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SECOND SUBSTITUTE SENATE BILL 5694

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State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen)

READ FIRST TIME 03/10/03.

1 AN ACT Relating to an integrated permit system; and creating new  
2 sections.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that environmental  
5 review and permitting, especially as applied to complex or  
6 controversial projects, can be characterized by multiple overlapping  
7 agency authorities, as a result of multiple governing statutes,  
8 generally adopted in isolation from one another, whose purposes and  
9 requirements are not integrated and cause correspondingly uncoordinated  
10 implementation by administrative agencies. As a result, numerous and  
11 differing project descriptions, inconsistent administrative records,  
12 unproductive and redundant requirements, delays, and disproportionate  
13 costs caused by all of these may impede the making of sound and  
14 expeditious decisions by agencies and appropriate project changes by  
15 permit applicants, contrary to the intent and purpose of environmental  
16 review and permitting and the interests of permit applicants and the  
17 public.

18 A single project may be governed by local, state, federal, and  
19 tribal laws. A single project may be subject to all of the following

1 requirements and others not listed here: (1) Federal section 404  
2 permit, section 7 consultation, essential fish habitat consultation,  
3 section 401 water quality certification, section 402 waste discharge  
4 permit, section 402 general permit, section 4(f) parks and recreational  
5 lands use approval, superfund clean-up requirements, air quality  
6 conformity, underground storage tank removal, and coastal zone  
7 management program consistency certification; (2) state storm water  
8 pollution control plan approval, hydraulic project approval, aquatic  
9 lands use approval, historic and archaeological approval,  
10 archaeological excavation and removal permit, state model toxics  
11 control act clean-up requirements, asbestos removal, and air quality  
12 operating permit; (3) local shoreline substantial development permit,  
13 conditional use permit or variance, shoreline design review, critical  
14 areas ordinance review, historic district approval, street use permit,  
15 demolition permit, grading permit, noise variance, storm water and  
16 drainage control approval, and utility approval.

17 The legislature finds that the public, as well as permit  
18 applicants, agencies, and affected parties, will benefit from an  
19 environmental review and permitting system that integrates and makes  
20 easily accessible the requirements and documentation for agency  
21 decision making, facilitating timely and effective participation in the  
22 process.

23 NEW SECTION. **Sec. 2.** The legislature intends to proceed in steps  
24 to develop and adopt an integrated permit system, working through the  
25 office of permit assistance, in cooperation with the department of  
26 transportation, the transportation permit efficiency and accountability  
27 committee, and local, state, federal, and tribal regulatory agencies.  
28 When implemented, the integrated permit system would integrate project  
29 design, environmental review, permitting, and mitigation elements into  
30 a single process. Major components of the integrated permit system are  
31 a unified project decision support document and a unified project  
32 administrative procedure. A unified project decision support document  
33 is intended to be a single document proactively developed to support  
34 and satisfy all needs for information, analysis, and evaluation;  
35 document and justify incremental project decisions; inform the public  
36 and interested parties; and support integration of project design,  
37 environmental review, permitting, and mitigation elements. A unified

1 project administrative procedure is intended to harmonize, reduce, or  
2 eliminate duplicative or conflicting requirements for environmental  
3 analysis, agency decision making, public review and comment, and  
4 administrative and judicial review. A unified project decision support  
5 document can probably be implemented by intergovernmental agreement  
6 under existing law. A unified project administrative procedure will  
7 probably require changes to existing law.

8 The legislature intends by this act to authorize, through a pilot  
9 project, development of a guidance document for implementation of a  
10 unified project decision support document and development of  
11 recommendations for an integrated permit system and for changes to  
12 existing law needed for implementation of a unified project  
13 administrative procedure.

14 NEW SECTION. **Sec. 3.** (1) By December 1, 2005, the office of  
15 permit assistance shall develop a guidance document for creating a  
16 unified project decision support document for state and federal  
17 agencies and local governments that will be sufficient to support all  
18 regulatory decision making.

19 The office shall, in consultation with the department of  
20 transportation and the transportation permit efficiency and  
21 accountability committee, test and, as necessary, revise and add to the  
22 "unified permit binder" currently being developed by the department of  
23 transportation to provide a standardized outline, checklists, and  
24 templates for preparation of a single master support document for all  
25 regulatory decision making concerning a project. The office shall  
26 address regulatory decision-making processes under existing substantive  
27 authorities and administrative procedures, applicable existing  
28 statutory requirements for environmental review and permitting,  
29 information necessary for decision making, and existing requirements  
30 for public and agency involvement and its documentation. The resulting  
31 document shall be designed to be a complete, concise, and logically  
32 organized guidance document for creating a unified project decision  
33 support document for state and federal agencies and local governments.

34 (2) By December 1, 2005, the office shall develop recommendations  
35 for an integrated permit system to integrate project design,  
36 environmental review, permitting, and mitigation; develop  
37 recommendations for legislative changes to statutory authorizations and

1 administrative procedures needed to establish the system; and develop  
2 detailed recommendations for full-scale testing of the system through  
3 one or more pilot projects.

4 The elements of the integrated permit system shall include use of  
5 a unified project decision support document available on the internet  
6 for purposes of public review and comment and for decision making by  
7 agencies and local governments with jurisdiction over the project; a  
8 unified project administrative procedure for regulatory decision making  
9 that eliminates duplicative, conflicting, or unproductive requirements  
10 for environmental analysis, public review and comment, and  
11 administrative and judicial review; and such other elements as the  
12 office may recommend including, but not limited to, regulation  
13 decision-making timelines and dispute resolution protocols.

14 (3) The office shall fulfill the requirements of subsections (1)  
15 and (2) of this section using a pilot project of economic development  
16 significance, after obtaining agreement to participate in the pilot  
17 project from the project proponent and the state agencies and local  
18 governments with jurisdiction. As needed, the office may also seek  
19 agreement to participate from federal and tribal agencies with  
20 jurisdiction.

21 (4) The office shall submit a report to the standing legislative  
22 committees with jurisdiction by December 1, 2003, and December 1, 2004,  
23 regarding progress on subsections (1) and (2) of this section and by  
24 December 1, 2005, upon completion of subsections (1) and (2) of this  
25 section.

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