

2 SSB 5148 - H COMM AMD

3 By Committee on Agriculture & Ecology

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5 Strike everything after the enacting clause and insert the
6 following:

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

9 The legislature hereby finds and declares:

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

16 (2) Continued progress to achieve the environmental standards in
17 the face of continued population growth will require greater
18 coordination between the single-purpose environmental programs and more
19 efficient operation of these programs overall. Pollution must be
20 prevented and controlled and not simply transferred to another media or
21 another place. This goal can only be achieved by maintaining the
22 current environmental protection standards and by greater integration
23 of the existing programs.

24 (3) As the number of environmental laws and regulations have grown
25 in Washington, so have the number of permits required of business and
26 government. This regulatory burden has significantly added to the cost
27 and time needed to obtain essential permits in Washington. The
28 increasing number of individual permits and permit authorities has
29 generated the continuing potential for conflict, overlap, and
30 duplication between the various state, local, and federal permits.

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

35 (5) Those procedures need to provide a permit process that promotes
36 effective dialogue and ensures ease in the transfer and clarification

1 of technical information, while preventing duplication. It is
2 necessary that the procedures establish a process for preliminary and
3 ongoing meetings between the applicant, the coordinating permit agency,
4 and the participating permit agencies, but do not preclude the
5 applicant or participating permit agencies from individually
6 coordinating with each other.

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

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

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

21 (9) It is also the intent of this chapter ~~((to provide))~~ that by
22 providing an optional coordinated permit process, measures are taken by
23 the parties that promote the public's trust and confidence in the
24 underlying permit process, including providing consolidated, effective,
25 and easier opportunities for members of the public to receive
26 information and present their views about proposed projects.

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

29 Unless the context clearly requires otherwise, the definitions in
30 this section apply throughout this chapter.

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

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

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

36 (4) "Participating permit agency" means a permit agency, other than
37 the coordinating permit agency, that is responsible for the issuance of
38 a permit for a project.

1 (5) "Parties" collectively means the coordinating permit agency,
2 permit agency, and participating permit agency.

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

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

7 (a) The department of ecology, an air pollution control authority,
8 the department of natural resources, the department of fish and
9 wildlife, and the department of health; and

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

13 (~~(7)~~) (8) "Project" means an activity, the conduct of which
14 requires permits from one or more permit agencies.

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

17 (1) The permit assistance center is established within the
18 department. The center shall:

19 (~~(1)~~) (a) Publish and keep current one or more handbooks
20 containing lists and explanations of all permit laws. To the extent
21 possible, the handbook shall include relevant federal and tribal laws.
22 A state agency or local government shall provide a reasonable number of
23 copies of application forms, statutes, ordinances, rules, handbooks,
24 and other informational material requested by the center and shall
25 otherwise fully cooperate with the center. The center shall seek the
26 cooperation of relevant federal agencies and tribal governments;

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

30 (~~(3)~~) (c) Work closely and cooperatively with the business
31 license center in providing efficient and nonduplicative service to the
32 public;

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

36 (~~(5)~~) (e) Collect and disseminate information to public and
37 private entities on federal, state, local, and tribal government

1 programs that rely on private professional expertise to assist
2 governmental agencies in project permit review; and

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

8 (i) Includes statutory and other recommendations for streamlining
9 and coordinating environmental permitting in Washington;

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

12 (iii) Summarizes, evaluates, and makes statutory and other
13 recommendations for improving the center's and permitting agencies'
14 efforts to provide public notice efficiently and for promoting
15 effective public participation in permitting processes;

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

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

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

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

28 (1) The ~~((coordinating permit agency))~~ parties may enter into a
29 written cost-reimbursement agreement with the applicant to recover from
30 the applicant the reasonable costs incurred by the ~~((coordinating
31 permit agency))~~ parties in carrying out the requirements of this
32 chapter, as well as the requirements of other relevant laws, as they
33 relate to permit coordination, environmental review, application
34 review, technical studies, and permit processing.

35 (2) The ~~((coordinating permit agency may recover only the costs of
36 performing those coordinated permit services and))~~ written cost-
37 reimbursement agreement shall be negotiated with the permit applicant
38 ~~((in))~~ following the meeting required pursuant to RCW 90.60.070.

1 Permit agencies may assign work to current staff, temporary staff, or
2 technical consultants in order to carry out the work covered by the
3 written cost-reimbursement agreement or the work remaining for the
4 permit agency as a result of the coordinated permit process. The
5 billing process shall provide for accurate time and cost accounting and
6 may include a billing cycle that provides for progress payments.

7 NEW SECTION. Sec. 5. The following acts or parts of acts are each
8 repealed:

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

11 (2) RCW 43.131.388 (Permit assistance center--Repeal) and 1995 c
12 347 s 618.

13 NEW SECTION. Sec. 6. The permit assistance center terminates June
14 30, 2003.

15 NEW SECTION. Sec. 7. Section 5 of this act is necessary for the
16 immediate preservation of the public peace, health, or safety, or
17 support of the state government and its existing public institutions,
18 and takes effect June 29, 1999."

19 Correct the title.

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