
SUBSTITUTE SENATE BILL 5125

State of Washington

67th Legislature

2021 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Cleveland, Short, and Wilson, C.)

READ FIRST TIME 02/10/21.

1 AN ACT Relating to affirming the process for disposing of dredged
2 materials for federal navigation channel maintenance and improvement;
3 and amending RCW 90.58.355.

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

5 **Sec. 1.** RCW 90.58.355 and 2020 c 20 s 1506 are each amended to
6 read as follows:

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

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

20 (2) Any person installing site improvements for stormwater
21 treatment in an existing boatyard facility to meet requirements of a

1 national pollutant discharge elimination system stormwater general
2 permit. The department must ensure compliance with the substantive
3 requirements of this chapter through the review of engineering
4 reports, site plans, and other documents related to the installation
5 of boatyard stormwater treatment facilities; ((~~or~~))

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

8 (4) Actions taken on the Columbia river by the United States army
9 corps of engineers, under the authority of United States Code Titles
10 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal
11 navigation channels in accordance with federally mandated dredged
12 material management and improvement project plans, provided the
13 project: (a) Has undergone environmental review under both the
14 national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the
15 state environmental policy act, chapter 43.21C RCW; and (b) has
16 applied for federal clean water act section 401 water quality
17 certifications issued by the department.

--- END ---