
State Government Committee

HB 2735

Brief Description: Creating a joint task force on permit streamlining.

Sponsors: Representatives Romero, Doumit, Linville, Rockefeller, Edwards, Ogden, Dickerson, Jackley, Grant, O'Brien, Upthegrove, Conway and Kenney.

Brief Summary of Bill

- Creates a joint task force on permit streamlining to evaluate the effectiveness of state land use, planning, environmental, and permitting statutes, and make recommendations to the Legislature.

Hearing Date: 2/5/02

Staff: Marsha Reilly (786-7135).

Background:

A number of state laws allow or require counties and cities to establish land use regulations or control land use activities. State and local governments are both involved in some permitting decisions related to certain development proposals.

Growth Management Act.

The Growth Management Act (GMA) specifies numerous planning goals, imposes certain requirements on all jurisdictions and includes specific requirements for counties and cities planning under RCW 36.70A.040 (GMA jurisdictions). Among other requirements, the GMA jurisdictions are required to designate urban growth areas and to adopt a comprehensive plan and implement development regulations. All jurisdictions must designate natural resource lands and designate and protect critical areas, regardless of whether they plan under the GMA.

The GMA jurisdictions are required to establish an integrated and consolidated development permit process for all projects involving two or more permits that may be utilized by request. The process must include a determination of the completeness of the application within 28 days of submission and a single report combining the threshold determination under the State Environmental Policy Act (SEPA) with the decision on all development permits and any required mitigation.

State Environmental Policy Act

The SEPA requires local governments and state agencies to prepare an environmental impact statement (EIS) if proposed legislation or other major action may have a probable significant, adverse impact on the environment. The determination whether an EIS must be prepared involves a threshold determination and use of an environmental checklist.

The Shoreline Management Act

The Shoreline Management Act (SMA) requires counties and cities to adopt and enforce local shoreline master programs regulating land use activities in shoreline areas of the state. A local master program is submitted to the Department of Ecology (DOE) for its review and approval.

State Permits

Department of Ecology

The federal Clean Water Act (CWA) regulates the discharge of pollutants into United States waters and requires a National Pollutant Discharge Elimination System (NPDES) permit for pollutant discharges. States with federally approved programs may administer the NPDES program on the state level. The DOE administers the NPDES program in Washington.

State water pollution statutes give the DOE authority to control and prevent pollution within the waters of the state. The DOE has authority to approve plans for construction of sewage treatment and disposal systems, to issue pollution control discharge permits and to delegate certain permit authority to local governments. The DOE is required to approve or deny discharge permit applications from upland finfish hatching and rearing facilities and marine finfish rearing facilities within 180 days from the date of application with certain exceptions. If the DOE fails to issue a decision on certain state water quality permits within 60 days of application, a temporary permit is deemed to have been issued until the DOE takes action on the application.

Department of Fish and Wildlife

The Department of Fish and Wildlife (DFW) has authority to issue hydraulic permits for construction projects in state waters. With certain exceptions, the DFW is required by statute to issue decisions for hydraulic permit applications within 45 days after receiving a complete application and notice of compliance with any applicable SEPA requirements.

Local Project Review

Counties and cities specifically may provide for administrative review of preliminary plans without a public hearing if statutory procedural notice and comment periods are satisfied and if the local government allows a public hearing upon request.

Permit Assistance Center

The Permit Assistance Center (PAC) was created in 1995 and is located at the DOE's office in Lacey. The PAC is required to provide public information regarding permitting laws and to provide a coordinated state permitting procedure that applicants may use at

their option and expense. The PAC is authorized to recover costs for the coordinated permit process.

The PAC is also required to submit an annual report to the Legislature on potential conflicts and perceived inconsistencies among existing permitting statutes.

Summary of Bill:

The task force on permit streamlining is created and consists of five members of the House of Representatives and five members of the Senate, three each from the majority party and two each from the minority party. The task force will be co-chaired by one senator and one state representative appointed by the Senate Majority Leader and the Speaker of the House of Representatives, respectively.

The purpose of the task force is to evaluate the effectiveness of state land use, planning, environmental, and permitting statutes to coordinate and streamline permit review processes and consider needed changes. In doing so, the following objectives will be considered:

- Development of a coordinated permit process for all required project permits;
- Improvement in coordination of state and local agencies in reviewing and responding to permit applications;
- Reduction in delays so that permit decisions are made in a timely manner; and
- Enhancement of agency responsiveness to concerns regarding processes and decisions.

The task force may appoint an advisory committee of advisors and experts to provide input on various subjects. The staff of Senate Committee Services and the Office of Program Research will staff the joint task force.

Final findings, conclusions or recommendations must be agreed to by a majority of the members and included in a final report, along with any legislative proposals, and presented to the Legislature by January 10, 2003. Minority findings, conclusions, or recommendations may also be included.

Rulemaking Authority: No express authority.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.