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**HOUSE BILL 2426**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Representatives Bernbaum, Reed, Parshley, McEntire, and Scott

Read first time 01/13/26. Referred to Committee on Environment & Energy.

1 AN ACT Relating to improving efficiency in appeals to the  
2 pollution control hearings board; amending RCW 43.21B.090; and adding  
3 a new section to chapter 43.21B RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21B  
6 RCW to read as follows:

7 (1) With the consent of all parties to a permit appeal and  
8 unanimous approval of the pollution control hearings board, the  
9 appeal before the board may be heard by any of the following  
10 alternative compositions of the board:

11 (a) An administrative appeals judge who satisfies the  
12 qualifications of RCW 43.21B.005;

13 (b) A board composition that includes a member of the land use  
14 board or shorelines hearings board who satisfies the qualifications  
15 of experience or training in RCW 43.21B.020;

16 (c) One member of the board, or a member of the land use board or  
17 shorelines hearings board, who satisfies the qualifications of  
18 experience or training in RCW 43.21B.020.

19 (2) The selection of an alternative board composition must  
20 prioritize the efficient use of administrative resources.

1       **Sec. 2.** RCW 43.21B.090 and 1990 c 65 s 2 are each amended to  
2 read as follows:

3       The principal office of the hearings board shall be at the state  
4 capitol, but it may sit or hold hearings at any other place in the  
5 state. ((A)) Except as provided in section 1 of this act, a majority  
6 of the hearings board shall constitute a quorum for making orders or  
7 decisions, promulgating rules and regulations necessary for the  
8 conduct of its powers and duties, or transacting other official  
9 business, and may act though one position of the hearings board be  
10 vacant. One or more members may hold hearings and take testimony to  
11 be reported for action by the hearings board when authorized by rule  
12 or order of the hearings board. The hearings board shall perform all  
13 the powers and duties specified in this chapter or as otherwise  
14 provided by law.

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