Integrated Permit System

In many states, 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.

This Act directs that by December 1, 2005, the state Office of Permit Assistance 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. 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 for three years.

Submitted as:
Washington
Chapter 245, 2003
Status: Enacted into law in 2003.

Suggested State Legislation

(Title, enacting clause, etc.)

Section 1. [Short Title.] This Act may be cited as "An Act to Establish an Integrated Permit System."

Section 2. [Legislative Findings.]
(A) The [legislature] finds that environmental review and permitting, especially as applied to complex or controversial projects, can be characterized by multiple overlapping agency authorities, as a result of multiple governing statutes, generally adopted in isolation from one another, whose purposes and requirements may not be integrated and cause correspondingly uncoordinated implementation by administrative agencies. As a result, numerous and differing project descriptions, inconsistent administrative records, unproductive and redundant requirements, delays, and disproportionate costs caused by all of these may impede the making of sound and expeditious decisions by agencies and appropriate project changes by permit applicants, contrary to the intent and purpose of environmental review and permitting and the interests of permit applicants and the public.

(B) A single project may be governed by local, state, federal, and tribal laws. A single project may be subject to all of the following requirements and others not listed here:

(1) Federal section 404 permit, section 7 consultation, essential fish habitat consultation, section 401 water quality certification, section 402 waste discharge permit, section 402 general permit, section 4(f) parks and recreational lands use approval, superfund clean-up
requirements, air quality conformity, underground storage tank removal, and coastal zone management program consistency certification;

(2) State storm water pollution control plan approval, hydraulic project approval, aquatic lands use approval, historic and archaeological approval, archaeological excavation and removal permit, state model toxics control act clean-up requirements, asbestos removal, and air quality operating permit; and

(3) Local shoreline substantial development permit, conditional use permit or variance, shoreline design review, critical areas ordinance review, historic district approval, street use permit, demolition permit, grading permit, noise variance, storm water and drainage control approval, and utility approval.

(C) The legislature finds that the public, as well as permit applicants, agencies, and affected parties, will benefit from an environmental review and permitting system that integrates and makes easily accessible the requirements and documentation for agency decision making, facilitating timely and effective participation in the process.

Section 3. [Definitions.]

(A) A unified project administrative procedure is the common, integrated process used for the development of a project-specific unified project decision support document.

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

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

Section 4. [Integrated Permit System: Intent, Process, Components.]

(A) The legislature intends to proceed in steps to develop and adopt an integrated permit system, working through the office of permit assistance, in cooperation with the department of transportation, the transportation permit efficiency and accountability committee, and local, state, federal, and tribal regulatory agencies. When implemented, the integrated permit system would integrate project design, environmental review, permitting, and mitigation elements into a single process.

(B) Major components of the integrated permit system are a unified project decision support document and a unified project administrative procedure. A unified project decision support document is intended to be a single document proactively developed to support and satisfy all needs for information, analysis, and evaluation; document and justify incremental project decisions; inform the public and interested parties; and support integration of project design, environmental review, permitting, and mitigation elements. 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. A unified project decision support document might be implemented by intergovernmental agreement under existing law. A unified project administrative procedure may require changes to existing law.

(C) The integrated permit system, including the unified project decision support document and unified project administrative procedure, will not modify or change any agency's substantive regulatory authority including that agency's responsibility and authority to issue and condition its specific permit(s). The integrated permit system will promote procedural changes which lead to greater efficiency while maintaining environmental and community safeguards. In developing new approaches for public involvement, care shall be taken to maintain or enhance the quality of public involvement opportunities.
(D) The legislature intends by this Act to authorize, through a pilot project, development of a guidance document for implementation of a unified project decision support document and development of recommendations for an integrated permit system and for changes to existing law needed for implementation of a unified project administrative procedure.

Section 5. [Guidance Document/Recommendations.]
(A) By [December 1, 2005], the [office of permit assistance] shall develop a guidance document for creating a unified project decision support document for state and federal agencies and local governments that will be sufficient to support all regulatory decision making. The [office] shall, in consultation with the [department of transportation] and the [transportation permit efficiency and accountability committee], test and, as necessary, revise and add to the "unified permit binder" currently being developed by the [department of transportation] to provide a standardized outline, checklists, and templates for preparation of a single master support document for all regulatory decision making concerning a project. The [office] shall address regulatory decision-making processes under existing substantive authorities and administrative procedures, applicable existing statutory requirements for environmental review and permitting, information necessary for decision making, and existing requirements for public and agency involvement and its documentation. The resulting document shall be designed to be a complete, concise, and logically organized guidance document for creating a unified project decision support document for state and federal agencies and local governments.

(B) By [December 1, 2005], [the office] shall develop recommendations for an integrated permit system to integrate the procedural aspects of 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. The elements of the integrated permit system shall include use of a unified project decision support document available on the internet for purposes of public review and comment and for decision making by agencies and local governments with jurisdiction over the project; a unified project administrative procedure for regulatory decision making that harmonizes, reduces or eliminates duplicative, or conflicting procedural requirements for environmental analysis, public review and comment.

(C) The [office] shall fulfill the requirements of subsections (A) and (B) of this section using a pilot project of economic development significance, after obtaining agreement to participate in the pilot project from the project proponent and the state agencies and local governments with jurisdiction. As needed, the [office] may also seek agreement to participate from federal and tribal agencies with jurisdiction.

(D) The [office] shall submit a report to the standing legislative committees with jurisdiction by [December 1, 2003], and [December 1, 2004], regarding progress on subsections (A) and (B) of this section and by [December 1, 2005], upon completion of subsections (A) and (B) of this section.

Section 6. [Severability.] [Insert severability clause.]
Section 7. [Repealer.] [Insert repealer clause.]
Section 8. [Effective Date.] [Insert effective date.]