
Environment & Energy Committee

HB 2426

Brief Description: Improving efficiency in appeals to the pollution control hearings board.

Sponsors: Representatives Bernbaum, Reed, Parshley, McEntire and Scott.

Brief Summary of Bill

- Authorizes permit appeals to the Pollution Control Hearings Board to be heard by one member of the board or alternative compositions of the board in certain circumstances.

Hearing Date: 1/20/26

Staff: Matt Sterling (786-7289).

Background:

Environmental and Land Use Hearings Office.

In 2010, the Environmental and Land Use Hearings Office (ELUHO) was created as the single administrative agency to administer the Pollution Control Hearings Board (PCHB), the Growth Management Hearings Board (GMHB), and the Shoreline Hearings Board (SHB).

The ELUHO employs administrative law judges to preside over administrative hearings and issue written orders affirming, modifying, or reversing agency decisions. The Director of ELUHO may appoint administrative law judges to serve on cases before the PCHB.

Pollution Control Hearings Board.

The PCHB is an administrative body that hears and decides appeals from state and local governmental agencies on a wide variety of environmental permits and penalty orders. The PCHB is administered by the Environmental and Land Use Hearings Office (ELUHO) and has

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three members, all of whom are appointed by the Governor and confirmed by the Senate for staggered six-year terms. One of the three PCHB members must be an attorney.

Certain appeals that involve a penalty of \$15,000 or less or that involve a derelict or abandoned vessel under the Derelict Vessel Removal Program may be heard by one member of the PCHB, whose decision is the final decision of the PCHB. For appeals that involve a derelict or abandoned vessel, an administrative law judge employed by the board may be substituted for a PCHB board member.

Growth Management Hearings Board.

The GMHB was created pursuant to the Growth Management Act (GMA) and has the authority to hear petitions alleging noncompliance with the requirements of the GMA. The GMHB consists of seven members qualified by experience or training in matters pertaining to land use law or land use planning and who have practical experience in those areas. All GMHB members are appointed by the Governor. Members are appointed for six-year terms. Decisions of the GMHB may be appealed to Superior Court.

Shoreline Hearings Board.

The SHB hears and decides appeals of shoreline building and construction permits or penalty orders issued by local or state government agencies under the Shoreline Management Act.

Summary of Bill:

Permit appeals to the PCHB may be heard by alternative compositions of the PCHB. If the parties to an appeal and the PCHB unanimously consent, any of the following alternative PCHB compositions may be used:

- an administrative appeals judge who has demonstrated a knowledge of environmental law;
- a PCHB composition that includes a member of the GMHB or SHB who is qualified by experience or training in matters pertaining to the environment; or
- one member of the PCHB, or a member of the GMHB or SHB, who is qualified by experience or training in matters pertaining to the environment.

The selection of an alternative PCHB composition must prioritize the efficient use of administrative resources.

Appropriation: None.

Fiscal Note: Requested on January 14, 2026.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.