
SUBSTITUTE SENATE BILL 5694

State of Washington

58th Legislature

2003 Regular Session

By Senate Committee on Economic Development (originally sponsored by Senators Swecker, Jacobsen, Horn, Doumit, Haugen and Rasmussen)

READ FIRST TIME 02/27/03.

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

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.

26 NEW SECTION. **Sec. 4.** The sum of two hundred fifty thousand
27 dollars, or as much thereof as may be necessary, is appropriated from
28 the general fund to the office of permit assistance for the fiscal year
29 ending June 30, 2004, to carry out the purposes of this act.

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