

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.)

1 Section 1. [*Short Title*.] This Act may be cited as "An Act to Establish an Integrated
2 Permit System."
3

4 Section 2. [*Legislative Findings*.]

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

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

17 (1) Federal section 404 permit, section 7 consultation, essential fish habitat
18 consultation, section 401 water quality certification, section 402 waste discharge permit, section
19 402 general permit, section 4(f) parks and recreational lands use approval, superfund clean-up

20 requirements, air quality conformity, underground storage tank removal, and coastal zone
21 management program consistency certification;

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

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

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

34
35 Section 3. [*Definitions.*]

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

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

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

42
43 Section 4. [*Integrated Permit System: Intent, Process, Components.*]

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

50 (B) Major components of the integrated permit system are a unified project decision
51 support document and a unified project administrative procedure. A unified project decision
52 support document is intended to be a single document proactively developed to support and
53 satisfy all needs for information, analysis, and evaluation; document and justify incremental
54 project decisions; inform the public and interested parties; and support integration of project
55 design, environmental review, permitting, and mitigation elements. A unified project
56 administrative procedure is intended to harmonize, reduce, or eliminate duplicative or conflicting
57 procedural requirements for environmental analysis, agency decision making, and public review
58 and comment. A unified project decision support document might be implemented by
59 intergovernmental agreement under existing law. A unified project administrative procedure may
60 require changes to existing law.

61 (C) The integrated permit system, including the unified project decision support
62 document and unified project administrative procedure, will not modify or change any agency's
63 substantive regulatory authority including that agency's responsibility and authority to issue and
64 condition its specific permit(s). The integrated permit system will promote procedural changes
65 which lead to greater efficiency while maintaining environmental and community safeguards. In
66 developing new approaches for public involvement, care shall be taken to maintain or enhance
67 the quality of public involvement opportunities.

68 (D) The [legislature] intends by this Act to authorize, through a pilot project,
69 development of a guidance document for implementation of a unified project decision support
70 document and development of recommendations for an integrated permit system and for changes
71 to existing law needed for implementation of a unified project administrative procedure.
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73 Section 5. [*Guidance Document/Recommendations.*]

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

88 (B) By [December 1, 2005], [the office] shall develop recommendations for an integrated
89 permit system to integrate the procedural aspects of project design, environmental review,
90 permitting, and mitigation; develop recommendations for legislative changes to statutory
91 authorizations and administrative procedures needed to establish the system; and develop
92 detailed recommendations for full-scale testing of the system through one or more pilot projects.
93 The elements of the integrated permit system shall include use of a unified project decision
94 support document available on the internet for purposes of public review and comment and for
95 decision making by agencies and local governments with jurisdiction over the project; a unified
96 project administrative procedure for regulatory decision making that harmonizes, reduces or
97 eliminates duplicative, or conflicting procedural requirements for environmental analysis, public
98 review and comment.

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

104 (D) The [office] shall submit a report to the standing legislative committees with
105 jurisdiction by [December 1, 2003], and [December 1, 2004], regarding progress on subsections
106 (A) and (B) of this section and by [December 1, 2005], upon completion of subsections (A) and
107 (B) of this section.
108

109 Section 6. [*Severability.*] [Insert severability clause.]

110
111 Section 7. [*Repealer.*] [Insert repealer clause.]

112
113 Section 8. [*Effective Date.*] [Insert effective date.]