

FINAL BILL REPORT

SSB 5590

C 204 L 04

Synopsis as Enacted

Brief Description: Determining the appeals period for certain environmental appeals.

Sponsors: Senate Committee on Natural Resources, Energy & Water (originally sponsored by Senators Morton, Fraser, Honeyford, Hewitt, Doumit and Regala; by request of Environmental Hearings Office).

Senate Committee on Natural Resources, Energy & Water
House Committee on Judiciary

Background: Under current law, different statutes govern appeals to the Pollution Control Hearings Board of agency actions, civil penalties, and orders, permits, or licenses, as well as appeals from decisions and orders of the board. The statutes are not consistent regarding the period in which an appeal can be filed. In some, the period starts when notice is mailed. In others, the period starts when notice is received.

Summary: The period for appealing decisions of the Pollution Control Hearings Board to superior court and for appealing civil penalties, orders, permits, and other actions to the board is within 30 days of the date of receipt of notice. Date of receipt means either five business days after the date of mailing or the date of actual receipt, if it can be proved by a preponderance of the evidence and is not later than 45 days from the date of mailing. A sworn affidavit or declaration is sufficient evidence, if unchallenged.

Votes on Final Passage:

Senate	48	0
House	95	1

Effective: June 10, 2004