
**Agriculture & Ecology
Committee**

HB 2671

Brief Description: Creating the permit assistance center in the department of ecology.

Sponsors: Representatives Linville, Romero, Reardon, Simpson, Gombosky, Grant, Veloria, Kessler, Conway, Doumit, Hatfield, Ogden, Morris, Kenney, Dickerson, Edwards, Chase, Schual-Berke, Wood, Rockefeller, Jackley, Kagi and McDermott.

Brief Summary of Bill

- Adopts statutory provisions governing the Department of Ecology's Permit Assistance Center.
- Terminates these provisions on June 30, 2007.

Hearing Date: 1/31/02

Staff: Caroleen Dineen (786-7156).

Background:

The Permit Assistance Center (PAC) was created by statute in 1995. The PAC was established in the Department of Ecology (DOE) to provide public information regarding environmental permitting laws and assistance to businesses and public agencies in complying with these laws. In addition to other requirements, the PAC was directed to develop and provide a coordinated state permitting procedure that permit applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process. The PAC also was required to submit an annual report to the Legislature on potential conflicts and perceived inconsistencies among existing permitting statutes.

The PAC's statutory provisions were subject to a sunset provision. The Joint Legislative Audit and Review Committee (JLARC) prepared a sunset review recommending that the PAC be reauthorized and that the PAC's annual reporting requirement be changed to a periodic report. However, the PAC's statutory provisions did expire on June 30, 1999. Although the statutes expired, an appropriation in the 1999-2001 budget continued funding for PAC operations. The PAC continues to operate at the DOE's office in Lacey.

Summary of Bill:

Provisions creating the Permit Assistance Center (PAC) within the Department of Ecology (DOE) and provisions governing PAC operations are enacted. These provisions are similar to the statutory provisions that expired in 1999. These new statutory provisions are terminated on June 30, 2007.

The PAC must:

- publish and keep current informational handbooks for all permit laws;
- establish and make known a contact for distribution of the handbook and public advice;
- work closely and cooperatively with the Business Licence Center in providing efficient and non-duplicative service to the public;
- seek assignment of employees from various permit agencies (as defined in statute) to serve on a rotating basis in staffing the PAC;
- collect and disseminate information to public and private entities on federal, state, local, and tribal government programs that rely on private professional expertise to assist governmental agencies in project permit review; and
- provide an annual report to the legislature on potential conflicts and perceived inconsistencies among existing statutes.

Upon request of a project applicant, the PAC must appoint a project facilitator to assist in determining the regulatory requirements, process, and permits that may be required for development and operation of a proposed project and to provide information and options to the project applicant for obtaining permits.

A coordinated permit process is established. A permit applicant may request that the PAC designate a coordinating permit agency to serve as the main contact for the permit applicant regarding a coordinated permit process and to manage the procedural aspects of that process consistent with existing law and procedures. No later than January 1, 2003, the PAC must adopt by rule an administrative process for designating a coordinating permit agency. This process must include guidelines for designating the coordinating permit agency, including either the designation of the lead agency identified under the State Environmental Policy Act or the consideration of various factors in determining the permit agency with the greatest overall jurisdiction.

The coordinating permit agency duties are specified. The coordinating permit agency must:

- convene a meeting of the permit applicant and participating permit agencies within 21 days of the date the coordinating permit agency is designated to discuss and make an agreement on specified matters, including review of application forms and requirements, time lines, notice, participation of other agencies and interested persons, scheduling of public hearings, and fee arrangements;
- make the decisions made at the meeting available for public review;
- ensure the permit applicant has all needed information;
- coordinate the review of permits by respective participating permit agencies;
- ensure timely permit decisions are made;

- assist in resolving conflicts or inconsistencies among permit requirements and conditions;
- keep in contact with the permit applicant and local permitting agencies; and
- process petitions by permit applicants for review of agency actions in issuing, denying, or amending a permit according to specified procedures.

Provisions are added to specify the information a permit applicant must provide and to allow participating agencies to notify the coordinating permit agency of problems in meeting its obligations under the permit coordination agreement. In addition, provisions are included to specify the process for a permit applicant to withdraw from the coordinated permit process or to request a participating permit agency withdraw from the process and for the permit applicant to petition for significant amendment or modification of a coordinated permit process application.

Authority is given to the coordinating permit agency to enter into a written agreement with the permit applicant for the recovery of reasonable costs incurred with respect to the coordinated permit process. These costs must be negotiated with the permit applicant, and only the costs of performing coordinated permit costs may be recovered.

The PAC must establish by rule an expedited appeals process for a petitioner or applicant in a coordinated permit process to appeal any failure by a permit agency to take timely action on the issuance or denial of a permit. Time limits for coordinated permit applications are held in abeyance if an applicant fails to provide required information. If the PAC finds the time limits have been violated without good cause, the PAC must establish a date certain for the permit agency to act and provide for the full reimbursement of permit filing or processing fees to the permit applicant for the permit under appeal.

The coordinated permit process does not abridge the authority of all participating permit agencies regarding nonprocedural permit decisions and does not allow the coordinating permit agency to substitute its judgment for any participating permit agency nonprocedural matters. No provision regarding the PAC affects the jurisdiction of the Energy Facility Site Evaluation Council.

The DOE, Department of Natural Resources, the Department of Health, and the Department of Fish and Wildlife are required to provide the appropriate county assessor with notice of the agency's final decision on a project permit application. A county assessor may use this information in considering the valuation of real property affected by the decision.

Definitions are added for various terms related to operation of the PAC. Legislative intent specifies the need to coordinate and integrate environmental programs, to assist business and public agencies in complying with environmental quality laws while maintaining environmental protection standards, to provide a consolidated information source for environmental land use laws, and to provide an optional process for individual project permit coordination.

Appropriation: None.

Fiscal Note: Requested January 28, 2002.

Effective Date: Ninety days after adjournment of session in which bill is passed.