



Focus on Keeping Minor Construction Projects Exempt from SEPA Review

from Ecology's Shorelands and Environmental Assessment Program

The Problem

In 2005, Ecology issued a new construction stormwater general permit to meet Clean Water Act requirements set by the U.S. Environmental Protection Agency. The new permit requires people working on construction projects that disturb *one or more acres* of land to get a stormwater permit from Ecology before they start. Before 2005, projects that disturbed *less than five acres* were exempt from the construction stormwater permit, and usually exempt from the requirements of the State Environmental Policy Act (SEPA) law.

The new permit has been in effect for almost two years and we know it has had an unexpected effect on builders and local governments. Now that one-acre projects are considered "new source discharges," local governments must do SEPA review on many more projects than before. Local governments have emphasized that the added time and expense of reviewing these small projects, formerly exempt from SEPA review, does not substantially add to environmental protection. Builders are experiencing project delays because of the unnecessary review and the delays are creating extra costs.

The Solution

Ecology is requesting state lawmakers to restore the exemption in the SEPA law for minor construction projects while maintaining the existing requirements for proposed construction in environmentally sensitive areas. If lawmakers reinstate the exemption, Ecology estimates that local governments can reduce their SEPA review workload by about 500 reviews a year. This will reduce the time and money local governments and applicants spend on reviews that are not necessary.

Ecology doesn't expect a change in the law to change current staffing levels or other costs at Ecology. About 5 percent of total SEPA actions would be affected if lawmakers adopted this solution.

Without a Change to the SEPA Law

Local governments and project applicants will continue to spend time and money on SEPA reviews that do not provide Washington with substantial added environmental protection.

For more information

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