

ESSB 5034 - H AMD TO APP COMM AMD (H-2378.4/13) **395**

By Representative Taylor

FAILED 04/12/2013

1 On page 241, after line 18, insert the following:

2

3 "NEW SECTION. Sec. 968. A new section is added to chapter 70.94
4 RCW to read as follows:

5 (1) For the 2013-15 biennium, all decisions on applications under
6 this chapter must be completed and the decision returned to the
7 applicant within ninety days of submitting the application. If the
8 ninety-day deadline is not satisfied, the applicant may file a motion
9 in the appropriate superior court requesting court approval of the
10 application.

11 (2) If the application is denied either within or after the
12 ninety-day decision period under subsection (1) of this section, the
13 applicant may file a motion in the appropriate superior court
14 requesting the court to overturn the decision. This subsection
15 applies notwithstanding, and as an alternative to, any other provision
16 of law establishing appeal procedures. Applicants choosing to utilize
17 this appeal authority are deemed to have satisfied all administrative
18 remedies.

19

20 **Sec. 969.** RCW 70.94.181 and 1991 c 199 s 306 are each amended to
21 read as follows:

22 (1) Any person who owns or is in control of any plant, building,
23 structure, establishment, process or equipment may apply to the
24 department (~~(of ecology)~~) or appropriate local authority board for a
25 variance from rules or regulations governing the quality, nature,
26 duration or extent of discharges of air contaminants. The application
27 shall be accompanied by such information and data as the department

1 ((~~of ecology~~)) or board may require. The department ((~~of ecology~~)) or
2 board may grant such variance, provided that variances to state rules
3 shall require the department's approval prior to being issued by a
4 local authority board. The total time period for a variance and
5 renewal of such variance shall not exceed one year. Variances may be
6 issued by either the department or a local board but only after public
7 hearing or due notice, if the department or board finds that:

8 (a) The emissions occurring or proposed to occur do not endanger
9 public health or safety or the environment; and

10 (b) Compliance with the rules or regulations from which variance
11 is sought would produce serious hardship without equal or greater
12 benefits to the public.

13 (2) No variance shall be granted pursuant to this section until
14 the department ((~~of ecology~~)) or board has considered the relative
15 interests of the applicant, other owners of property likely to be
16 affected by the discharges, and the general public.

17 (3) Any variance or renewal thereof shall be granted within the
18 requirements of subsection (1) of this section and under conditions
19 consistent with the reasons therefor, and within the following
20 limitations:

21 (a) If the variance is granted on the ground that there is no
22 practicable means known or available for the adequate prevention,
23 abatement, or control of the pollution involved, it shall be only
24 until the necessary means for prevention, abatement, or control become
25 known and available, and subject to the taking of any substitute or
26 alternate measures that the department ((~~of ecology~~)) or board may
27 prescribe.

28 (b) If the variance is granted on the ground that compliance with
29 the particular requirement or requirements from which variance is
30 sought will require the taking of measures which, because of their
31 extent or cost, must be spread over a considerable period of time, it
32 shall be for a period not to exceed such reasonable time as, in the
33 view of the department ((~~of ecology~~)) or board is requisite for the
34 taking of the necessary measures. A variance granted on the ground

1 specified herein shall contain a timetable for the taking of action in
2 an expeditious manner and shall be conditioned on adherence to such
3 timetable.

4 (c) If the variance is granted on the ground that it is justified
5 to relieve or prevent hardship of a kind other than that provided for
6 in (a) and (b) of this subsection, it shall be for not more than one
7 year.

8 (4) Any variance granted pursuant to this section may be renewed
9 on terms and conditions and for periods which would be appropriate on
10 initial granting of a variance. If complaint is made to the
11 department (~~(of ecology)~~) or board on account of the variance, no
12 renewal thereof shall be granted unless following a public hearing on
13 the complaint on due notice the department or board finds that renewal
14 is justified. No renewal shall be granted except on application
15 therefor. Any such application shall be made at least sixty days
16 prior to the expiration of the variance. Immediately upon receipt of
17 an application for renewal, the department (~~(of ecology)~~) or board
18 shall give public notice of such application in accordance with rules
19 of the department (~~(of ecology)~~) or board.

20 (5) A variance or renewal shall not be a right of the applicant or
21 holder thereof but shall be granted at the discretion of the
22 department (~~(of ecology)~~) or board. However, any applicant adversely
23 affected by the denial or the terms and conditions of the granting of
24 an application for a variance or renewal of a variance by the
25 department (~~(of ecology)~~) or board may obtain judicial review thereof
26 under the provisions of chapter 34.05 RCW as now or hereafter amended.

27 (6) Nothing in this section and no variance or renewal granted
28 pursuant hereto shall be construed to prevent or limit the application
29 of the emergency provisions and procedures of RCW 70.94.710 through
30 70.94.730 to any person or his or her property.

31 (7) An application for a variance, or for the renewal thereof,
32 submitted to the department (~~(of ecology)~~) or board pursuant to this
33 section shall be approved or disapproved by the department or board
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1 within sixty-five days of receipt unless the applicant and the
2 department (~~(of ecology)~~) or board agree to a continuance.

3 (8) Variances approved under this section shall not be included in
4 orders or permits provided for in RCW 70.94.161 or 70.94.152 until
5 such time as the variance has been accepted by the United States
6 environmental protection agency as part of an approved state
7 implementation plan.

8 (9)(a) For the 2013-15 biennium, all decisions on variances under
9 this section must be completed and the decision returned to the
10 applicant within ninety days of submitting the application. If the
11 ninety-day deadline is not satisfied, the applicant may file a motion
12 in the appropriate superior court requesting court approval of the
13 application.

14 (b) If the application is denied either within or after the
15 ninety-day decision period, the applicant may file a motion in the
16 appropriate superior court requesting the court to overturn the
17 decision. This subsection applies notwithstanding, and as an
18 alternative to, any other provision of law establishing appeal
19 procedures. Applicants choosing to utilize this appeal authority are
20 deemed to have satisfied all administrative remedies.

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22 **Sec. 970.** RCW 76.09.060 and 2012 1st sp.s. c 1 s 206 are each
23 amended to read as follows:

24 (1) The department shall prescribe the form and contents of the
25 notification and application. The forest practices rules shall
26 specify by whom and under what conditions the notification and
27 application shall be signed or otherwise certified as acceptable.
28 Activities conducted by the department or a contractor under the
29 direction of the department under the provisions of RCW 76.04.660,
30 shall be exempt from the landowner signature requirement on any forest
31 practices application required to be filed. The application or
32 notification shall be delivered in person to the department, sent by
33 first-class mail to the department or electronically filed in a form
34 defined by the department. The form for electronic filing shall be

1 readily convertible to a paper copy, which shall be available to the
2 public pursuant to chapter 42.56 RCW. The information required may
3 include, but is not limited to:

4 (a) Name and address of the forest landowner, timber owner, and
5 operator;

6 (b) Description of the proposed forest practice or practices to be
7 conducted;

8 (c) Legal description and tax parcel identification numbers of the
9 land on which the forest practices are to be conducted;

10 (d) Planimetric and topographic maps showing location and size of
11 all lakes and streams and other public waters in and immediately
12 adjacent to the operating area and showing all existing and proposed
13 roads and major tractor roads;

14 (e) Description of the silvicultural, harvesting, or other forest
15 practice methods to be used, including the type of equipment to be
16 used and materials to be applied;

17 (f) For an application or notification submitted on or after July
18 10, 2012, that includes a forest practices hydraulic project, plans
19 and specifications for the forest practices hydraulic project to
20 ensure the proper protection of fish life;

21 (g) Proposed plan for reforestation and for any revegetation
22 necessary to reduce erosion potential from roadsides and yarding
23 roads, as required by the forest practices rules;

24 (h) Soil, geological, and hydrological data with respect to forest
25 practices;

26 (i) The expected dates of commencement and completion of all
27 forest practices specified in the application;

28 (j) Provisions for continuing maintenance of roads and other
29 construction or other measures necessary to afford protection to
30 public resources;

31 (k) An affirmation that the statements contained in the
32 notification or application are true; and

33 (l) All necessary application or notification fees.

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1 (2) Long range plans may be submitted to the department for review
2 and consultation.

3 (3) The application for a forest practice or the notification of a
4 forest practice is subject to the reforestation requirement of RCW
5 76.09.070.

6 (a) If the application states that any land will be or is intended
7 to be converted:

8 (i) The reforestation requirements of this chapter and of the
9 forest practices rules shall not apply if the land is in fact
10 converted unless applicable alternatives or limitations are provided
11 in forest practices rules issued under RCW 76.09.070;

12 (ii) Completion of such forest practice operations shall be deemed
13 conversion of the lands to another use for purposes of chapters 84.33
14 and 84.34 RCW unless the conversion is to a use permitted under a
15 current use tax agreement permitted under chapter 84.34 RCW;

16 (iii) The forest practices described in the application are
17 subject to applicable county, city, town, and regional governmental
18 authority permitted under RCW 76.09.240 as well as the forest
19 practices rules.

20 (b) Except as provided elsewhere in this section, if the landowner
21 harvests without an approved application or notification or the
22 landowner does not state that any land covered by the application or
23 notification will be or is intended to be converted, and the
24 department or the county, city, town, or regional governmental entity
25 becomes aware of conversion activities to a use other than commercial
26 timber operations, as that term is defined in RCW 76.09.020, then the
27 department shall send to the department of ecology and the appropriate
28 county, city, town, and regional governmental entities the following
29 documents:

30 (i) A notice of a conversion to nonforestry use;

31 (ii) A copy of the applicable forest practices application or
32 notification, if any; and

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1 (iii) Copies of any applicable outstanding final orders or
2 decisions issued by the department related to the forest practices
3 application or notification.

4 (c) Failure to comply with the reforestation requirements
5 contained in any final order or decision shall constitute a removal of
6 designation under the provisions of RCW 84.33.140, and a change of use
7 under the provisions of RCW 84.34.080, and, if applicable, shall
8 subject such lands to the payments and/or penalties resulting from
9 such removals or changes.

10 (d) Conversion to a use other than commercial forest product
11 operations within six years after approval of the forest practices
12 application or notification without the consent of the county, city,
13 or town shall constitute a violation of each of the county, municipal
14 city, town, and regional authorities to which the forest practice
15 operations would have been subject if the application had stated an
16 intent to convert.

17 (e) Land that is the subject of a notice of conversion to a
18 nonforestry use produced by the department and sent to the department
19 of ecology and a local government under this subsection is subject to
20 the development prohibition and conditions provided in RCW 76.09.460.

21 (f) Landowners who have not stated an intent to convert the land
22 covered by an application or notification and who decide to convert
23 the land to a nonforestry use within six years of receiving an
24 approved application or notification must do so in a manner consistent
25 with RCW 76.09.470.

26 (g) The application or notification must include a statement
27 requiring an acknowledgment by the forest landowner of his or her
28 intent with respect to conversion and acknowledging that he or she is
29 familiar with the effects of this subsection.

30 (4) Whenever an approved application authorizes a forest practice
31 which, because of soil condition, proximity to a water course or other
32 unusual factor, has a potential for causing material damage to a
33 public resource, as determined by the department, the applicant shall,
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1 when requested on the approved application, notify the department two
2 days before the commencement of actual operations.

3 (5) Before the operator commences any forest practice in a manner
4 or to an extent significantly different from that described in a
5 previously approved application or notification, there shall be
6 submitted to the department a new application or notification form in
7 the manner set forth in this section.

8 (6)(a) Except as provided in RCW 76.09.350(4), the notification to
9 or the approval given by the department to an application to conduct a
10 forest practice shall be effective for a term of three years from the
11 date of approval or notification.

12 (b) A notification or application may be renewed for an additional
13 three-year term by the filing and approval of a notification or
14 application, as applicable, prior to the expiration of the original
15 application or notification. A renewal application or notification is
16 subject to the forest practices rules in effect at the time the
17 renewal application or notification is filed. Nothing in this section
18 precludes the applicant from applying for a new application or
19 notification after the renewal period has lapsed.

20 (c) At the option of the applicant, an application or notification
21 may be submitted to cover a single forest practice or a number of
22 forest practices within reasonable geographic or political boundaries
23 as specified by the department. An application or notification that
24 covers more than one forest practice may have an effective term of
25 more than three years.

26 (d) The board shall adopt rules that establish standards and
27 procedures for approving an application or notification that has an
28 effective term of more than three years. Such rules shall include
29 extended time periods for application or notification approval or
30 disapproval. The department may require the applicant to provide
31 advance notice before commencing operations on an approved application
32 or notification.

33 (7) Notwithstanding any other provision of this section, no prior
34 application or notification shall be required for any emergency forest

1 practice necessitated by fire, flood, windstorm, earthquake, or other
2 emergency as defined by the board, but the operator shall submit an
3 application or notification, whichever is applicable, to the
4 department within forty-eight hours after commencement of such
5 practice or as required by local regulations.

6 (8) Forest practices applications or notifications are not
7 required for forest practices conducted to control exotic forest
8 insect or disease outbreaks, when conducted by or under the direction
9 of the department of agriculture in carrying out an order of the
10 governor or director of the department of agriculture to implement
11 pest control measures as authorized under chapter 17.24 RCW, and are
12 not required when conducted by or under the direction of the
13 department in carrying out emergency measures under a forest health
14 emergency declaration by the commissioner of public lands as provided
15 in RCW 76.06.130.

16 (a) For the purposes of this subsection, exotic forest insect or
17 disease has the same meaning as defined in RCW 76.06.020.

18 (b) In order to minimize adverse impacts to public resources,
19 control measures must be based on integrated pest management, as
20 defined in RCW 17.15.010, and must follow forest practices rules
21 relating to road construction and maintenance, timber harvest, and
22 forest chemicals, to the extent possible without compromising control
23 objectives.

24 (c) Agencies conducting or directing control efforts must provide
25 advance notice to the appropriate regulatory staff of the department
26 of the operations that would be subject to exemption from forest
27 practices application or notification requirements.

28 (d) When the appropriate regulatory staff of the department are
29 notified under (c) of this subsection, they must consult with the
30 landowner, interested agencies, and affected tribes, and assist the
31 notifying agencies in the development of integrated pest management
32 plans that comply with forest practices rules as required under (b) of
33 this subsection.

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1 (e) Nothing under this subsection relieves agencies conducting or
2 directing control efforts from requirements of the federal clean water
3 act as administered by the department of ecology under RCW 90.48.260.

4 (f) Forest lands where trees have been cut as part of an exotic
5 forest insect or disease control effort under this subsection are
6 subject to reforestation requirements under RCW 76.09.070.

7 (g) The exemption from obtaining approved forest practices
8 applications or notifications does not apply to forest practices
9 conducted after the governor, the director of the department of
10 agriculture, or the commissioner of public lands have declared that an
11 emergency no longer exists because control objectives have been met,
12 that there is no longer an imminent threat, or that there is no longer
13 a good likelihood of control.

14 (9)(a) For the 2013-15 biennium, all decisions on applications or
15 notifications under this section must be completed and the decision
16 returned to the applicant within ninety days of submitting the
17 application. If the ninety-day deadline is not satisfied, the
18 applicant may file a motion in the appropriate superior court
19 requesting court approval of the application.

20 (b) If the application is denied either within or after the
21 ninety-day decision period, the applicant may file a motion in the
22 appropriate superior court requesting the court to overturn the
23 decision. This subsection applies notwithstanding, and as an
24 alternative to, any other provision of law establishing appeal
25 procedures. Applicants choosing to utilize this appeal authority are
26 deemed to have satisfied all administrative remedies.

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28 **NEW SECTION. Sec. 971.** A new section is added to chapter 90.48
29 RCW to read as follows:

30 (1) For the 2013-15 biennium, all decisions on applications under
31 this chapter must be completed and the decision returned to the
32 applicant within ninety days of submitting the application. If the
33 ninety-day deadline is not satisfied, the applicant may file a motion
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1 in the appropriate superior court requesting court approval of the
2 application.

3 (2) If the application is denied either within or after the
4 ninety-day decision period, the applicant may file a motion in the
5 appropriate superior court requesting the court to overturn the
6 decision. This subsection applies notwithstanding, and as an
7 alternative to, any other provision of law establishing appeal
8 procedures. Applicants choosing to utilize this appeal authority are
9 deemed to have satisfied all administrative remedies.

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11 **Sec. 972.** RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each
12 amended to read as follows:

13 (1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and
14 77.55.361, in the event that any person or government agency desires
15 to undertake a hydraulic project, the person or government agency
16 shall, before commencing work thereon, secure the approval of the
17 department in the form of a permit as to the adequacy of the means
18 proposed for the protection of fish life.

19 (2) A complete written application for a permit may be submitted
20 in person or by registered mail and must contain the following:

21 (a) General plans for the overall project;

22 (b) Complete plans and specifications of the proposed construction
23 or work within the mean higher high water line in saltwater or within
24 the ordinary high water line in freshwater;

25 (c) Complete plans and specifications for the proper protection of
26 fish life;

27 (d) Notice of compliance with any applicable requirements of the
28 state environmental policy act, unless otherwise provided for in this
29 chapter; and

30 (e) Payment of all applicable application fees charged by the
31 department under RCW 77.55.321.

32 (3) The department may establish direct billing accounts or other
33 funds transfer methods with permit applicants to satisfy the fee
34 payment requirements of RCW 77.55.321.

1 (4) The department may accept complete, written applications as
2 provided in this section for multiple site permits and may issue these
3 permits. For multiple site permits, each specific location must be
4 identified.

5 (5) With the exception of emergency permits as provided in
6 subsection ~~((+12+))~~ (13) of this section, applications for permits
7 must be submitted to the department's headquarters office in Olympia.
8 Requests for emergency permits as provided in subsection ~~((+12+))~~ (13)
9 of this section may be made to the permitting biologist assigned to
10 the location in which the emergency occurs, to the department's
11 regional office in which the emergency occurs, or to the department's
12 headquarters office.

13 (6) Except as provided for emergency permits in subsection
14 ~~((+12+))~~ (13) of this section, the department may not proceed with
15 permit review until all fees are paid in full as required in RCW
16 77.55.321.

17 (7)(a) Protection of fish life is the only ground upon which
18 approval of a permit may be denied or conditioned. Approval of a
19 permit may not be unreasonably withheld or unreasonably conditioned.

20 (b) Except as provided in this subsection and subsections ~~((+12+)~~
21 ~~through (14) and (16+))~~ (13), (15), and (16) of this section, the
22 department has forty-five calendar days upon receipt of a complete
23 application to grant or deny approval of a permit. The forty-five day
24 requirement is suspended if:

25 (i) After ten working days of receipt of the application, the
26 applicant remains unavailable or unable to arrange for a timely field
27 evaluation of the proposed project;

28 (ii) The site is physically inaccessible for inspection;

29 (iii) The applicant requests a delay; or

30 (iv) The department is issuing a permit for a storm water
31 discharge and is complying with the requirements of RCW
32 77.55.161(3)(b).

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1 (c) Immediately upon determination that the forty-five day period
2 is suspended under (b) of this subsection, the department shall notify
3 the applicant in writing of the reasons for the delay.

4 (d) The period of forty-five calendar days may be extended if the
5 permit is part of a multiagency permit streamlining effort and all
6 participating permitting agencies and the permit applicant agree to an
7 extended timeline longer than forty-five calendar days.

8 (8) If the department denies approval of a permit, the department
9 shall provide the applicant a written statement of the specific
10 reasons why and how the proposed project would adversely affect fish
11 life.

12 (a) Except as provided in (b) of this subsection, issuance,
13 denial, conditioning, or modification of a permit shall be appealable
14 to the board within thirty days from the date of receipt of the
15 decision as provided in RCW 43.21B.230.

16 (b) Issuance, denial, conditioning, or modification of a permit
17 may be informally appealed to the department within thirty days from
18 the date of receipt of the decision. Requests for informal appeals
19 must be filed in the form and manner prescribed by the department by
20 rule. A permit decision that has been informally appealed to the
21 department is appealable to the board within thirty days from the date
22 of receipt of the department's decision on the informal appeal.

23 (9)(a) Notwithstanding the forty-five day decision timeline
24 required in this section, for the 2013-15 biennium, all decisions on
25 applications under this section must be completed and the decision
26 returned to the applicant no longer than ninety days of submitting the
27 application. If the ninety- day deadline is not satisfied, the
28 applicant may file a motion in the appropriate superior court
29 requesting court approval of the application.

30 (b) If the application is denied either within or after the
31 ninety-day decision period, the applicant may file a motion in the
32 appropriate superior court requesting the court to overturn the
33 decision. This subsection applies notwithstanding, and as an
34 alternative to, any other provision of law establishing appeal

1 procedures. Applicants choosing to utilize this appeal authority are
2 deemed to have satisfied all administrative remedies.

3 (10)(a) The permittee must demonstrate substantial progress on
4 construction of that portion of the project relating to the permit
5 within two years of the date of issuance.

6 (b) Approval of a permit is valid for up to five years from the
7 date of issuance, except as provided in (c) of this subsection and in
8 RCW 77.55.151.

9 (c) A permit remains in effect without need for periodic renewal
10 for hydraulic projects that divert water for agricultural irrigation
11 or stock watering purposes and that involve seasonal construction or
12 other work. A permit for streambank stabilization projects to protect
13 farm and agricultural land as defined in RCW 84.34.020 remains in
14 effect without need for periodic renewal if the problem causing the
15 need for the streambank stabilization occurs on an annual or more
16 frequent basis. The permittee must notify the appropriate agency
17 before commencing the construction or other work within the area
18 covered by the permit.

19 ~~((+10))~~ (11) The department may, after consultation with the
20 permittee, modify a permit due to changed conditions. A modification
21 under this subsection is not subject to the fees provided under RCW
22 77.55.321. The modification is appealable as provided in subsection
23 (8) of this section. For a hydraulic project that diverts water for
24 agricultural irrigation or stock watering purposes, when the hydraulic
25 project or other work is associated with streambank stabilization to
26 protect farm and agricultural land as defined in RCW 84.34.020, the
27 burden is on the department to show that changed conditions warrant
28 the modification in order to protect fish life.

29 ~~((+11))~~ (12) A permittee may request modification of a permit due
30 to changed conditions. The request must be processed within forty-
31 five calendar days of receipt of the written request and payment of
32 applicable fees under RCW 77.55.321. A decision by the department is
33 appealable as provided in subsection (8) of this section. For a
34 hydraulic project that diverts water for agricultural irrigation or

1 stock watering purposes, when the hydraulic project or other work is
2 associated with streambank stabilization to protect farm and
3 agricultural land as defined in RCW 84.34.020, the burden is on the
4 permittee to show that changed conditions warrant the requested
5 modification and that such a modification will not impair fish life.

6 ~~((+12+))~~ (13)(a) The department, the county legislative authority,
7 or the governor may declare and continue an emergency. If the county
8 legislative authority declares an emergency under this subsection, it
9 shall immediately notify the department. A declared state of
10 emergency by the governor under RCW 43.06.010 shall constitute a
11 declaration under this subsection.

12 (b) The department, through its authorized representatives, shall
13 issue immediately, upon request, verbal approval for a stream
14 crossing, or work to remove any obstructions, repair existing
15 structures, restore streambanks, protect fish life, or protect
16 property threatened by the stream or a change in the stream flow
17 without the necessity of obtaining a written permit prior to
18 commencing work. Conditions of the emergency verbal permit must be
19 reduced to writing within thirty days and complied with as provided
20 for in this chapter.

21 (c) The department may not require the provisions of the state
22 environmental policy act, chapter 43.21C RCW, to be met as a condition
23 of issuing a permit under this subsection.

24 (d) The department may not charge a person requesting an emergency
25 permit any of the fees authorized by RCW 77.55.321 until after the
26 emergency permit is issued and reduced to writing.

27 ~~((+13+))~~ (14) All state and local agencies with authority under
28 this chapter to issue permits or other authorizations in connection
29 with emergency water withdrawals and facilities authorized under RCW
30 43.83B.410 shall expedite the processing of such permits or
31 authorizations in keeping with the emergency nature of such requests
32 and shall provide a decision to the applicant within fifteen calendar
33 days of the date of application.

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1 (~~(14)~~) (15) The department or the county legislative authority
2 may determine an imminent danger exists. The county legislative
3 authority shall notify the department, in writing, if it determines
4 that an imminent danger exists. In cases of imminent danger, the
5 department shall issue an expedited written permit, upon request, for
6 work to remove any obstructions, repair existing structures, restore
7 banks, protect fish resources, or protect property. Expedited permit
8 requests require a complete written application as provided in
9 subsection (2) of this section and must be issued within fifteen
10 calendar days of the receipt of a complete written application.
11 Approval of an expedited permit is valid for up to sixty days from the
12 date of issuance. The department may not require the provisions of
13 the state environmental policy act, chapter 43.21C RCW, to be met as a
14 condition of issuing a permit under this subsection.

15 (~~(15)~~) (16)(a) For any property, except for property located on
16 a marine shoreline, that has experienced at least two consecutive
17 years of flooding or erosion that has damaged or has threatened to
18 damage a major structure, water supply system, septic system, or
19 access to any road or highway, the county legislative authority may
20 determine that a chronic danger exists. The county legislative
21 authority shall notify the department, in writing, when it determines
22 that a chronic danger exists. In cases of chronic danger, the
23 department shall issue a permit, upon request, for work necessary to
24 abate the chronic danger by removing any obstructions, repairing
25 existing structures, restoring banks, restoring road or highway
26 access, protecting fish resources, or protecting property. Permit
27 requests must be made and processed in accordance with subsections (2)
28 and (7) of this section.

29 (b) Any projects proposed to address a chronic danger identified
30 under (a) of this subsection that satisfies the project description
31 identified in RCW 77.55.181(1)(a)(ii) are not subject to the
32 provisions of the state environmental policy act, chapter 43.21C RCW.
33 However, the project is subject to the review process established in
34 RCW 77.55.181(3) as if it were a fish habitat improvement project.

1 (~~(16)~~) (17) The department may issue an expedited written permit
2 in those instances where normal permit processing would result in
3 significant hardship for the applicant or unacceptable damage to the
4 environment. Expedited permit requests require a complete written
5 application as provided in subsection (2) of this section and must be
6 issued within fifteen calendar days of the receipt of a complete
7 written application. Approval of an expedited permit is valid for up
8 to sixty days from the date of issuance. The department may not
9 require the provisions of the state environmental policy act, chapter
10 43.21C RCW, to be met as a condition of issuing a permit under this
11 subsection.

12
13 NEW SECTION. **Sec. 973.** A new section is added to chapter 90.76
14 RCW to read as follows:

15 (1) For the 2013-15 biennium, all decisions on license
16 applications under this chapter must be completed and the decision
17 returned to the applicant within ninety days of submitting the
18 application. If the ninety-day deadline is not satisfied, the
19 applicant may file a motion in the appropriate superior court
20 requesting court approval of the application.

21 (2) If the license application is denied either within or after
22 the ninety-day decision period, the applicant may file a motion in the
23 appropriate superior court requesting the court to overturn the
24 decision. This subsection applies notwithstanding, and as an
25 alternative to, any other provision of law establishing appeal
26 procedures. Applicants choosing to utilize this appeal authority are
27 deemed to have satisfied all administrative remedies.

28
29 **Sec. 974.** RCW 78.44.081 and 1997 c 192 s 1 are each amended to
30 read as follows:

31 (1) After July 1, 1993, no miner or permit holder may engage in
32 surface mining without having first obtained a reclamation permit from
33 the department. Operating permits issued by the department between
34 January 1, 1971, and June 30, 1993, shall be considered reclamation

1 permits. A separate permit shall be required for each noncontiguous
2 surface mine. The reclamation permit shall consist of the permit
3 forms and any exhibits attached thereto. The permit holder shall
4 comply with the provisions of the reclamation permit unless waived and
5 explained in writing by the department.

6 (2) Prior to receiving a reclamation permit, an applicant must
7 submit an application on forms provided by the department that shall
8 contain the following information and shall be considered part of the
9 reclamation permit:

10 ~~((1))~~ (a) Name and address of the legal landowner, or purchaser
11 of the land under a real estate contract;

12 ~~((2))~~ (b) The name of the applicant and, if the applicants are
13 corporations or other business entities, the names and addresses of
14 their principal officers and resident agent for service of process;

15 ~~((3))~~ (c) A reasonably accurate description of the minerals to
16 be surface mined;

17 ~~((4))~~ (d) Type of surface mining to be performed;

18 ~~((5))~~ (e) Estimated starting date, date of completion, and date
19 of completed reclamation of surface mining;

20 ~~((6))~~ (f) Size and legal description of the permit area and
21 maximum lateral and vertical extent of the disturbed area;

22 ~~((7))~~ (g) Expected area to be disturbed by surface mining during
23 ~~((a))~~ (i) the next twelve months, and ~~((b))~~ (ii) the following
24 twenty-four months;

25 ~~((8))~~ (h) Any applicable SEPA documents; and

26 ~~((9))~~ (i) Other pertinent data as required by the department.

27 (3) The reclamation permit shall be granted for the period required to
28 deplete essentially all minerals identified in the reclamation permit
29 on the land covered by the reclamation plan. The reclamation permit
30 shall be valid until the reclamation is complete unless the permit is
31 canceled by the department.

32 (4)(a) For the 2013-15 biennium, all decisions on applications
33 under this chapter must be completed and the decision returned to the
34 applicant within ninety days of submitting the application. If the

1 ninety-day deadline is not satisfied, the applicant may file a motion
2 in the appropriate superior court requesting court approval of the
3 application.

4 (b) If the application is denied either within or after the
5 ninety-day decision period, the applicant may file a motion in the
6 appropriate superior court requesting the court to overturn the
7 decision. This subsection applies notwithstanding, and as an
8 alternative to, any other provision of law establishing appeal
9 procedures. Applicants choosing to utilize this appeal authority are
10 deemed to have satisfied all administrative remedies.

11
12 NEW SECTION. Sec. 975. A new section is added to chapter 18.104
13 RCW to read as follows:

14 (1) For the 2103-15 biennium, all decisions on applications under
15 this chapter must be completed and the decision returned to the
16 applicant within ninety days of submitting the application. If the
17 ninety-day deadline is not satisfied, the applicant may file a motion
18 in the appropriate superior court requesting court approval of the
19 application.

20 (2) If the application is denied either within or after the
21 ninety-day decision period, the applicant may file a motion in the
22 appropriate superior court requesting the court to overturn the
23 decision. This subsection applies notwithstanding, and as an
24 alternative to, any other provision of law establishing appeal
25 procedures. Applicants choosing to utilize this appeal authority are
26 deemed to have satisfied all administrative remedies.

27
28 **Sec. 976.** RCW 86.16.025 and 1995 c 8 s 4 are each amended to read
29 as follows:

30 (1) Subject to RCW 43.21A.068, with respect to such features as
31 may affect flood conditions, the department shall have authority to
32 examine, approve, or reject designs and plans for any structure or
33 works, public or private, to be erected or built or to be
34 reconstructed or modified upon the banks or in or over the channel or

1 over and across the floodway of any stream or body of water in this
2 state.

3 (2)(a) For the 2013-15 biennium, all decisions on applications
4 under this chapter must be completed and the decision returned to the
5 applicant within ninety days of submitting the application. If the
6 ninety-day deadline is not satisfied, the applicant may file a motion
7 in the appropriate superior court requesting court approval of the
8 application.

9 (b) If the application is denied either within or after the
10 ninety-day decision period, the applicant may file a motion in the
11 appropriate superior court requesting the court to overturn the
12 decision. This subsection applies notwithstanding, and as an
13 alternative to, any other provision of law establishing appeal
14 procedures. Applicants choosing to utilize this appeal authority are
15 deemed to have satisfied all administrative remedies.

16
17 **Sec. 977.** RCW 70.95.205 and 1998 c 36 s 18 are each amended to
18 read as follows:

19 (1) Waste-derived soil amendments that meet the standards and
20 criteria in this section may apply for exemption from solid waste
21 permitting as required under RCW 70.95.170. The application shall be
22 submitted to the department in a format determined by the department
23 or an equivalent format. The application shall include:

24 (a) Analytical data showing that the waste-derived soil amendments
25 meet standards established under RCW 15.54.800; and

26 (b) Other information deemed appropriate by the department to
27 protect human health and the environment.

28 (2) After receipt of an application, the department shall review
29 it to determine whether the application is complete, and forward a
30 copy of the complete application to all interested jurisdictional
31 health departments for review and comment. Within forty-five days,
32 the jurisdictional health departments shall forward their comments and
33 any other information they deem relevant to the department, which
34 shall then give final approval or disapproval of the application.

1 Every complete application shall be approved or disapproved by the
2 department within ninety days after receipt. If the ninety-day
3 deadline is not satisfied, for the 2013-15 biennium the applicant may
4 file a motion in the appropriate superior court requesting court
5 approval of the application. If the application is denied either
6 within or after the ninety-day decision period, the applicant may file
7 a motion in the appropriate superior court requesting the court to
8 overturn the decision. This subsection applies notwithstanding, and
9 as an alternative to, any other provision of law establishing appeal
10 procedures. Applicants choosing to utilize this appeal authority are
11 deemed to have satisfied all administrative remedies.

12 (3) The department, after providing opportunity for comments from
13 the jurisdictional health departments, may at any time revoke an
14 exemption granted under this section if the quality or use of the
15 waste-derived soil amendment changes or the management, storage, or
16 end use of the waste-derived soil amendment constitutes a threat to
17 human health or the environment.

18 (4) Any aggrieved party may appeal the determination by the
19 department in subsection (2) or (3) of this section to the pollution
20 control hearings board.

21
22 **Sec. 978.** RCW 15.54.820 and 1998 c 36 s 16 are each amended to
23 read as follows:

24 (1) After receipt from the department of the completed application
25 required by RCW 15.54.325, the department of ecology shall evaluate
26 whether the use of the proposed waste-derived fertilizer or the
27 micronutrient fertilizer as defined in RCW 15.54.270 is consistent
28 with the following:

- 29 (a) Chapter 70.95 RCW, the solid waste management act;
30 (b) Chapter 70.105 RCW, the hazardous waste management act; and
31 (c) 42 U.S.C. Sec. 6901 et seq., the resource conservation and
32 recovery act.

33 (2) The department of ecology shall apply the standards adopted in
34 RCW 15.54.800. If more stringent standards apply under chapter 173-

1 303 WAC for the same constituents, the department of ecology must use
2 the more stringent standards.

3 (3) Within sixty days of receiving the completed application, the
4 department of ecology shall advise the department as to whether the
5 application complies with the requirements of subsections (1) and (2)
6 of this section. In making a determination, the department of ecology
7 shall consult with the department of health and the department of
8 labor and industries.

9 (4) A party aggrieved by a decision of the department of ecology
10 to issue a written approval under this section or to deny the issuance
11 of such an approval may appeal the decision to the pollution control
12 hearings board within thirty days of the decision. Review of such a
13 decision shall be conducted in accordance with either subsection (5)
14 of this section or with chapter 43.21B RCW((=)), with any subsequent
15 appeal of a decision of the hearings board ((shall be)) obtained in
16 accordance with RCW 43.21B.180.

17 (5)(a) For the 2013-15 biennium, all decisions on applications
18 under this chapter must be completed and the decision returned to the
19 applicant within ninety days of submitting the application. If the
20 ninety-day deadline is not satisfied, the applicant may file a motion
21 in the appropriate superior court requesting court approval of the
22 application.

23 (b) If the application is denied either within or after the
24 ninety-day decision period, the applicant may file a motion in the
25 appropriate superior court requesting the court to overturn the
26 decision. This subsection applies notwithstanding, and as an
27 alternative to, any other provision of law establishing appeal
28 procedures. Applicants choosing to utilize this appeal authority are
29 deemed to have satisfied all administrative remedies.

30
31 **Sec. 979.** RCW 43.21C.033 and 1995 c 347 s 422 are each amended to
32 read as follows:

33 (1)(a) Except as provided in subsection (2) of this section, the
34 responsible official shall make a threshold determination on a

1 completed application within ninety days after the application and
2 supporting documentation are complete. The applicant may request an
3 additional thirty days for the threshold determination. The
4 governmental entity responsible for making the threshold determination
5 shall by rule, resolution, or ordinance adopt standards, consistent
6 with rules adopted by the department to implement this chapter, for
7 determining when an application and supporting documentation are
8 complete.

9 (b) For the 2013-15 biennium, if the ninety-day deadline is not
10 satisfied, the applicant may file a motion in the appropriate superior
11 court requesting court approval of the application. If the
12 application is denied either within or after the ninety-day decision
13 period, the applicant may file a motion in the appropriate superior
14 court requesting the court to overturn the decision. This subsection
15 applies notwithstanding, and as an alternative to, any other provision
16 of law establishing appeal procedures. Applicants choosing to utilize
17 this appeal authority are deemed to have satisfied all administrative
18 remedies.

19 (2) Subsection (1)(a) of this section shall not apply to a city,
20 town, or county that:

21 (a) By ordinance adopted prior to April 1, 1992, has adopted
22 procedures to integrate permit and land use decisions with the
23 requirements of this chapter; or

24 (b) Is planning under RCW 36.70A.040 (~~and is subject to the~~
25 ~~requirements of RCW 36.70B.090~~)).

26
27 **Sec. 980.** RCW 77.115.040 and 2011 c 339 s 37 are each amended to
28 read as follows:

29 (1) All aquatic farmers, as defined in RCW 15.85.020, shall
30 register with the department. The application fee is one hundred five
31 dollars. The director shall assign each aquatic farm a unique
32 registration number and develop and maintain in an electronic database
33 a registration list of all aquaculture farms. The department shall
34 establish procedures to annually update the aquatic farmer information

1 contained in the registration list. The department shall coordinate
2 with the department of health using shellfish growing area
3 certification data when updating the registration list.

4 (2)(a) For the 2013-15 biennium, all decisions on registrations
5 under this chapter must be completed and the decision returned to the
6 applicant within ninety days of submitting the registrations. If the
7 ninety-day deadline is not satisfied, the applicant may file a motion
8 in the appropriate superior court requesting court approval of the
9 application.

10 (b) If the application is denied either within or after the
11 ninety-day decision period, the applicant may file a motion in the
12 appropriate superior court requesting the court to overturn the
13 decision. This subsection applies notwithstanding, and as an
14 alternative to, any other provision of law establishing appeal
15 procedures. Applicants choosing to utilize this appeal authority are
16 deemed to have satisfied all administrative remedies.

17 (3) Registered aquaculture farms shall provide the department with
18 the following information:

19 (a) The name of the aquatic farmer;

20 (b) The address of the aquatic farmer;

21 (c) Contact information such as telephone, fax, web site, and e-
22 mail address, if available;

23 (d) The number and location of acres under cultivation, including
24 a map displaying the location of the cultivated acres;

25 (e) The name of the landowner of the property being cultivated or
26 otherwise used in the aquatic farming operation;

27 (f) The private sector cultured aquatic product being propagated,
28 farmed, or cultivated; and

29 (g) Statistical production data.

30 ~~((3))~~ (4) The state veterinarian shall be provided with
31 registration and statistical data by the department.

32
33 NEW SECTION. Sec. 981. A new section is added to chapter 69.30
34 RCW to read as follows:

1 (1) For the 2013-15 biennium, all decisions on applications under
2 this chapter must be completed and the decision returned to the
3 applicant within ninety days of submitting the application. If the
4 ninety-day deadline is not satisfied, the applicant may file a motion
5 in the appropriate superior court requesting court approval of the
6 application.

7 (2) If the application is denied either within or after the
8 ninety-day decision period, the applicant may file a motion in the
9 appropriate superior court requesting the court to overturn the
10 decision. This subsection applies notwithstanding, and as an
11 alternative to, any other provision of law establishing appeal
12 procedures. Applicants choosing to utilize this appeal authority are
13 deemed to have satisfied all administrative remedies.

14

15 NEW SECTION. **Sec. 982.** A new section is added to chapter 90.64
16 RCW to read as follows:

17 (1) For the 2013-15 biennium, all decisions on applications under
18 this chapter must be completed and the decision returned to the
19 applicant within ninety days of submitting the application. If the
20 ninety-day deadline is not satisfied, the applicant may file a motion
21 in the appropriate superior court requesting court approval of the
22 application.

23 (2) If the application is denied either within or after the
24 ninety-day decision period, the applicant may file a motion in the
25 appropriate superior court requesting the court to overturn the
26 decision. This subsection applies notwithstanding, and as an
27 alternative to, any other provision of law establishing appeal
28 procedures. Applicants choosing to utilize this appeal authority are
29 deemed to have satisfied all administrative remedies.

30

31 NEW SECTION. **Sec. 983.** A new section is added to chapter 15.58
32 RCW to read as follows:

33 (1) For the 2013-15 biennium, all decisions on applications under
34 this chapter must be completed and the decision returned to the

1 applicant within ninety days of submitting the application. If the
2 ninety-day deadline is not satisfied, the applicant may file a motion
3 in the appropriate superior court requesting court approval of the
4 application.

5 (2) If the application is denied either within or after the
6 ninety-day decision period, the applicant may file a motion in the
7 appropriate superior court requesting the court to overturn the
8 decision. This subsection applies notwithstanding, and as an
9 alternative to, any other provision of law establishing appeal
10 procedures. Applicants choosing to utilize this appeal authority are
11 deemed to have satisfied all administrative remedies.

12
13 NEW SECTION. **Sec. 984.** A new section is added to chapter 17.21
14 RCW to read as follows:

15 (1) For the 2013-15 biennium, all decisions on applications under
16 this chapter must be completed and the decision returned to the
17 applicant within ninety days of submitting the application. If the
18 ninety-day deadline is not satisfied, the applicant may file a motion
19 in the appropriate superior court requesting court approval of the
20 application.

21 (2) If the application is denied either within or after the
22 ninety-day decision period, the applicant may file a motion in the
23 appropriate superior court requesting the court to overturn the
24 decision. This subsection applies notwithstanding, and as an
25 alternative to, any other provision of law establishing appeal
26 procedures. Applicants choosing to utilize this appeal authority are
27 deemed to have satisfied all administrative remedies.

28
29 **Sec. 985.** RCW 16.65.030 and 2003 c 326 s 65 are each amended to
30 read as follows:

31 (1) No person shall operate a public livestock market without
32 first having obtained a license from the director. Application for a
33 license shall be in writing on forms prescribed by the director, and
34 shall include the following:

1 (a) A nonrefundable original license application fee of two
2 thousand dollars.

3 (b) A legal description of the property upon which the public
4 livestock market shall be located.

5 (c) A complete description and blueprints or plans of the public
6 livestock market physical plant, yards, pens, and all facilities the
7 applicant proposes to use in the operation of such public livestock
8 market.

9 (d) A financial statement, audited by a certified or licensed
10 public accountant, to determine whether or not the applicant meets the
11 minimum net worth requirements, established by the director by rule,
12 to construct and/or operate a public livestock market. If the
13 applicant is a subsidiary of a larger company, corporation, society,
14 or cooperative association, both the parent company and the subsidiary
15 company must submit a financial statement to determine whether or not
16 the applicant meets the minimum net worth requirements. All financial
17 statement information required by this subsection is confidential
18 information and not subject to public disclosure.

19 (e) The schedule of rates and charges the applicant proposes to
20 impose on the owners of livestock for services rendered in the
21 operation of such livestock market.

22 (f) The weekly or monthly sales day or days on which the applicant
23 proposes to operate his or her public livestock market sales and the
24 class of livestock that may be sold on these days.

25 (g) Projected source and quantity of livestock anticipated to be
26 handled.

27 (h) Projected gross dollar volume of business to be carried on,
28 at, or through the public livestock market during the first year's
29 operation.

30 (i) Facts upon which is based the conclusion that the trade area
31 and the livestock industry will benefit because of the proposed
32 market.

33 (j) Other information as the director may require by rule.

34

1 (2) If the director determines that the applicant meets all the
2 requirements of subsection (1) of this section, the director shall
3 conduct a public hearing as provided by chapter 34.05 RCW, and shall
4 grant or deny an application for original license for a public
5 livestock market after considering evidence and testimony relating to
6 the requirements of this section and giving reasonable consideration
7 to:

8 (a) Benefits to the livestock industry to be derived from the
9 establishment and operation of the public livestock market proposed in
10 the application;

11 (b) The geographical area that will be affected;

12 (c) The conflict, if any, with sales days already allocated in the
13 area;

14 (d) The amount and class of livestock available for marketing in
15 the area;

16 (e) Buyers available to the proposed market; and

17 (f) Any other conditions affecting the orderly marketing of
18 livestock.

19 (3) Before a license is issued to operate a public livestock
20 market, the applicant must:

21 (a) Execute and deliver to the director a surety bond as required
22 under RCW 16.65.200;

23 (b) Provide evidence of a custodial account, as required under RCW
24 16.65.140, for the consignor's proceeds;

25 (c) Pay the appropriate license fee; and

26 (d) Provide other information required under this chapter and
27 rules adopted under this chapter.

28 (4)(a) For the 2013-15 biennium, all decisions under this section
29 must be completed and the decision returned to the applicant within
30 ninety days of submitting the registrations. If the ninety-day
31 deadline is not satisfied, the applicant may file a motion in the
32 appropriate superior court requesting court approval of the
33 application.

34 (b) If the application is denied either within or after the

1 ninety-day decision period, the applicant may file a motion in the
2 appropriate superior court requesting the court to overturn the
3 decision. This subsection applies notwithstanding, and as an
4 alternative to, any other provision of law establishing appeal
5 procedures. Applicants choosing to utilize this appeal authority are
6 deemed to have satisfied all administrative remedies.

7
8 **NEW SECTION. Sec. 986.** A new section is added to chapter 70.95J
9 RCW to read as follows:

10 (1) For the 2013-15 biennium, all decisions on applications under
11 this chapter must be completed and the decision returned to the
12 applicant within ninety days of submitting the application. If the
13 ninety-day deadline is not satisfied, the applicant may file a motion
14 in the appropriate superior court requesting court approval of the
15 application.

16 (2) If the application is denied either within or after the
17 ninety-day decision period, the applicant may file a motion in the
18 appropriate superior court requesting the court to overturn the
19 decision. This subsection applies notwithstanding, and as an
20 alternative to, any other provision of law establishing appeal
21 procedures. Applicants choosing to utilize this appeal authority are
22 deemed to have satisfied all administrative remedies.

23
24 **Sec. 987.** RCW 70.119A.110 and 2011 c 102 s 1 are each amended to
25 read as follows:

26 (1) No person may operate a group A public water system unless the
27 person first submits an application to the department and receives an
28 operating permit as provided in this section. A new application must
29 be submitted upon any change in ownership of the system.

30 (2) The department may require that each application include the
31 information that is reasonable and necessary to determine that the
32 system complies with applicable standards and requirements of the
33 federal safe drinking water act, state law, and rules adopted by the
34 department or by the state board of health.

1 (3)(a) Following its review of the application, its supporting
2 material, and any information received by the department in its
3 investigation of the application, the department shall issue or deny
4 the operating permit. The department shall act on initial permit
5 applications as expeditiously as possible, and shall in all cases
6 either grant or deny the application within (~~one hundred twenty~~)
7 ninety days of receipt of the application or of any supplemental
8 information required to complete the application.

9 (b) The applicant for a permit shall be entitled to two different
10 appeals pathways:

11 (i) The applicant may file an appeal in accordance with chapter
12 34.05 RCW if the department denies the initial or subsequent
13 applications or imposes conditions or requirements upon the operator.
14 Any operator of a public water system that requests a hearing may
15 continue to operate the system until a decision is issued after the
16 hearing.

17 (ii) In the alternative, for the 2103-15 biennium, if the ninety-
18 day deadline is not satisfied, the applicant may file a motion in the
19 appropriate superior court requesting court approval of the
20 application. If the application is denied either within or after the
21 ninety-day decision period, the applicant may file a motion in the
22 appropriate superior court requesting the court to overturn the
23 decision. This subsection applies notwithstanding, and as an
24 alternative to, any other provision of law establishing appeal
25 procedures. Applicants choosing to utilize this appeal authority are
26 deemed to have satisfied all administrative remedies.

27 (4) At the time of initial permit application or at the time of
28 permit renewal the department may impose such permit conditions,
29 requirements for system improvements, and compliance schedules as it
30 determines are reasonable and necessary to ensure that the system will
31 provide a safe and reliable water supply to its users.

32 (5) Operating permits shall be issued for a term of one year, and
33 shall be renewed annually, unless the operator fails to apply for a
34

1 new permit or the department finds good cause to deny the application
2 for renewal.

3 (6) Each application shall be accompanied by an annual fee.

4 (7) The department shall adopt rules, in accordance with chapter
5 34.05 RCW, necessary to implement this section.

6 (8) The department shall establish by rule categories of annual
7 operating permit fees based on system size, complexity, and number of
8 service connections. Fees charged must be sufficient to cover, but
9 may not exceed, the costs to the department of administering a program
10 for safe and reliable drinking water. The department shall use
11 operating permit fees to monitor and enforce compliance by group A
12 public water systems with state and federal laws that govern planning,
13 water use efficiency, design, construction, operation, maintenance,
14 financing, management, and emergency response.

15 (9) The annual per-connection fee may not exceed one dollar and
16 fifty cents. The department shall phase-in implementation of any
17 annual fee increase greater than ten percent, and shall establish the
18 schedule for implementation by rule. Rules established by the
19 department prior to 2020 must limit the annual operating permit fee
20 for any public water system to no greater than one hundred thousand
21 dollars.

22 (10) The department shall notify existing public water systems of
23 the requirements of RCW 70.119A.030, 70.119A.060, and this section at
24 least one hundred twenty days prior to the date that an application
25 for a permit is required pursuant to RCW 70.119A.030, 70.119A.060, and
26 this section.

27 (11) The department shall issue one operating permit to any
28 approved satellite system management agency. Operating permit fees
29 for approved satellite system management agencies must be established
30 by the department by rule. Rules established by the department must
31 set a single fee based on the total number of connections for all
32 group A public water systems owned by a satellite management agency.

33 (12) For purposes of this section, "group A public water system"
34 and "system" mean those water systems with fifteen or more service

1 connections, regardless of the number of people; or a system serving
2 an average of twenty-five or more people per day for sixty or more
3 days within a calendar year, regardless of the number of service
4 connections.

5
6 **Sec. 988.** RCW 90.03.350 and 1995 c 8 s 6 are each amended to read
7 as follows:

8 (1) Except as provided in RCW 43.21A.068, any person, corporation or
9 association intending to construct or modify any dam or controlling
10 works for the storage of ten acre feet or more of water, shall before
11 beginning said construction or modification, submit plans and
12 specifications of the same to the department for examination and
13 approval as to its safety. Such plans and specifications shall be
14 submitted in duplicate, one copy of which shall be retained as a
15 public record, by the department, and the other returned with its
16 approval or rejection endorsed thereon. No such dam or controlling
17 works shall be constructed or modified until the same or any
18 modification thereof shall have been approved as to its safety by the
19 department. Any such dam or controlling works constructed or modified
20 in any manner other than in accordance with plans and specifications
21 approved by the department or which shall not be maintained in
22 accordance with the order of the department shall be presumed to be a
23 public nuisance and may be abated in the manner provided by law, and
24 it shall be the duty of the attorney general or prosecuting attorney
25 of the county wherein such dam or controlling works, or the major
26 portion thereof, is situated to institute abatement proceedings
27 against the owner or owners of such dam or controlling works, whenever
28 he or she is requested to do so by the department.

29 (2) A metals mining and milling operation regulated under chapter 232,
30 Laws of 1994 is subject to additional dam safety inspection
31 requirements due to the special hazards associated with failure of a
32 tailings pond impoundment. The department shall inspect these
33 impoundments at least quarterly during the project's operation and at
34 least annually thereafter for the postclosure monitoring period in

1 order to ensure the safety of the dam or controlling works. The
2 department shall conduct additional inspections as needed during the
3 construction phase of the mining operation in order to ensure the safe
4 construction of the tailings impoundment.

5 (3)(a) For the 2013-15 biennium, all decisions on plan
6 applications under this section must be completed and the decision
7 returned to the applicant within ninety days of submitting the
8 application. If the ninety-day deadline is not satisfied, the
9 applicant may file a motion in the appropriate superior court
10 requesting court approval of the application.

11 (b) If the application is denied either within or after the
12 ninety- day decision period, the applicant may file a motion in the
13 appropriate superior court requesting the court to overturn the
14 decision. This subsection applies notwithstanding, and as an
15 alternative to, any other provision of law establishing appeal
16 procedures. Applicants choosing to utilize this appeal authority are
17 deemed to have satisfied all administrative remedies.

18
19 **Sec. 989.** RCW 90.03.370 and 2003 c 329 s 1 are each amended to
20 read as follows:

21 (1)(a) All applications for reservoir permits are subject to the
22 provisions of RCW 90.03.250 through 90.03.320. But the party or
23 parties proposing to apply to a beneficial use the water stored in any
24 such reservoir shall also file an application for a permit, to be
25 known as the secondary permit, which shall be in compliance with the
26 provisions of RCW 90.03.250 through 90.03.320. Such secondary
27 application shall refer to such reservoir as its source of water
28 supply and shall show documentary evidence that an agreement has been
29 entered into with the owners of the reservoir for a permanent and
30 sufficient interest in said reservoir to impound enough water for the
31 purposes set forth in said application. When the beneficial use has
32 been completed and perfected under the secondary permit, the
33 department shall take the proof of the water users under such permit
34 and the final certificate of appropriation shall refer to both the

1 ditch and works described in the secondary permit and the reservoir
2 described in the primary permit. The department may accept for
3 processing a single application form covering both a proposed
4 reservoir and a proposed secondary permit or permits for use of water
5 from that reservoir.

6 (b) The department shall expedite processing applications for the
7 following types of storage proposals:

8 (i) Development of storage facilities that will not require a new
9 water right for diversion or withdrawal of the water to be stored;

10 (ii) Adding or changing one or more purposes of use of stored
11 water;

12 (iii) Adding to the storage capacity of an existing storage
13 facility; and

14 (iv) Applications for secondary permits to secure use from
15 existing storage facilities.

16 (c) A secondary permit for the beneficial use of water shall not
17 be required for use of water stored in a reservoir where the water
18 right for the source of the stored water authorizes the beneficial
19 use.

20 (2)(a) For the 2013-15 biennium, all decisions on applications
21 under this section must be completed and the decision returned to the
22 applicant within ninety days of submitting the application. If the
23 ninety-day deadline is not satisfied, the applicant may file a motion
24 in the appropriate superior court requesting court approval of the
25 application.

26 (b) If the application is denied either within or after the
27 ninety-day decision period, the applicant may file a motion in the
28 appropriate superior court requesting the court to overturn the
29 decision. This subsection applies notwithstanding, and as an
30 alternative to, any other provision of law establishing appeal
31 procedures. Applicants choosing to utilize this appeal authority are
32 deemed to have satisfied all administrative remedies.

33 (3)(a) For the purposes of this section, "reservoir" includes, in
34 addition to any surface reservoir, any naturally occurring underground

1 geological formation where water is collected and stored for
2 subsequent use as part of an underground artificial storage and
3 recovery project. To qualify for issuance of a reservoir permit an
4 underground geological formation must meet standards for review and
5 mitigation of adverse impacts identified, for the following issues:

- 6 (i) Aquifer vulnerability and hydraulic continuity;
- 7 (ii) Potential impairment of existing water rights;
- 8 (iii) Geotechnical impacts and aquifer boundaries and
9 characteristics;
- 10 (iv) Chemical compatibility of surface waters and groundwater;
- 11 (v) Recharge and recovery treatment requirements;
- 12 (vi) System operation;
- 13 (vii) Water rights and ownership of water stored for recovery; and
- 14 (viii) Environmental impacts.

15 (b) Standards for review and standards for mitigation of adverse
16 impacts for an underground artificial storage and recovery project
17 shall be established by the department by rule. Notwithstanding the
18 provisions of RCW 90.03.250 through 90.03.320, analysis of each
19 underground artificial storage and recovery project and each
20 underground geological formation for which an applicant seeks the
21 status of a reservoir shall be through applicant-initiated studies
22 reviewed by the department.

23 ~~((3))~~ (4) For the purposes of this section, "underground
24 artificial storage and recovery project" means any project in which it
25 is intended to artificially store water in the ground through
26 injection, surface spreading and infiltration, or other department-
27 approved method, and to make subsequent use of the stored water.
28 However, (a) this subsection does not apply to irrigation return flow,
29 or to operational and seepage losses that occur during the irrigation
30 of land, or to water that is artificially stored due to the
31 construction, operation, or maintenance of an irrigation district
32 project, or to projects involving water reclaimed in accordance with
33 chapter 90.46 RCW; and (b) RCW 90.44.130 applies to those instances of
34 claimed artificial recharge occurring due to the construction,

1 operation, or maintenance of an irrigation district project or
2 operational and seepage losses that occur during the irrigation of
3 land, as well as other forms of claimed artificial recharge already
4 existing at the time a groundwater subarea is established.

5 ~~((4))~~ (5) Nothing in chapter 98, Laws of 2000 changes the
6 requirements of existing law governing issuance of permits to
7 appropriate or withdraw the waters of the state.

8 ~~((5))~~ (6) The department shall report to the legislature by
9 December 31, 2001, on the standards for review and standards for
10 mitigation developed under subsection ~~((3))~~ (4) of this section and
11 on the status of any applications that have been filed with the
12 department for underground artificial storage and recovery projects by
13 that date.

14 ~~((6))~~ (7) Where needed to ensure that existing storage capacity
15 is effectively and efficiently used to meet multiple purposes, the
16 department may authorize reservoirs to be filled more than once per
17 year or more than once per season of use.

18 ~~((7))~~ (8) This section does not apply to facilities to recapture
19 and reuse return flow from irrigation operations serving a single farm
20 under an existing water right as long as the acreage irrigated is not
21 increased beyond the acreage allowed to be irrigated under the water
22 right.

23 ~~((8))~~ (9) In addition to the facilities exempted under
24 subsection ~~((7))~~ (8) of this section, this section does not apply to
25 small irrigation impoundments. For purposes of this section, "small
26 irrigation impoundments" means lined surface storage ponds less than
27 ten acre feet in volume used to impound irrigation water under an
28 existing water right where use of the impoundment: (a)(i) Facilitates
29 efficient use of water; or (ii) promotes compliance with an approved
30 recovery plan for endangered or threatened species; and (b) does not
31 expand the number of acres irrigated or the annual consumptive
32 quantity of water used. Such ponds must be lined unless a licensed
33 engineer determines that a liner is not needed to retain water in the
34 pond and to prevent groundwater contamination. Although it may also

1 be composed of other materials, a properly maintained liner may be
2 composed of bentonite. Water remaining in a small irrigation
3 impoundment at the end of an irrigation season may be carried over for
4 use in the next season. However, the limitations of this subsection
5 (~~((8))~~) (9) apply. Development and use of a small irrigation
6 impoundment does not constitute a change or amendment for purposes of
7 RCW 90.03.380 or 90.44.055.

8

9 **Sec. 990.** RCW 90.58.140 and 2012 c 84 s 2 are each amended to
10 read as follows:

11 (1) A development shall not be undertaken on the shorelines of the
12 state unless it is consistent with the policy of this chapter and,
13 after adoption or approval, as appropriate, the applicable guidelines,
14 rules, or master program.

15 (2) A substantial development shall not be undertaken on
16 shorelines of the state without first obtaining a permit from the
17 government entity having administrative jurisdiction under this
18 chapter.

19 A permit shall be granted:

20 (a) From June 1, 1971, until such time as an applicable master
21 program has become effective, only when the development proposed is
22 consistent with: (i) The policy of RCW 90.58.020; and (ii) after
23 their adoption, the guidelines and rules of the department; and (iii)
24 so far as can be ascertained, the master program being developed for
25 the area;

26 (b) After adoption or approval, as appropriate, by the department
27 of an applicable master program, only when the development proposed is
28 consistent with the applicable master program and this chapter.

29 (3) The local government shall establish a program, consistent
30 with rules adopted by the department, for the administration and
31 enforcement of the permit system provided in this section. The
32 administration of the system so established shall be performed
33 exclusively by the local government.

34

1 (4) Except as otherwise specifically provided in subsection (11)
2 of this section, the local government shall require notification of
3 the public of all applications for permits governed by any permit
4 system established pursuant to subsection (3) of this section by
5 ensuring that notice of the application is given by at least one of
6 the following methods:

7 (a) Mailing of the notice to the latest recorded real property
8 owners as shown by the records of the county assessor within at least
9 three hundred feet of the boundary of the property upon which the
10 substantial development is proposed;

11 (b) Posting of the notice in a conspicuous manner on the property
12 upon which the project is to be constructed; or

13 (c) Any other manner deemed appropriate by local authorities to
14 accomplish the objectives of reasonable notice to adjacent landowners
15 and the public.

16 The notices shall include a statement that any person desiring to
17 submit written comments concerning an application, or desiring to
18 receive notification of the final decision concerning an application
19 as expeditiously as possible after the issuance of the decision, may
20 submit the comments or requests for decisions to the local government
21 within thirty days of the last date the notice is to be published
22 pursuant to this subsection. The local government shall forward, in a
23 timely manner following the issuance of a decision, a copy of the
24 decision to each person who submits a request for the decision.

25 If a hearing is to be held on an application, notices of such a
26 hearing shall include a statement that any person may submit oral or
27 written comments on an application at the hearing.

28 (5) The system shall include provisions to assure that
29 construction pursuant to a permit will not begin or be authorized
30 until twenty-one days from the date the permit decision was filed as
31 provided in subsection (6) of this section; or until all review
32 proceedings are terminated if the proceedings were initiated within
33 twenty-one days from the date of filing as defined in subsection (6)
34 of this section except as follows:

1 (a) In the case of any permit issued to the state of Washington,
2 department of transportation, for the construction and modification of
3 SR 90 (I-90) on or adjacent to Lake Washington, the construction may
4 begin after thirty days from the date of filing, and the permits are
5 valid until December 31, 1995;

6 (b)(i) In the case of any permit or decision to issue any permit
7 to the state of Washington, department of transportation, for the
8 replacement of the floating bridge and landings of the state route
9 number 520 Evergreen Point bridge on or adjacent to Lake Washington,
10 the construction may begin twenty-one days from the date of filing.
11 Any substantial development permit granted for the floating bridge and
12 landings is deemed to have been granted on the date that the local
13 government's decision to grant the permit is issued. This
14 authorization to construct is limited to only those elements of the
15 floating bridge and landings that do not preclude the department of
16 transportation's selection of a four-lane alternative for state route
17 number 520 between Interstate 5 and Medina. Additionally, the
18 Washington state department of transportation shall not engage in or
19 contract for any construction on any portion of state route number 520
20 between Interstate 5 and the western landing of the floating bridge
21 until the legislature has authorized the imposition of tolls on the
22 Interstate 90 floating bridge and/or other funding sufficient to
23 complete construction of the state route number 520 bridge replacement
24 and HOV program. For the purposes of this subsection (5)(b), the
25 "western landing of the floating bridge" means the least amount of new
26 construction necessary to connect the new floating bridge to the
27 existing state route number 520 and anchor the west end of the new
28 floating bridge;

29 (ii) Nothing in this subsection (5)(b) precludes the shorelines
30 hearings board from concluding that the project or any element of the
31 project is inconsistent with the goals and policies of the shoreline
32 management act or the local shoreline master program;

33

34

1 (iii) This subsection (5)(b) applies retroactively to any appeals
2 filed after January 1, 2012, and to any appeals filed on or after
3 March 23, 2012, and expires June 30, 2014.

4 (c) Except as authorized in (b) of this subsection, construction
5 may be commenced no sooner than thirty days after the date of the
6 appeal of the board's decision is filed if a permit is granted by the
7 local government and (i) the granting of the permit is appealed to the
8 shorelines hearings board within twenty-one days of the date of
9 filing, (ii) the hearings board approves the granting of the permit by
10 the local government or approves a portion of the substantial
11 development for which the local government issued the permit, and
12 (iii) an appeal for judicial review of the hearings board decision is
13 filed pursuant to chapter 34.05 RCW. The appellant may request,
14 within ten days of the filing of the appeal with the court, a hearing
15 before the court to determine whether construction pursuant to the
16 permit approved by the hearings board or to a revised permit issued
17 pursuant to the order of the hearings board should not commence. If,
18 at the conclusion of the hearing, the court finds that construction
19 pursuant to such a permit would involve a significant, irreversible
20 damaging of the environment, the court shall prohibit the permittee
21 from commencing the construction pursuant to the approved or revised
22 permit until all review proceedings are final. Construction pursuant
23 to a permit revised at the direction of the hearings board may begin
24 only on that portion of the substantial development for which the
25 local government had originally issued the permit, and construction
26 pursuant to such a revised permit on other portions of the substantial
27 development may not begin until after all review proceedings are
28 terminated. In such a hearing before the court, the burden of proving
29 whether the construction may involve significant irreversible damage
30 to the environment and demonstrating whether such construction would
31 or would not be appropriate is on the appellant;

32 (d) Except as authorized in (b) of this subsection, if the permit
33 is for a substantial development meeting the requirements of
34 subsection (11) of this section, construction pursuant to that permit

1 may not begin or be authorized until twenty-one days from the date the
2 permit decision was filed as provided in subsection (6) of this
3 section.

4 If a permittee begins construction pursuant to (a), (b), (c), or
5 (d) of this subsection, the construction is begun at the permittee's
6 own risk. If, as a result of judicial review, the courts order the
7 removal of any portion of the construction or the restoration of any
8 portion of the environment involved or require the alteration of any
9 portion of a substantial development constructed pursuant to a permit,
10 the permittee is barred from recovering damages or costs involved in
11 adhering to such requirements from the local government that granted
12 the permit, the hearings board, or any appellant or intervener.

13 (6) Any decision on an application for a permit under the
14 authority of this section, whether it is an approval or a denial,
15 shall, concurrently with the transmittal of the ruling to the
16 applicant, be filed with the department and the attorney general.
17 This shall be accomplished by return receipt requested mail. A
18 petition for review of such a decision must be commenced within
19 twenty-one days from the date of filing of the decision.

20 (a) With regard to a permit other than a permit governed by
21 subsection (10) of this section, "date of filing" as used in this
22 section refers to the date of actual receipt by the department of the
23 local government's decision.

24 (b) With regard to a permit for a variance or a conditional use
25 governed by subsection (10) of this section, "date of filing" means
26 the date the decision of the department is transmitted by the
27 department to the local government.

28 (c) When a local government simultaneously transmits to the
29 department its decision on a shoreline substantial development with
30 its approval of either a shoreline conditional use permit or variance,
31 or both, "date of filing" has the same meaning as defined in (b) of
32 this subsection.

33 (d) The department shall notify in writing the local government
34 and the applicant of the date of filing by telephone or electronic

1 means, followed by written communication as necessary, to ensure that
2 the applicant has received the full written decision.

3 (7) Applicants for permits under this section have the burden of
4 proving that a proposed substantial development is consistent with the
5 criteria that must be met before a permit is granted. In any review
6 of the granting or denial of an application for a permit as provided
7 in RCW 90.58.180 (1) and (2), the person requesting the review has the
8 burden of proof.

9 (8) Any permit may, after a hearing with adequate notice to the
10 permittee and the public, be rescinded by the issuing authority upon
11 the finding that a permittee has not complied with conditions of a
12 permit. If the department is of the opinion that noncompliance
13 exists, the department shall provide written notice to the local
14 government and the permittee. If the department is of the opinion
15 that the noncompliance continues to exist thirty days after the date
16 of the notice, and the local government has taken no action to rescind
17 the permit, the department may petition the hearings board for a
18 rescission of the permit upon written notice of the petition to the
19 local government and the permittee if the request by the department is
20 made to the hearings board within fifteen days of the termination of
21 the thirty-day notice to the local government.

22 (9) The holder of a certification from the governor pursuant to
23 chapter 80.50 RCW shall not be required to obtain a permit under this
24 section.

25 (10) Any permit for a variance or a conditional use issued with
26 approval by a local government under their approved master program
27 must be submitted to the department for its approval or disapproval.

28 (11)(a) An application for a substantial development permit for a
29 limited utility extension or for the construction of a bulkhead or
30 other measures to protect a single-family residence and its
31 appurtenant structures from shoreline erosion shall be subject to the
32 following procedures:

33 (i) The public comment period under subsection (4) of this section
34 shall be twenty days. The notice provided under subsection (4) of

1 this section shall state the manner in which the public may obtain a
2 copy of the local government decision on the application no later than
3 two days following its issuance;

4 (ii) The local government shall issue its decision to grant or
5 deny the permit within twenty-one days of the last day of the comment
6 period specified in (a)(i) of this subsection; and

7 (iii) If there is an appeal of the decision to grant or deny the
8 permit to the local government legislative authority, the appeal shall
9 be finally determined by the legislative authority within thirty days.

10 (b) For purposes of this section, a limited utility extension
11 means the extension of a utility service that:

12 (i) Is categorically exempt under chapter 43.21C RCW for one or
13 more of the following: Natural gas, electricity, telephone, water, or
14 sewer;

15 (ii) Will serve an existing use in compliance with this chapter;
16 and

17 (iii) Will not extend more than twenty-five hundred linear feet
18 within the shorelines of the state.

19 (12)(a) For the 2013-15 biennium, all decisions on permits under
20 this section must be completed and the decision returned to the
21 applicant within ninety days of submitting the application. If the
22 ninety-day deadline is not satisfied, the applicant may file a motion
23 in the appropriate superior court requesting court approval of the
24 permit.

25 (b) If the permit is denied either within or after the ninety-day
26 decision period, the applicant may file a motion in the appropriate
27 superior court requesting the court to overturn the decision. This
28 subsection applies notwithstanding, and as an alternative to, any
29 other provision of law establishing appeal procedures. Applicants
30 choosing to utilize this appeal authority are deemed to have satisfied
31 all administrative remedies.

32
33 **Sec. 991.** RCW 70.118B.030 and 2007 c 343 s 4 are each amended to
34 read as follows:

1 (1) A person may not install or operate a large on-site sewage
2 system without an operating permit as provided in this chapter after
3 July 1, 2009. The owner of the system is responsible for obtaining a
4 permit.

5 (2) The department shall issue operating permits in accordance
6 with the rules adopted under RCW 70.118B.040.

7 (3) The department shall ensure the system meets all applicable
8 siting, design, construction, and installation requirements prior to
9 issuing an initial operating permit. Prior to renewing an operating
10 permit, the department may review the performance of the system to
11 determine compliance with rules and any permit conditions.

12 (4) At the time of initial permit application or at the time of
13 permit renewal the department shall impose those permit conditions,
14 requirements for system improvements, and compliance schedules as it
15 determines are reasonable and necessary to ensure that the system will
16 be operated and maintained properly. Each application must be
17 accompanied by a fee as established in rules adopted by the
18 department.

19 (5) Operating permits shall be issued for a term of one year, and
20 shall be renewed annually, unless the operator fails to apply for a
21 new permit or the department finds good cause to deny the application
22 for renewal.

23 (6) Each permit may be issued only for the site and owner named in
24 the application. Permits are not transferable or assignable except
25 with the written approval of the department.

26 (7) The department may deny an application for a permit or modify,
27 suspend, or revoke a permit in any case in which it finds that the
28 permit was obtained by fraud or there is or has been a failure,
29 refusal, or inability to comply with the requirements of this chapter
30 or the standards or rules adopted under this chapter. RCW 43.70.115
31 governs notice of denial, revocation, suspension, or modification and
32 provides the right to an adjudicative proceeding to the permit
33 applicant or permittee.

34

1 (8) For systems with design flows of more than fourteen thousand
2 five hundred gallons per day, the department shall adopt rules to
3 ensure adequate public notice and opportunity for review and comment
4 on initial large on-site sewage system permit applications and
5 subsequent permit applications to increase the volume of waste
6 disposal or change effluent characteristics. The rules must include
7 provisions for notice of final decisions. Methods for providing
8 notice may include electronic mail, posting on the department's
9 internet site, publication in a local newspaper, press releases,
10 mailings, or other means of notification the department determines
11 appropriate.

12 (9) A person aggrieved by the issuance of an initial permit, or by
13 the issuance of a subsequent permit to increase the volume of waste
14 disposal or to change effluent characteristics, for systems with
15 design flows of more than fourteen thousand five hundred gallons per
16 day, has the right to an adjudicative proceeding. The application for
17 an adjudicative proceeding must be in writing, state the basis for
18 contesting the action, include a copy of the decision, be served on
19 and received by the department within twenty-eight days of receipt of
20 notice of the final decision, and be served in a manner that shows
21 proof of receipt. An adjudicative proceeding conducted under this
22 subsection is governed by chapter 34.05 RCW.

23 (10) Any permit issued by the department of ecology for a large
24 on-site sewage system under chapter 90.48 RCW is valid until it first
25 expires after July 22, 2007. The system owner shall apply for an
26 operating permit at least one hundred twenty days prior to expiration
27 of the department of ecology permit.

28 (11) Systems required to meet operator certification requirements
29 under chapter 70.95B RCW must continue to meet those requirements as a
30 condition of the department operating permit.

31 (12)(a) For the 2013-15 biennium, all decisions on permits under
32 this section must be completed and the decision returned to the
33 applicant within ninety days of submitting the application. If the
34 ninety-day deadline is not satisfied, the applicant may file a motion

1 in the appropriate superior court requesting court approval of the
2 permit.

3 (b) If the permit is denied either within or after the ninety-day
4 decision period, the applicant may file a motion in the appropriate
5 superior court requesting the court to overturn the decision. This
6 subsection applies notwithstanding, and as an alternative to, any
7 other provision of law establishing appeal procedures. Applicants
8 choosing to utilize this appeal authority are deemed to have satisfied
9 all administrative remedies.

10
11 NEW SECTION. Sec. 992. A new section is added to chapter 90.66
12 RCW to read as follows:

13 (1) For the 2013-15 biennium, all decisions on permits or
14 transfers under this section must be completed and the decision
15 returned to the applicant within ninety days of submitting the
16 application. If the ninety-day deadline is not satisfied, the
17 applicant may file a motion in the appropriate superior court
18 requesting court approval of the permit.

19 (2) If the permit is denied either within or after the ninety-day
20 decision period, the applicant may file a motion in the appropriate
21 superior court requesting the court to overturn the decision. This
22 subsection applies notwithstanding, and as an alternative to, any
23 other provision of law establishing appeal procedures. Applicants
24 choosing to utilize this appeal authority are deemed to have satisfied
25 all administrative remedies."

26
27

EFFECT: Requires state and local governments to make decisions
for application for certain permits, variances, etc., within 90 days
and provides for an alternate appeals process. Applicable permits
include: those under the Washington Clean Air Act; determinations of
classes of forest practices under the Forest Practices Act; waste
disposal permits under the provisions of law regarding water

pollution control; permits for hydraulic projects related to construction projects in state waters; designations of local environmentally sensitive areas under the provisions of law regarding underground storage tanks; licenses related to water well construction; exemptions from solid waste permitting under solid waste management laws; environmental impact statements; registration of aquatic farms and licenses or certificates of approval required for the sanitary control of shellfish; dairy nutrient management plans; commercial pesticide applicator licenses; permits for the use or disposal of biosolids; operating permits pertaining to public water systems; permits for construction or modification of a dam or controlling works for water storage; development permits on shorelines; operating permits for large on-site sewage disposal systems; and permits for the withdrawal of public waters for irrigation purposes.

FISCAL IMPACT: No net change to appropriated levels.

--- END ---