

WAC 371-08-330 Board decision making on appeals. The number of board members required to make a decision on a case differs depending on the type of case.

(1) **Short-board appeals.** Pursuant to RCW 43.21B.305, an appeal that involves a penalty of fifteen thousand dollars or less imposed by the department of ecology, another state agency or an air pollution control authority or that involves a derelict or abandoned vessel under RCW 79.100.120 may be heard by a single member of the board. Such appeals are called short-board appeals. The decision of that single member shall be the final decision of the entire board. For appeals that involve a derelict or abandoned vessel under RCW 79.100.120 only, an administrative appeals judge employed by the board may be substituted for a board member.

(2) **Full-board appeals.** All other types of appeals are called full-board appeals. The chairperson may assign a single member to hold the hearing in a full-board appeal; however, at least two members shall review the record and issue a decision. Two members of the board shall constitute a quorum for making a decision and may act although one position on the board is vacant or one board member is unavailable.

(3) **Administrative appeals judges.** For both full-board and short-board cases, the chairperson may appoint an administrative appeals judge from the environmental and land use hearings office to be the presiding officer.

[Statutory Authority: RCW 43.21B.170, 90.58.175. WSR 15-03-044, § 371-08-330, filed 1/14/15, effective 2/14/15. Statutory Authority: Chapters 43.21B, 34.05 RCW, RCW 43.21B.305. WSR 08-03-045, § 371-08-330, filed 1/10/08, effective 2/10/08. Statutory Authority: RCW 43.21B.170. WSR 96-15-003, § 371-08-330, filed 7/3/96, effective 8/3/96.]