
HOUSE BILL 1892

State of Washington

58th Legislature

2003 Regular Session

By Representatives Schual-Berke, Upthegrove and Miloscia

Read first time 02/13/2003. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to eliminating the authority of the department of
2 ecology to appeal pollution control hearings board decisions regarding
3 water quality certifications required by the federal clean water act;
4 and amending RCW 43.21B.180.

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

6 **Sec. 1.** RCW 43.21B.180 and 1994 c 253 s 6 are each amended to read
7 as follows:

8 (1) Judicial review of a decision of the hearings board may be
9 obtained only pursuant to RCW 34.05.510 through 34.05.598. Except as
10 provided in subsection (2) of this section, the director shall have the
11 same right of review ((from)) of a decision made pursuant to RCW
12 43.21B.110 as does any person.

13 (2) The director has no right of review of a hearings board
14 decision based on department decisions made under federal delegation of
15 authority and regarding certifications required by the federal clean
16 water act (33 U.S.C. Sec. 1341).

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