

**Table 2-6: Pertinent Regulations, Statutes, and Ordinances**

Permit, Approval, or Review	Agency with Jurisdiction <sup>1</sup>	Evaluation/Issue	Statute or Regulation
<b>Federal</b>			
National Environmental Policy Act	Bonneville Power Administration (Federal Lead Agency)	Environmental Review/Compliance	42 USC 4321 et seq., 40 CFR 1500 et seq., 10 CFR 1021
Endangered Species Act	NOAA Fisheries, USFWS	Endangered Species Protection/Compliance	ESA 7; 16 USC 1531 et seq.; 50 CFR 402
Federal Coastal Zone Management Act	Washington Department of Ecology	Coastal Resources Protection	16 USC 1451 et seq.; 15 CFR 923-930; WAC 173-27
Clean Water Act, Section 404 (Individual 404 Permit)	U.S. Army Corps of Engineers	Wetlands	33 USC 1344, Section 404; 40 CFR 231 (Authority), 233 (State); 33 CFR 320-330
National Pollutant Discharge Elimination System Permits	U.S. EPA, Clean Water Act (by Washington Department of Ecology)	Stormwater and Industrial Discharges	40 CFR 122; also see #13-15 under Washington State
U.S. Dept. of Transportation, Office of Pipeline Safety	WA Utilities and Transportation Commission	Gas Pipeline Safety	49 CFR 192; WAC 480-93; RCW 80; RCW 81.88
National Historic Preservation Act	WA Archaeology and Historic Preservation	Historic and Cultural Preservation/Compliance	NHPA 106; 16 USC 470 et seq.; 36 CFR 60-63, 800; et al.
Notice of Proposed Construction or Alteration	U.S. Department of Transportation, FAA	Airspace/Aviation Clearance	14 CFR 77; USC 44718; Advisory Circular 70/7460.2K
Oil Pollution Prevention and SPCC Plan	WA Department of Ecology	Discharge of oil to waters of the U.S.	Clean Water Act, 33 USC 1251; 40 CFR 112
Accidental Release Prevention and Risk Management Plan	WA Department of Ecology	Fuel Storage/Safety	40 CFR 68; RCW 90.56
Environmental Justice	All Federal Agencies or Relegated Entities	Impacts on Minorities and Low Income	Executive Order 12898
<b>Washington State</b>			
State Environmental Policy Act	EFSEC	Environmental Review/Compliance	WAC 197-11, WAC 463-47; RCW 43.21C.
Prevention of Significant Deterioration Permit/ Notice of Construction	EFSEC	Air Quality	RCW 70.94; WAC 173-400; 40 CFR 52.21
Industrial Wastewater Discharge Permit	Department of Ecology	Water Quality	RCW 90.48.160; WAC 173-216
Stormwater Construction Discharge Permit	Department of Ecology	Water Quality	40 CFR 122, 123, and 124, subchapter D; RCW 80.50 and 90.48; et al.
Dangerous Waste Generator and Reporting Identification Number	Department of Ecology	Hazardous Waste	WAC 173-303; RCW 70.70.105
Solid Dangerous and Hazardous Wastes	Department of Ecology	Management of Wastes	Haz. Waste Mgmt. Act, RCW 0.105A; RCW 36.58; RCW 70.95
Hazardous Substances/Worker and Community Right-to- Know Act	Department of Ecology/Military Department	Public Awareness	RCW 70.105 and 70.136; Worker and Community Right-to-Know, RCW 49.70
Transportation and Highway Access	Department of Transportation	Access from State Highway	Washington Highway Access Management, RCW 47.50
Clean Water Act, Water Quality Certification	Department of Ecology	Water Quality	Federal Clean Water Act, Section 401; WAC 173-225
Notice of Construction Approval and New Source Review	Northwest Air Pollution Authority	Air Quality	Clean Air Act, RCW 70.94; WAC 173-400; WAC 173-460
Acid Rain Permit	Northwest Air Pollution Authority	Air Quality	EPA, 40 CFR 50; 40 CFR 72, 75, 76; WAC 173-401; WAC 173-406
Air Operating Permit	Northwest Air Pollution Authority	Air Quality	RCW 70.94; WAC 173-401; Precipitation Act of 1980, 42 USC 8901
Noise Regulations	Whatcom County (per state standards)	Noise Control and Abatement	RCW 70.107; WAC 173-60 and 173-62
Natural Gas Pipeline Design Review	Washington Utilities and Transportation Commission	Natural Gas Pipeline Design, Construction, and Operation	WAC 480-93; ASME B31.8
<b>Whatcom County</b>			
State Environmental Policy Act	Planning and Development Services	Environmental Review/Compliance	WAC 197-11; RCW 43.21C. Whatcom County Municipal Code 16.08
Building Permit	Planning and Development Services	Facility Construction	Washington UBC (1997; rev. July 1998); WAC 31-40; RCW 19.27
Certificate of Sewer Availability	BP Birch Bay Publicly Owned Treatment Works	Wastewater Discharge	Assumed not applicable; connection through BP Cherry Point Refinery
Critical Areas Review/Determination	Planning and Development Services	Resources Protection	Whatcom County Municipal Code, Title 16, Chapter 16.16, Critical Areas Ordinance
Excavation, Grading and Erosion Control	Planning and Development Services	Facility Construction	Whatcom County Municipal Code, Title 15, Chapter 15.04
Whatcom County Comprehensive Plan	Planning and Development Services	Land Use Planning	Whatcom County Municipal Code, Title 14 and Title 16
Zoning Ordinance	Planning and Development Services	Land Use Criteria	Whatcom County Municipal Code, Title 20, Chapter 20.74
Noxious Weeds	Noxious Weed Control Board	Control of Weeds	Noxious Weed Control, WAC 16-752; Control Boards RCW 17-10

<sup>1</sup> For portions of the project subject to EFSEC jurisdiction, EFSEC has single permit authority over all Washington State and local permits.