

**RCW 90.58.355 Persons, projects, and activities not required to obtain certain permits, variances, letters of exemption, or other local review.** Requirements to obtain a substantial development permit, conditional use permit, variance, letter of exemption, or other review conducted by a local government to implement this chapter do not apply to:

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

(2) Any person installing site improvements for stormwater treatment in an existing boatyard facility to meet requirements of a national pollutant discharge elimination system stormwater general permit. The department must ensure compliance with the substantive requirements of this chapter through the review of engineering reports, site plans, and other documents related to the installation of boatyard stormwater treatment facilities;

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

(4) Projects and activities undertaken by the department of fish and wildlife, a federally recognized Indian tribe, a public utility district, or a municipal utility that meet the conditions of RCW 90.58.357; or

(5) Actions taken on the Columbia river by the United States army corps of engineers, under the authority of United States Code Titles 33 and 42 and 33 C.F.R. Sec. 335, to maintain and improve federal navigation channels in accordance with federally mandated dredged material management and improvement project plans, provided the project: (a) Has undergone environmental review under both the national environmental policy act, 42 U.S.C. Sec. 4321-4370h and the state environmental policy act, chapter 43.21C RCW; and (b) has applied for federal clean water act section 401 water quality certifications issued by the department. [2023 c 305 s 2; 2021 c 299 s 1; 2020 c 20 s 1506; 2015 3rd sp.s. c 15 s 9; 2012 c 169 s 1; 1994 c 257 s 20.]

**Finding—2023 c 305:** "The legislature finds that fish hatchery programs require routine maintenance in order to keep them operational." [2023 c 305 s 1.]

**Finding—Intent—2015 3rd sp.s. c 15:** See note following RCW 90.58.356.

**Severability—1994 c 257:** See note following RCW 36.70A.270.