

SENATE BILL REPORT

HB 2426

As Passed Senate, March 6, 2026

Title: An act relating to improving efficiency in appeals to the pollution control hearings board.

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

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

Brief History: Passed House: 2/11/26, 96-0.

Committee Activity: Environment, Energy & Technology: 2/18/26, 2/20/26 [DP].

Floor Activity: Passed Senate: 3/6/26, 48-0.

Brief Summary of Bill

- Authorizes permit appeals to the Pollution Control Hearings Board (PCHB) to be heard by one member or alternative compositions of the PCHB if all parties consent and the PCHB unanimously approves.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass.

Signed by Senators Shewmake, Chair; Hunt, Vice Chair; Slatter, Vice Chair; Boehnke, Ranking Member; Dhingra, Harris, Liias, Lovelett, MacEwen and Wellman.

Staff: Matt Shepard-Koningsor (786-7627)

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

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administrative appeals 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 government agencies on a wide variety of environmental permits and penalty orders. The PCHB has 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. A majority of the PCHB constitutes a quorum for the PCHB to fulfill its duties.

Certain appeals involving a penalty of \$15,000 or less, or involving 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 ELUHO may be substituted for a PCHB 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 GMA's requirements. The GMHB consists of five 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. At least three GMHB members must be attorneys, one each representing the Western, Central, and Eastern portions of the state. All GMHB members are appointed by the Governor for six-year terms. Decisions of the GMHB may be appealed to a superior court.

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

Summary of Bill: Permit appeals before the PCHB may be heard by the following alternative compositions of the PCHB if all parties consent and the PCHB unanimously approves:

- an administrative law judge who is admitted to practice law in Washington and 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.

An alternative PCHB composition satisfies quorum requirements for the PCHB to fulfill its duties.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Permit appeals before the PCHB can take 11 months to resolve, which affects capital funding for projects. This bill is a result of a negotiation between several stakeholders. The bill allows the use of short boards if all parties agree. This bill is a balanced approach that offers a practical, cost-neutral solution to improve permit appeals. These appeals routinely take a year or more to review and that delay drives costs for both developers and conservationists. This bill helps with the cyclical workload of the GMHB.

Persons Testifying: PRO: Representative Adam Bernbaum, Prime Sponsor; Darrin Raines, Greater Grays Harbor Inc.; Bryce Yadon, Futurewise.

Persons Signed In To Testify But Not Testifying: No one.