

Revised Code of Washington

- 43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates.
- 43.21C.130 Model ordinances.
- 43.21C.140 Review of actions taken to implement chapter—Report to legislature.
- 43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement prepared pursuant to national environmental policy act—Exceptions.
- 43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c).
- 43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality.
- 43.21C.900 Short title.
- 43.21C.910 Severability—1974 1st ex.s. c 179.

43.21C.010 Purposes. The purposes of this chapter are: (1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment; (2) to promote efforts which will prevent or eliminate damage to the environment and biosphere; (3) and stimulate the health and welfare of man; and (4) to enrich the understanding of the ecological systems and natural resources important to the state and nation. [1971 ex.s. c 109 § 1.]

43.21C.020 Legislative recognitions—Declaration—Responsibility. (1) The legislature, recognizing that man depends on his biological and physical surroundings for food, shelter, and other needs, and for cultural enrichment as well; and recognizing further the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource utilization and exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state of Washington, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to: (a) Foster and promote the general welfare; (b) to create and maintain conditions under which man and nature can exist in productive harmony; and (c) fulfill the social, economic, and other requirements of present and future generations of Washington citizens.

(2) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the state of Washington and all agencies of the state to use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

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

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

(SEPA)

Chapter 43.21C STATE ENVIRONMENTAL POLICY

Sections

- 43.21C.010 Purposes.
- 43.21C.020 Legislative recognitions—Declaration—Responsibility.
- 43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information.
- 43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c).
- 43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures.
- 43.21C.050 Specific statutory obligations not affected.
- 43.21C.060 Chapter supplementary.
- 43.21C.070 Establishment of classifications and categories of building permits and acts of governmental agencies concerning family residences—Exemption from "detailed statement" requirement.
- 43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action.
- 43.21C.085 Limitations on challenges to actions taken—Application to challenge or appeal on adoption of rules.
- 43.21C.087 List of filings required by RCW 43.21C.080.
- 43.21C.090 Decision of governmental agency to be accorded substantial weight.
- 43.21C.100 Council on environmental policy—Established—Composition—Abolishment.
- 43.21C.105 Council on environmental policy—Personnel.
- 43.21C.110 Council on environmental policy—Powers, duties and function.

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

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

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

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

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

(3) The legislature recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment. [1971 ex.s. c 109 § 2.]

43.21C.030 Guidelines for state agencies, local governments—Statements—Reports—Advice—Information. The legislature authorizes and directs that, to the fullest extent possible: (1) The policies, regulations, and laws of the state of Washington shall be interpreted and administered in accordance with the policies set forth in this chapter, and (2) all branches of government of this state, including state agencies, municipal and public corporations, and counties shall:

(a) Utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment;

(b) Identify and develop methods and procedures, in consultation with the department of ecology and the ecological commission, which will insure that presently unquantified environmental amenities and values will be given appropriate consideration in decision making along with economic and technical considerations;

(c) Include in every recommendation or report on proposals for legislation and other major actions significantly affecting the quality of the environment, a detailed statement by the responsible official on:

(i) the environmental impact of the proposed action;

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) alternatives to the proposed action;

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented;

(d) Prior to making any detailed statement, the responsible official shall consult with and obtain the comments of any public agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate federal, province, state, and local agencies, which are authorized

to develop and enforce environmental standards, shall be made available to the governor, the department of ecology, the ecological commission, and the public, and shall accompany the proposal through the existing agency review processes;

(e) Study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources;

(f) Recognize the world-wide and long-range character of environmental problems and, where consistent with state policy, lend appropriate support to initiatives, resolutions, and programs designed to maximize international cooperation in anticipating and preventing a decline in the quality of mankind's world environment;

(g) Make available to the federal government, other states, provinces of Canada, municipalities, institutions, and individuals, advice and information useful in restoring, maintaining, and enhancing the quality of the environment;

(h) Initiate and utilize ecological information in the planning and development of natural resource-oriented projects. [1971 ex.s. c 109 § 3.]

43.21C.035 Certain irrigation projects decisions exempt from RCW 43.21C.030(2)(c). Decisions pertaining to applications for appropriation of fifty cubic feet of water per second or less for irrigation projects promulgated by any person, private firm, private corporation or private association without resort to subsidy by either state or federal government pursuant to RCW 90.03.250 through 90.03.340, as now or hereafter amended, to be used for agricultural irrigation shall not be subject to the requirements of RCW 43.21C.030(2)(c), as now or hereafter amended. [1974 1st ex.s. c 150 § 1.]

43.21C.040 Examination of laws, regulations, policies by state agencies and local authorities—Report of deficiencies and corrective measures. All branches of government of this state, including state agencies, municipal and public corporations, and counties shall review their present statutory authority, administrative regulations, and current policies and procedures for the purpose of determining whether there are any deficiencies or inconsistencies therein which prohibit full compliance with the purposes and provisions of this chapter and shall propose to the governor not later than January 1, 1972, such measures as may be necessary to bring their authority and policies in conformity with the intent, purposes, and procedures set forth in this chapter. [1971 ex.s. c 109 § 4.]

43.21C.050 Specific statutory obligations not affected. Nothing in RCW 43.21C.030 or 43.21C.040 shall in any way affect the specific statutory obligations of any agency (1) to comply with criteria or standards of environmental quality, (2) to coordinate or consult with any other public agency, or (3) to act, or refrain from acting contingent upon the recommendations or certification of any other public agency. [1971 ex.s. c 109 § 5.]

43.21C.060 Chapter supplementary. The policies and goals set forth in this chapter are supplementary to those set forth in existing authorizations of all branches of government of this state, including state agencies, municipal and public corporations, and counties. [1971 ex.s. c 109 § 6.]

43.21C.070 Establishment of classifications and categories of building permits and acts of governmental agencies concerning family residences—Exemption from "detailed statement" requirement. The department of ecology shall, within forty-five days from July 1, 1973, after notice and hearing, promulgate rules and regulations pursuant to chapter 34.04 RCW to establish classifications and categories of building permits and acts of governmental agencies concerning an individual single family residence, which classification and category shall be exempt from the "detailed statement" required by RCW 43.21C.030. Building permits and acts not so classified shall not be presumed to either require or not require a "detailed statement". [1973 1st ex.s. c 179 § 1.]

Effective date—1973 1st ex.s. c 179: "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1973: *Provided, however,* That prior thereto, the department of ecology may take such actions, including the issuing of notices and the conduct of public hearing, as are necessary to insure the implementation of section 1 of this act." [1973 1st ex.s. c 179 § 4.] This applies to RCW 43.21C.070-43.21C.090.

43.21C.080 Notice of action by governmental agency—How publicized—Form—Time limitation for commencing challenge to action. (1) Notice of any action taken by a governmental agency may be publicized by the acting governmental agency, the applicant for, or the proponent of such action, in substantially the form as set forth in subsection (3) of this section and in the following manner:

(a) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the property which is the subject of the action is located;

(b) By filing notice of such action with the department of ecology at its main office in Olympia; and

(c) Where no detailed statement is filed and where the property which is the subject matter of the action is under ten acres, such action shall be publicized by sending a notice of such action through the United States mail, first class, postage prepaid, to all owners of property abutting the property which is the subject matter of such action, as such property owners appear on the property tax rolls of the county treasurer. An affidavit of mailing of such notice may be filed with the department of ecology at the same time as the filing of the notice of the governmental action.

(2) Any action to set aside, enjoin, review, or otherwise challenge any such governmental action for which notice is given as provided in subsection (1) of this section on grounds of noncompliance with the provisions of this chapter shall be commenced within sixty days from the date of filing of the notice with the department of ecology, the date of final newspaper publication, or

date of mailing, if applicable, whichever is later, or be barred: *Provided, however,* That (1) The time period within which an action shall be commenced shall be ninety days for projects to be performed by a governmental agency or to be performed under government contract, or (2) for thermal power plant projects: *Provided further,* That any subsequent action of the acting governmental agency for which the regulations of the acting governmental agency permit the same detailed statement to be utilized and as long as there is no substantial change in the project between the time of the action and any such subsequent action, shall not be set aside, enjoined, reviewed, or thereafter challenged on grounds of noncompliance with RCW 43.21C.030(2)(c).

(3) The form for such notice of action shall be issued by the department of ecology and shall be made available by the governmental agency taking an action subject to being publicized pursuant to this section, by the county auditor, and/or the city clerk to the project applicant or proposer. The form of such notice shall be substantially as follows:

NOTICE OF ACTION BY

(Government agency or entity)

Pursuant to the provisions of chapter 43.21C RCW, notice is hereby given that:

The ----- (Government agency or entity) did on ----- (date), take action which may or may not be held or deemed to be "a major action significantly affecting the quality of the environment".

Any action to set aside, enjoin, review, or otherwise challenge such action on the grounds of noncompliance with the provisions of chapter 43.21C RCW (State Environmental Policy Act) shall be commenced within ----- days or be barred.

The action taken by ----- (Government agency or entity), notice of which is hereby given, was as follows:

(1) ----- (Here insert description of action taken such as: Adoption Ordinance No. -----; Issued Building Permit; Approved preliminary (or final) plat, etc.)

(2) ----- (Here insert description of the project.)

(3) Said action pertained to property commonly known as:

(Sufficient description to locate property, but complete legal description not required)

(4) Pertinent documents may be examined during regular business hours at the office of: ----- located at:

(Location, including room number)

(Name of government agency, proponent, or applicant giving notice)

Filed by -----

(Signature of individual and capacity in which such individual is signing)
[1974 1st ex.s. c 179 § 2; 1973 1st ex.s. c 179 § 2.]

Purpose—1974 1st ex.s. c 179: "The purpose of this 1974 amendatory act is to establish methods and means of providing for full implementation of chapter 43.21C RCW (the state environmental policy act of 1971) in a manner which reduces duplicative and wasteful practices, establishes effective and uniform procedures, encourages public involvement, and promotes certainty with respect to the requirements of the act." [1974 1st ex.s. c 179 § 1.] This applies to RCW 43.21B.250 and 43.21C.080-43.21C.087, 43.21C.100-43.21C.160, and 43.21C.910.

43.21C.085 Limitations on challenges to actions taken—Application to challenge or appeal on adoption of rules. The limitations on challenges to action taken by a governmental entity under RCW 43.21C.080 shall not constitute the time limits for a challenge or appeal on the adoption of rules by state agencies, political subdivisions, public or municipal corporations or counties, but the limitations under RCW 43.21C.080 shall apply to a challenge or appeal of such rule adoption on grounds of noncompliance with RCW 43.21C.030(2)(c). [1974 1st ex.s. c 179 § 3.]

43.21C.087 List of filings required by RCW 43.21C.080. The department of ecology shall prepare a list of all filings required by RCW 43.21C.080 each week and shall make such list available to any interested party. The list of filings shall include a brief description of the governmental action and the project involved in such action, along with the location of where information on the project or action may be obtained. Failure of the department to include any project or action shall not affect the running of the statute of limitations provided in RCW 43.21C.080. [1974 1st ex.s. c 179 § 14.]

43.21C.090 Decision of governmental agency to be accorded substantial weight. In any action involving an attack on a determination by a governmental agency relative to the requirement or the absence of the requirement, or the adequacy of a "detailed statement", the decision of the governmental agency shall be accorded substantial weight. [1973 1st ex.s. c 179 § 3.]

43.21C.100 Council on environmental policy—Established—Composition—Abolishment. There is hereby established the council on environmental policy which shall be composed of the members of the pollution control hearings board.

The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology. [1974 1st ex.s. c 179 § 4.]

43.21C.105 Council on environmental policy—Personnel. The council may employ such personnel as are necessary for the performances of its duties. [1974 1st ex.s. c 179 § 5.]

43.21C.110 Council on environmental policy—Powers, duties and function. It shall be the duty and function of the council:

(1) To adopt initially and amend thereafter rules of interpretation and implementation of this chapter (the state environmental policy act of 1971), subject to the requirements of chapter 34.04 RCW, for the purpose of providing guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. The rule making powers authorized in this section shall include, but shall not be limited to, the following phases of interpretation and implementation of this chapter (the state environmental policy act of 1971):

(a) Categories of governmental actions which normally are to be considered as potential major actions significantly affecting the quality of the environment as well as categories of actions exempt from such classification, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW.

(b) Criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(c) Procedures applicable to the preparation of detailed statements, including but not limited to obtaining comments, data and other information, and providing for and determining areas of public participation.

(d) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable.

(e) Procedures for public notification of actions taken and documents prepared.

(f) Definition of terms relevant to the implementation of this chapter.

(g) Guidelines for determining the obligations and powers under this chapter of two or more branches of government involved in the same project significantly affecting the quality of the environment.

(h) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030(2)(c).

(i) To prepare guidelines for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of this chapter.

(j) Guidelines for utilization of a detailed statement for more than one action.

(k) Guidelines relating to actions which shall be exempt from the provisions of this chapter in situations of emergency.

(2) In exercising its powers, functions, and duties under this section, the council may:

(a) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(b) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(3) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080. [1974 1st ex.s. c 179 § 6.]

43.21C.120 Rules, ordinances, resolutions and regulations—Adoption—Effective dates. (1) All agencies of government of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred twenty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(2) Rules adopted by state agencies under subsection (1) of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW and shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(3) All public and municipal corporations, political subdivisions, and counties of this state are directed, consistent with rules and guidelines adopted under RCW 43.21C.110, to adopt rules, ordinances, or resolutions pertaining to the integration of the policies and procedures of this chapter (the state environmental policy act of 1971), into the various programs under their jurisdiction for implementation. Adoption of the initial rules required under this section shall take place not later than one hundred eighty days after the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110.

(4) Ordinances or regulations adopted prior to the effective date of rules and guidelines adopted pursuant to RCW 43.21C.110 shall continue to be effective until the adoptions of any new ordinances or regulations. [1974 1st ex.s. c 179 § 8.]

43.21C.130 Model ordinances. The department of ecology, in consultation with concerned state agencies, shall with the assistance of the associations of county prosecutors and city attorneys, the association of county elected officials, the Washington state association of counties, and the association of cities, draft model ordinances for use by counties, cities and towns in drafting their ordinances under this chapter. [1974 1st ex.s. c 179 § 10.]

43.21C.140 Review of actions taken to implement chapter—Report to legislature. Each state agency, political subdivision, municipal and public corporation, and county shall review all actions taken to implement this chapter (the state environmental policy act) and may submit a report of such actions to the office of program planning and fiscal management, which shall compile and analyze such data and prepare a report which shall be submitted to the forty-fifth regular session of the legislature. In addition information on the cost of implementation and administration of the act shall be included in such report including the cost of preparation of all detailed statements since May 5, 1974. [1974 1st ex.s. c 179 § 11.]

43.21C.150 RCW 43.21C.030(2)(c) inapplicable when statement prepared pursuant to national environmental policy act—Exceptions. The requirements of RCW 43.21C.030(2)(c) pertaining to the preparation of a detailed statement by branches of government shall not apply when an adequate detailed statement is prepared pursuant to the national environmental policy act of 1969, in which event said prepared statement may be utilized in lieu of a separately prepared statement under RCW 43.21C.030(2)(c): *Provided*, That this section shall not apply to actions of the thermal power plant site evaluation council or to thermal power plant sites subject to the thermal power plant siting council under chapter 45, Laws of 1970 ex. sess., as amended by chapter 110, Laws of 1974 1st ex. sess., and chapter 80.50 RCW as now or hereafter amended. [1974 1st ex.s. c 179 § 12.]

43.21C.160 Utilization of statement prepared under RCW 43.21C.030 to implement chapter 90.62 RCW—Utilization of chapter 90.62 RCW procedures to satisfy RCW 43.21C.030(2)(c). In the implementation of chapter 90.62 RCW (the Environmental Coordination Procedures Act of 1973), the department of ecology, consistent with guidelines adopted by the council shall adopt rules which insure that one detailed statement prepared under RCW 43.21C.030 may be utilized by all branches of government participating in the processing of a master application. Whenever the procedures established pursuant to chapter 90.62 RCW are used, those procedures shall be utilized wherever possible to satisfy the procedural requirements of RCW 43.21C.030(2)(c). The time limits for challenges provided for in RCW 43.21C.080(2) shall be applicable when such procedures are so utilized. [1974 1st ex.s. c 179 § 13.]

43.21C.165 Challenges to consistency of rules adopted pursuant to RCW 43.21C.110 and 43.21C.160—Procedure—Finality. See RCW 43.21B.250.

43.21C.900 Short title. This chapter shall be known and may be cited as the "State Environmental Policy Act of 1971". [1971 ex.s. c 109 § 7.]

43.21C.910

43.21C.910 Severability—1974 1st ex.s. c 179. If any provision of this 1974 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1974 1st ex.s. c 179 § 16.]