

SENATE BILL REPORT

SB 5808

As Reported By Senate Committee On:
Water, Energy & Environment, February 23, 2005

Title: An act relating to increasing the threshold for short board appeals before the shorelines and pollution control hearings boards to fifteen thousand dollars.

Brief Description: Increasing the threshold for short board appeals before the shorelines and pollution control hearings boards.

Sponsors: Senators Poulsen, Honeyford, Morton, Rockefeller, Regala, Fraser and Rasmussen; by request of Environmental Hearings Office.

Brief History:

Committee Activity: Water, Energy & Environment: 2/23/05 [DP].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Hewitt, Honeyford, Mulliken, Pridemore and Regala.

Staff: Richard Rodger (786-7461)

Background: The Environmental Hearings Office (EHO) contains five boards that hear appeals from decisions made by state and local regulatory agencies. The EHO boards conduct administrative hearings and issue written decisions. The EHO includes the Pollution Control Hearings Board, the Shorelines Hearings Board, the Forest Practices Appeals Board, the Environmental and Land Use Hearings Board, and the Hydraulic Appeals Board.

The Pollution Control Hearings Board (PCHB) hears appeals from orders and decisions made by the Department of Ecology (DOE), local conservation districts, local air pollution control boards, and local health departments. There are three members on the PCHB. Appeals involving a penalty of less than \$5,000 may be heard by one member of the PCHB. The PCHB also has alternative procedures to expedite these smaller cases.

The Shorelines Hearings Board (SHB) hears appeals of permit decisions and shoreline penalties issued by local governments and DOE. There are six members on the SHB, three of which must be the three members of the PCHB. Appeals involving or relating to a single family residence may be heard by a panel of only three board members. The SHB must also adopt alternative processes for expedited appeals.

Summary of Bill: The Pollution Control Hearings Board and the Shorelines Hearings Board may assign fewer board members to hear cases involving penalties of \$15,000 or less. These cases are also eligible for expedited appeals.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will improve administrative efficiencies with the two hearings boards. The boards have limited travel budgets for board members to attend hearings and it makes sense to send fewer members to hear the smaller cases. About one-half of the cases could use a short-board panel to hear these cases. Any appellant who would like a hearing before the full board can obtain that simply by requesting a full board hearing.

Testimony Against: None.

Who Testified: PRO: Bill Clarke, Pollution Control & Shorelines Hearings Boards.