps of
9 engineers to maintain and improve federal navigation channels in
10 locations other than on the Columbia river."

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11 On page 1, line 2 of the title, after "improvement;" strike the
12 remainder of the title and insert "and amending RCW 90.58.355."

EFFECT: Limits the Shoreline Management Act's permit exemption for actions taken by the United States Army Corps of Engineers (USACE) to maintain and improve federal navigation channels to only actions on the Columbia River; and clarifies that it should not be assumed that actions taken by USACE to maintain and improve federal navigation channels in other locations outside of the Columbia River would require SMA permits, variances, letter of exemptions, or other reviews.

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