
SENATE BILL 5334

State of Washington

69th Legislature

2025 Regular Session

By Senators Short, Chapman, Bateman, and Nobles; by request of Department of Natural Resources

Read first time 01/17/25. 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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