



HB 1646 | SB 5334

DNR must provide an administrative appeal process pursuant to Washington's 2019 Smoke Management Plan.

This agency request legislation authorizes the Pollution Control Hearing Board to hear all silvicultural burning and Smoke Management statutory violations

Appeals Process for Silvicultural Burning and Smoke Management Enforcement

Establishes the Pollution Control Hearings Board as the Independent Administrative Tribunal for Appeals of Silvicultural Burn Permit and Smoke Management Violations issued by DNR

Venue for Appeals Needed

This agency request legislation authorizes the Pollution Control Hearings Board (PCHB), which is the current venue for air-quality related hearings, to hear appeals of Department of Natural Resources (DNR) civil enforcement actions for burn permit and smoke management violations. DNR was granted civil enforcement authority over these actions with the passage of SHB 1423 in 2021. This bill authorized DNR to develop a civil enforcement framework, but it did not provide a venue for appeals resulting from civil enforcement actions.

This bill provides the necessary appeals process needed to complete requirements in the EPA-approved 2019 State Smoke Management Plan.



Creation of an Appeal Process for DNR Enforcement Decisions

This agency request legislation amends the PCHB's jurisdictional statute (RCW 43.21B.110) to allow all appeals under RCW 76.04 (Forest Protection) to be heard by the PCHB. This allows a person to appeal an alleged violation of silvicultural burning and Smoke Management statutes to the PCHB as an independent administrative tribunal.