

HOUSE BILL REPORT

SHB 1480

As Passed Legislature

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

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

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

Brief History:

Committee Activity:

Environment & Energy: 2/14/19, 2/19/19 [DPS].

Floor Activity:

Passed House: 3/6/19, 97-0.

Passed Senate: 4/16/19, 48-0.

Passed Legislature.

Brief Summary of Substitute Bill

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

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke, DeBolt, Doglio, Fey, Mead, Peterson and Shewmake.

Staff: Jacob Lipson (786-7196).

Background:

Dredged Materials Management.

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

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

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

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

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

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

Shoreline Management Act Permits.

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

Summary of Substitute Bill:

The disposal of dredged materials at a disposal site approved through the cooperative process involving the Department of Ecology, Department of Natural Resources (DNR), Army Corps of Engineers, and United States Environmental Protection Agency does not require a permit under the Shoreline Management Act, provided that the proponent of the disposal obtains a valid site use authorization from the DNR.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Exempting dredged material disposal from the Shoreline Management Act eliminates an unnecessary regulatory step that does not provide improvements to the environmental protections offered by process involving state and federal agencies. The disposal sites where ports and businesses dispose of dredged materials must undergo a rigorous environmental analysis, including the preparation of an environmental impact statement, before dredged materials can be taken to the site. The Department of Ecology, Department of Natural Resources, United States Environmental Protection Agency, and United States Army Corps of Engineers have a successful partnership in implementing the dredged material management program.

(Opposed) None.

Persons Testifying: Representative Fey, prime sponsor; Derek Young, Pierce County; Gerry O'Keefe, Washington Public Ports Association; Steve Gano, CalPortland; Tim Gates, Department of Ecology; and Kristin Swenddal, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.