



# Considerations for Consolidating Clean Energy Permits and Applications

## Report to the Legislature

**Shorelands and Environmental Assistance Program**

Washington State Department of Ecology

Olympia, Washington

October 2024, Publication 24-06-010



# Publication Information

This document is available on the Department of Ecology's website at:

<https://ecology.wa.gov/regulations-permits/sepa/clean-energy>

## Cover photo credit

- Standard Ecology image, 2019

## Related Information

- [Least-Conflict Solar Siting on the Columbia Plateau](#)<sup>1</sup>
- [Engrossed Second Substitute House Bill 1216, Clean Energy Project Siting](#)<sup>2</sup>
- Publication 24-06-001: [Focus on: Pathway options for environmental review and permitting clean energy projects](#)<sup>3</sup>
- Publication 22-06-012: [Low-Carbon Energy Project Siting Improvement Final Legislative Report](#)<sup>4</sup>
- Publication 21-06-030: [Low-Carbon Energy Project Siting Improvement: Overview of State Siting Efforts and Agencies](#)<sup>5</sup>

# Contact Information

## Shorelands and Environmental Assistance Program

Clean Energy Coordination

P.O. Box 47600

Olympia, WA 98504-7600

Email: [cleanenergy@ecy.wa.gov](mailto:cleanenergy@ecy.wa.gov)

Phone: 360-407-6600

**Website**<sup>6</sup>: [Washington State Department of Ecology, Clean Energy Coordination](#)



The Shorelands and Environmental Assistance Program is supported with funding from Washington's Climate Commitment Act. The CCA supports Washington's climate action efforts by putting cap-and-invest dollars to work reducing climate pollution, creating jobs, and improving public health. Information about the CCA is available at [www.climate.wa.gov](http://www.climate.wa.gov).

---

<sup>1</sup> [https://www.energy.wsu.edu/documents/Least-Conflict\\_Solar\\_Siting\\_Report-WSUEP23-04--6-29.pdf](https://www.energy.wsu.edu/documents/Least-Conflict_Solar_Siting_Report-WSUEP23-04--6-29.pdf)

<sup>2</sup> <https://lawfilesext.leg.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/1216-S2.SL.pdf?q=20230719165922>

<sup>3</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2406001.html>

<sup>4</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2206013.html>

<sup>5</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2106030.html>

<sup>6</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy>

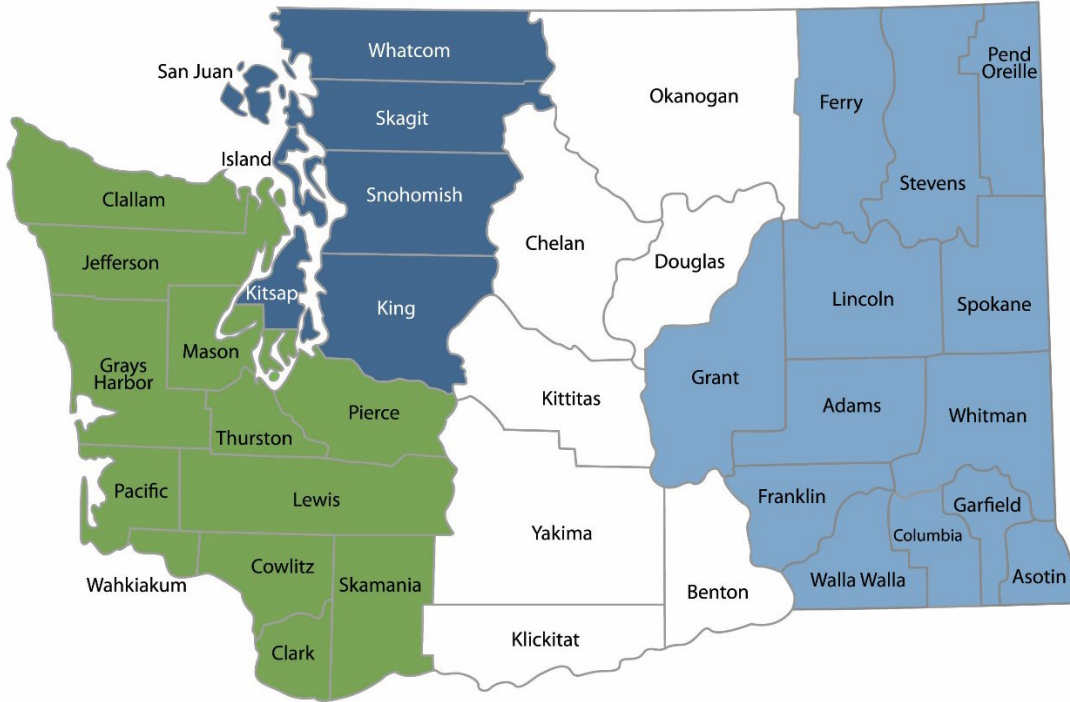
## ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6600 or email at [cleanenergy@ecy.wa.gov](mailto:cleanenergy@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
---	---	---------------------------------------	---------------------------------------

Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

# Considerations for Consolidating Clean Energy Permits and Applications

---

## Report to the Legislature

Shorelands and Environmental Assistance Program  
Washington State Department of Ecology  
Olympia, WA

October 2024 | Publication 24-06-010



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

# Table of Contents

<b>Executive Summary .....</b>	<b>5</b>
Recommendations .....	5
<b>Considerations for Consolidating Clean Energy Permits and Applications.....</b>	<b>7</b>
Legislative directive .....	7
Regulatory context.....	8
Consolidation evaluation process.....	15
Engagement and input.....	15
Recommendations .....	20
Other related clean energy strategies .....	24
Next steps .....	25
<b>Appendix A. Required Permits and Approvals .....</b>	<b>27</b>
<b>Appendix B. Engagement Summary.....</b>	<b>33</b>
State Agencies.....	33
Local Governments .....	33
Federal Agencies.....	33
Tribes .....	33
<b>Appendix C. Implementation Details for Consolidation Recommendations .....</b>	<b>34</b>
Ideas that would apply to the greatest number of clean energy projects .....	34
Ideas for emerging clean energy technologies .....	38
Incorporating local government permits.....	40
Other ideas not recommended for further evaluation at this time .....	41

# Executive Summary

RCW 43.394.020(3)(b) and (c),<sup>7</sup> directs the Department of Ecology to consider and pursue development of consolidated applications and permits for clean energy projects. The required permits will depend on a project's location and facility type, as well as the construction and operations involved. A project may need various local, state, or federal permits; additionally, each permit has its own regulatory authority and agency.

We requested ideas for consolidating clean energy applications and permits from state and federal agencies and local and Tribal governments. More complex recommendations will need additional work to identify the benefits, as well as the required efforts and investments to implement the changes.

We identified the following recommendations to consolidate clean energy permit applications and permits. These are initial ideas which would need further development and discussion to implement. The two reports required by RCW 43.394.020(3)(b) and (c) have been combined into this single report to address the interrelated nature of clean energy permits and applications.

## Recommendations

### Ideas that would apply to the greatest number of clean energy projects

- Establish a web-based application form that consolidates all state permit application questions and requirements, for all types of clean energy projects
- Develop new State Environmental Policy Act (SEPA) checklist templates that are specific to different types of clean energy
- Develop one consolidated state permit process for construction-related permits and one consolidated state permit process for operation-related permits

### Ideas for emerging clean energy technologies

- Develop standard water quality permit conditions for stormwater and process wastewater discharges from emerging clean energy technologies
- Develop SEPA clean energy supplemental checklists that are specific to different types of clean energy and emerging clean energy technologies

### In a subsequent phase, incorporate local government permits

- Expand the state's web-based application to include local permits
- Expand consolidation for construction and operation phases to include local permits

---

<sup>7</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020>

While this report explores options, it does not propose any immediate changes to permit applications or permits. Moving initial ideas forward will need legislative direction and additional engagement with interested parties. Discussions about recommendations would also need to consider feasibility and implementation in greater detail.



# Considerations for Consolidating Clean Energy Permits and Applications

[RCW 43.394.020\(3\)\(b\) and \(c\)](#)<sup>8</sup> directs Ecology to consider and pursue development of consolidated applications and permits for clean energy projects.

Ecology explored options for application and permit consolidation through discussions with state agencies, coordination with the state [Clean Energy Siting Council](#),<sup>9</sup> and engagement with federal and local agencies and Tribes. This legislative report summarizes Ecology's evaluation process, provides recommendations for consolidation, and includes a discussion of implementation needs for the recommendations.

## Legislative directive

[RCW 43.394.020\(3\)\(b\) and \(c\)](#)<sup>10</sup> requires Ecology, with advice from the state Clean Energy Siting Council, to:

(b) Pursue development of a consolidated clean energy application similar to the joint aquatic resources permit application for, at a minimum, state permits needed for clean energy projects. The department of ecology shall lead this effort and engage with federal agencies and local governments to explore inclusion of federal and local permit applications as part of the consolidated application. The department may design a single consolidated application for multiple clean energy project types, may design separate applications for individual clean energy technologies, or may design an application for related resources. The department of ecology shall provide an update on its development of consolidated permit applications for clean energy projects to the governor and legislature by December 31, 2024. The consolidated permit application process must be available, but not required, for clean energy projects.

(c) Explore development of a consolidated permit for clean energy projects. The department of ecology shall lead this effort and, in consultation with federally recognized Indian tribes, explore options including a clean energy project permit that consolidates department of ecology permits only, or that consolidates permits from multiple state and local agencies. The permit structure must identify criteria or conditions that must be met for projects to use the consolidated permit. The department of ecology may analyze criteria or conditions as part of a nonproject review under chapter 43.21C RCW. The department of ecology shall update the legislature on its evaluation of consolidated permit options and make recommendations by October 1, 2024.

---

<sup>8</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020>

<sup>9</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council>

<sup>10</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020>

Ecology is required to submit reports to the governor and Legislature on October 1, 2024, and December 31, 2024. Due to the interrelated nature of clean energy permits and applications, we combined our evaluation into this single legislative report.

## Regulatory context

Under [RCW 43.158.010](#)<sup>11</sup> clean energy projects include a broad range of proposals, including:

- Electricity production from non-emitting or renewable resources such as solar or wind energy
- Clean energy product manufacturing
- Green electrolytic or renewable hydrogen as defined by RCW 80.50.020<sup>12</sup>
- Clean energy storage
- Electrical transmission
- Biofuel and biomass energy generation
- Alternative jet fuel or sustainable aviation fuel
- Energy-Intensive Trade-Exposed (EITE) industry projects or facility upgrades which reduce greenhouse gases to align with the cap trajectory in chapter 70A.65 RCW and do not degrade local air quality

Clean energy projects help support the state’s statutory requirement to achieve net-zero GHG emissions by 2050<sup>13</sup>. Increased greenhouse gas (GHG) levels in the atmosphere contribute to climate change which adversely affects Washington’s people and environment. Clean energy projects may generate, produce, or store clean energy or manufacture parts to support the use of clean energy.

A **permit** is broadly defined by [RCW 43.158.010\(13\)](#)<sup>14</sup> to include, “any permit, license, certificate, use authorization, or other forms of governmental review or approval required in order to construct, expand, or operate a project in the state of Washington.”

The regulatory context for clean energy permitting in Washington is summarized in the [Low-Carbon Energy Project Siting Improvement Final Legislative Report](#).<sup>15</sup> While we do not repeat the detailed regulatory context within this report, we did consider federal, state, and local laws, regulations, and policies in our evaluation.

---

<sup>11</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.158.010>

<sup>12</sup> RCW 80.50.020 defines green electrolytic hydrogen as hydrogen produced through electrolysis but does not include hydrogen manufactured using steam reforming or any other conversion technology that produces hydrogen from a fossil fuel feedstock. Renewable hydrogen means hydrogen produced using renewable resources both as the source for the hydrogen and the source for the energy input into the production process.

<sup>13</sup> RCW 70A.45.020. <https://apps.leg.wa.gov/rcw/default.aspx?cite=70A.45.020>

<sup>14</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.158.010>

<sup>15</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2206013.html>

## Clean energy permitting pathways

In Washington state, there are [three different pathways](#)<sup>16</sup> clean energy developers can choose when applying for permits for their proposed project. A project proponent decides which pathway to use based on their needs and project. These pathways, described below, include:

- [Energy Facility Site Evaluation Council Process](#)<sup>17</sup>
- [Ecology's Coordinated Clean Energy Permitting Process](#)<sup>18</sup>
- Local government-led environmental review and permitting

## Permits and permit applications

The required permits for a clean energy project will depend on its location, facility type, and the construction and operations involved. A project may need local, state, or federal permits and each permit has its own regulatory authority and regulatory agency. The Washington State [Regulatory Handbook](#)<sup>19</sup> provides a comprehensive summary of state and local permits and permit processes. Table A-1 in Appendix A lists the types of state permits that may be required for clean energy projects. Due to the broad types of clean energy projects under [RCW 43.158.010](#)<sup>20</sup> and variety of jurisdictions that could be involved in permitting these facilities across the state, a clean energy project may require additional permits or approvals that are not listed in Table A-1.

Most projects would need local permits, such as a building permit or shoreline permit. Federal permits may also be required if a federal agency must take action or if a project is on federal land. Examples of federal and local permits are listed in Appendix A Table A-2.

## Agency permitting roles

### State agencies

Multiple state agencies issue permits for clean energy projects.

**Ecology** issues permits related to air and climate; water quality and shorelines; water rights and dams; and hazardous waste and contaminated site cleanups. We may also serve as a lead agency responsible for conducting an environmental review under SEPA or provide technical assistance to other state or local lead agencies.

**Washington Department of Fish and Wildlife (WDFW)** issues Hydraulic Project Approvals (HPAs) for projects in or near state waters pursuant to state law ([chapter 77.55 RCW](#))<sup>21</sup> and rules ([chapter 220-660 WAC](#)).<sup>22</sup> Project impacts to fish life and fish habitat are evaluated individually and are highly dependent on the types of activities proposed and site location. An online portal called the [Aquatic Protection Permitting System](#) is used for submitting

---

<sup>16</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2406001.html>

<sup>17</sup> <https://www.efsec.wa.gov/>

<sup>18</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy>

<sup>19</sup> <https://apps.oria.wa.gov/permithandbook/>

<sup>20</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.158.010>

<sup>21</sup> <https://apps.leg.wa.gov/rcw/default.aspx?cite=77.55>

<sup>22</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=220-660>

applications and tracking HPAs<sup>23</sup>, which streamlines the intake and tracking process for the agency and developers.

**Washington Department of Natural Resources (DNR)** [leases state-owned lands](https://www.dnr.wa.gov/programsservices/product-sales-and-leasing/energy)<sup>24</sup> for clean energy projects. In addition, they may have direct permitting authority on projects outside of state leased lands. Timber harvests, forest road modifications and other forest practices may require site permits through a [Forest Practices Application/Notification](https://www.dnr.wa.gov/programs-and-services/forest-practices/review-applications-fpars/forest-practices-forms-and).<sup>25</sup> Other activities may fall under regulatory authority for activities related to the mining of sand and gravel materials under the [Surface Mine Reclamation Act](https://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/surface-mining-and-reclamation)<sup>26</sup> as well as geothermal resources.

**Washington State Department of Transportation (WSDOT)** leases state properties through [utility accommodation permits and franchises](https://wsdot.wa.gov/engineering-standards/design-topics/utilities-railroad-agreements/utility-accommodation-permits-and-franchises)<sup>27</sup> and [airspace leases](https://app.leg.wa.gov/wac/default.aspx?cite=468-30-110).<sup>28</sup> Additionally, they issue permits for clean energy projects for [managed highway access connections](https://wsdot.wa.gov/business-wsdot/highway-access-requests-training)<sup>29</sup> and [oversize/overweight commercial vehicle permits](https://wsdot.wa.gov/travel/commercial-vehicles/commercial-vehicle-permits).<sup>30</sup>

**Washington State Parks and Recreation Commission** may also have [property agreements \(permits, easements, and leases\)](https://parks.wa.gov/passes-permits/permits/real-property-agreements)<sup>31</sup> for their state-managed lands.

**Department of Archaeology and Historic Preservation (DAHP)** supports environmental reviews of cultural and historic resources and Tribal rights, interests, and resources. They also issue [archaeological site alteration and excavation permits](https://dahp.wa.gov/archaeology/archaeological-permitting).<sup>32</sup>

### Local clean air agencies

Washington has seven [local clean air agencies](https://ecology.wa.gov/about-us/accountability-transparency/partnerships-committees/clean-air-agencies)<sup>33</sup> who manage most of the air quality in Washington. These agencies may issue several air-resource related permits for clean energy projects (see Appendix A Table A-2).

### Local governments

Local cities and counties are involved in reviewing and approving clean energy projects within their jurisdictions. Local governments are often the SEPA lead agency for clean energy project reviews. Local government land use approvals include development permits, site plan reviews, and zoning and comprehensive plan reviews. Depending on project location, local reviews may

---

<sup>23</sup> [https://www.govonlineas.com/WA/WDFW/Public/Client/WA\\_WDFW/Shared/Pages/Main/Login.aspx](https://www.govonlineas.com/WA/WDFW/Public/Client/WA_WDFW/Shared/Pages/Main/Login.aspx)

<sup>24</sup> <https://www.dnr.wa.gov/programsservices/product-sales-and-leasing/energy>

<sup>25</sup> <https://www.dnr.wa.gov/programs-and-services/forest-practices/review-applications-fpars/forest-practices-forms-and>

<sup>26</sup> <https://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/surface-mining-and-reclamation>

<sup>27</sup> <https://wsdot.wa.gov/engineering-standards/design-topics/utilities-railroad-agreements/utility-accommodation-permits-and-franchises>

<sup>28</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=468-30-110>

<sup>29</sup> <https://wsdot.wa.gov/business-wsdot/highway-access-requests-training>

<sup>30</sup> <https://wsdot.wa.gov/travel/commercial-vehicles/commercial-vehicle-permits>

<sup>31</sup> <https://parks.wa.gov/passes-permits/permits/real-property-agreements>

<sup>32</sup> <https://dahp.wa.gov/archaeology/archaeological-permitting>

<sup>33</sup> <https://ecology.wa.gov/about-us/accountability-transparency/partnerships-committees/clean-air-agencies>

also include [critical areas](#),<sup>34</sup> and [shoreline](#)<sup>35</sup> and [floodplain permits](#).<sup>36</sup> Additional examples of local permits for clean energy projects include clearing and grading, [building](#),<sup>37</sup> and [septic](#).<sup>38</sup> Each local jurisdiction has its own permitting process and requirements. Some local governments have adopted, or are considering adopting, specific regulations for clean energy projects.

## Federal agencies

Federal agencies may be involved in environmental review or permitting of clean energy projects if federal lands, approval, or funding is involved (see Appendix A Table A-2). Several federal environmental laws require environmental reviews and permits, including the [National Environmental Policy Act](#),<sup>39</sup> [Clean Water Act](#),<sup>40</sup> [Endangered Species Act](#),<sup>41</sup> and [National Historic Preservation Act](#).<sup>42</sup> Projects located on federal lands require rights-of-way or leases. Other projects may require federal licensing or agreements through the [Federal Energy Regulatory Commission](#)<sup>43</sup> and [Bonneville Power Administration](#).<sup>44</sup> Additional permits or reviews also include consideration of airspace resources through the [Federal Aviation Administration](#)<sup>45</sup> and military use by the [Department of Defense](#).<sup>46</sup>

## Tribes

Projects located on Indian Reservation lands and Tribally owned and managed lands must obtain formal consent and approvals from [Tribal governments](#);<sup>47</sup> some projects may also require surface leases through the [Bureau of Indian Affairs](#).<sup>48</sup> The regulations, permits, and approval process for clean energy projects vary by Tribe. Tribal engagement and consultation are required to identify and protect Tribal rights, resources, and interests that may be impacted by clean energy projects. Tribes participate in project environmental review and permitting processes at the federal, state, and local levels through government-to-government consultation, Tribal engagement, and comment periods.

---

<sup>34</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

<sup>35</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=38](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=38)

<sup>36</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=47](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=47)

<sup>37</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=81](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=81)

<sup>38</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=95](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=95)

<sup>39</sup> <https://www.epa.gov/nepa/what-national-environmental-policy-act>

<sup>40</sup> <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Section-404-of-the-Clean-Water-Act/>

<sup>41</sup> <https://www.epa.gov/laws-regulations/summary-endangered-species-act>

<sup>42</sup> <https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools/legislation-policy-and-reports/section-106-of-the-national-historic-preservation-act>

<sup>43</sup> <https://ferc.gov/>

<sup>44</sup> <https://www.bpa.gov/energy-and-services/transmission/interconnection/large-generator>

<sup>45</sup> <https://www.faa.gov/forms/index.cfm/go/document.information.documentid/186273>

<sup>46</sup> <https://www.dodclearinghouse.osd.mil/>

<sup>47</sup> <https://goia.wa.gov/tribal-directory/federally-recognized-indian-tribes-washington-state>

<sup>48</sup> <https://www.bia.gov/service/leasing>

## Permit applications

Each federal, state, or local agency determines permit application requirements to meet their regulatory requirements. Permit applications typically include the following sections:

- Applicant information (name, address, authorized agent)
- Project background (name, location, land ownership/parcel information)
- Project description
- Permit specific questions related to the regulated resources (e.g., air, water, wetlands), including:
  - Background information on the affected resource
  - Proposed project impacts on the affected resource
  - Proposed avoidance, minimization, and mitigation measures

Permit application forms may also request supporting documentation as part of the application process. Examples of supporting documents could include site-specific resource studies, emissions modeling, and project engineering details. Applications have generally evolved to suit the specific needs of each regulation and agency, and forms are generally not transferable from one permit or agency to another.

## Permit process

Each permit process is developed to meet the regulatory requirements and needs of an agency. Permits may have regulatorily required process steps, including notice of application and public comment periods. Some have formally required review and issuance timelines while others have informal target review timelines. There are varying administrative processes for submitting applications and permit fees. Some permits include reporting and inspection requirements, and some are issued for the life of a project while others have renewal requirements.

Some permits include pre-application processes as optional, and some are required. Agencies are increasingly using pre-application forms and processes as a way to provide information and identify issues early.

Permits with a federally delegated authority or federal consistency review have additional requirements. These permits can be more complicated due to specific rules and [state implementation plans](#)<sup>49</sup> tied to federal authorities. For example, the process for reviewing and issuing a [Clean Water Act Section 401 Water Quality Certification](#)<sup>50</sup> is guided by Environmental Protection Agency regulations and includes specific application procedural steps that Ecology must follow. There are also regulations that apply to the contents and requirements of National Pollutant Discharge Elimination System permits.<sup>51</sup> Other examples include [federally delegated air quality responsibilities](#)<sup>52</sup> that are implemented in Washington by Ecology, Energy Facility Site

---

<sup>49</sup> <https://ecology.wa.gov/regulations-permits/plans-policies/state-implementation-plans>

<sup>50</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification>

<sup>51</sup> 40 Code of Federal Regulations (CFR) 122.21

<sup>52</sup> <https://www.epa.gov/caa-permitting/clean-air-act-permitting-washington>

Evaluation Council (EFSEC), and local clean air agencies, and state highway property agreements that require review and approval by the Federal Highway Administration.

Each permit also has an appeal process defined in regulation or statute. Depending on the permit, appeals may be heard by a local hearings officer, the state Pollution Control Hearings Board, state Shoreline Hearings Board, other administrative boards, or by a state or federal court. The process and procedure for appeals also vary substantially by permit type and appellate venue.

Permit appeal processes are not entirely separate. For example, the 2024 Legislature passed [House Bill 2039](#)<sup>53</sup> (RCW 34.05.518) to modify the environmental and land use permit process for clean energy projects to include a provision that consolidates appeals for multiple permits for the same clean energy project. For projects seeking site certification through the EFSEC process, the governor's decision on a project can be appealed to the Thurston County Superior Court.

## Existing Consolidation Options

### EFSEC process

The [EFSEC certification process](#)<sup>54</sup> is a state process for the siting, construction, and operation of some energy facilities, which results in a consolidated permitting document called a site certification agreement. This is an optional process for most clean energy projects. EFSEC's process includes application submittal, SEPA review, public comment, evaluation of land use consistency, adjudicative proceedings, and a recommendation to the governor to approve or deny a project. The process identifies the state and/or local permits required for facility construction and operations. While EFSEC is the issuing agency for facility permits, the process does not consolidate permit applications or permits. Instead, each permit has an application form and process, including public comment requirements. EFSEC typically contracts with other state agencies for expertise and assistance with permit drafting and permit inspections.

For projects using the EFSEC process most state permits fall under EFSEC's authority, but there are a few permits EFSEC does not issue. These include WSDOT's Highway Access Permit and DAHP's Archaeology Site Alternative and Excavation Permit. Ecology issues water rights, Section 401 water quality certifications, Coastal Zone Management consistency reviews, and State Waste Discharge/National Pollutant Discharge Elimination System (NPDES) permits allowing discharges to publicly-owned wastewater treatment plants. Each permit is issued by the relevant agency under their regulatory requirements.

### Ecology's coordinated permit process

[Ecology's coordinated permit process](#)<sup>55</sup> is a new option for clean energy projects. This process includes assisting developers through pre-application discussions and coordinating with state

---

<sup>53</sup> Refer to House Bill 2039 for additional details: [https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session Laws/House/2039-S.SL.pdf?q=20240424142649](https://lawfilesexternal.wa.gov/biennium/2023-24/Pdf/Bills/Session%20Laws/House/2039-S.SL.pdf?q=20240424142649).

<sup>54</sup> <https://www.efsec.wa.gov/about-efsec/certification-process>

<sup>55</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.158>

and local agencies for environmental review and permitting. Tribal and federal agencies may also be involved. As part of the process, a single, consolidated work plan is developed for each project that maximizes efficiencies in concurrent studies, hearings, and comment periods and sharing of information between agencies during permitting. Additionally, Ecology verifies engagement with overburdened communities and offers Tribal engagement and government-to-government consultation during this process.

### Other state permit consolidation authorities

Chapter [173-216-140 WAC](#)<sup>56</sup> allows a NPDES individual permit to be combined with a state waste discharge permit. While some industrial facilities have individual permits that combine NPDES and state waste discharge, it is not a common practice since many facilities can obtain coverage under [general water quality permits](#).<sup>57</sup> General permits are an efficient means of addressing projects with similar discharge characteristics. Additionally, individual permits can take two to three years to develop, so if a general permit is applicable, that is preferred for most projects.

### Local governments

Local governments may choose to consolidate their permit applications and permits if allowed under their authorities. Additionally, the [Local Project Review Act \(chapter 36.70B RCW\)](#)<sup>58</sup> provides a framework for local government permit review processes under the [Growth Management Act \(chapter 36.70A RCW\)](#).<sup>59</sup> The Local Project Review Act sets required permit process procedures and default processing timelines for local permit reviews. In 2023, the act was amended by the Legislature to further consolidate and streamline local permit review.

### Aquatic resource consolidated application

In Washington, the [Joint Aquatic Resources Permit Application](#) (JARPA)<sup>60</sup> is a consolidated application for federal, state, and local governments for aquatic resource permits, which all regulate development on shorelines or in waterways. JARPA was created to provide similar information in one form for permits related to water and aquatic habitat and species. This application has been used since 1995. It can be used for the following permits:

- City or County – Shoreline Permit, Floodplain Development Permit, Critical Areas Ordinance
- WDFW – Hydraulic Project Approvals (HPA),<sup>61</sup> Fish Habitat Enhancement Exemption
- DNR – Aquatic Use Authorization
- Ecology – Section 401 Water Quality Certification, Authorization to impact waters of the state, including wetlands

---

<sup>56</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-216-140>

<sup>57</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-permits>

<sup>58</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70B>

<sup>59</sup> <https://apps.leg.wa.gov/rcw/default.aspx?cite=36.70a&full=true>

<sup>60</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/4217/jarpa.aspx](https://www.oria.wa.gov/site/alias__oria/4217/jarpa.aspx)

<sup>61</sup> WDFW uses an online Aquatic Protection Permitting System (APPS). The JARPA form may be submitted instead of using APPS; however, it is preferred that applicants used the APPS.



- U.S. Army Corps of Engineers – Clean Water Act Section 404, Section 10 of the Rivers and Harbors Act
- U.S. Coast Guard – Bridge Permit, Private Aids to Navigation
- U.S. Environmental Protection Agency – Section 401 Water Quality Certification on tribal lands where tribes do not have treatment as a state
- Tribal permits – Section 401 Water Quality Certification where the Tribe has treatment as a state

JARPA provides consistent project information for these permits. Some agencies use it as the primary application form, while others include it as part of a larger package of application materials. The application form is updated and maintained by the Governor’s Office for Regulatory Innovation and Assistance.

## Consolidation evaluation process

We evaluated options for the:

- Consolidation of:
  - Ecology permits
  - Multiple state permits
  - Multiple state and local permits
  - An application or permit available to all clean energy project types
  - Applications or permits by clean energy technology type
  - Applications or permits by resource type
- Inclusion of federal permit applications

We developed ideas within the context of the [existing permitting pathways](#)<sup>62</sup> and regulatory environments, and we considered ideas potentially needing statutory, regulatory, and administrative actions to implement. The next steps would be to conduct further evaluation and coordination with affected regulatory agencies, developers, Tribes, and interested parties on the full scope of work needed to implement any of these ideas.

## Engagement and input

We requested input on ideas for clean energy applications and permit consolidation from state and federal agencies, Tribes, and local government planning agencies. Appendix B lists the agencies, Tribes, and interested parties we engaged during this evaluation process. This approach included outreach emails and materials, individual and group brainstorming virtual meetings, and an exchange of ideas through follow-up emails and meetings. We met with various state agencies to explore consolidation ideas. We provided engagement opportunities with Tribes, local government planning agencies, and federal agencies through a joint informational meeting and outreach. We offered government-to-government consultation to Tribes and provided information at Clean Energy Tribal forums.

---

<sup>62</sup> <https://apps.ecology.wa.gov/publications/documents/2406001.pdf>

During this process, we identified ideas for consolidating applications and permits based on their:

- Expected efficiency improvements
- Applicability to multiple clean energy projects and technology types
- Implementation needs and challenges

This report explores initial ideas. It will be vital to identify the critical paths with input from interested parties, including clean energy developers and permitting agencies. It is important to note that subsequent discussions on implementation would need to include local, state, and federal agencies, Tribes, developers, interested parties, overburdened communities, and the public. This engagement is needed to adequately incorporate issues and concerns.

## State agency considerations

State agencies are responsible for multiple environmental permits (see Table A-1 in Appendix A for a list) that may be needed for clean energy projects. Some include resources which overlap with one another, such as permits for aquatic habitat and species and water resources.

We held several virtual meetings with clean energy-related permitting and policy staff from WDFW, DNR, EFSEC, and WSDOT. We also discussed consolidation efforts and sought feedback from the [Clean Energy Siting Council](#),<sup>63</sup> which is comprised of members from 13 state agencies. These discussions helped inform our understanding of consolidation needs at the state level. We evaluated how consolidation would be beneficial during the siting and permitting processes. We also considered challenges associated with consolidation, including aligning permit authorities and administrative processes and the need for changes to rules and statutes.

## Pre-application process

Agencies spoke about the benefits of early input and participation in the permitting process through pre-application coordination. Early coordination across agencies and with the developer improves project siting and design by addressing issues early. This phase provides an opportunity for a developer to describe their project design and learn about potential issues and permit requirements from agencies. This coordination improves the permit process by identifying issues early on and ensuring the applicant provides the necessary information for permit review. Focusing on a robust pre-application process sets up projects to navigate permitting successfully and efficiently.

## Agency coordination

State agencies are interested in using permit consolidation to increase coordination and information sharing. Coordinated early involvement by multiple state agencies would improve efficiency. Standardizing application forms may also improve information sharing. For example, involving WDFW at an early stage during project siting, even when they do not have a permitting role on a project, would help identify potential issues. WDFW, DNR, Ecology, and

---

<sup>63</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council>

other agencies could use a consolidated application to evaluate how a developer is considering wildlife and habitat during project siting and design.

### **State property agreements**

Clean energy-related leasing or use of state-managed lands is part of the overall process; however, it differs from environmental and land use permitting. State agencies use completed SEPA environmental review and state/local siting permits when negotiating and signing a potential property agreement. We explored ways to consolidate state property agreement actions with the environmental review and permitting processes. There are concerns about the timing of leasing actions and that consolidation would remove needed flexibility for the state agencies to work directly with potential lessees. Therefore, these contractual leases are not included in the permit consolidation recommendations.

### **Efficiencies**

Agencies continue to refine their specific permitting process to achieve greater efficiency in permit intake, processing and tracking, and permit issuance and compliance. For example, Ecology's Water Quality Permitting Portal [WQWebPortal](#)<sup>64</sup> is an online portal for permit applications and data reporting. This provides a single location to apply for a permit, report wastewater discharge data, and submit documents. Ecology also updated [Clean Water Act 401 Certification forms](#)<sup>65</sup> to better inform applicants of the permit requirements and collect needed data for permit processing.

### **Federally delegated authority**

Several state permit authorities are delegated through federal laws. These are complex processes managed at the national level and through a federal agency. Consolidation could complicate this delegated authority by creating a new subset of rules or process for a specific project technology type and would need to be carefully considered.

### **Parallel permitting tracks and duplication**

This report considers options for consolidation of clean energy projects but does not address non-clean energy projects. New consolidation of permits or applications could result in parallel permitting tracks for these two categories, further leading to confusion and inefficiencies. Parallel permitting tracks would potentially duplicate administrative tasks, permit tracking applications, permit fees, and require additional agency resources.

### **Agency implementation considerations**

Implementation of these ideas would result in new work to develop and pilot consolidated application forms and permit processes. Rulemaking would be necessary for some of this work. Agencies would also need to develop guidance and conduct outreach on new forms and

---

<sup>64</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

<sup>65</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification>

processes. New emerging clean energy technologies would require staff with special expertise in these technologies.

### Timelines, permit administration, and fees

Each permit has its own processing timeline, including those with statutorily imposed timelines for review and issuance. Actions include the intake process and application review, coordination with the applicant for additional required information, SEPA environmental review, public notice, permit issuance, and renewal if needed. Some permits may include multiple rounds of public review and comment. Others may include pre-permit inspections and compliance inspections and reporting. Some also have their own administrative processes for intake, tracking, and fee collection. Consolidation across permits with different timelines, administrative processes, and fees would need to be carefully considered.

### Appeals

Appeals procedures vary by permit with unique timelines, adjudicative bodies, and legal standards. Rulemaking or legislative action would likely be necessary to establish a protocol for appeals of a consolidated permit. Issues related to a single permit may serve as the basis for a challenge to the entirety of a consolidated permit. Additionally, issues that might normally get raised for a permit issued in the early stages of a project may not be brought to light until much later, when a consolidated permit is issued.

### Variety of clean energy technologies

Clean energy projects span a wide variety of developments and technology types. They could be located anywhere within the state, and depending on location and project design, they could require a wide variety of permits. For example, a solar project in central Washington would require very different permits than a sustainable aviation fuel production facility located in the Puget Sound region, due to differences in construction and operation methods and the resources (e.g., air, water, wetlands) potentially affected.

Consolidation of applications or permits by resource type may not be an efficient strategy because there are multiple resource types to consider for projects. Actions taken based on a technology type may be difficult because the clean energy industry is moving towards development of multiple technologies on one site (e.g., battery storage is added to most projects, wind projects can include solar and battery storage).

Additionally, clean energy is an emerging field; there are many new technologies and processes that will be proposed for development. It is difficult to predict the likely required permits for each clean energy technology type. New permits may need to be developed for completely new clean energy processes. For example, green hydrogen is an emerging technology in Washington, and we [anticipate many projects will be built in the coming years](https://www.commerce.wa.gov/news/press-releases/report-washington-can-lead-nation-in-advancing-green-hydrogen-economy-but-must-move-quickly-strategically/).<sup>66</sup> The permits for these projects will vary greatly by the production and storage technologies, distribution paths, and project locations. State, federal, and local standards may not yet be in place for new

---

<sup>66</sup> <https://www.commerce.wa.gov/news/press-releases/report-washington-can-lead-nation-in-advancing-green-hydrogen-economy-but-must-move-quickly-strategically/>

technologies. Concerns were raised that agencies will need more experience with the emerging clean energy technologies to better understand the specific permit needs and then identify areas for consolidation.

### **EFSEC considerations**

As described earlier, clean energy projects may be permitted through the EFSEC process, and they issue most state permits for projects. If state permit applications and permits are consolidated, EFSEC could use those in its process.

For site certification, EFSEC developed a consolidated application for solar projects that combines the SEPA checklist questions with additional questions. This has been successful in facilitating pre-application discussions between the agency and developers. The form identifies potential project impacts and the required technical studies and documentation for the SEPA environmental review. EFSEC is planning to expand this approach to other technology types. This provides a good starting point for discussion on a broader state consolidated application; however, more evaluation is needed to see if different questions are needed for other clean energy technology types or permits.

### **Local government and federal agency considerations**

Themes similar to those described above emerged during engagement with local governments and federal agencies. Some local agencies support a pre-application process and early outreach to interested agencies, specifically early outreach to the Department of Defense to address potential military siting conflicts. No federal agencies expressed interest in consolidating federal agency permit applications or permits at this time.

A few local governments were interested in how consolidation would support increased collaboration across permit agencies. Currently, agencies may work together through the SEPA process or if a project crosses multiple jurisdictions (e.g., if a project needs both city and county land use permits). In general, formal permit coordination between local, state, and federal agencies is not common. Permit consolidation across jurisdictions would increase the opportunity for joint actions; however, all agencies involved would need to agree to implement this approach, or it would need to be required through statute or rule.

Agencies suggested permit consolidation by project development phase. There was support for more certainty around permit review periods and timelines, including aligning state reviews with required local government timelines under [chapter 36.70B RCW](#), local project review.<sup>67</sup>

### **Local clean air agencies**

Multiple local clean air agencies raised concerns about the consolidation of air permits and required changes to regulations. They stated it could increase time and cost and complicate permit issuance, implementation, compliance, and enforcement. They noted it could be less efficient than the current process of individual permits. For example, there is little overlap in the application information required for air quality permits and other permits. The agencies

---

<sup>67</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=36.70B>

stated that including air quality permits in a consolidated application would complicate, and potentially delay, their review process. They also highlighted the regulatory complexities in how it would be enforced, and which agencies would be responsible.

## Tribal perspectives

We received one comment letter from the Confederated Tribes and Bands of the Yakama Nation. Considerations for consolidating applications and permits included:

- Transparent consolidated permit process that ensures agency experts and best available science are used to inform decisions
- Mutually beneficial process for all interested parties that does not limit opportunities for Tribal engagement
- Tribal engagement during refinement of the recommendations

## Recommendations

We identified the following recommendations for consolidating clean energy permit applications and permits. These are recommendations to the Legislature which would need further development and discussion to implement (see the Next steps section below). Additional details on implementation needs, benefits, and challenges for the recommendations are provided in Appendix C.

We requested input on these recommendations from state, local and federal agencies and Tribes. For the more complex recommendations, additional work will be needed to identify the benefits of consolidation and the effort and investment required to implement changes.

### Ideas that would apply to the greatest number of clean energy projects

These ideas would benefit all clean energy projects and incorporate a wide range of state permits.

#### **Establish a web-based application form that consolidates all state permit application questions and requirements, for all types of clean energy projects.**

This idea would provide developers a single website to use when applying for state permits. The website could allow an applicant to choose a type of clean energy and then identify the required information for multiple state permits. Once information is entered, an application could be automatically generated and submitted directly to agencies.

State agencies could use this information for their permit processes. This web-based approach could also be used for federally delegated permits but would require federal coordination and

approval. This concept could also be expanded to a publicly accessible transparent permit tracking dashboard.<sup>68</sup>

This idea would be challenging to develop due to the number of state permits involved for clean energy projects. It would require substantial time and cost to implement.

### **Develop new SEPA checklist templates that are specific to different types of clean energy**

SEPA checklist templates identify information needed by lead agencies to evaluate potentially significant impacts of a project during environmental reviews. Developers could use these forms for their applications. Developing a template specific to a type of clean energy supports consistency for agencies and applicants. Clearly identifying important information needs early helps improve the environmental review process and increases transparency for developers.

The templates could connect with other available information to assist developers in submitting an application. For example, guidance specific to a type of clean energy, such as WDFW mitigation guidelines for solar and wind could be referenced. Developers would be able to use information from a programmatic environmental impact statement<sup>69</sup> to address potential impacts and develop mitigation.

Identifying the information needs for evaluating the impacts from a clean energy technology could be complicated. There may not be much data available for emerging technologies. Developing a SEPA checklist template would require coordination and input from lead agencies, Tribes, and other interested parties. Ecology would need to develop and provide guidance and training for developers and agencies to consistently use the form.

### **Develop one consolidated state permit process for construction-related permits and one consolidated state permit process for operation-related permits**

This idea would mean consolidating state permits for two different phases, one for construction and one for operations. A consolidated application for each phase would also be required. This would reduce the number of permits and processes for developers and provide a single point of contact for the public, Tribes, and industry.

Construction activities are often very different from operational activities and the related emissions also vary. There are more similarities between permits when building a facility than when running and maintaining one. This would group permits for the phases. The timing of permits for these phases is also important. Construction permits are often issued earlier than for operations. These may be tailored to specific types of clean energy to further simplify the processes.

---

<sup>68</sup> See the Virginia Permit Transparency website as an example of a transparent state permit dashboard: <https://permits.virginia.gov/>

<sup>69</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/programmatic-eis>

A single state agency would be responsible for managing each consolidated process with coordination and input from state agencies with expertise. This would require legislation and coordination with Tribes and local, regional, and federal agencies for consistency. Once a permit is issued, the authority for ongoing permit enforcement, renewal, and amendments would return to other state agencies with regulatory authority.

This major change to permitting would be complex to develop and would require substantial effort to implement. It would require legislation for the substantial statutory and regulatory revisions. For federally delegated permits issued by the state, coordination and approval would be needed at the national level. For example, Clean Water Act Section 401 Water Quality Certifications<sup>70</sup> and Coastal Zone Management<sup>71</sup> determinations have defined federal application requirements and could use a consolidated application process, but only if agreed upon in advance. Some permits may not be able to be included due to conflicts with regulatory authorities and incompatible timelines because of requirements for supporting resource studies (e.g. water rights, air quality permits). Reducing the number of permit processes also reduces the number of opportunities for public comment and Tribal engagement, which has been raised as a concern.

## Ideas for emerging clean energy technologies

These ideas are specific to new technologies. Clean energy is a rapidly growing area with new types of projects being proposed. There may not be adequate information available about the technology or the emissions in the early phases of research and development or for initial project proposals. Permitting agencies would need detailed information on emerging technologies to consider these ideas.

### **Develop standard water quality permit conditions for stormwater and process wastewater discharges from emerging clean energy technologies**

For water quality permits, standard conditions could be developed for stormwater and process wastewater discharges specific to a type of clean energy. These would support emerging technologies with unique water discharges. The idea could include green hydrogen, geothermal, nuclear fusion, pumped storage, and/or tidal energy. Simplifying the individual permit<sup>72</sup> process aids developers and Ecology.

Developing these standard conditions would require additional information on emerging technologies. Data may not be readily available because the construction, operations, and materials may be new.

---

<sup>70</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/401-water-quality-certification>

<sup>71</sup> <https://ecology.wa.gov/water-shorelines/shoreline-coastal-management/coastal-zone-management/federal-consistency>

<sup>72</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-permits/water-quality-individual-permits>



Future phases could include developing general permits<sup>73</sup> for specific technology types. Developing general permits would need to be evaluated depending on the need and only if existing permits do not address the types of discharge.

### **Develop SEPA clean energy supplemental checklists that are specific to different clean energy types and for emerging clean energy technologies**

Supplemental checklists for SEPA environmental reviews could be developed for specific types of clean energy. This idea could be incorporated into SEPA checklist template recommended above or done separately. Lead agencies would use supplemental questions to help determine impacts of a proposal. Developers would know the information needed prior to submitting an application which would help improve transparency and consistency.

Developing these checklists would require sufficient information about emerging technologies. Available information may not be sufficient for new types of clean energy. Coordination and input from SEPA lead agencies, Tribes, and interested parties would be needed.

### **Incorporating local government permits**

Incorporating clean air agencies and local government permits into the consolidation recommendations would be more complex due to the variety of and differences in local permits, regulations, and appeal processes. We recommend this work be done after consolidation at the state level has been implemented. This work would require further evaluation and discussions with local governments and clean air agencies on the feasibility of incorporating local government permits into the state processes.

### **Expand the state's web-based application to include local permits**

This could incorporate information and processes for local permits into the state's application. Applications would be sent to local agencies for processing. The permits added could vary based on the variety and differences in local permits, regulations, and appeal processes.

### **Expand consolidation for construction and operation phases to include local permits**

This could incorporate local permits into the consolidated state permits and applications for construction and operations. Local agencies could adopt this approach, but several have raised concerns about this idea. Developers have emphasized the need for consistency, but if the change is not implemented across the state, there could remain differences between local jurisdictions. This idea could require legislation. It could also require regulatory changes to the Growth Management Act to implement, such as aligning required local review timelines with state permits.

---

<sup>73</sup> <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-general-permits>

## Ideas not recommended for further evaluation at this time

Ideas to address all clean energy types (as defined in [RCW 43.158.010](#))<sup>74</sup> at the same time or all state and local permits are likely to overcomplicate the process and would not result in efficiencies, but rather would add complexity and create unnecessary work by agencies and developers. These ideas are not recommended for further evaluation at this time.

### **Consolidate state and local permits for both construction and operations phases into one single permit for all types of clean energy projects**

The complexity of including all state and local permits for all clean energy types outweighs benefits of consolidation. This is because of the different permit requirements for construction and operations. In addition, some permits must be issued before construction begins, while others may not be necessary or appropriate until after the site is fully developed and ready to begin operations.

### **Develop Ecology water quality general permit for all types of clean energy projects**

Many clean energy projects can apply for existing general permits that cover their discharge types. Discharges vary too much across all technology types to effectively regulate under one consolidated general permit.

### **Consolidate state property agreements with other state permit actions**

The leasing/right-of-way processes are contractual and require flexibility and close coordination with developers. The timelines and procedural steps for property agreements do not align with permitting; property agreements are typically executed following environmental review and other permitting actions.

## Other related clean energy strategies

Several other related clean energy siting and permitting strategies emerged during our engagement discussions. These topics build on many of the recommendations in the [Low-Carbon Energy Project Siting Improvement: Overview of State Siting Efforts and Agencies](#)<sup>75</sup> and are being considered in the broader context of clean energy siting and permitting in Washington state, including through the work of the [Clean Energy Siting Council](#).<sup>76</sup>

While these strategies are not directly part of permit application and permit processes, we are including them in this legislative report. Agencies have begun discussions on many of these and none would require legislation.

### **Early issue identification and pre-application**

State and local agencies can expand pre-application processes to inform developers of permit requirements and identify potential issues ahead of submitting permit applications. These

---

<sup>74</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.158.010>

<sup>75</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2106030.html>

<sup>76</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council>

discussions should include coordination with all state and local agencies with jurisdiction to ensure information is being provided consistently.

### **Increase coordination**

Coordination occurs already but could be improved. This should be done throughout the permitting processes and include state, local and federal agencies, developers, and Tribes to identify issues early and improve efficiencies.

### **Improve siting and permitting guidance for developers**

Providing relevant and comprehensive guidance for developers helps identify information needs early and consistently. This improves the overall process for applicants and agencies.

## **Next steps**

This report explores options and does not propose immediate changes to permit applications or permits. Initial ideas which move forward will need further discussion by the Legislature and additional engagement with interested parties. Detailed discussions on recommendations would be needed to evaluate feasibility and identify steps to implementation.

- **Engagement:** Future development of recommendations must include engagement and consultation with Tribes and engagement with local government planning agencies, federal agencies, developers, and the public. Engagement should include opportunities for public involvement, including informational outreach campaigns and discussions with overburdened communities.
- **Tribal Consultation:** Development of a consolidated permit would be done in consultation with federally recognized Tribes as required by [RCW 43.394.020\(3\)\(c\)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020).<sup>77</sup>
- **Evaluation:** Implementing consolidation ideas would require cross-agency coordination and may require new or redirected funding. Permit consolidation may also require legislation or agency rulemaking. Workgroups should be established to further evaluate the consolidation recommendations and seek solutions to the implementation challenges.
- **Permit Structure and Criteria:** A consolidated application or permit structure would need to identify the lead state agencies for implementation, and include a process for consolidation of administrative tasks, fees, permit drafting, public review, appeals, and permit inspections and reporting. A consolidated permit structure must also include criteria or conditions for use of the permit as required by [RCW 43.394.020\(3\)\(c\)](https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020).<sup>78</sup> Criteria and conditions may be evaluated as part of a non-project review under [chapter 43.21C RCW](https://app.leg.wa.gov/rcw/default.aspx?cite=43.21c).<sup>79</sup>
- **Periodic Reviews:** Clean energy technologies are rapidly advancing. Considerations for consolidating clean energy permits should be reevaluated as additional technical

---

<sup>77</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020>

<sup>78</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=43.394.020>

<sup>79</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=43.21c>

information is known on emerging technologies. Periodic reviews would help agencies track trends in clean energy permitting and may identify new recommendations for consolidation.

## Appendix A. Required Permits and Approvals

Table A-1 lists the most likely required state environmental and land use permits and approvals for clean energy projects. Table A-2 lists the likely required federal and local permits and approvals. Due to the broad types of clean energy and variety of jurisdictions that could be involved in permitting these facilities across the state, a clean energy project may require additional permits or approvals that are not listed in Tables A-1 and A-2.

Table A-1. State permits and approvals relating to clean energy projects

Permit or Approval	Issuing Agency <sup>80</sup>	Project Development Phase Permit is Obtained For
<a href="#">Air Operating Permit</a> <sup>81</sup>	Washington State Department of Ecology (Ecology) or <a href="#">Local Clean Air Agency</a> <sup>82</sup>	Construction and/or Operation
<a href="#">Air Quality General Orders</a> <sup>83</sup>	Ecology or Local Clean Air Agency	Construction and/or Operation
<a href="#">Air Quality Notice of Construction Permit</a> <sup>84</sup>	Ecology or Local Clean Air Agency	Construction
<a href="#">Airspace Lease</a> <sup>85</sup>	Washington State Department of Transportation (WSDOT)	Construction
<a href="#">Aquatic Use Authorization</a> <sup>86</sup>	Washington State Department of Natural Resources (DNR)	Construction
<a href="#">Archaeological Site Alteration and Excavation Permit</a> <sup>87</sup>	Washington State Department of Archaeology and Historic Preservation (DAHP)	Construction
<a href="#">Biosolids Management Plan</a> <sup>88</sup>	Ecology	Operation
<a href="#">Clean Energy Lease</a> <sup>89</sup>	DNR	Construction

<sup>80</sup> Note that EFSEC issues most state permits for facilities under its jurisdiction. Refer to the EFSEC certification process discussion above for additional information, or visit EFSEC's webpage at <https://www.efsec.wa.gov/about-efsec/certification-process>

<sup>81</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Air-operating-permits>

<sup>82</sup> <https://ecology.wa.gov/about-us/accountability-transparency/partnerships-committees/clean-air-agencies>

<sup>83</sup> <https://ecology.wa.gov/regulations-permits/permits-certifications/air-quality-permits/air-quality-general-orders>

<sup>84</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Notice-of-Construction-permit>

<sup>85</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=468-30-110>

<sup>86</sup> <https://www.dnr.wa.gov/programs-and-services/aquatics/leasing-and-land-transactions>

<sup>87</sup> <https://dahp.wa.gov/archaeology/archaeological-permitting>

<sup>88</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Biosolids-permit-system>

<sup>89</sup> <https://www.dnr.wa.gov/programsservices/product-sales-and-leasing/energy>

Permit or Approval	Issuing Agency	Project Development Phase Permit is Obtained For
<a href="#"><u>Coastal Zone Management Consistency</u></a> <sup>90</sup>	Ecology	Construction
<a href="#"><u>Contaminated Site Cleanup (Toxics Cleanup Program)</u></a> <sup>91</sup>	Ecology	Construction
<a href="#"><u>Dam Safety Construction Permit</u></a> <sup>92</sup>	Ecology	Construction
<a href="#"><u>Dangerous Waste Treatment Storage and Disposal Facility</u></a> <sup>93</sup>	Ecology	Operation
<a href="#"><u>Surface Mine Reclamation Permit</u></a> <sup>94</sup>	DNR	Construction
<a href="#"><u>Forest Practices Approval/Notification</u></a> <sup>95</sup>	DNR	Construction
<a href="#"><u>General Order of Approval for Concrete Batch Plants</u></a> <sup>96</sup>	Ecology	Construction
<a href="#"><u>General Order of Approval for Dairy Manure Anaerobic Digesters</u></a> <sup>97</sup>	Ecology	Operation
<a href="#"><u>General Order of Approval for Small Boilers Using Natural Gas / Propane / or Diesel Fuel</u></a> <sup>98</sup>	Ecology	Operation
<a href="#"><u>Geothermal Drilling Permit</u></a> <sup>99</sup>	DNR	Construction and/or Operation

---

<sup>90</sup> <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Programs-policies/Federal-consistency>

<sup>91</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work>

<sup>92</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Dam-safety-permit>

<sup>93</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Dangerous-waste-permits>

<sup>94</sup> <https://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/surface-mining-and-reclamation>

<sup>95</sup> <https://www.dnr.wa.gov/programs-and-services/forest-practices/review-applications-fpars/forest-practices-forms-and>

<sup>96</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Air-quality-general-orders>

<sup>97</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Air-quality-general-orders>

<sup>98</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Air-quality-general-orders>

<sup>99</sup> <https://www.dnr.wa.gov/programs-and-services/geology/energy-mining-and-minerals/rules-regulations-and-forms>

Permit or Approval	Issuing Agency	Project Development Phase Permit is Obtained For
<a href="#">Hydraulic Project Approval</a> <sup>100</sup>	Washington State Department of Fish and Wildlife (WDFW)	Construction
<a href="#">Industrial National Pollutant Discharge Elimination System (NPDES) Individual Permit</a> <sup>101</sup>	Ecology	Construction and/or Operation
<a href="#">Managed Highway Access Permit</a> <sup>102</sup>	WSDOT	Construction
<a href="#">Notice of Construction Permit (Minor New Source Review/ Nonattainment New Source Review)</a>	Ecology or Local Clean Air Agency	Construction
<a href="#">NPDES Construction Stormwater General Permit</a> <sup>103</sup>	Ecology	Construction
<a href="#">NPDES Industrial Stormwater General Permit Coverage</a> <sup>104</sup>	Ecology	Construction and/or Operation
<a href="#">NPDES Sand &amp; Gravel General Permit for Non-Portable Facilities</a> <sup>105</sup>	Ecology	Construction and/or Operation
<a href="#">Oversized/Overweight Commercial Vehicle Permits</a> <sup>106</sup>	WSDOT	Construction and/or Operation
<a href="#">Property Agreements (permits, easements, leases)</a> <sup>107</sup>	Washington State Parks and Recreation Commission	Construction
<a href="#">Prevention of Significant Deterioration (PSD) Air Quality Permit</a> <sup>108</sup>	Ecology	Construction and/or Operation
<a href="#">Section 401 Water Quality Certification</a> <sup>109</sup>	Ecology	Construction and/or Operation

<sup>100</sup> <https://wdfw.wa.gov/licenses/environmental/hpa>

<sup>101</sup> <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-individual-permits>

<sup>102</sup> <https://wsdot.wa.gov/business-wsdot/highway-access-requests-training>

<sup>103</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Construction-stormwater-permit>

<sup>104</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Industrial-stormwater-permit>

<sup>105</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Sand-Gravel-General-Permit>

<sup>106</sup> <https://wsdot.wa.gov/travel/commercial-vehicles/commercial-vehicle-permits>

<sup>107</sup> <https://parks.wa.gov/passes-permits/permits/real-property-agreements>

<sup>108</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Prevention-of-Significant-Deterioration-PSD>

<sup>109</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification/non-hydropower-401-certifications>

Permit or Approval	Issuing Agency	Project Development Phase Permit is Obtained For
<a href="#">Site Certification Agreement</a> <sup>110</sup>	Energy Facility Site Evaluation Council	Construction
<a href="#">State Administrative Order (Non-Federally Regulated Wetlands)</a> <sup>111</sup>	Ecology	Construction
<a href="#">State Wastewater Discharge Permit to Discharge Industrial Wastewater to Ground Water by Land Treatment or Application</a> <sup>112</sup>	Ecology	Operation
<a href="#">State Wastewater Discharge Permit to Discharge Industrial Wastewater to a Publicly-Owned Treatment Works</a> <sup>113</sup>	Ecology	Operation
<a href="#">State Environmental Policy Act (SEPA) Environmental Review</a> <sup>114</sup>	Varies (State or Local Government)	Construction
<a href="#">Surface Reservoir Permit</a> <sup>115</sup>	Ecology	Construction
<a href="#">Underground Injection Control Water Quality Permit Authorization</a> <sup>116</sup>	Ecology	Construction
<a href="#">Underground Storage Tank Notice</a> <sup>117</sup>	Ecology	Construction and/or Operation
<a href="#">Utility Accommodation Permits and Franchises</a> <sup>118</sup>	WSDOT	Construction
<a href="#">Water Right Change</a> <sup>119</sup>	Ecology	Construction and/or Operation
<a href="#">Water Right New</a> <sup>120</sup>	Ecology	Construction and/or Operation

<sup>110</sup> <https://www.efsec.wa.gov/about-efsec/certification-process>

<sup>111</sup> <https://ecology.wa.gov/water-shorelines/wetlands/regulations/state-wetland-regulations>

<sup>112</sup> <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-individual-permits>

<sup>113</sup> <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-permits/Water-Quality-individual-permits>

<sup>114</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review>

<sup>115</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Dam-safety-permit>

<sup>116</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/underground-injection-control-program>

<sup>117</sup> <https://ecology.wa.gov/regulations-permits/guidance-technical-assistance/ust-owner-and-operator-resources/underground-storage-tank-new-owner-new-tank>



Table A-2. Federal and local permits and approvals relating to clean energy projects

Permit or Approval	Issuing Agency	Project Development Phase Permit is Obtained For
Land Use Approval / Development Permit / Site Plan Review	Local Government	Construction
Rezone / Comprehensive Plan Amendment	Local Government	Construction
<a href="#">Critical Areas Review</a> <sup>121</sup>	Local Government	Construction
<a href="#">State Environmental Policy Act (SEPA) Environmental Review</a> <sup>122</sup>	Varies (State or Local Government)	Construction
<a href="#">Shoreline Permit</a> <sup>123</sup>	Local Government	Construction
<a href="#">Floodplain Development</a> <sup>124</sup>	Local Government	Construction
Clearing and Grading Permit	Local Government	Construction
<a href="#">Building Permit</a> <sup>125</sup>	Local Government	Construction
<a href="#">Septic Permit</a> <sup>126</sup>	Local Government	Construction
<a href="#">National Environmental Policy Act review</a> <sup>127</sup>	All Federal Agencies	Construction
<a href="#">National Historic Preservation Act Section 106 Consultation</a> <sup>128</sup>	All Federal Agencies	Construction
<a href="#">Clean Water Act Section 404 Nationwide Permit or Individual Permit</a> <sup>129</sup>	U.S. Army Corps of Engineers (USACE)	Construction

<sup>118</sup> <https://wsdot.wa.gov/engineering-standards/design-topics/utilities-railroad-agreements/utility-accommodation-permits-and-franchises>

<sup>119</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Water-right-permits/Changes-to-existing-water-rights>

<sup>120</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Water-right-permits/Changes-to-existing-water-rights>

<sup>121</sup> <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/critical-areas/>

<sup>122</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review>

<sup>123</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=38](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=38)

<sup>124</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=47](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=47)

<sup>125</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=81](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=81)

<sup>126</sup> [https://www.oria.wa.gov/site/alias\\_\\_oria/mid\\_\\_12357/403/handbook-entry?ItemID=95](https://www.oria.wa.gov/site/alias__oria/mid__12357/403/handbook-entry?ItemID=95)

<sup>127</sup> <https://www.epa.gov/nepa/what-national-environmental-policy-act>

<sup>128</sup> <https://www.gsa.gov/real-estate/historic-preservation/historic-preservation-policy-tools/legislation-policy-and-reports/section-106-of-the-national-historic-preservation-act>

<sup>129</sup> <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Section-404-of-the-Clean-Water-Act/>

Permit or Approval	Issuing Agency	Project Development Phase Permit is Obtained For
<a href="#">Rivers and Harbors Act Section 10 Permit</a> <sup>130</sup>	USACE	Construction
<a href="#">Endangered Species Act Section 7 and Section 10 Consultations / Incidental Take Permit / Habitat Conservation Plan</a> <sup>131</sup>	U.S. Fish and Wildlife Service (USFWS) / National Oceanic and Atmospheric Administration (NOAA)	Construction
<a href="#">Bald and Golden Eagle Protection Act Compliance / Eagle Take Permit / Eagle Conservation Plan</a> <sup>132</sup>	USFWS	Construction
<a href="#">Migratory Bird Treaty Act Compliance / Permits</a> <sup>133</sup>	USFWS	Construction
<a href="#">Notice of Proposed Construction or Alternation (Form 7460-1)</a> <sup>134</sup>	Federal Aviation Administration	Construction
<a href="#">Department of Defense Military Aviation and Installation Assurance Siting Clearinghouse Notice</a> <sup>135</sup>	Department of Defense	Construction
<a href="#">Large Generator Interconnection Agreement</a> <sup>136</sup>	Bonneville Power Administration	Operation
Right-of-Way or Special Use Permit	All federal land managers (Bureau of Land Management, U.S. Forest Service, USFWS, National Park Service, DoD, USACE, etc.)	Construction
<a href="#">NPDES</a> <sup>137</sup> or <a href="#">Air Quality Permits</a> <sup>138</sup> on Tribal lands, military installations, and outer continental shelf	U.S. Environmental Protection Agency	Construction and/or Operation

<sup>130</sup> <https://www.spl.usace.army.mil/Missions/Regulatory/Jurisdictional-Determination/Section-10-of-the-Rivers-Harbors-Act/>

<sup>131</sup> <https://www.epa.gov/laws-regulations/summary-endangered-species-act>

<sup>132</sup> <https://www.fws.gov/law/bald-and-golden-eagle-protection-act>

<sup>133</sup> <https://www.fws.gov/law/migratory-bird-treaty-act-1918>

<sup>134</sup> <https://www.faa.gov/forms/index.cfm/go/document.information/documentid/186273>

<sup>135</sup> <https://www.dodclearinghouse.osd.mil/>

<sup>136</sup> <https://www.bpa.gov/energy-and-services/transmission/interconnection/large-generator>

<sup>137</sup> <https://www.epa.gov/npdes-permits/washington-npdes-permits>

<sup>138</sup> <https://www.epa.gov/caa-permitting/clean-air-act-permitting-washington>

# Appendix B. Engagement Summary

We reached out to the following state agencies, local governments, federal agencies, and Tribes to solicit input on consolidation of clean energy permit applications and permits.

## State Agencies

- Energy Facility Siting Evaluation Council (EFSEC)
- Washington Department of Fish & Wildlife
- Washington Department of Natural Resources
- Clean Energy Siting Council members<sup>139</sup>

## Local Governments

- All county and city planning departments
- Ports

## Federal Agencies

- U.S. Department of Defense
- Environmental Protection Agency
- U.S. Army Corps of Engineers (USACE)
- Bonneville Power Administration

## Tribes

- Tribal Chairs and Natural and Cultural Resources Directors of federally recognized Tribes with lands and territories in Washington State
- Executive Directors of Tribal organizations

---

<sup>139</sup> <https://ecology.wa.gov/regulations-permits/sepa/clean-energy/council>

## Appendix C. Implementation Details for Consolidation Recommendations

### Ideas that would apply to the greatest number of clean energy projects

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
<p>Establish a web-based application form that consolidates all state permit application questions and requirements, for all types of clean energy projects</p>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>• One application for commonly required state permits—replaces existing application forms</li> <li>• Permit applications consolidated vary by project—web-based program would “customize” the application questions to each project</li> <li>• Includes a checklist of required supplemental information for each underlying permit</li> <li>• Includes information that helps proponents understand which agencies they need to consult with on permit requirements</li> <li>• Web-based program could be designed to submit the application electronically to each agency, or generate a printable application that the developer would submit to each agency individually</li> <li>• The program could be expanded later to a transparent permit tracking dashboard</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• Applies to all state permit agencies</li> <li>• If not implemented across all state permit agencies, individual agencies could choose to implement this idea on their own</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• One spot for developers to apply for state permits</li> <li>• Suitable for multiple clean energy technology types</li> <li>• Comprehensive checklist of required supplemental information</li> <li>• Consistent project information provided to the permitting agencies that adopt the form</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• Potential for lengthy application</li> <li>• Requires cross-agency coordination to develop and implement the web-based application program</li> <li>• For federally delegated permits, requires coordination and approval</li> <li>• Requires continuous maintenance of changes to permit application questions and required supplemental materials</li> <li>• Could result in separate application for non-clean energy projects</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>• One state agency coordinates the development of the consolidated application and maintains/updates the application</li> <li>• Requires legislative or executive direction to multiple agencies to develop the consolidated application</li> <li>• Agency administrative changes to adopt the consolidated application</li> <li>• Establish an interagency workgroup to evaluate the application consolidation</li> <li>• Timeline is dependent on the number of permits included and complexity of information needs, but expected to take several years</li> </ul>	
<p>Develop new SEPA Checklist templates that are specific to different types of clean energy</p>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>• New SEPA Checklist templates designed for types of clean energy</li> <li>• New or modified questions to identify potentially significant impacts</li> <li>• Would utilize clean energy Programmatic EISs impact analysis and mitigation</li> <li>• Would tie with agency guidance, such as WDFW mitigation guidelines for solar and wind</li> <li>• Would include guidance for developers on how to use the template</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• Applies to all state permit agencies</li> <li>• SEPA lead agencies</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Supports SEPA lead agencies by identifying the key information needs to identify potentially significant impacts for environmental review</li> <li>• Clearly identifies critical information for developers to provide early in the environmental review process</li> <li>• Can be modified to suit to multiple clean energy technology types</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• State and local agencies may not consistently require the new template</li> <li>• Agencies and the public are very familiar with the existing SEPA Checklist format—modifying the format may cause confusion</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>• Ecology would develop and maintain the SEPA Checklist templates with certain information filled in related to different clean energy types.</li> <li>• Coordination with SEPA lead agencies, Tribes, and other interested parties to develop the templates and monitor use</li> <li>• Timeline is dependent on the number of templates needed; each template is expected to take approximately one year to develop</li> </ul>	
<p>Develop one consolidated state permit process for construction-related permits and one consolidated state permit process for operation-related permits</p>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>• Establishes two consolidated permit processes—one for construction permits and one for operations permits</li> <li>• Could apply to all clean energy projects or be tailored to specific types of clean energy</li> <li>• State permits required will vary by technology type, project specific processes and equipment, and project location</li> <li>• Some permits may be excluded due to inefficiencies in consolidating timelines or regulatory authorities (e.g. water rights, air quality permits)</li> <li>• One state agency would be responsible for issuing the permit, with coordination and input from other state agencies</li> <li>• Requires a consolidated permit application and consolidated permit standards and conditions for construction and operations</li> <li>• Permit authority would return to the original state agency once issued for ongoing</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Reduces the overall number of permit processes for developers</li> <li>• Provides single state agency for the permit application</li> <li>• Consolidated permit standards and condition</li> <li>• Consolidated public participation and Tribal engagement and consultation <ul style="list-style-type: none"> <li>○ Note: This is also a challenge</li> </ul> </li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• Required state permits vary by project – requires individualized consolidation for each project</li> <li>• Increases the overall complexity of the permit – increased complexity could slow down the decision-making process</li> <li>• Alignment of different permit processing timelines (including statutorily imposed timelines)</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<ul style="list-style-type: none"> <li>• Some permits may be excluded due to inefficiencies in consolidating timelines or regulatory authorities (e.g. water rights, air quality permits)</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• Applies to all state permit agencies; however, the agencies involved in each consolidated permit would vary by the permits required for each project.</li> <li>• Consolidates state permits only; however, the process would include coordination with local clean air agencies, local cities and counties, federal agencies, and Tribes</li> <li>• One state agency would be responsible for leading a fair, transparent and timely process and issuing the permit, with coordination and input from other state agencies</li> <li>• State agency leading the consolidation process could vary depending on permits needed for a project – the process could be designed for multiple agencies to lead it</li> </ul> <p><b>Implementation Needs and Timeline</b></p> <ul style="list-style-type: none"> <li>• Legislative action and likely rulemaking to align different state regulatory authorities under one permit</li> <li>• Administrative and policy changes for state agencies</li> <li>• Coordination with federal agencies on federally delegated permits and federal consistency reviews</li> </ul>	<ul style="list-style-type: none"> <li>• For federally delegated permits, requires coordination and approval</li> <li>• Section 401 and CZM determinations have defined federal application requirements and coordination would be needed to use a consolidated application</li> <li>• Potential for increased permit fees due to increased process complexity</li> <li>• Consolidation of permit appeals would be complex and require regulatory changes</li> <li>• Consolidation reduces the number of public comment periods and opportunities for Tribal engagement and consultation</li> <li>• Two streams of permit processes, one for clean energy projects and one for non-clean energy projects</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<ul style="list-style-type: none"> <li>Establish an interagency workgroup to evaluate implementation needs and process</li> <li>Legislation and regulatory changes could take several years. Additional time needed to develop and implement would depend on the permits included and complexity of consolidation</li> </ul>	

## Ideas for emerging clean energy technologies

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
<p>Develop standard water quality permit conditions for stormwater and process wastewater discharges from emerging clean energy technologies</p>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>Possible technology types: green hydrogen, geothermal, nuclear fusion, pumped storage, and tidal energy</li> <li>Supports emerging technologies with unique water discharges - process wastewater is not covered under existing general permits and projects still likely require time-consuming individual permits</li> <li>Detailed information on these emerging technologies would be needed</li> <li>Aids developers and Ecology by simplifying the individual permit process</li> <li>Future phases of this recommendation may include developing general permits for specific technology types, depending on the need and if existing permits do not address the types of discharge</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>Supports emerging technologies with unique water discharges</li> <li>Aids developers and agencies by simplifying the individual permit process</li> <li>Consolidates permit standards and conditions</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>More information on the new technology types and processes is needed to understand the water quality permit needs and feasibility of permit consolidation</li> <li>Standards and conditions may be complex to develop given the variations in technology types and processes proposed</li> </ul>



Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• Ecology</li> </ul> <p><b>Implementation Needs and Timeline</b></p> <ul style="list-style-type: none"> <li>• Establish a workgroup to evaluate discharges from these technology types and identify standard conditions</li> <li>• Timeline would depend on when sufficient technical information is available for the technology types</li> </ul>	
<p>Develop SEPA clean energy supplemental checklists that are specific to different types of clean energy and emerging clean energy technologies</p>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>• Idea can expand on the SEPA Checklist template idea discussed above, or it can be a standalone idea</li> <li>• Supplemental checklist questions would be completed in addition to the current SEPA Checklist (for example, similar to the <a href="#">Orca supplemental checklist</a>)<sup>140</sup></li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• Applies to all state permit agencies</li> <li>• SEPA lead agencies</li> </ul> <p><b>Implementation Needs and Timeline</b></p> <ul style="list-style-type: none"> <li>• Ecology would develop and maintain the clean energy supplemental checklists.</li> <li>• Coordination with SEPA lead agencies and interested parties to develop the supplementals and monitor use</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• Provides specific information on emerging clean energy projects to aid agencies in understanding the proposals and potential impacts</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• State and local agencies may not consistently require the supplemental questions</li> <li>• Additional evaluation of emerging technologies is needed to identify supplemental questions</li> <li>• Similar benefits could be achieved through the SEPA Checklist template idea above</li> </ul>

---

<sup>140</sup> <https://ecology.wa.gov/regulations-permits/sepa/environmental-review/sepa-guidance/sepa-checklist-guidance/sepa-checklist-supplemental-orca-checklist-guidanc>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<ul style="list-style-type: none"> <li>SEPA lead agencies would use supplemental questions to help determine impacts of a proposal. Timeline would depend on the need for a supplemental; each is anticipated to take one year to develop</li> </ul>	

## Incorporating local government permits

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
<p>Expand state application and permit consolidation ideas to include local permit applications and permits:</p> <ul style="list-style-type: none"> <li>Expand the state's web-based application to include local permits</li> <li>Expand consolidation by construction and operation phases to include local permits</li> </ul>	<p><b>Idea Details</b></p> <ul style="list-style-type: none"> <li>Expand ideas to include local government application questions and local government permits</li> <li>Develop consistent application questions to cover multiple local government jurisdictions</li> <li>Develop consistent permit standards and conditions to cover multiple local government jurisdictions</li> <li>Permit issued jointly by state and local government</li> <li>Once issued, permit enforcement, renewal, and amendments revert to the original permit agencies</li> </ul> <p><b>Agencies Involved</b></p>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>Same benefits presented above for state permits ideas, but expanded to include local government</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>Unless legislatively required, local agencies would need to adopt this approach and it may not be consistently implemented</li> <li>Same challenges presented above for state permit ideas</li> <li>Multiple local government agencies involved</li> <li>Local government resources for implementation</li> <li>Growth Management Act and local government regulatory required permit processing timelines may not align with state permit timelines</li> <li>Consolidation of permit appeals</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<ul style="list-style-type: none"> <li>• State permitting agencies and local governments (Counties, Cities, Local Clean Air Agencies)</li> </ul> <p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>• Phased approach, implement state application and permit consolidation ideas first, then expand to local permits</li> <li>• Coordinate with local governments to gauge interest in application and permits consolidation</li> <li>• State legislative action and regulatory changes are likely required – including review of needed Growth Management Act regulatory changes</li> <li>• Policy and administrative changes for local governments</li> </ul>	

### Other ideas not recommended for further evaluation at this time

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
<p>Consolidate state and local permits for both construction and operations phases into one single permit for all clean energy projects</p>	<p><b>Idea Detail</b></p> <ul style="list-style-type: none"> <li>• New permit process that consolidates all state and local permits for all clean energy types</li> <li>• Requires a consolidated permit application and consolidated permit standards and conditions</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• One state permit process for developers</li> <li>• Consolidated public participation and Tribal engagement and consultation <ul style="list-style-type: none"> <li>○ Note: These are also challenges</li> </ul> </li> <li>• Consolidated permit standards and conditions</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<ul style="list-style-type: none"> <li>Consolidated permit issued jointly by one state agency and local jurisdiction, with input on permit review by state and local permitting agencies</li> <li>Once issued, permit enforcement, renewal, and amendments would revert to the original permit agencies</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>State permitting agencies and local governments (Counties, Cities, Local Clean Air Agencies)</li> </ul> <p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>Interagency workgroup to develop consolidated permit process</li> <li>Legislative action and likely rulemaking to align different state and local regulatory authorities under one permit</li> <li>Administrative and policy changes for state and local agencies</li> <li>Coordination with federal agencies on federally delegated permits and federal consistency reviews</li> </ul>	<p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>Broad types of clean energy projects means almost all state and local permits would be consolidated, creating large permit application and permit process</li> <li>Increases the overall complexity of the permit – would slow down the decision-making process</li> <li>Timing precludes this option–some permits must occur before construction begins, while others may not be necessary or appropriate until after the site is fully developed</li> <li>Consolidated permit appeals would be very complex</li> <li>Potential for increased permit fees due to increased process complexity</li> <li>Consolidation reduces the number of public comment periods and opportunities for Tribal engagement and consultation</li> <li>Two streams of permit processes, one for clean energy projects and one for non-clean energy projects</li> </ul>
<p>Develop Ecology water quality general permit for all clean energy projects</p>	<p><b>Idea Detail</b></p> <ul style="list-style-type: none"> <li>Clean energy projects often fall under an existing general permit already</li> <li>Would not be technology specific</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>Ecology</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>One general permit with standard terms and conditions for all clean energy projects</li> <li>Once issued, obtaining coverage under general permit is faster than individual permit</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>General permit standards and conditions for the broad types of clean energy project technologies</li> </ul>

Idea	How could the idea be implemented?	What are the potential benefits and challenges?
	<p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>• Interagency workgroup to develop</li> </ul>	<p>would be overly complex to develop and implement</p> <ul style="list-style-type: none"> <li>• Many clean energy projects already qualify under other existing general permit categories</li> <li>• Recommendation to evaluate water quality permits for emerging clean energy technologies will address gaps for emerging technologies</li> </ul>
<p>Consolidate state property agreements with other state permit actions</p>	<p><b>Idea Detail</b></p> <ul style="list-style-type: none"> <li>• Clean energy projects may be sited on state lands</li> <li>• The process for obtaining state lands property agreements (leasing/rights-of-way) could be consolidated with other state permits</li> </ul> <p><b>Agencies Involved</b></p> <ul style="list-style-type: none"> <li>• WDFW, DNR, WSDOT, State Parks</li> </ul> <p><b>Implementation Needs</b></p> <ul style="list-style-type: none"> <li>• Interagency workgroup to develop process</li> <li>• Legislative action and likely rulemaking to align different state regulatory authorities and property management under a consolidated process</li> <li>• Administrative and policy changes for state agencies</li> </ul>	<p><b>Benefits</b></p> <ul style="list-style-type: none"> <li>• One consolidated process for developers</li> </ul> <p><b>Challenges</b></p> <ul style="list-style-type: none"> <li>• The leasing/right-of-way process requires flexibility and close coordination with developers and is a contractual process</li> <li>• Timelines and procedural steps for these property agreements do not align with permitting; property agreements are typically executed following environmental review and other permitting actions</li> </ul>