

HOUSE BILL REPORT

2SSB 5694

As Passed House - Amended:

April 11, 2003

Title: An act relating to an integrated permit system.

Brief Description: Creating a pilot project to develop an integrated environmental permit system.

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

Brief History:

Committee Activity:

State Government: 3/27/03, 4/3/03 [DPA];

Appropriations: 4/5/03 [DPA(SG)].

Floor Activity:

Passed House - Amended: 4/11/03, 89-0.

Brief Summary of Second Substitute Bill (As Amended by House)

- Requires the Office of Permit Assistance to develop a guide for creating a unified project decision support document and to develop recommendations for an integrated permit system through the use of a pilot project.

HOUSE COMMITTEE ON STATE GOVERNMENT

Majority Report: Do pass as amended. Signed by 9 members: Representatives Haigh, Chair; Miloscia, Vice Chair; Armstrong, Ranking Minority Member; Shabro, Assistant Ranking Minority Member; Hunt, McDermott, Nixon, Tom and Wallace.

Staff: Marsha Reilly (786-7135).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: Do pass as amended by Committee on State Government. Signed by 27 members: Representatives Sommers, Chair; Fromhold, Vice Chair; Sehlin, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Alexander, Boldt,

Buck, Clements, Cody, Conway, Cox, DeBolt, Dunshee, Grant, Hunter, Kagi, Kenney, Kessler, Linville, McDonald, McIntire, Miloscia, Pflug, Ruderman, Schual-Berke, Sump and Talcott.

Staff: Holly Lynde (786-7153).

Background:

State, federal, and local environmental regulations are administered by several different agencies, most of which have their own permitting requirements. In addition, many of the permit process requirements conflict, overlap or are duplicative. As a result, environmental permits can be delayed when review processes are done in sequence rather than concurrently.

The Permit Assistance Center (PAC) was created in 1995 in the Department of Ecology (DOE) to provide the public with information regarding environmental permitting laws and to provide 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 project applicants could use at their option and expense and was authorized by statute to recover costs for this coordinated permit process.

In 2001 the Environmental Permit Streamlining Act (Act) was enacted to streamline the environmental permit process for transportation projects. Under the Act, the Transportation Permit Efficiency and Accountability Committee (TPEAC) was established and charged to identify and integrate processes to streamline the permitting for pilot transportation projects, transportation projects of statewide significance and programmatic projects. The Department of Transportation was granted authority to prepare certain permits, with permitting agencies retaining approval authority. This Act expires March 31, 2003.

In 2002 the PAC was renamed the Office of Permit Assistance (OPA) and was transferred to the Office of Financial Management (OFM). Under this legislation, the OPA's responsibilities were expanded to:

- develop informal processes for dispute resolution between agencies and project applicants;
- conduct customer surveys to evaluate its effectiveness;
- review initiatives developed by the TPEAC to determine if any would be beneficial if implemented for other projects;
- prioritize expenditures of general fund money to provide services to small project applicants; and
- provide biennial reports to the Legislature on OPA performance, on any identified statutory or regulatory conflicts related to authorities and roles of permit agencies, and on use of outside independent consultants in the coordinated permit process.

Summary of Amended Bill:

The legislative intent as stated is to develop and adopt an integrated permit system designed to integrate project design, environmental review, permitting, and mitigation elements into a single document, called the unified project decision support document, using a unified project administrative procedure. A unified project administrative procedure is intended to harmonize, reduce, or eliminate duplicative or conflicting procedural requirements for environmental analysis, agency decision making, and public review and comment, but is not intended to modify or change any agency's substantive regulatory authority.

By December 1, 2005, the OPA is required to develop a guide for creating a unified project decision support document to be used by state and federal agencies and local governments in support of regulatory decision making. In consultation with the Washington State Department of Transportation (WSDOT) and the TPEAC, the OPA will test, revise, and add to the unified permit binder being developed by the WSDOT.

The OPA also is required to develop recommendations for an integrated permit system that incorporates project design, environmental review, permitting, and mitigation; develop recommendations for legislative changes to statutory authorizations and administrative procedures needed to establish the system; and develop detailed recommendations for full-scale testing of the system through one or more pilot projects.

For purposes of developing the guide and the integrated permit system, the OPA is directed to conduct a pilot project using a project deemed to have significance in terms of economic development.

The OPA must submit progress reports to the appropriate legislative committees by December 1, 2003, and December 1, 2004, and a final report by December 1, 2005.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Testimony For: (State Government) (In support) This project grew from dialogue in the TPEAC. Permits are issued under different time lines and can result in contradictions. The TPEAC was charged to solve these problems in a disciplinary procedure and to design an information system to help with the process. Today's environmental review and permitting processes are virtually impossible to navigate. The process needs to be linked. Currently, there are several separate documents that could be integrated into a

single document. The Department of Ecology supports the bill. Integrating the permit process will save time and money.

(In support with concerns) People for Puget Sound support the bill in that it calls for a one stop permitting process. However, there are concerns regarding how the integrated process would relate to judicial review.

Testimony For: (Appropriations) None.

Testimony Against: (State Government) None.

Testimony Against: (Appropriations) None.

Testified: (State Government) (In support) Senator Swecker, prime sponsor; Carl Kassebaum; and Sue Mauermann, Department of Ecology.

(In support with concerns) Bruce Wishart, People for Puget Sound.

Testified: (Appropriations) None.