
SUBSTITUTE SENATE BILL 5148

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Environmental Quality & Water Resources
(originally sponsored by Senators B. Sheldon, Morton and Fraser; by
request of Department of Ecology)

Read first time 02/15/1999.

1 AN ACT Relating to the permit assistance center; amending RCW
2 90.60.010, 90.60.020, 90.60.030, and 90.60.100; repealing RCW
3 43.131.387 and 43.131.388; providing an effective date; and declaring
4 an emergency.

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

6 **Sec. 1.** RCW 90.60.010 and 1995 c 347 s 601 are each amended to
7 read as follows:

8 The legislature hereby finds and declares:

9 (1) Washington's environmental protection programs have established
10 strict standards to reduce pollution and protect the public health and
11 safety and the environment. The single-purpose programs instituted to
12 achieve these standards have been successful in many respects, and have
13 produced significant gains in protecting Washington's environment in
14 the face of substantial population growth.

15 (2) Continued progress to achieve the environmental standards in
16 the face of continued population growth will require greater
17 coordination between the single-purpose environmental programs and more
18 efficient operation of these programs overall. Pollution must be
19 prevented and controlled and not simply transferred to another media or

1 another place. This goal can only be achieved by maintaining the
2 current environmental protection standards and by greater integration
3 of the existing programs.

4 (3) As the number of environmental laws and regulations have grown
5 in Washington, so have the number of permits required of business and
6 government. This regulatory burden has significantly added to the cost
7 and time needed to obtain essential permits in Washington. The
8 increasing number of individual permits and permit authorities has
9 generated the continuing potential for conflict, overlap, and
10 duplication between the various state, local, and federal permits.

11 (4) The purpose of this chapter is to institute new, efficient
12 procedures that will assist businesses and public agencies in complying
13 with the environmental quality laws in an expedited fashion, without
14 reducing protection of public health and safety and the environment.

15 (5) Those procedures need to provide a permit process that promotes
16 effective dialogue and ensures ease in the transfer and clarification
17 of technical information, while preventing duplication. It is
18 necessary that the procedures establish a process for preliminary and
19 ongoing meetings between the applicant, the coordinating permit agency,
20 and the participating permit agencies, but do not preclude the
21 applicant or participating permit agencies from individually
22 coordinating with each other.

23 (6) It is necessary, to the maximum extent practicable, that the
24 procedures established in this chapter ensure that the coordinated
25 permit agency process and applicable permit requirements and criteria
26 are integrated and run concurrently, rather than consecutively.

27 (7) It is necessary to provide a reliable and consolidated source
28 of information concerning federal, state, and local environmental and
29 land use laws and procedures that apply to any given proposal.

30 (8) It is the intent of this chapter to provide an optional process
31 by which a project proponent may obtain active coordination of all
32 applicable regulatory and land-use permitting procedures. This process
33 is not to replace individual laws, or diminish the substantive
34 decision-making role of individual jurisdictions. Rather it is to
35 provide predictability, administrative consolidation, and, where
36 possible, consolidation of appeal processes.

37 (9) It is also the intent of this chapter ~~((to provide))~~ that by
38 providing an optional coordinated permit process, measures are taken by
39 the parties that promote the public's trust and confidence in the

1 underlying permit process, including providing consolidated, effective,
2 and easier opportunities for members of the public to receive
3 information and present their views about proposed projects.

4 **Sec. 2.** RCW 90.60.020 and 1995 c 347 s 602 are each amended to
5 read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Center" means the permit assistance center established in the
9 (~~commission~~ ~~[department]~~) department by RCW 90.60.030.

10 (2) "Coordinating permit agency" means the permit agency that has
11 the greatest overall jurisdiction over a project.

12 (3) "Department" means the department of ecology.

13 (4) "Participating permit agency" means a permit agency, other than
14 the coordinating permit agency, that is responsible for the issuance of
15 a permit for a project.

16 (5) "Parties" collectively means the coordinating permit agency,
17 permit agency, and participating permit agency.

18 (6) "Permit" means any license, certificate, registration, permit,
19 or other form of authorization required by a permit agency to engage in
20 a particular activity.

21 (~~(6)~~) (7) "Permit agency" means:

22 (a) The department of ecology, an air pollution control authority,
23 the department of natural resources, the department of fish and
24 wildlife, and the department of health; and

25 (b) Any other state or federal agency or county, city, or town that
26 participates at the request of the permit applicant and upon the
27 agency's agreement to be subject to this chapter.

28 (~~(7)~~) (8) "Project" means an activity, the conduct of which
29 requires permits from one or more permit agencies.

30 (9) "Small project" means a project for which the applicants do not
31 enter into a cost reimbursement agreement as authorized by RCW
32 90.60.100, and the project:

33 (a) Will require fewer than five permits from the state permit
34 agencies;

35 (b) Will employ fewer than twenty-five persons; or

36 (c) Estimates a completed assessed value of less than five hundred
37 thousand dollars.

1 **Sec. 3.** RCW 90.60.030 and 1997 c 429 s 35 are each amended to read
2 as follows:

3 (1) The permit assistance center is established within the
4 department. The center shall:

5 ~~((1))~~ (a) Publish and keep current one or more handbooks
6 containing lists and explanations of all permit laws. To the extent
7 possible, the handbook shall include relevant federal and tribal laws.
8 A state agency or local government shall provide a reasonable number of
9 copies of application forms, statutes, ordinances, rules, handbooks,
10 and other informational material requested by the center and shall
11 otherwise fully cooperate with the center. The center shall seek the
12 cooperation of relevant federal agencies and tribal governments;

13 ~~((2))~~ (b) Establish, and make known, a point of contact for
14 distribution of the handbook and advice to the public as to its
15 interpretation in any given case;

16 ~~((3))~~ (c) Work closely and cooperatively with the business
17 license center in providing efficient and nonduplicative service to the
18 public;

19 ~~((4))~~ (d) Seek the assignment of employees from the permit
20 agencies ~~((listed under RCW 90.60.020(6)(a)))~~ as defined in this
21 chapter to serve on a rotating basis in staffing the center;

22 ~~((5))~~ (e) Collect and disseminate information to public and
23 private entities on federal, state, local, and tribal government
24 programs that rely on private professional expertise to assist
25 governmental agencies in project permit review; and

26 ~~((6))~~ (f) Provide ~~((an annual))~~ a biennial report to the
27 legislature ~~((on potential conflicts and perceived inconsistencies~~
28 ~~among existing statutes. The first report shall be submitted to the~~
29 ~~appropriate standing committees of the house of representatives and~~
30 ~~senate by December 1, 1996.))~~ that includes:

31 (i) Statutory and other recommendations for streamlining and
32 coordinating environmental permitting in Washington;

33 (ii) Summarizes the results of the center's efforts to measure
34 performance and outcomes over time;

35 (iii) Summarizes, evaluates, and makes statutory and other
36 recommendations for improving the center's and permitting agencies'
37 efforts to provide public notice efficiently and for promoting
38 effective public participation in permitting processes;

1 (iv) Details efforts on the part of the center, the department, and
2 the parties to promote the public's trust and confidence in the
3 permitting process. Examples of such efforts include, but are not
4 limited to, the development of statutory and other policies and
5 procedures, guidance, roles, and responsibilities; and

6 (v) Shows revenues generated by the center's services, and the
7 center's budget and expenditures.

8 (2) The department shall prioritize the expenditure of general fund
9 moneys allotted to the center to provide a set of services to the
10 applicants of small projects.

11 **Sec. 4.** RCW 90.60.100 and 1995 c 347 s 610 are each amended to
12 read as follows:

13 (1) The ~~((coordinating permit agency))~~ parties may enter into a
14 written cost-reimbursement agreement with the applicant to recover from
15 the applicant the reasonable costs incurred by the ~~((coordinating~~
16 ~~permit agency))~~ parties in carrying out the requirements of this
17 chapter, as well as the requirements of other relevant laws, as they
18 relate to permit coordination, environmental review, application
19 review, technical studies, and permit processing.

20 (2) The ~~((coordinating permit agency may recover only the costs of~~
21 ~~performing those coordinated permit services and))~~ written cost-
22 reimbursement agreement shall be negotiated with the permit applicant
23 ~~((in))~~ following the meeting required pursuant to RCW 90.60.070.
24 Permit agencies may assign work to current staff, temporary staff, or
25 technical consultants in order to carry out the work covered by the
26 written cost-reimbursement agreement or the work remaining for the
27 permit agency as a result of the coordinated permit process. The
28 billing process shall provide for accurate time and cost accounting and
29 may include a billing cycle that provides for progress payments.

30 **NEW SECTION. Sec. 5.** The following acts or parts of acts are each
31 repealed:

32 (1) RCW 43.131.387 (Permit assistance center--Termination) and 1995
33 c 347 s 617; and

34 (2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c
35 347 s 618.

1 NEW SECTION. **Sec. 6.** Section 5 of this act is necessary for the
2 immediate preservation of the public peace, health, or safety, or
3 support of the state government and its existing public institutions,
4 and takes effect June 29, 1999.

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