



Pollution Control Hearings Board/Shorelines Hearings Board Member (Exempt)

The Pollution Control Hearings Board and Shorelines Hearings Board is seeking applications to fill an upcoming Board member vacancy beginning July 1, 2024.

****Note:** The 2024 Legislature approved a salary increase for Board members beginning July 1, 2024.

The Pollution Control Hearings Board and Shorelines Hearings Board

The Pollution Control Hearings Board and Shorelines Hearings Board provide administrative review of environmental decisions made by state agencies, local governments, and others. The boards issue decisions on important environmental matters impacting Washington's natural resources, citizens, communities, industries, and economies.

The Pollution Control Hearings Board was created in 1970 and reviews permitting and enforcement decisions of the Department of Ecology (except shorelines), orders issued by local air pollution control authorities, and some decisions of the Department of Natural Resources and the Department of Fish and Wildlife. The Pollution Control Hearings Board also has jurisdiction over other agency decisions. There are about 45 separate environmental statutes that are appealable to the Pollution Control Hearings Board. Jurisdictional areas include water and air pollution, hydraulic project approvals, forest practices, toxic pollution, oil spills and hazardous waste, dairy nutrient management, floodplain management, water rights, solid waste, surface mining, greenhouse gas emissions – cap and trade, derelict vessels, and several other areas.

The Pollution Control Hearings Board is governed by Chapter 43.21B RCW and the Administrative Procedure Act, Chapter 34.05 RCW. The board is comprised of three members qualified by experience or training in pertinent matters pertaining to the environment. Board members are appointed by the Governor and confirmed by the Washington State Senate. No more than two members can be of the same political party. Board members serve six-year terms at the pleasure of the Governor. The board operates full-time.

The Shorelines Hearings Board was established in 1971 and reviews permitting and enforcement decisions of local governments and the Department of Ecology under the Shoreline Management Act. The Shorelines Hearings Board is governed by the Shoreline Management Act, Chapter 90.58 RCW, and the Administrative Procedure Act, Chapter 34.05 RCW. The board is comprised of the three members of the Pollution Control Hearings Board, the Commissioner of Public Lands or designee, one member appointed by the Association of Washington Cities, and one member appointed by the Washington State Association of Counties. The Chair of the Shorelines Hearings Board is the Chair of the Pollution Control Hearings Board. The Shorelines Hearings Board operates as needed when cases are filed.

The Environmental and Land Use Hearings Office (ELUHO) is the administrative agency that supports the Pollution Control Hearings Board (PCHB), the Shorelines Hearings Board (SHB), and the Growth Management Hearings Board (GMHB). The boards are supported by a small legal support team, a law clerk, and two administrative appeals judges. ELUHO's office is located in Tumwater.

What you will do as a Board member:

Board members are assigned cases by the Chair, including cases in which they are the presiding officer. Day-to-day work includes legal research, legal analysis, and legal writing, presiding over pre-hearing conferences and hearings, determining evidentiary and procedural matters, and producing complete and legally sound orders with consideration of the facts.

Most cases before the boards are reviewed de novo with full evidentiary processes and the creation of a case record. The boards issue decisions setting forth legal analyses of claims, and if a case goes to hearing, the boards issue findings of fact and conclusions of law that inform all parties of the reasons for the decision. Most board decisions must be decided by a quorum of board members. Final orders have the force of law and parties can appeal board decisions to the courts.

Board members must assume a judicial temperament by remaining impartial, considering competing arguments, and rendering informed and unbiased decisions. They must maintain confidentiality and conduct themselves with a commitment to ethics and integrity.

Board members support ELUHO's administration by attending open public board meetings and informing agency decisions regarding policy, budget, and operations.

Board members may need to attend meetings, including case deliberation discussions and board meetings, in-person. ELUHO offers remote, hybrid, and in-person hearings and Board members may need to attend some hearings in-person in Thurston County and other locations. Most hearings last multiple days and, occasionally, two to three weeks.

Who we are looking for:

This position must be filled by someone with experience or training in environmental matters. Preference will be given to attorneys with administrative, environmental, or land use law experience.

This is a unique opportunity:

This is an opportunity to serve on two of Washington's most distinguished boards. The Pollution Control Hearings Board and Shorelines Hearings Board oversee cases filed and defended by some of the state and nation's most prominent attorneys. The caseload is highly diverse and the legal issues are interesting. The boards are the first stop for deciding many important environmental legal issues of first impression.

Board members and administrative appeals judges comment that working for the boards has re-energized their love of the law and legal profession. The boards are impartial and non-adversarial. There are no billable hours and ELUHO values work/life balance for all employees. Board members have some flexibility in setting case schedules. Board members are provided training and growth opportunities as well as opportunities to speak at CLEs and other conferences. The state offers comprehensive compensation packages, including benefits and paid leave. Board members also have opportunities to mentor law student externs, law clerks, and administrative appeals judges.

How to apply:

[Apply online](#) at the Governor's web site. You can contact the ELUHO Director, Dominga Soliz, at (360) 819-6765 with any questions about the position.

