
SENATE BILL 6385

State of Washington 53rd Legislature 1994 Regular Session

By Senators Fraser, Talmadge, Moore, Winsley and Skratek

Read first time 01/20/94. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the integration of environmental permits; adding
2 a new chapter to Title 43 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** LEGISLATIVE FINDINGS AND INTENT. The
5 legislature finds that existing media-specific environmental operating
6 permit programs increase administrative costs due to duplication, are
7 unnecessarily confusing to those required to obtain and renew permits,
8 and impede the achievement of comprehensive environmental protection
9 strategies that address total pollutant emissions to all environmental
10 media. Therefore, it is the intent of the legislature to create a
11 single administrative unit with the department of ecology to integrate
12 existing environmental operating permits, with its creation to be
13 phased in over time. It is further the intent of the legislature to
14 create procedures for integrating the administration of other permits
15 administered by other units of government, without affecting the
16 jurisdiction of such units over such permits. It is further the intent
17 of the legislature that the department assess and make recommendations
18 upon multimedia permit initiatives to obtain better information upon
19 cross-media impacts and to encourage cross-media emission trade offs

1 and allowances for the purpose of economic efficiency and maximizing
2 total emissions reductions.

3 NEW SECTION. **Sec. 2.** DEFINITIONS. Unless the context clearly
4 requires otherwise, the definitions in this section apply throughout
5 this chapter:

6 (1) "Department" means the department of ecology.

7 (2) "Director" means the director of the department of ecology.

8 (3) "Office" means the environmental permits office created by
9 section 3 of this act.

10 (4) "Permit" or "environmental permit" means a license, permit,
11 registration, certificate, approval, regular compliance reporting, or
12 similar requirements that condition the operation of an activity,
13 imposed under:

14 (a) Chapter 90.48 RCW, relating to the discharge of pollutants to
15 state waters;

16 (b) Chapter 70.94 RCW, relating to the emission of pollutants to
17 the air;

18 (c) Chapter 70.105 RCW, relating to the management and disposal of
19 hazardous waste; and

20 (d) Chapter 70.95 RCW, relating to the management and disposal of
21 solid waste.

22 NEW SECTION. **Sec. 3.** CREATION OF ENVIRONMENTAL PERMITS OFFICE.

23 (1) There is created the environmental permits office within the
24 department. By November 1, 1995, the director shall prepare a plan for
25 transferring the functions described in section 4 of this act to the
26 office. The plan may provide for phased compliance in transferring
27 functions for any period up to June 30, 2001. The plan shall be
28 submitted to the governor for review and inclusion in the governor's
29 recommended budget for the succeeding biennium, and shall also be
30 submitted to the fiscal and environmental standing committees of the
31 senate and house of representatives. Beginning November 1, 1996, the
32 director shall report annually to the governor and such legislative
33 committees on the status of implementation of the office, including the
34 identification of federal legal or administrative barriers to
35 implementation and recommendations for statutory modification to
36 facilitate carrying out the intent of this chapter.

1 (2) It is the intent of the legislature that the office be
2 comprised of employees of the department engaged in the administration
3 of the program functions on the effective date of the transfer of such
4 functions to the office. The director's plan for the transfer of such
5 functions shall include the transfer of such administrative staff and
6 facilities as are necessary to administratively support the same
7 functions within the environmental permits office.

8 NEW SECTION. **Sec. 4.** PERMIT FUNCTIONS WITHIN THE OFFICE. (1) The
9 environmental permits office shall be responsible for the following
10 functions upon transfer by the director to the office:

11 (a) The administration of wastewater discharge permits under the
12 authority of chapter 90.48 RCW;

13 (b) The administration of air quality operating permits under the
14 jurisdiction of the department under chapter 70.94 RCW;

15 (c) The administration of registration of new sources and source
16 modifications under the jurisdiction of the department under chapter
17 70.94 RCW;

18 (d) The administration of standards and reporting requirements
19 applicable to hazardous waste generators under chapter 70.105 RCW; and

20 (e) The administration of solid waste permits by the department
21 under intergovernmental agreements entered pursuant to section 6 of
22 this act.

23 (2) The office shall administer all aspects of permit issuance and
24 compliance for those programs transferred to the office, except that
25 the director may retain functions relating to permit enforcement in
26 other department programs.

27 (3) The transfer and consolidation of functions within the
28 environmental permits office shall not be the basis for any increase in
29 fees applicable to permit administration by the department. No later
30 than November 1, 1998, the department shall report on whether
31 reductions in the fees applicable to the permits administered within
32 the office may be achieved based upon the projected implementation the
33 consolidation initiatives within the office.

34 NEW SECTION. **Sec. 5.** ADMINISTRATION CONSOLIDATION. (1) For those
35 facilities subject to two or more permits or media-specific standards
36 administered by the office, the director shall provide in the plan

1 developed under section 3 of this act for the following administrative
2 consolidation initiatives:

3 (a) A single, multimedia permit encompassing all permit
4 requirements otherwise applicable under other provisions of law;

5 (b) Unified deadlines for expiration and renewal of all elements of
6 the single, comprehensive permit;

7 (c) A designated permit coordinator for each facility subject to a
8 multimedia permit that serves as the principal source of contact for
9 the permit holder;

10 (d) Consolidating media-specific monitoring and permit compliance
11 functions, such as frequency and timing of monitoring and data
12 reporting;

13 (e) Integrating compliance with the state environmental policy act,
14 chapter 43.21C RCW, with major decisions relating to issuance and
15 renewal of the multimedia permit;

16 (f) Providing comprehensive public participation procedures
17 ensuring early and timely opportunity for public review and comment
18 upon proposed issuance, renewal, or significant modification of the
19 multimedia permit; and

20 (g) Providing a consolidated appeal procedure applicable uniformly
21 to department decisions relating to the multimedia permit.

22 (2) The director may phase in the consolidation initiatives under
23 subsection (1) of this section over a period up to June 30, 2001.

24 (3) In implementing the consolidation initiatives of this section,
25 the director shall comply with substantive and procedural requirements
26 of state and federal statutes relating to the media-specific program
27 functions subject to consolidation. Where the director identifies a
28 statutory requirement that directly conflicts with a requirement of
29 this chapter, the director shall report such conflict to the governor
30 and legislature as part of its annual progress report submitted under
31 section 3 of this act, together with its recommendations for resolving
32 the conflict. In cases of potential conflict, the director shall
33 exercise his or her discretion under existing statutory requirements to
34 the maximum extent practicable to implement fully the consolidation
35 initiatives of this chapter.

36 NEW SECTION. **Sec. 6.** CONSOLIDATION WITH OTHER GOVERNMENTAL UNITS.

37 (1) The department and any agency or agencies administering an
38 environmental permit for a facility shall negotiate the provisions of

1 an intergovernmental agreement for the consolidated administration of
2 the environmental permits applicable to such facility, upon request by
3 the holder of the permits for the facility. The agreement may provide
4 for the delegation of program functions from one governmental agency to
5 another, where consistent with otherwise applicable state or federal
6 law, but such delegation is not required. At a minimum the agreement
7 should designate a single permit coordinator for all matters relating
8 to environmental permits covering the facility, and for consolidated
9 monitoring and data reporting, public participation, and appeal
10 procedures.

11 (2) Notwithstanding a request from the facility permit holder, the
12 department and any other agency that both administer an environmental
13 permit for the same facility may enter an agreement for the
14 consolidation of permit administration functions consistent with the
15 initiatives of section 5 of this act.

16 NEW SECTION. **Sec. 7.** POLLUTION PREVENTION A PRIORITY. In all
17 aspects of administration of the permits within the environmental
18 permits office, pollution prevention as a cost-effective method of
19 environmental quality protection shall be emphasized. The office shall
20 provide technical assistance in achieving pollution prevention as a
21 high-priority activity.

22 NEW SECTION. **Sec. 8.** DEPARTMENT STUDY. On or before November 1,
23 1998, the department shall review the experience to date with the
24 consolidation initiatives of the environmental permits office, and
25 existing state and federal statutory requirements, and prepare a report
26 on:

27 (1) Methods of monitoring and data management and analysis to
28 comprehensively measure total pollutant emissions from single
29 facilities, to measure pollutant loading trends over time and over
30 geographic areas, and to analyze the cross-media impacts of differing
31 emission limitations and standards;

32 (2) The costs and benefits of programs for cross-media emission
33 trades and allowances, and the role of multimedia permit programs in
34 administering such programs; and

35 (3) Means to better integrate the environmental operating permit
36 responsibilities of local, regional, state, and federal agencies.

1 In preparing the report, the department shall consider the emission
2 reduction goals and standards of existing state and federal
3 environmental regulatory programs, and its recommendations shall be
4 designed to achieve further emission reductions, and at minimum to
5 prevent any backsliding from otherwise applicable limitations.

6 NEW SECTION. **Sec. 9.** CAPTIONS. Section captions as used in this
7 act constitute no part of the law.

8 NEW SECTION. **Sec. 10.** Sections 1 through 8 of this act shall
9 constitute a new chapter in Title 43 RCW.

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