Chapter 200-10 WAC

COMPLIANCE WITH STATE ENVIRONMENTAL POLICY ACT

(Formerly chapter 236-11 WAC)

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WAC 200-10-010 Authority, scope and coverage of this chapter. (1) This chapter is promulgated pursuant to RCW 43.21C.120.

(2) Compliance with the rules of this chapter shall constitute procedural compliance with SEPA for an "action" as defined in WAC 197-11-704.

(3) The rules of this chapter contain no sections relating to the notice/statute of limitations provisions of chapter 43.21C RCW. To utilize these provisions, the department of general administration shall follow the statutory language and any applicable regulations of the department of ecology.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-010, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 98-20-019, § 236-11-010, filed 9/25/98, effective 10/26/98; WSR 84-20-015 (Order 84-02), § 236-11-010, filed 9/25/84.]

WAC 200-10-030 Adoption by reference. The department of general administration hereby adopts the sections or subsections of chapter 197-11 WAC by reference.

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[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-030, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 84-20-015 (Order 84-02), § 236-11-030, filed 9/25/84.]

WAC 200-10-050 Applications for exemptions within the department of general administration. Each "action" of the department shall have a form completed and retained in the applicant's division files. This form shall show the action and exemption decision, exempt or otherwise, and be signed by the department of general administration representative making that decision. This form shall also show any threshold decision, including determinations of nonsignificance and significance, signed by the department representative. Additionally, copies of the threshold determination shall be included in the file.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-050, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 98-20-019, § 236-11-050, filed 9/25/98, effective 10/26/98; WSR 84-20-015 (Order 84-02), § 236-11-050, filed 9/25/84.]

WAC 200-10-060 Timing of the EIS process. (1) Public works request. Any agency submitting a public works request to the department of general administration shall be regarded as the lead agency. It will be the sole responsibility of an agency submitting a public works request to determine whether the action is exempt and, if not, to prepare an environmental checklist, make threshold determinations of nonsignificance or significance, prepare draft and final EIS's and conduct public hearings. If an EIS is required for any public works request the working draft EIS must be prepared concurrently or prior to the completion of the design development phase. Evidence of compliance with SEPA rules, chapter 197-11 WAC, must be provided to the department of general administration prior to implementing proposals.

(2) Space request. The department of general administration will normally assume responsibility as lead agency for space requests submitted to the department. However, if an EIS is required for a space request the agency submitting the space request may be assigned responsibility for preparing the draft and final EIS's and to conduct public hearings.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-060, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 84-20-015 (Order 84-02), § 236-11-060, filed 9/25/84.]

WAC 200-10-080 Public notice requirements. (1) The department shall give public notice when issuing a DNS under WAC 197-11-340, DS and scoping notice under WAC 197-11-360, or a draft EIS under WAC 197-11-455.

(2) The department may require an applicant to perform the public notice requirement at its expense.

(3) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to public or private persons or groups who have expressed interest in the proposal, in a certain type of proposal, or proposals in the geographic area in which the proposal is located;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property, for site-specific proposals.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-080, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 98-20-019, § 236-11-080, filed 9/25/98, effective 10/26/98; WSR 84-20-015 (Order 84-02), § 236-11-080, filed 9/25/84.]

WAC 200-10-100 Policies and procedures for conditioning or denying permits or other approvals. (1)(a) It is department of general administration policy to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources so that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The department shall develop plans and programs to economically house state government activities so as to provide maximum services to the people of Washington consistent with (b) of this subsection.

(2) Supplementary implementing instructions and procedures to the policies contained in this section are contained in department of general administration policies and procedures.

(3) The department responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(4) The procedures in WAC 197-11-660 must be followed when conditioning or denying permits or other approvals.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-100, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 98-20-019, § 236-11-100, filed 9/25/98, effective 10/26/98; WSR 84-20-015 (Order 84-02), § 236-11-100, filed 9/25/84.]

WAC 200-10-110 Designation of responsible official. (1) Within the department of general administration the ultimate responsible official is the director.

(2) The director may designate the responsible official for overall direction and control of environmental reviews within the department of general administration and the designated division shall maintain all records pertaining to SEPA related decision making processes. The division of capitol facilities shall maintain copies of all determinations of nonsignificance filed, determinations of significance filed, and copies of all environmental impact studies prepared by the agency, excluding drafts, for a period of six years. The division of engineering and architectural services shall also maintain current SEPA statutes and administrative codes; current directives and regulations; department SEPA policies, procedures, and correspondence; and blank forms for determinations, environmental checklists, and others as required.

(3) When the department of general administration is the lead agency, the operational responsibility for determining if the department's involvement is an "action" and if the department's "action" is "exempt" shall be controlled by the designated division.

(4) The designated division shall review and agree or disagree with all project or program exemptions, environmental checklists and determinations of nonsignificance or significance initiated within the department. In the event that there is disagreement with the initiator of the project, the decision of the responsible official, designated division, shall be final.

(5) The department's responsibilities as consulted agency will be coordinated by the designated division. When the department of general administration is responding as the consulted agency to a draft EIS, DNS, or DS; and when specific contents of an EIS impacts a particular division of the department of general administration, then that EIS will be sent to the affected division director for review and response. The affected division's response comments and/or recommendation will then be incorporated into the overall department response and sent to the department of general administration responsible official for final approval.

(6) Any decision of the responsible official, designated division, shall be final until such time as it is superseded by the director, department of general administration.

(7) The final threshold determination of final EIS of the responsible official may be appealed to the director of the department of general administration within thirty days of notice of such determination or final EIS.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-110, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 98-20-019, § 236-11-110, filed 9/25/98, effective 10/26/98; WSR 84-20-015 (Order 84-02), § 236-11-110, filed 9/25/84.]

WAC 200-10-130 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-10-130, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.21C.-120. WSR 84-20-015 (Order 84-02), § 236-11-130, filed 9/25/84.]