



King County

Department of Local Services  
Permitting Division

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**State Environmental Policy Act (SEPA)  
Addendum to Determination Of Non-Significance (DNS)**

**Name of Proposal:**

**Description of Proposal:** An Ordinance relating to Fossil Fuel Facilities and Nonhydroelectric Generation Facilities, requiring proof of financial responsibility and decommissioning planning. This proposed regulation is referred to throughout this document as the “proposed ordinance”.

**Proponent/Contact:** Nicole Sanders, Green Building Principal Planner  
King County Permitting Division  
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**Location of Proposal:** Unincorporated King County

**Addendum to SEPA Threshold Determination:** This Second Addendum updates information in the SEPA DNS issued on March 30, 2022 for the draft proposed ordinance, and for which a first addendum was issued on May 11, 2022. The proposed ordinance would amend King County Code (K.C.C.) Title 21A Zoning to require developers (applicants) of fossil fuel and nonhydroelectric generation facilities to provide proof that they have adequate financial coverage to compensate for the maximum damages that might occur from an explosion resulting from a worst-case release of flammable gases and liquids. The proposed ordinance requires that financial coverage be maintained for the duration of facility operations; for fossil fuel facilities this is verified in five-year periodic reviews. The proposed ordinance also requires that applicants provide a decommissioning plan for facility closure and, for fossil fuel facilities, to provide proof that there is adequate financial coverage to compensate for closure costs.

The existing DNS evaluated the environmental impacts resulting from these new regulations and found that the proposal does not pose a probable significant adverse impact to the environment.

**Description:** The proposed ordinance requires developers of fossil fuel and non-hydroelectric generation facilities to provide the following:

- a study on the maximum potential damages that could occur from a worst-case release of flammable gases and flammable liquids, estimated costs from that damage, and proof of financial coverage to cover those estimated costs.
- a decommissioning plan with cost estimates for cleanup of potential releases of hazardous substances.

The proposed ordinance also requires developers of fossil fuel facilities to provide proof of financial coverage to cover decommissioning costs as estimated by a decommissioning plan.

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Additions in the proposed ordinance require developers of hydroelectric generation facilities to provide proof of financial coverage to cover decommissioning costs as estimated by a decommissioning plan. Additions in the proposed ordinance also make hydroelectric generation facilities that are developed subject to five-year periodic review to ensure they comply with existing permit conditions and, as needed, current site design and operating standards.

**Date of Addendum**

**Issuance:** April 19, 2023

**Responsible Official:** Robin Proebsting

**Position/Title:** Legislative/Policy Analyst

**Address/Phone:** 919 SW Grady Way, Suite 300  
Renton, WA 98057  
206-848-0334

DATE: 4/19/2023

SIGNATURE: Robin Proebsting

**Addendum to Threshold Determination**

THIS ADDENDUM TO THE DETERMINATION OF NON-SIGNIFICANCE (DNS) is issued under WAC 197-11-600(4)(c) and 197-11-625. The responsible official finds that the above-described proposal does not pose a probable significant adverse impact to the environment. This finding is made pursuant to Chapter 43.21C RCW, K.C.C. Chapter 20.44 and Chapter 197-11 WAC, after reviewing the environmental checklist and other information on file with the lead agency, considering the extent to which the proposed action will cause adverse environmental impacts in excess of those created by existing regulations, and considering mitigation measures which the agency or the proponent will implement as part of the proposal. The responsible official finds this information reasonably sufficient to evaluate the environmental impact of this proposal and conclude that the proposed action will not have a significant impact on current or continued use of the environment. THIS INFORMATION IS AVAILABLE TO THE PUBLIC ON REQUEST (for a nominal photocopying fee or by email).

For additional information, please contact the proponent's contact or the responsible official listed above.

