

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE SENATE BILL 5694

58th Legislature
2003 Regular Session

Passed by the Senate April 21, 2003
YEAS 45 NAYS 0

President of the Senate

Passed by the House April 11, 2003
YEAS 89 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SECOND SUBSTITUTE SENATE BILL 5694
as passed by the Senate and the
House of Representatives on the
dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE SENATE BILL 5694

AS AMENDED BY THE HOUSE

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

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

READ FIRST TIME 03/10/03.

1 AN ACT Relating to an integrated permit system; creating new
2 sections; and providing an expiration date.

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 may not be integrated and cause correspondingly
10 uncoordinated implementation by administrative agencies. As a result,
11 numerous and differing project descriptions, inconsistent
12 administrative records, unproductive and redundant requirements,
13 delays, and disproportionate costs caused by all of these may impede
14 the making of sound and expeditious decisions by agencies and
15 appropriate project changes by permit applicants, contrary to the
16 intent and purpose of environmental review and permitting and the
17 interests of permit applicants and the 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; and (3) local shoreline substantial development
13 permit, conditional use permit or variance, shoreline design review,
14 critical areas ordinance review, historic district approval, street use
15 permit, demolition permit, grading permit, noise variance, storm water
16 and 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 procedural requirements for
3 environmental analysis, agency decision making, and public review and
4 comment. A unified project decision support document might be
5 implemented by intergovernmental agreement under existing law. A
6 unified project administrative procedure may require changes to
7 existing law.

8 The integrated permit system, including the unified project
9 decision support document and unified project administrative procedure,
10 will not modify or change any agency's substantive regulatory authority
11 including that agency's responsibility and authority to issue and
12 condition its specific permit(s). The integrated permit system will
13 promote procedural changes which lead to greater efficiency while
14 maintaining environmental and community safeguards. In developing new
15 approaches for public involvement, care shall be taken to maintain or
16 enhance the quality of public involvement opportunities.

17 The legislature intends by this act to authorize, through a pilot
18 project, development of a guidance document for implementation of a
19 unified project decision support document and development of
20 recommendations for an integrated permit system and for changes to
21 existing law needed for implementation of a unified project
22 administrative procedure.

23 NEW SECTION. **Sec. 3.** (1) By December 1, 2005, the office of
24 permit assistance shall develop a guidance document for creating a
25 unified project decision support document for state and federal
26 agencies and local governments that will be sufficient to support all
27 regulatory decision making.

28 The office shall, in consultation with the department of
29 transportation and the transportation permit efficiency and
30 accountability committee, test and, as necessary, revise and add to the
31 "unified permit binder" currently being developed by the department of
32 transportation to provide a standardized outline, checklists, and
33 templates for preparation of a single master support document for all
34 regulatory decision making concerning a project. The office shall
35 address regulatory decision-making processes under existing substantive
36 authorities and administrative procedures, applicable existing
37 statutory requirements for environmental review and permitting,

1 information necessary for decision making, and existing requirements
2 for public and agency involvement and its documentation. The resulting
3 document shall be designed to be a complete, concise, and logically
4 organized guidance document for creating a unified project decision
5 support document for state and federal agencies and local governments.

6 (2) By December 1, 2005, the office shall develop recommendations
7 for an integrated permit system to integrate the procedural aspects of
8 project design, environmental review, permitting, and mitigation;
9 develop recommendations for legislative changes to statutory
10 authorizations and administrative procedures needed to establish the
11 system; and develop detailed recommendations for full-scale testing of
12 the system through one or more pilot projects.

13 The elements of the integrated permit system shall include use of
14 a unified project decision support document available on the internet
15 for purposes of public review and comment and for decision making by
16 agencies and local governments with jurisdiction over the project; a
17 unified project administrative procedure for regulatory decision making
18 that harmonizes, reduces or eliminates duplicative, or conflicting
19 procedural requirements for environmental analysis, public review and
20 comment.

21 (3) The office shall fulfill the requirements of subsections (1)
22 and (2) of this section using a pilot project of economic development
23 significance, after obtaining agreement to participate in the pilot
24 project from the project proponent and the state agencies and local
25 governments with jurisdiction. As needed, the office may also seek
26 agreement to participate from federal and tribal agencies with
27 jurisdiction.

28 (4) The office shall submit a report to the standing legislative
29 committees with jurisdiction by December 1, 2003, and December 1, 2004,
30 regarding progress on subsections (1) and (2) of this section and by
31 December 1, 2005, upon completion of subsections (1) and (2) of this
32 section.

33 NEW SECTION. **Sec. 4.** (1) A unified project administrative
34 procedure is the common, integrated process used for the development of
35 a project-specific unified project decision support document.

36 (2) A unified permit binder is the same as a unified project
37 decision support document.

1 (3) A unified project decision support document is a single
2 document that contains and integrates all project-specific application,
3 design, environmental review, permitting and mitigation analyses and
4 evaluations needed to support permitting and regulatory decisions.

5 NEW SECTION. **Sec. 5.** This act expires December 31, 2005.

6 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this
7 act, referencing this act by bill or chapter number, is not provided by
8 June 30, 2003, in the omnibus appropriations act, this act is null and
9 void.

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