
SENATE BILL 5281

State of Washington

56th Legislature

1999 Regular Session

By Senator T. Sheldon

Read first time 01/19/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to the permit assistance center; amending RCW
2 90.60.010, 90.60.020, 90.60.030, 90.60.040, 90.60.050, and 90.60.800;
3 adding a new section to chapter 90.60 RCW; repealing RCW 43.131.387 and
4 43.131.388; providing an effective date; and declaring 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) Although this state has recently experienced strong economic
12 performance, there is a growing economic disparity between the urban
13 and rural areas of the state. Support for enhanced rural economic
14 development measures is needed to promote strong rural economies. The
15 success of rural economic development measures, however, depends upon
16 a rural county's ability to attract new businesses and industries and
17 to facilitate expansion of existing businesses and industries. Rural
18 economic development efforts have been and may continue to be impeded
19 by the regulatory burdens associated with obtaining all local, state,
20 and federal permits needed for siting a new business or industry or for
21 expanding an existing business or industry.

22 (5) A permit assistance center is needed in this state to:

23 (a) Provide a reliable and consolidated source of information
24 concerning federal, state, tribal, and local environmental and land use
25 laws and procedures that apply to any given proposal;

26 (b) Provide information and assistance to individuals, businesses,
27 and public agencies regarding environmental and land use laws as well
28 as local, state, and federal permitting requirements;

29 (c) Upon request, serve as a project facilitator to assist an
30 applicant in identifying regulatory requirements, processes, and
31 permits associated with a project proposal;

32 (d) Upon request, assist an applicant by developing a coordinated
33 permit process for a project proposal; and

34 (e) Assist the state to achieve its rural economic development
35 goals by providing greater access to the center's services for
36 individuals, businesses, and public agencies in rural counties and for
37 businesses considering locating or expanding in rural counties.

38 (6) The purpose of this chapter is to:

1 (a) Institute new, efficient procedures that will assist
2 individuals, businesses, and public agencies in complying with the
3 environmental quality laws in an expedited fashion, without reducing
4 protection of public health and safety and the environment(~~(-~~

5 ~~(5) Those procedures need to))~~);

6 (b) Provide a permit process that promotes effective dialogue and
7 ensures ease in the transfer and clarification of technical
8 information, while preventing duplication(~~(-~~~~It is necessary that the~~
9 ~~procedures))~~);

10 (c) Establish a process for preliminary and ongoing meetings
11 between the applicant, the coordinating permit agency, and the
12 participating permit agencies(~~(-~~~~but do not preclude))~~ without
13 precluding the applicant or participating permit agencies from
14 individually coordinating with each other(~~(-~~

15 ~~(6) It is necessary))~~);

16 (d) Ensure, to the maximum extent practicable, (~~that the~~
17 ~~procedures established in this chapter ensure))~~ that the coordinated
18 permit agency process and applicable permit requirements and criteria
19 are integrated and run concurrently, rather than consecutively(~~(-~~

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

23 ~~(8) It is the intent of this chapter to))~~);

24 (e) Provide an optional process by which a project proponent may
25 obtain active coordination of all applicable (~~regulatory and land-~~
26 ~~use))~~ permitting procedures(~~(-~~~~This process is not to replace))~~ to
27 provide predictability, administrative consolidation and, when
28 possible, consolidation of appeal processes, without replacing
29 individual laws(~~(-~~) or (~~diminish))~~ diminishing the substantive
30 decision-making role of individual jurisdictions(~~(-~~~~Rather it is to~~
31 ~~provide predictability, administrative consolidation, and, where~~
32 ~~possible, consolidation of appeal processes.~~

33 ~~(9) It is also the intent of this chapter to))~~); and

34 (f) Provide consolidated, effective, and easier opportunities for
35 members of the public to receive information and present their views
36 about proposed projects.

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

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

3 (1) "Center" means the permit assistance center established in the
4 (~~commission~~ department) department by RCW 90.60.030.

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

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

8 (4) "Participating permit agency" means a permit agency, other than
9 the coordinating permit agency, that is responsible for the issuance of
10 a permit for a project.

11 (5) "Permit" means any license, certificate, registration, permit,
12 or other form of authorization required by a permit agency to engage in
13 a particular activity.

14 (6) "Permit agency" means:

15 (a) The department of ecology, an air pollution control authority,
16 the department of natural resources, the department of fish and
17 wildlife, and the department of health; and

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

21 (7) "Project" means an activity, the conduct of which requires
22 permits from one or more permit agencies.

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

25 The permit assistance center is established within the department.
26 The center shall:

27 (1) Establish regional center offices at each of the four
28 department regional or field offices;

29 (2) Publish and keep current one or more handbooks containing lists
30 and explanations of all permit laws at each of its regional center
31 offices. To the extent possible, the handbook shall include relevant
32 local, state, federal, and tribal laws. A state agency or local
33 government shall provide a reasonable number of copies of application
34 forms, statutes, ordinances, rules, handbooks, and other informational
35 material requested by the center and shall otherwise fully cooperate
36 with the center. The center shall seek the cooperation of relevant
37 federal agencies and tribal governments;

1 ~~((2))~~ (3) Establish, and make known, a point of contact at each
2 of its regional center offices for distribution of the handbook and
3 advice to the public as to its interpretation in any given case;

4 ~~((3))~~ (4) Establish, and make known, a point of contact at each
5 of its regional center offices responsible for identifying and
6 providing contact information for all local, state, and federal permits
7 necessary to complete a project to applicants or other interested
8 persons;

9 (5) Work closely and cooperatively with the business license center
10 in providing efficient and nonduplicative service to the public;

11 ~~((4))~~ (6) Seek the assignment of employees from the permit
12 agencies listed under RCW 90.60.020(6)(a) to serve on a rotating basis
13 in staffing the center;

14 ~~((5))~~ (7) Collect and disseminate information to public and
15 private entities on federal, state, local, and tribal government
16 programs that rely on private professional expertise to assist
17 governmental agencies in project permit review; and

18 ~~((6) Provide an annual report to the legislature on potential~~
19 ~~conflicts and perceived inconsistencies among existing statutes. The~~
20 ~~first report shall be submitted to the appropriate standing committees~~
21 ~~of the house of representatives and senate by December 1, 1996.))~~

22 (8) Work cooperatively with residents, local governments, and
23 businesses in rural counties, and establish and implement plans and
24 procedures for enhancing knowledge of and access to the center's
25 services for individuals, businesses, and public agencies in rural
26 counties and for businesses considering locating or expanding in rural
27 counties.

28 **Sec. 4.** RCW 90.60.040 and 1995 c 347 s 604 are each amended to
29 read as follows:

30 ~~((Not later than January 1, 1996,))~~ The center shall establish
31 by rule an administrative process for the designation of a coordinating
32 permit agency for a project.

33 (2) The administrative process shall consist of the establishment
34 of guidelines for designating the coordinating permit agency for a
35 project. If a permit agency is the lead agency for purposes of chapter
36 43.21C RCW, that permit agency shall be the coordinating permit agency.
37 In other cases, the guidelines shall require that at least the

1 following factors be considered in determining which permit agency has
2 the greatest overall jurisdiction over the project:

3 (a) The types of facilities or activities that make up the project;

4 (b) The types of public health and safety and environmental
5 concerns that should be considered in issuing permits for the project;

6 (c) The environmental medium that may be affected by the project,
7 the extent of those potential effects, and the environmental protection
8 measures that may be taken to prevent the occurrence of, or to
9 mitigate, those potential effects;

10 (d) The regulatory activity that is of greatest importance in
11 preventing or mitigating the effects that the project may have on
12 public health and safety or the environment; and

13 (e) The statutory and regulatory requirements that apply to the
14 project and the complexity of those requirements.

15 **Sec. 5.** RCW 90.60.050 and 1995 c 347 s 605 are each amended to
16 read as follows:

17 Upon the request of a project applicant, the center shall appoint
18 a project facilitator to assist the applicant in determining which
19 regulatory requirements, processes, and permits may be required for
20 development and operation of the proposed project. If the applicant
21 requests, the project facilitator shall also identify and provide
22 contact information for all local, state, and federal permits necessary
23 to complete a project. The project facilitator shall provide the
24 information to the applicant and explain the options available to the
25 applicant in obtaining the required permits. If the applicant
26 requests, the center shall designate a coordinating permit agency as
27 provided in RCW 90.60.060.

28 **Sec. 6.** RCW 90.60.800 and 1995 c 347 s 616 are each amended to
29 read as follows:

30 By December (~~(1, 1997)~~) first of each year, the center shall submit
31 a report to the appropriate committees of both houses of the
32 legislature detailing the following information:

33 (1) The number and type of clients and projects served;

34 (2) The number of instances in which a coordinating permit agency
35 has been requested and used, and the disposition of those cases;

36 (~~((2))~~) (3) The amount of time elapsed between an initial request
37 by a permit applicant for either facilitation services or a coordinated

1 permit process and the ultimate approval or disapproval of the permits
2 included in the service or process; ((and))
3 ((+3+)) (4) The number of instances in which the expedited appeals
4 process was requested, and the disposition of those cases;
5 (5) Revenues generated by the center's services;
6 (6) The center's budget and expenditures; and
7 (7) The status of the center's plans and procedures for enhancing
8 rural counties' access to and usage of the center as specified in RCW
9 90.60.030(8).

10 NEW SECTION. Sec. 7. A new section is added to chapter 90.60 RCW
11 to read as follows:

12 The following acts or parts of acts are each repealed effective
13 June 30, 2002:

14 (1) RCW 90.60.010 and 1999 c ... s 1 (section 1 of this act) & 1995
15 c 347 s 601;

16 (2) RCW 90.60.020 and 1999 c ... s 2 (section 2 of this act) & 1995
17 c 347 s 602;

18 (3) RCW 90.60.030 and 1999 c ... s 3 (section 3 of this act), 1997
19 c 429 s 35, & 1995 c 347 s 603;

20 (4) RCW 90.60.040 and 1999 c ... s 4 (section 4 of this act) & 1995
21 c 347 s 604;

22 (5) RCW 90.60.050 and 1999 c ... s 5 (section 5 of this act) & 1995
23 c 347 s 605;

24 (6) RCW 90.60.060 and 1995 c 347 s 606;

25 (7) RCW 90.60.070 and 1995 c 347 s 607;

26 (8) RCW 90.60.080 and 1995 c 347 s 608;

27 (9) RCW 90.60.090 and 1995 c 347 s 609;

28 (10) RCW 90.60.100 and 1995 c 347 s 610;

29 (11) RCW 90.60.110 and 1995 c 347 s 611;

30 (12) RCW 90.60.120 and 1995 c 347 s 612;

31 (13) RCW 90.60.130 and 1995 c 347 s 613;

32 (14) RCW 90.60.140 and 1995 c 347 s 614;

33 (15) RCW 90.60.150 and 1995 c 347 s 615; and

34 (16) RCW 90.60.800 and 1999 c ... s 6 (section 6 of this act) &
35 1995 c 347 s 616.

36 NEW SECTION. Sec. 8. The following acts or parts of acts are each
37 repealed:

1 (1) RCW 43.131.387 and 1995 c 347 s 617; and

2 (2) RCW 43.131.388 and 1995 c 347 s 618.

3 NEW SECTION. **Sec. 9.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 10.** This act is necessary for the immediate
8 preservation of the public peace, health, or safety, or support of the
9 state government and its existing public institutions, and takes effect
10 June 30, 1999.

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