
HOUSE BILL 2671

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By 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

Read first time 01/23/2002. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to a permit assistance center within the department
2 of ecology; amending RCW 84.41.030; adding new sections to chapter
3 43.131 RCW; and adding a new chapter to Title 90 RCW.

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

5 NEW SECTION. **Sec. 1.** The legislature hereby finds and declares:

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

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

20 (3) As the number of environmental laws and regulations have grown
21 in Washington, so have the number of permits required of business and

1 government. This regulatory burden has significantly added to the cost
2 and time needed to obtain essential permits in Washington. The
3 increasing number of individual permits and permit authorities has
4 generated the continuing potential for conflict, overlap, and
5 duplication between the various state, local, and federal permits.

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

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

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

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

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

32 (9) It is also the intent of this chapter to provide consolidated,
33 effective, and easier opportunities for members of the public to
34 receive information and present their views about proposed projects.

35 NEW SECTION. **Sec. 2.** Unless the context clearly requires
36 otherwise, the definitions in this section apply throughout this
37 chapter.

1 (1) "Center" means the permit assistance center established in the
2 department by section 3 of this act.

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

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

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

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

12 (6) "Permit agency" means:

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

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

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

21 NEW SECTION. **Sec. 3.** The permit assistance center is established
22 within the department. The center shall:

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

31 (2) Establish, and make known, a point of contact for distribution
32 of the handbook and advice to the public as to its interpretation in
33 any given case;

34 (3) Work closely and cooperatively with the business license center
35 in providing efficient and nonduplicative service to the public;

36 (4) Seek the assignment of employees from the permit agencies
37 listed under section 2(6)(a) of this act to serve on a rotating basis
38 in staffing the center;

1 (5) Collect and disseminate information to public and private
2 entities on federal, state, local, and tribal government programs that
3 rely on private professional expertise to assist governmental agencies
4 in project permit review; and

5 (6) Provide an annual report to the legislature on potential
6 conflicts and perceived inconsistencies among existing statutes.

7 NEW SECTION. **Sec. 4.** (1) Not later than January 1, 2003, the
8 center shall establish by rule an administrative process for the
9 designation of a coordinating permit agency for a project.

10 (2) The administrative process shall consist of the establishment
11 of guidelines for designating the coordinating permit agency for a
12 project. If a permit agency is the lead agency for purposes of chapter
13 43.21C RCW, that permit agency shall be the coordinating permit agency.
14 In other cases, the guidelines shall require that at least the
15 following factors be considered in determining which permit agency has
16 the greatest overall jurisdiction over the project:

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

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

20 (c) The environmental medium that may be affected by the project,
21 the extent of those potential effects, and the environmental protection
22 measures that may be taken to prevent the occurrence of, or to
23 mitigate, those potential effects;

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

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

29 NEW SECTION. **Sec. 5.** Upon the request of a project applicant, the
30 center shall appoint a project facilitator to assist the applicant in
31 determining which regulatory requirements, processes, and permits may
32 be required for development and operation of the proposed project. The
33 project facilitator shall provide the information to the applicant and
34 explain the options available to the applicant in obtaining the
35 required permits. If the applicant requests, the center shall
36 designate a coordinating permit agency as provided in section 6 of this
37 act.

1 NEW SECTION. **Sec. 6.** (1) A permit applicant who requests the
2 designation of a coordinating permit agency shall provide the center
3 with a description of the project, a preliminary list of the permits
4 that the project may require, the identity of any public agency that
5 has been designated the lead agency for the project pursuant to chapter
6 43.21C RCW, and the identity of the participating permit agencies. The
7 center may request any information from the permit applicant that is
8 necessary to make the designation under this section, and may convene
9 a scoping meeting of the likely coordinating permit agency and
10 participating permit agencies in order to make that designation.

11 (2) The coordinating permit agency shall serve as the main point of
12 contact for the permit applicant with regard to the coordinated permit
13 process for the project and shall manage the procedural aspects of that
14 processing consistent with existing laws governing the coordinating
15 permit agency and participating permit agencies, and with the
16 procedures agreed to by those agencies in accordance with section 7 of
17 this act. In carrying out these responsibilities, the coordinating
18 permit agency shall ensure that the permit applicant has all the
19 information needed to apply for all the component permits that are
20 incorporated in the coordinated permit process for the project,
21 coordinate the review of those permits by the respective participating
22 permit agencies, ensure that timely permit decisions are made by the
23 participating permit agencies, and assist in resolving any conflict or
24 inconsistency among the permit requirements and conditions that are to
25 be imposed by the participating permit agencies with regard to the
26 project. The coordinating permit agency shall keep in contact with the
27 applicant as well as other permit agencies in order to assure that the
28 process is progressing as scheduled. The coordinating permit agency
29 shall also make contact, at least once, with any local jurisdiction
30 that is responsible for issuing a permit for the project if the local
31 jurisdiction has not agreed to be a participating permit agency as
32 provided in section 2(6) of this act.

33 (3) This chapter shall not be construed to limit or abridge the
34 powers and duties granted to a participating permit agency under the
35 law that authorizes or requires the agency to issue a permit for a
36 project. Each participating permit agency shall retain its authority
37 to make all decisions on all nonprocedural matters with regard to the
38 respective component permit that is within its scope of its
39 responsibility, including, but not limited to, the determination of

1 permit application completeness, permit approval or approval with
2 conditions, or permit denial. The coordinating permit agency may not
3 substitute its judgment for that of a participating permit agency on
4 any such nonprocedural matters.

5 NEW SECTION. **Sec. 7.** (1) Within twenty-one days of the date that
6 the coordinating permit agency is designated, it shall convene a
7 meeting with the permit applicant for the project and the participating
8 permit agencies. The meeting agenda shall include at least all of the
9 following matters:

10 (a) A determination of the permits that are required for the
11 project;

12 (b) A review of the permit application forms and other application
13 requirements of the agencies that are participating in the coordinated
14 permit process;

15 (c)(i) A determination of the timelines that will be used by the
16 coordinating permit agency and each participating permit agency to make
17 permit decisions, including the time periods required to determine if
18 the permit applications are complete, to review the application or
19 applications, and to process the component permits. In the development
20 of this timeline, full attention shall be given to achieving the
21 maximum efficiencies possible through concurrent studies, consolidated
22 applications, hearings, and comment periods. Except as provided in
23 (c)(ii) of this subsection, the timelines established under this
24 subsection, with the assent of the coordinating permit agency and each
25 participating permit agency, shall commit the coordinating permit
26 agency and each participating permit agency to act on the component
27 permit within time periods that are different than those required by
28 other applicable provisions of law.

29 (ii) An accelerated time period for the consideration of a permit
30 application may not be set if that accelerated time period would be
31 inconsistent with, or in conflict with, any time period or series of
32 time periods set by statute for that consideration, or with any
33 statute, rule, or regulation, or adopted state policy, standard, or
34 guideline that requires any of the following:

35 (A) Other agencies, interested persons, federally recognized Indian
36 tribes, or the public to be given adequate notice of the application;

1 (B) Other agencies to be given a role in, or be allowed to
2 participate in, the decision to approve or disapprove the application;
3 or

4 (C) Interested persons or the public to be provided the opportunity
5 to challenge, comment on, or otherwise voice their concerns regarding
6 the application;

7 (d) The scheduling of any public hearings that are required to
8 issue permits for the project and a determination of the feasibility of
9 coordinating or consolidating any of those required public hearings;
10 and

11 (e) A discussion of fee arrangements for the coordinated permit
12 process, including an estimate of the costs allowed under section 10 of
13 this act and the billing schedule.

14 (2) Each agency shall send at least one representative qualified to
15 make decisions concerning the applicability and timelines associated
16 with all permits administered by that jurisdiction. At the request of
17 the applicant, the coordinating permit agency shall notify any relevant
18 federal agency or federally recognized tribe of the date of the meeting
19 and invite that agency's participation in the process.

20 (3) If a permit agency or the applicant foresees, at any time, that
21 it will be unable to meet its obligations under the agreement, it shall
22 notify the coordinating permit agency of the problem. The coordinating
23 permit agency shall notify the participating permit agencies and the
24 applicant and, upon agreement of all parties, adjust the schedule, or,
25 if necessary, schedule another work plan meeting.

26 (4) The coordinating permit agency may request any information from
27 the applicant that is necessary to comply with its obligations under
28 this section, consistent with the timelines set pursuant to this
29 section.

30 (5) A summary of the decisions made under this section shall be
31 made available for public review upon the filing of the coordinated
32 permit process application or permit applications.

33 NEW SECTION. **Sec. 8.** (1) The permit applicant may withdraw from
34 the coordinated permit process by submitting to the coordinating permit
35 agency a written request that the process be terminated. Upon receipt
36 of the request, the coordinating permit agency shall notify the center
37 and each participating permit agency that a coordinated permit process
38 is no longer applicable to the project.

1 (2) The permit applicant may submit a written request to the
2 coordinating permit agency that the permit applicant wishes a
3 participating permit agency to withdraw from participation on the basis
4 of a reasonable belief that the issuance of the coordinated permit
5 process would be accelerated if the participating permit agency
6 withdraws. In that event, the participating permit agency shall
7 withdraw from participation if the coordinating permit agency approves
8 the request.

9 NEW SECTION. **Sec. 9.** The coordinating permit agency shall ensure
10 that the participating permit agencies make all the permit decisions
11 that are necessary for the incorporation of the permits into the
12 coordinated permit process and act on the component permits within the
13 time periods established pursuant to section 7 of this act.

14 NEW SECTION. **Sec. 10.** (1) The coordinating permit agency may
15 enter into a written agreement with the applicant to recover from the
16 applicant the reasonable costs incurred by the coordinating permit
17 agency in carrying out the requirements of this chapter.

18 (2) The coordinating permit agency may recover only the costs of
19 performing those coordinated permit services and shall be negotiated
20 with the permit applicant in the meeting required pursuant to section
21 7 of this act. The billing process shall provide for accurate time and
22 cost accounting and may include a billing cycle that provides for
23 progress payments.

24 NEW SECTION. **Sec. 11.** A petition by the permit applicant for
25 review of an agency action in issuing, denying, or amending a permit,
26 or any portion of a coordinating permit agency permit, shall be
27 submitted by the permit applicant to the coordinating permit agency or
28 the participating permit agency having jurisdiction over that permit
29 and shall be processed in accordance with the procedures of that permit
30 agency. Within thirty days of receiving the petition, the coordinating
31 permit agency shall notify the other environmental agencies
32 participating in the original coordinated permit process.

33 NEW SECTION. **Sec. 12.** If an applicant petitions for a significant
34 amendment or modification to a coordinated permit process application
35 or any of its component permit applications, the coordinating permit

1 agency shall reconvene a meeting of the participating permit agencies,
2 conducted in accordance with section 7 of this act.

3 NEW SECTION. **Sec. 13.** If an applicant fails to provide
4 information required for the processing of the component permit
5 applications for a coordinated permit process or for the designation of
6 a coordinating permit agency, the time requirements of this chapter
7 shall be held in abeyance until such time as the information is
8 provided.

9 NEW SECTION. **Sec. 14.** (1) The center, by rule, shall establish an
10 expedited appeals process by which a petitioner or applicant may appeal
11 any failure by a permit agency to take timely action on the issuance or
12 denial of a permit in accordance with the time limits established under
13 this chapter.

14 (2) If the center finds that the time limits under appeal have been
15 violated without good cause, it shall establish a date certain by which
16 the permit agency shall act on the permit application with adequate
17 provision for the requirements of section 7(1)(c)(ii) (A) through (C)
18 of this act, and provide for the full reimbursement of any filing or
19 permit processing fees paid by the applicant to the permit agency for
20 the permit application under appeal.

21 NEW SECTION. **Sec. 15.** Nothing in this chapter affects the
22 jurisdiction of the energy facility site evaluation council as provided
23 in chapter 80.50 RCW.

24 NEW SECTION. **Sec. 16.** (1) A state permit agency shall forward to
25 the appropriate county assessor a notice of the agency's final decision
26 with respect to a permit sought from the agency in connection with a
27 project permit application as defined in RCW 36.70B.020.

28 (2) For the purposes of this section:

29 (a) "Permit" means a license, certificate, registration, permit, or
30 other form of authorization required by a permit agency in connection
31 with a project permit application as defined in RCW 36.70B.020; and

32 (b) "State permit agency" means the department of ecology, the
33 department of natural resources, the department of fish and wildlife,
34 or the department of health.

1 **Sec. 17.** RCW 84.41.030 and 1996 c 254 s 7 are each amended to read
2 as follows:

3 Each county assessor shall maintain an active and systematic
4 program of revaluation on a continuous basis, and shall establish a
5 revaluation schedule which will result in revaluation of all taxable
6 real property within the county at least once each four years and
7 physical inspection of all taxable real property within the county at
8 least once each six years. Each county assessor may disregard any
9 program of revaluation, if requested by a property owner, and change,
10 as appropriate, the valuation of real property upon the receipt of a
11 notice of decision received under RCW 36.70B.130, (~~90.60.160~~) section
12 16 of this act, or chapter 35.22, 35.63, 35A.63, or 36.70 RCW
13 pertaining to the value of the real property.

14 NEW SECTION. **Sec. 18.** A new section is added to chapter 43.131
15 RCW to read as follows:

16 The permit assistance center and its powers and duties shall be
17 terminated June 30, 2007, as provided in RCW 43.131.388.

18 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.131
19 RCW to read as follows:

20 The following acts or parts of acts, as now existing or hereafter
21 amended, are each repealed, effective June 30, 2008:

- 22 (1) Section 1 of this act;
- 23 (2) Section 2 of this act;
- 24 (3) Section 3 of this act;
- 25 (4) Section 4 of this act;
- 26 (5) Section 5 of this act;
- 27 (6) Section 6 of this act;
- 28 (7) Section 7 of this act;
- 29 (8) Section 8 of this act;
- 30 (9) Section 9 of this act;
- 31 (10) Section 10 of this act;
- 32 (11) Section 11 of this act;
- 33 (12) Section 12 of this act;
- 34 (13) Section 13 of this act;
- 35 (14) Section 14 of this act;
- 36 (15) Section 15 of this act; and
- 37 (16) Section 16 of this act.

1 NEW SECTION. **Sec. 20.** Sections 1 through 16 of this act
2 constitute a new chapter in Title 90 RCW.

--- **END** ---