

PANORAMIC

**US ENVIRONMENT
(STATE-BY-STATE)**

USA - Washington



LEXOLOGY

US Environment (state-by-state)

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LEGISLATION

Main environmental regulations**What are the main statutes and regulations relating to the environment in your state?**

Environmental management in Washington is governed primarily by statute in the Revised Code of Washington (RCW) and by regulation in the Washington Administrative Code (WAC), with implementation and enforcement led by the Washington State Department of Ecology (Ecology), Washington State Department of Fish and Wildlife (WDFW), and Washington State Department of Natural Resources (WDNR).

Core environmental statutes

Washington's environmental code addresses pollution control, cleanup of contaminated sites, and environmental justice.

- State Environmental Policy Act (SEPA) ([RCW 43.21C.030](#)): Requires state and local agencies to evaluate environmental impacts of their decisions before approving projects or policies, ensuring environmental values are considered alongside economic and technical factors.
- Clean Air Act ([RCW 70A.15](#)): Establishes as state policy the preservation, protection, and enhancement of air quality for current and future generations. It empowers regional air pollution authorities, mandates emission controls, enforces compliance with federal standards, and establishes permits, regulations, and enforcement to safeguard public health, welfare, and the environment.
- Climate Commitment Act ([RCW 70A.65](#)): Establishes a statewide "cap-and-invest program," which sets a cap on greenhouse gas emissions coupled with a quarterly auction of GHG allowances. The GHG cap declines to 5% of 1990 levels by mid-century. The CCA requires emitters of 25,000 tons of CO₂-equivalent to obtain allowances for each ton of GHGs emitted. Allowances can be purchased in quarterly auctions, and auction revenues are allocated to various programs aimed at reducing GHG emissions or improving climate resilience. Utilities, trade-affected industries, and certain others may qualify for free allowances.
- Water Pollution Control Act ([RCW 90.48](#)): Prohibits discharge of polluting materials into Washington's waters, including wetlands, without a waste disposal permit, empowers Ecology to set standards, issue permits, and enforce compliance (including penalties), to safeguard water quality and ecosystem health.
- Hazardous Waste Management ([RCW 70A.300](#)): Regulates the generation, handling, storage, treatment, transport, and disposal of 'dangerous wastes.' They require notification, contingency planning, spill/discharge provisions, and authorize the Ecology to enforce cleanup where releases threaten health or the environment.
- Solid Waste Management—Reduction and Recycling ([RCW 70A.205](#)): Establishes Washington's solid waste management framework, assigning local governments responsibility for waste reduction, recycling, and planning, with state oversight, facility permitting, and penalties to protect health and the environment.
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Model Toxics Control Act ([RCW 70A.305](#)): Regulates remediation of and liability for hazardous waste sites and spills.

- Growth Management Act ([RCW 36.70a](#)): Washington's foundational land use planning act, requires cities and counties to adopt comprehensive land use plans aimed at preserving or promoting a variety of values, including critical areas like wetlands, open spaces, economic growth, etc.
- Shoreline Management Act ([RCW 90.58](#)): Creates a state-local partnership to manage Washington's shorelines, requiring local governments to adopt Shoreline Master Programs (SMP) that guide development, protect ecosystems, and ensure public access.

Civil penalties

Washington law provides specific civil penalty provisions across its environmental statutes, generally enforced by Ecology and local authorities.

- Washington Clean Air Act ([RCW 70A.15.3160](#)): A person who violates air quality provisions, permits, or orders is subject to civil penalties of up to \$10,000 per day, with each day a separate offence.
- Climate Commitment Act (RCW 70A.65.200): The Department of Ecology may issue penalties of up to \$50,000 per day for violations of allowance auction rules. The Department may issue penalties of up to \$10,000 per day if a covered entity fails to submit allowances covering all its GHG emissions.
- Water Pollution Control Act ([RCW 90.48.144](#)): Any person who discharges pollutants without a permit, violates a permit, or breaches water pollution laws may face civil penalties of up to \$10,000 per day, with each day a separate offence. Penalties also apply to those who aid violations, and amounts are based on factors such as prior history and pollution severity.
- Hazardous Waste Management ([RCW 70A.300.090](#)): Any person who fails to comply with the hazardous waste management chapter or its rules may be subject to civil penalties of up to \$10,000 per day for each violation, with each day constituting a separate offence. Penalties also extend to those who procure, aid, or abet the violation.
- Model Toxics Control Act ([RCW 70A.305.050](#)): If any person refuses to comply with an order issued by the Department of Ecology related to remediation of a hazardous waste site, the Department may impose civil penalties of up to \$25,000 per day plus three times the cost incurred by the state to meet remediation requirements. In addition, a person who fails to report a release of a hazardous substance or provides false information may be subject to a civil penalty of up to \$5,000 per day.
- Shoreline Management Act ([RCW 90.58.210](#)): If a person who fails to follow a shoreline permit's terms or develops shoreline property without a required permit is liable to a civil penalty not exceeding \$1,000 per violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.
- Solid Waste Management ([RCW 70A.205.740](#)): If a person violates solid waste handling or permit requirements, they may face a civil penalty of up to \$5,000 per day for the first 14 days and up to \$10,000 per day thereafter.

Criminal provisions

Washington environmental statutes create criminal offences for wilful, knowing, or reckless conduct. Sanctions range from misdemeanour to felony.

- Clean Air Act ([RCW 70A.15.315](#)): Anyone who knowingly violates the Washington Clean Air Act commits a gross misdemeanour, punishable by a fine of up to \$10,000, imprisonment for up to 364 days, or both for each separate violation. Negligent release of hazardous air pollutants that places another in imminent danger of death or serious harm is also a gross misdemeanour. Where such a release is knowing, it is a Class C felony, carrying at least a \$50,000 fine, up to five years' imprisonment, or both.
- Water Pollution Control ([RCW 90.48.140](#)): Any person who wilfully violates the Water Pollution Control Act or [RCW 90.56](#), or disobeys a final order or directive of the Ecology or a court, commits a gross misdemeanour punishable by a fine of up to \$10,000, imprisonment for up to 364 days, costs of prosecution, or both. Each day of violation may be treated as a separate offence.
- Water Code ([RCW 90.03.400](#)): The unauthorised use of water to which another person has rights, or the wilful or negligent waste of water to the detriment of someone else, is classified as a misdemeanour. It also makes it a misdemeanour to use, store, or divert water before obtaining the required permit to appropriate it. Possession or use of water without legal right is prima facie evidence of guilt.
- Dangerous (hazardous) waste management:
 - [RCW 70A.300.100](#): A person who knowingly transports, treats, stores, handles, disposes of or exports a hazardous substance in violation of the chapter is guilty of a class B felony if they knew their conduct placed another in imminent danger of death or serious harm, or a class C felony if they placed property or natural resources in imminent danger.
 - [RCW 70A.300.110](#): any person who violates the chapter or aiding or abetting another in doing so may be charged with a gross misdemeanour, punishable by a fine between \$100 and \$10,000, imprisonment up to 364 days, or both, for each separate or continuing violation.
- Shoreline Management Act ([RCW 90.58.220](#)): Any person who wilfully violates the Shoreline Management Act, a local master programme, or related rules is guilty of a gross misdemeanour punishable by a fine of \$25 to \$1,000, up to 90 days in jail, or both, with repeat offences within five years carrying fines of \$500 to \$10,000; violations of [RCW 90.58.550](#) are instead subject to penalties under [RCW 90.58.560](#).

Law stated - 18 November 2025

Soil pollution

What are the main characteristics of the rules applicable to soil pollution?

Washington's Model Toxics Control Act ([RCW 70A.305](#)) and its implementing Cleanup Rule ([WAC 173-340](#)), administered by Ecology regulate soil contamination. These set who is liable, how cleanup levels are set, and how sites are remediated.

Persons liable for the clean-up

Under [RCW 70A.305.040](#), various parties associated with a facility (owners, operators, waste arrangers, distributors) are held strictly, jointly, and severally liable for costs of remedial action and natural resource damages arising from hazardous substance releases.

Exceptions to liability apply if a party can prove the release was caused solely by an act of God, war, or a third party (under strict conditions), or if a successor owner demonstrates lack of knowledge and proper inquiry on acquiring the property.

The state may enter into consent decrees or agreed orders, especially with prospective purchasers, under conditions that promote expedited cleanup, public benefit, and preservation of legal rights like reopener clauses.

Levels of contamination (cleanup levels)

Cleanup levels are risk-based and may be generic (Method A) or calculated (Methods B/C), with additional ecological and pathway protections.

- Framework: Under [WAC 173-340-740](#), soil cleanup defaults to unrestricted residential use, the most protective standard, unless industrial criteria under [WAC 173-340-745](#) apply. [WAC 173-340-708](#) requires risk-based assessment using reasonable maximum exposure to set cleanup levels protective of health and the environment.
- Human-health risk benchmarks ([WAC 173-340-740](#) and [WAC 173-340-708](#)): For direct contact with soil, the individual carcinogen risk is ≤ 1 in 1,000,000 (1×10^{-6}); total site risk across substances/pathways is capped at 1 in 100,000 (1×10^{-5}) and hazard index ≤ 1 .
- Points of compliance: Under [WAC 173-340-740](#), points of compliance define where soil cleanup levels must be met: surface to 15 feet for direct exposure, surface to groundwater for vapour intrusion, and all soils for groundwater protection. Containment remedies may adjust these if controls and monitoring are in place.
- Methods for establishing cleanup levels: Under [WAC 173-340-740](#), soil cleanup levels are set using Method A for simple, low-risk sites with default residential values, Method B as the standard for most sites with options for site-specific modification, and Method C for qualifying industrial sites under [WAC 173-340-745](#).

Retroactivity

The regime is designed to address historic releases as well as current ones.

- **Past releases:** The Cleanup Rule states it is 'primarily intended to address releases ... caused by past activities,' though it also applies to ongoing releases.
- **Historic parties:** Liability expressly includes persons who owned or operated at the time of disposal/release, capturing historic contamination.

Law stated - 18 November 2025

Regulation of waste

What types of waste are regulated and how?

Washington State regulates waste under a comprehensive legal framework to protect public health and the environment. These rules define waste types, promote recycling and circular economy practices, and impose obligations on individuals and businesses for proper handling and disposal.

Definition of Waste

Washington law provides definitions for solid and dangerous waste to ensure consistent regulation and compliance.

- Solid Waste ([RCW 70A.205.015](#)): means all discarded materials from residential, commercial, industrial, agricultural, and institutional sources, such as garbage, refuse, organic matter, demolition debris, sewage sludge, recyclables, and other putrescible or non-putrescible solid or semi-solid wastes.
- Dangerous Waste Section ([RCW 70A.300.010](#)): means discarded substances, including residues or containers, that are disposed in concentrations posing substantial hazards to human health, wildlife, or the environment. They may be toxic, carcinogenic, corrosive, explosive, flammable, or pressure-generating. 'Hazardous waste' covers all dangerous and extremely hazardous wastes, including mixed radioactive and hazardous materials. The section also defines terms such as 'moderate-risk waste' (small quantity or household hazardous wastes), 'facility,' 'disposal,' 'department' (Ecology), and 'person.'
- Universal waste ([WAC 173-303-573](#)): Means common dangerous wastes such as batteries, lamps, and mercury-containing equipment. They are subject to simplified management standards for safe storage, labelling, and transport, with residues managed as hazardous waste.

Authorization and control requirements

Waste handling and disposal activities require permits and compliance with strict operational standards.

- Solid waste ([RCW 70A.205.120 to RCW 70A.205.120](#)): Solid waste handling facility must obtain a permit once the local comprehensive solid waste plan is approved. Applications must describe operations, facilities, and compliance with health, environmental, and zoning rules. Jurisdictional health departments issue permits with Ecology review and approval, especially for landfills, and permits must be renewed at least every five years. Permits can be appealed or suspended for violations, and fees may be set by local boards of health. Certain facilities, such as authorised medication collectors, are exempt unless they undertake non-covered activities.
- Dangerous waste ([WAC 173-303-800](#)): Any facility that treats, stores, or disposes of dangerous waste must hold a permit covering its active life, closure, post-closure care, and groundwater protection periods. The permit must enforce compliance with siting and performance standards, require other applicable permits, and include terms to protect human health and the environment. Exemptions exist for on-site cleanup actions under certain orders and for universal waste handlers.

- Generator and transporter of waste ([Chapter 70A.205 RCW](#)): Generators of solid waste are responsible for ensuring proper handling and disposal through approved systems, and they remain liable if waste is mismanaged. Transporters of recyclable materials from commercial or industrial generators must register with the Ecology before operating on public highways, and failure to do so may result in civil penalties of up to US \$1,000 per violation. This framework ensures both generators and transporters are accountable for safe tracking and movement of wastes.

Obligations for people and companies

Generators and businesses have ongoing responsibilities for waste management, even after disposal.

- Generator of Waste:
 - Under [RCW 70A.205](#), waste generators must ensure their waste is properly managed through approved local collection, recycling, or disposal systems consistent with the solid waste management plan. They remain responsible for using permitted facilities and registered transporters.
 - Under [RCW 70A.300](#) and [WAC 173-303](#), generators of dangerous waste are obligated to identify whether their waste is dangerous, determine their generator category each month based on the volume produced or accumulated, and comply with requirements tied to that category. They must also submit annual Dangerous Waste Reports if they hold an active EPA or state identification number.
- Unlawful dumping/littering ([RCW 70A.205.195](#)): It is unlawful to dump solid waste on land or in waters without a permit, except at authorised sites or when using approved soil amendments or fertilisers. Violations carry penalties based on the volume dumped, ranging from infractions to gross misdemeanours with restitution.
- Universal Waste Handler ([WAC 173-303-573](#)): Universal waste handlers must store wastes like batteries, lamps, or mercury devices in sound, labelled containers, prevent releases, and limit accumulation to one year. They must train staff, manage spills as dangerous waste, and ship only to authorised handlers or facilities.
- Healthcare facilities ([WAC 173-303-555](#)): Health care facilities handling dangerous waste pharmaceuticals must follow special requirements: they must classify dangerous waste pharmaceuticals, use proper containers, label items, train staff, respond to spills, keep five years' records, and ship wastes only to approved facilities.

Circular economy and by-products

Washington promotes a circular economy through the Recycling Development Centre (RCW 70A.240) and NextCycle Washington. These programmes develop domestic recycling markets, support innovation, and provide technical and financial assistance to businesses for waste prevention, reuse, and material recovery.

Law stated - 18 November 2025

| Regulation of air emissions

| What are the main features of the rules governing air emissions?

Washington regulates air emissions under the Washington Clean Air Act ([RCW 70A.15-](#)) and implementing rules in [WAC 173-400](#) to [WAC 173-460](#). The statute and rules establish permitting requirements, emission limits, and air quality standards to protect public health and meet federal Clean Air Act obligations.

Need for a licence (Permits)

Most stationary sources need approval before construction and, if major or otherwise subject, an operating permit. Ecology or local air authorities issue these permits.

- **New Source Review (pre-construction):** A Notice of Construction (NOC) approval is required before constructing or modifying an emissions source, except for exempt activities such as certain small or temporary sources listed in [WAC 173-400-110](#). The review includes prevention of significant deterioration (PSD) or nonattainment new source review (NSR) where applicable under [WAC 173-400-700 to WAC 173-400-860](#) and [RCW 70A.15.2210](#).
- **Title V operating permits:** for the act and regulations require major stationary sources and categories such as acid rain units, solid waste incinerators, and sources subject to federal New Source Performance Standards (NSPS) or National Emission Standards for Hazardous Air Pollutants (NESHAP). Under [WAC 173-401-100](#) and [RCW 70A.15.2260](#), permits consolidate all air requirements for five years.
- **Air Operating Permit:** Under [WAC 173-401-200](#) and [WAC 173-401-300](#), major sources emitting equal to or more than 100 tonnes per year of any regulated air pollutant, 10 tonnes per year of a single hazardous air pollutant, or 25 tonnes per year of combined hazardous air pollutants must obtain an operating permit. The permit consolidates all applicable air quality requirements into one enforceable document.

Main contaminants

Washington applies general emission standards, adopts federal source standards, and separately regulates toxic air pollutants from new or modified sources.

- **Criteria Pollutants,** National Ambient Air Quality Standards (NAAQS): Washington adopts federal NAAQS for CO, NO₂, SO₂, ozone, PM_{2.5}, PM₁₀, and lead. These standards set maximum allowable concentrations in outdoor air to safeguard public health.
- **General emission standards:** Under WAC 173-400-050 to -070, Washington sets source-specific standards for various source categories.
- **State toxic air pollutants (TAP):** Under WAC 173-460-040 (new source review), new or modified emission units whose increases in toxic air pollutants (TAPs) exceed de minimis thresholds must apply Best Available Control Technology for Toxics (tBACT) per WAC 173-460-060 and demonstrate compliance with Acceptable Source Impact Levels (ASILs) through the tiered review in WAC 173-460-070, -080, -090, and -100. Pollutant-specific ASIL, Small Quantity Emission Rate (SQER), and de minimis values are in WAC 173-460-150.

Ambient concentration limits

Washington sets statewide ambient air quality standards in [WAC 173-476](#) (adopting federal NAAQS by reference). Numeric limits include: PM10 150 µg/m³ (24-hour, one exceedance/yr on a 3-yr average); PM2.5 12.0 µg/m³ annual and 35 µg/m³ 24-hour; ozone 0.070 ppmv (8-hour); NO₂ 100 ppb (1-hour) and 53 ppb (annual); SO₂ 75 ppb (1-hour, with legacy 24-hr/annual values); CO 9 ppmv (8-hour) and 35 ppmv (1-hour); lead 0.15 µg/m³ (rolling 3-month). Measurement and interpretation methods are specified in the rule.

Large combustion plants and greenhouse gases

Large combustion sources are controlled through general/source-specific WAC 173-400 standards and greenhouse-gas programmes.

- [Combustion/source standards](#): Boilers, turbines, and incineration units are regulated under WAC 173-400-050 and related sections, plus applicable federal NSPS/NESHAP adopted by reference.
- [CO₂ mitigation & performance standards for power stations](#) Washington requires new fossil-fuel power stations to mitigate CO₂. A Notice of Construction must include a plan selecting payment to a qualified third party, purchase of permanent credits, or investment in approved projects, with amounts set by rule. Under [RCW 80.80.040](#) base load generation must also meet an emissions performance standard that is the lower of 1,100 lb CO₂ /MWh or the average available rate
- [Clean Buildings Performance Standard](#) (CBPS): Applies to existing commercial buildings 50,000 square feet or larger (with expansion to 20,000 square feet or larger under [RCW 19.27A.220](#)). Requires owners to benchmark energy use, develop energy management and operations and maintenance plans, and comply with Energy Use Intensity (EUI) targets to improve efficiency and reduce emissions.
- Cap-and-invest coverage: Large stationary sources, fuel suppliers, and electricity importers emitting 25,000 metric tonnes of CO₂ equivalent or more per year are classified as covered entities under [RCW 70A.65.080](#).

Energy efficiency of buildings and energy audits

New buildings follow the Washington State Energy Code; existing large buildings must meet the CBPS, which includes benchmarking and audit-based actions.

- Washington State Energy Code: Washington's Energy Code adopts the 2021 IECC with Washington amendments for commercial and residential. Commercial projects follow prescriptive or performance paths, earn C406 efficiency credits, and complete commissioning and sub-metering with an energy display. Homes meet envelope and system rules and must earn R406 credits. The 2021 residential code took effect on 15 March 2024.
- [Energy audits](#): CBPS adopts (with modifications) ANSI/ASHRAE/IES Standard 100-2018 and requires audit-based evaluation of energy efficiency measures; compliance documentation refers to measures 'resulting from the energy audit and economic evaluation' (Normative Annex X) and associated reporting forms.

Law stated - 18 November 2025

Protection of fresh water and seawater

How are fresh water and seawater, and their associated land, protected?

In Washington, all waters belong to the public and are managed through the [Water Code](#), [Shoreline Management Act](#), water-quality laws, and aquatic-lands statutes administered by Ecology, [Department of Fish & Wildlife](#) (WDFW) and [Department of Natural Resources](#) (DNR).

Ownership and protected areas

Waters are public; beds/shore areas are regulated and often state-owned.

- In Washington, under [RCW 90.03.010](#), all waters belong to the public and a right to use them exists only by appropriation for a beneficial use, with priority based on 'first in time, first in right.'
- State-owned aquatic lands, including tidelands, shorelands, and the beds of navigable waters, are owned in fee by the State of Washington and managed by the DNR under [RCW 79.105](#). Most private or commercial uses require a DNR aquatic-use authorisation such as a lease or easement.
- The Shoreline Management Act ([RCW 90.58](#)) regulates shorelines of the state and their associated shorelands, generally including land within 200 feet of the ordinary high-water mark, as well as certain floodways, floodplains, and associated wetlands.

Authorisations

Most withdrawals, in-water works, and discharges need permits.

- Withdrawals of public groundwater generally require a permit from the Ecology under [RCW 90.44](#). Exempt small domestic or stock uses are allowed without a permit. Permits ensure sustainable withdrawals, protect senior rights, and may be certified after proper use.
- Any person or agency planning to use, divert, obstruct, or alter the bed or flow of the state's salt or fresh waters must obtain a Hydraulic Project Approval (HPA) from the WDFW under [RCW 77.55.021](#) to protect fish life.
- Local shoreline permits under [RCW 90.58](#) require that projects exceeding the 'substantial development' threshold (cost or value) obtain substantial development permits, conditional use permits, or variances from local governments, subject to state guidelines and public review.
- State aquatic lands use requires DNR authorisation (lease, permit or easement). Under [RCW 79.105.210](#), water-dependent uses are prioritised, and leases must protect environmental values. [WAC 332-30-122](#) mandates any structure or activity interfering with public use get an aquatic land permit or instrument.
- Municipalities and industries must obtain National Pollutant Discharge Elimination System (NPDES) or State Waste Discharge permits before releasing wastewater into surface or groundwater.

Limits and standards

Extraction and water quality are limited by rule to protect uses and habitat.

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Instream flows: Ecology establishes minimum instream flows and lake levels by rule under [RCW 90.22.010](#) and [RCW 90.54](#). These rules guide new water-right permitting and may close basins when established flows are not met.

- Surface Water Quality Standards [WAC 173-201A](#), defining designated uses, water quality criteria, and antidegradation provisions, apply to all freshwater and marine waters across Washington State.

Shoreline and associated land protection

Development along shorelines is regulated to prevent ecological harm and maintain public access.

- Shoreline Management Act ([RCW 90.58](#)): Requires local governments to adopt SMPs approved by Ecology. Substantial development permits are mandatory for most projects within shoreline jurisdiction.
- Critical Areas Protection ([WAC 173-26](#)): Local SMPs must ensure no net loss of ecological functions and include provisions to protect wetlands, riparian corridors, and flood-prone areas within shoreline jurisdiction.

Law stated - 18 November 2025

Protection of natural spaces and landscapes

What are the main features of the rules protecting natural spaces and landscapes?

Washington protects natural spaces and landscapes through a combination of state statutes, local regulations, and voluntary conservation tools. These measures safeguard ecological integrity, scenic values, and biodiversity while balancing private property rights and public interests.

Types of protected natural spaces

Washington law recognises multiple categories of protected lands, each with distinct purposes and management standards.

- Natural Area Preserves ([RCW 79.70](#)): Protects the best remaining examples of native ecosystems and rare species habitats. Managed by DNR, these areas are dedicated for scientific research and conservation, with minimal human disturbance.
- Natural Resources Conservation Areas (NRCAs) ([RCW 79.71](#)): Conserve outstanding native ecosystems, wildlife habitat, and scenic landscapes. NRCAs permit low-impact recreation and environmental education, while prohibiting activities that diminish ecological integrity or natural functions.
- Critical Areas ([RCW 36.70A.030](#)): Under the Growth Management Act, local governments must protect wetlands, aquifer recharge areas, fish and wildlife habitats, frequently flooded areas, and geologically hazardous areas through Critical Areas Ordinances (CAOs).
- Shorelines of Statewide Significance ([RCW 90.58](#)): The Shoreline Management Act designates major rivers, large lakes, and marine waters as shorelines of statewide

significance. Local SMP approved under [WAC 173-26](#) must protect these areas and ensure no net loss of ecological functions.

Forms/classes of protection

Protection mechanisms range from strict preservation to managed multiple-use areas.

- SMA environment designations (e.g., Natural, Conservancy, Residential, High-Intensity, Aquatic) set use/height/buffer standards in local SMP per [WAC 173-26-211](#) and the no-net-loss requirement in [WAC 173-26-186](#).
- Critical Areas Ordinances ([RCW 36.70A.060](#) and [RCW 36.70A.172](#)): Under the Growth Management Act, counties and cities must adopt development regulations to protect critical areas, using the best available scientific information when formulating policies and ordinances.
- Voluntary Conservation Easements ([RCW 64.04.130](#)): Private landowners may voluntarily grant conservation easements to restrict development and preserve open space, natural features, or habitat. Such easements run with the land and are enforceable in perpetuity unless otherwise specified.

Impact on private rights

The Shoreline Management Act ([RCW 90.58](#)) declares that uncoordinated shoreline development is not in the public interest and calls for coordinated planning that protects the public interest while recognising private property rights.

Law stated - 18 November 2025

Environmental reporting

Are there any notable environmental reporting requirements?

Washington mandates environmental reporting for greenhouse gas emissions, air pollutants, and building energy performance under state law. These requirements support climate goals, transparency, and compliance with the Climate Commitment Act and CBPS.

Greenhouse Gas (GHG) emissions reporting

Facilities emitting 10,000 metric tonnes or more of CO₂e per year and fuel suppliers meeting the same threshold must report annually to the Ecology. Entities with 25,000 metric tonnes or more of covered emissions have additional compliance and verification obligations. Reports must be submitted by March 31 (or June 1 for electric power entities). Third-party verification is required for certain reporters under the Climate Commitment Act.

Air quality emissions reporting

Under [WAC 173-401-630](#), Title V (chapter 401) permits must include compliance certification, monitoring, testing, reporting, recordkeeping; inspection and entry rights; a compliance schedule; semi-annual progress reports; and annual compliance certifications submitted to the permitting authority and EPA.

Discharge reporting

[WAC 173-220-210](#) sets monitoring, recording and reporting requirements for all dischargers operating under National Pollutant Discharge Elimination System (NPDES) permits. It requires monitoring of pollutants that could affect surface water quality, maintaining records for at least three years and regular reporting to the Ecology.

Dangerous (hazardous) waste generators

Under Washington's rules, anyone with an active EPA/State ID must submit a Dangerous Waste Report each year by 1 March via EPA's RCRAInfo system. It summarises waste generation, management, shipments and amounts handled.

Law stated - 18 November 2025

HAZARDOUS ACTIVITIES AND SUBSTANCES

Regulation of hazardous products and substances

What are the main features of the rules governing hazardous products and substances?

Definitions

Washington law provides broad definitions to capture substances and products that pose risks to health or the environment.

- Hazardous Substance ([RCW 70A.300.010](#) and [RCW 82.21.020](#)): Includes any liquid, solid, gas, or sludge that exhibits hazardous waste characteristics (toxic, corrosive, ignitable, reactive) or is listed under federal laws such as CERCLA, FIFRA. Petroleum products and certain pesticides are explicitly included.
- Hazardous Product: Not separately defined in RCW, but under [RCW 82.21.020](#), a 'product means any item containing one or more hazardous substances combined with non-hazardous components. This definition applies primarily for tax and regulatory purposes.

Making a product marketable (core procedures)

Before sale in Washington, manufacturers must check if any of the following apply and comply accordingly.

- Safer Products for Washington: Under [RCW 70A.350](#) and [WAC 173-337](#), if Ecology designates a priority consumer product containing a priority chemical, the manufacturer must comply with any applicable restriction such as concentration, use limitation or prohibition, or submit required chemical reporting, with exemptions available under [WAC 173-337-020](#).
- Children's Safe Products: Under [RCW 70A.430](#) and [WAC 173-334](#), manufacturers of children's products must submit an annual report if a chemical of high concern to children (CHCC)¹⁷ is present above de minimis levels and must not sell products exceeding statutory limits for lead, cadmium, phthalates or specified flame retardants.
- PFAS in food packaging: Under [RCW 70A.222.070](#), the manufacture, sale or distribution of paper or plant-fibre food packaging with intentionally added PFAS

is prohibited in Washington once Ecology identifies safer alternatives and sets corresponding effective dates.

Permits and handling requirements

Hazardous substances and dangerous wastes are subject to strict permitting and operational standards.

- Dangerous Waste Facilities ([WAC 173-303](#)): Treatment, storage and disposal facilities handling dangerous waste must obtain a permit from the Ecology, while generators must designate their waste, maintain records and ensure cradle-to-grave management in accordance with state requirements.
- Transportation ([RCW 46.48](#)): Hazardous materials transport in Washington must comply with US DOT regulations, which the Washington State Patrol may adopt and enforce. The State Patrol also conducts inspections of vehicles, and violations (e.g. for improper equipment) are misdemeanours.

Law stated - 18 November 2025

ENVIRONMENTAL ASSESSMENT

Activities subject to environmental assessment

Which types of activities are subject to environmental assessment?

SEPA requires agencies to review environmental impacts of governmental 'actions' and, where impacts may be significant, to prepare an Environmental Impact Statement (EIS). SEPA is in [RCW 43.21C](#) with rules in [WAC 197-11](#).

SEPA applies broadly to both projects and policies; it informs but does not itself authorise development.

- Scope ([WAC 197-11-704](#)): Under SEPA, actions are governmental decisions. Project actions include issuing permits, funding or constructing specific facilities or works. Non-project actions include adopting or amending plans, policies, programmes, ordinances, rules or legislation.
- Under [RCW 43.21C.031](#), an EIS must be prepared for legislation or other major actions with a probable significant, adverse environmental impact.
- Under [WAC 197-11-800](#) and [WAC 197-11-305](#), certain actions are exempt from SEPA review, including minor new construction, routine maintenance, repair or replacement, and specific licensing or planning activities that do not significantly affect the environment.
- Under [RCW 43.21C.440](#), where a jurisdiction adopts a planned action ordinance and prepares up-front SEPA review (often an area-wide EIS), qualifying projects within that area can proceed without additional project-level SEPA threshold review.
- Under [RCW 43.21C.060](#) and [WAC 197-11-660](#), SEPA does not act as a licence or permit. It is a procedural review that informs agency decisions. Agencies may condition or deny proposals based on SEPA findings only when supported by existing legal authority and adopted policies.

REGULATORY AUTHORITIES

Regulatory authorities

Which authorities are responsible for the environment in your state and what is the scope of each regulator's authority?

Environmental governance in Washington is shared among state agencies, local authorities, and specialised councils. Each regulator has defined powers under the Revised Code of Washington (RCW) and WAC to issue permits, enforce compliance, and administer grants or incentives.

Washington State Department of Ecology

It is the statewide regulator for air, water, waste and water rights. Issues permit (e.g., NPDES and state waste discharge; new/operating air permits where applicable; water-right permits) and enforces orders and penalties under programme statutes.

Ecology issues wastewater permits, namely NPDES permits under [WAC 173-220](#) and State Waste Discharge permits under [WAC 173-216](#); administers the Clean Air Act notice-of-construction/new-source review and Title V operating-permit programmes under [RCW 70A.15.2210](#) and [RCW 70A.15.2260](#) (often with local air authorities); and grants water-right permits under [RCW 90.03.250](#).

Department of Natural Resources (DNR) & Forest Practices Board

It administers and enforces forest practices on non-federal and non-tribal lands, ensuring compliance with rules adopted by the Forest Practices Board. The Board establishes forest practices regulations under Title 222 WAC to protect water, wildlife and public resources while supporting sustainable timber production.

Under [RCW 79.105.210](#), DNR manages state-owned aquatic lands (tidelands, shorelands, harbour areas and navigable waterbeds). It has authority to lease, sell, or grant use agreements, set rents, preserve public benefits, foster water-dependent uses, and protect environmental values.

Department of Fish & Wildlife

It conserves and manages Washington's fish, wildlife and habitats, issues Hydraulic Project Approvals (HPAs), enforces environmental and wildlife laws, regulates hunting and fishing, manages hatcheries and public lands, and addresses invasive species.

Department of Health

It holds primacy for the federal Safe Drinking Water Act, regulating Washington's Group A public water systems through water quality monitoring, planning, sanitary surveys, operator certification, and enforcement to ensure safe and reliable drinking water.

Pollution Control Hearings Board (PCHB)

It provides administrative and legal support to three quasi-judicial boards (Pollution Control, Shorelines, Growth Management) that review state and local environmental and land-use decisions such as environmental permits, shoreline regulation, and planning disputes.

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KEY TRENDS AND DEVELOPMENTS

Recent updates and trends

What are the most noteworthy recent trends and developments in environmental law in your state? What developments are expected in the coming year?

Washington state is undergoing significant permitting reform. The state has advanced aggressive greenhouse gas reduction goals. In order to meet these goals, advances and streamlining in permitting must be achieved.

The Clean Energy Siting counsel released its recommendations for reform including transmission, clean energy development, permitting, and community engagement and emerging technologies. It is expected that stakeholders will review these recommendations and engage with legislators, regulators, local authorities, and community leads to advocate for the adoption of these policies.

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