

**RCW 43.21B.340 Clean energy projects—Consolidated appeals. (1)**

Where multiple permits for the same underlying clean energy project, as defined in RCW 43.158.010, are appealed to one or more of the environmental boards, as identified in RCW 43.21B.005, the presiding officer shall consolidate the appeals for hearing when one or more of the following criteria are met:

(a) When appeals for the permits related to the same underlying project are either:

(i) Filed within 60 days of each other; or

(ii) If the permits are not filed within 60 days of each other and the environmental board issues a stay of the appeal of the permit following the applicant's request. Such a stay must include a stay of the construction of the project pending appeal pursuant to RCW 43.21B.320, to allow other anticipated appeals of permits for the same underlying project to be filed with the environmental boards to accommodate consolidation pursuant to this section, but the environmental board may set a deadline after which an appeal may proceed in the absence of other permit appeals in order to ensure efficient resolution of appeals; or

(b) The presiding officer determines that the following three criteria have been met:

(i) Consolidation will expedite disposition of the appeals;

(ii) Consolidation will avoid duplication of testimony; and

(iii) Consolidation will not prejudice the rights of the parties.

(2) When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the pollution control hearings board, the pollution control hearings board shall retain jurisdiction over the consolidated matter. When all appeals of individual permits consolidated pursuant to this section are within the jurisdiction of the shorelines hearings board, the shorelines hearings board shall retain jurisdiction over the consolidated matter. When appeals to the pollution control hearings board and appeals to the shorelines hearings board are consolidated pursuant to this section, the following applies:

(a) The consolidated appeals must be heard by the pollution control hearings board;

(b) The pollution control hearings board must issue its decision on the consolidated appeal within 240 days, which must be measured from the date that the last of the consolidated appeals was filed; and

(c) The time period in (b) of this subsection may be extended 60 days on a motion from a party or by the pollution control hearings board upon a finding of good cause. The time period in (b) of this subsection may also be waived if agreed to by all parties. [2024 c 347 s 3.]