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**HOUSE BILL 1224**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representatives McEntire, Graham, Dye, and Eslick

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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