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**HOUSE BILL 1646**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Representatives Ormsby, Orcutt, and Tharinger; by request of Department of Natural Resources

Read first time 01/28/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to adding the department of natural resources'  
2 civil enforcement decisions under RCW 76.04.205 to appeals that may  
3 be heard by the pollution control hearings board; and reenacting and  
4 amending RCW 43.21B.110.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and  
7 2024 339 s 16 are each reenacted and amended to read as follows:

8 (1) The hearings board shall only have jurisdiction to hear and  
9 decide appeals from the following decisions of the department, the  
10 director, local conservation districts, the air pollution control  
11 boards or authorities as established pursuant to chapter 70A.15 RCW,  
12 local health departments, the department of natural resources, the  
13 department of fish and wildlife, the parks and recreation commission,  
14 and authorized public entities described in chapter 79.100 RCW:

15 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and  
16 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,  
17 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,  
18 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,  
19 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
20 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,

1 70A.565.030, 76.04.205, 76.09.170, 77.55.440, 78.44.250, 88.46.090,  
2 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

3 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
4 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,  
5 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,  
6 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,  
7 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,  
8 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

9 (c) Except as provided in RCW 90.03.210(2), the issuance,  
10 modification, or termination of any permit, certificate, or license  
11 by the department or any air authority in the exercise of its  
12 jurisdiction, including the issuance or termination of a waste  
13 disposal permit, the denial of an application for a waste disposal  
14 permit, the modification of the conditions or the terms of a waste  
15 disposal permit, a decision to approve or deny a solid waste  
16 management plan under RCW 70A.205.055, approval or denial of an  
17 application for a beneficial use determination under RCW 70A.205.260,  
18 an application for a change under RCW 90.03.383, or a permit to  
19 distribute reclaimed water under RCW 90.46.220.

20 (d) Decisions of local health departments regarding the granting  
21 or denial of solid waste permits pursuant to chapter 70A.205 RCW,  
22 including appeals by the department as provided in RCW 70A.205.130.

23 (e) Decisions of local health departments regarding the issuance  
24 and enforcement of permits to use or dispose of biosolids under RCW  
25 70A.226.090.

26 (f) Decisions of the department regarding waste-derived  
27 fertilizer or micronutrient fertilizer under RCW 15.54.820.

28 (g) Decisions of local conservation districts related to the  
29 denial of approval or denial of certification of a dairy nutrient  
30 management plan; conditions contained in a plan; application of any  
31 dairy nutrient management practices, standards, methods, and  
32 technologies to a particular dairy farm; and failure to adhere to the  
33 plan review and approval timelines in RCW 90.64.026 as provided in  
34 RCW 90.64.028.

35 (h) Any other decision by the department or an air authority  
36 which pursuant to law must be decided as an adjudicative proceeding  
37 under chapter 34.05 RCW.

38 (i) Decisions of the department of natural resources, the  
39 department of fish and wildlife, and the department that are  
40 reviewable under chapter 76.09 RCW, and the department of natural

1 resources' appeals of county, city, or town objections under RCW  
2 76.09.050(7).

3 (j) Forest health hazard orders issued by the commissioner of  
4 public lands under RCW 76.06.180.

5 (k) Decisions of the department of fish and wildlife to issue,  
6 deny, condition, or modify a hydraulic project approval permit under  
7 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
8 comply, to issue a civil penalty, or to issue a notice of intent to  
9 disapprove applications.

10 (l) Decisions of the department of natural resources that are  
11 reviewable under RCW 78.44.270.

12 (m) Decisions of an authorized public entity under RCW 79.100.010  
13 to take temporary possession or custody of a vessel or to contest the  
14 amount of reimbursement owed that are reviewable by the hearings  
15 board under RCW 79.100.120.

16 (n) Decisions of the department of ecology that are appealable  
17 under RCW 70A.245.020 to set recycled minimum postconsumer content  
18 for covered products or to temporarily exclude types of covered  
19 products in plastic containers from minimum postconsumer recycled  
20 content requirements.

21 (o) Orders by the department of ecology under RCW 70A.455.080.

22 (p) Decisions of the department of natural resources under RCW  
23 76.04.205.

24 (2) The following hearings shall not be conducted by the hearings  
25 board:

26 (a) Hearings required by law to be conducted by the shorelines  
27 hearings board pursuant to chapter 90.58 RCW, except where appeals to  
28 the pollution control hearings board and appeals to the shorelines  
29 hearings board have been consolidated pursuant to RCW 43.21B.340.

30 (b) Hearings conducted by the department pursuant to RCW  
31 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
32 70A.15.3110, and 90.44.180.

33 (c) Appeals of decisions by the department under RCW 90.03.110  
34 and 90.44.220.

35 (d) Hearings conducted by the department to adopt, modify, or  
36 repeal rules.

1           (3) Review of rules and regulations adopted by the hearings board  
2 shall be subject to review in accordance with the provisions of the  
3 administrative procedure act, chapter 34.05 RCW.

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