



THE STATE OF WASHINGTON ENVIRONMENTAL AND LAND USE HEARINGS OFFICE

Your Right To Be Heard... *Pollution Control Hearings Board*

Who We Are, What We Do

The Environmental and Land Use Hearings Office consists of the Pollution Control Hearings Board (PCHB), the Shorelines Hearings Board (SHB), and the Growth Management Hearings Board (GMHB).

The PCHB hears appeals of orders and decisions made by:

- Department of Ecology (Ecology);
- Department of Fish and Wildlife (WDFW);
- Department of Natural Resources;
- Local and regional air pollution control agencies;
- Other agencies and orders as provided by law.

The PCHB's sole function is to give you and all parties in a dispute an opportunity to be heard in a full and complete hearing, as promptly as possible, followed by a fair and impartial written decision based on the facts and law.

The PCHB is not affiliated with Ecology or any other agency. The PCHB consists of three full-time members, who are appointed by the governor and confirmed by the State Senate for six-year terms.

Case Information

The Case Management System provides free access to legal information on appeals, historical and active.

- File a Notice of Appeal and other appeal documents online.
- Download appeal documents that have been made public.
- View appeals, historical or active, in an online, searchable database.
- View active appeals on a real-time map.

Users can file an appeal and case documents online. Overview: www.eluho.wa.gov/case-management/overview. Users must use a free Secure Access Washington account.

Do You Need an Attorney?

An attorney may represent you, but the law does not require it. Consider this very carefully before deciding to represent yourself. The appeal process can be complicated and significant rights may be at stake. The hearings are formal and are conducted similar to court trials.



THIS IS YOUR INFORMAL GUIDE TO YOUR RIGHTS AND RESPONSIBILITIES.

This guide is not exclusive, it is not legal advice, and **it does not have the force and effect of state law or regulation.**

For more information, please visit the Environmental and Land Use Hearings Office website at www.eluho.wa.gov.

For additional detailed information, please go to the web pages labeled [Resources and Glossary](#).

Contents of Appeal

Your appeal should include the following items:

- **A copy of the order or decision;**
- A copy of the application (if applicable);
- **Your contact info:** name, address, phone number, e-mail address;
- Contact info of your representative (if applicable);
- A brief explanation of why you are appealing;
- The relief you seek (what you want the PCHB to do);
- A signed statement attesting that the content of your appeal is true.
- Identity of other parties and proof of service.

If Your Permit Is Appealed

If you have been granted a permit by Ecology, an air authority, or another agency, and another party has appealed the permit, you have a right to defend the permit and are automatically a respondent in the appeal before the PCHB.

Mediation

The PCHB has a no-cost mediation program to assist the parties in reaching settlement. It is a voluntary program offered to the parties at no charge.

Environmental and Land Use Hearings Office

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Mailing Address

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Olympia, WA 98504-0903

Phone: (360) 664-9160

Fax: (360) 586-2253

E-mail: eluh@eluh.wa.gov

When and How to File Your Appeal

Fee: There is no filing fee.

When: Deadlines for filing your appeal vary according to the type of permit or government action you are appealing. The date of “filing” will be the date and time the filing is received.

By the deadline, you must also serve a copy of your appeal on the government entity that issued the order or decision and on all other parties named in your appeal.

REFERENCES FOR PCHB FILING DEADLINES (not exhaustive):

- [RCW 43.21B.230](#), for appeals not otherwise specified in law;
- [RCW 76.09.080](#), [RCW 76.09.140](#), [RCW 76.09.170](#), [RCW 76.09.205](#), [RCW 76.09.310](#), forest practice orders or decisions;
- [RCW 79.100.120](#), derelict vessels;
- [RCW 77.55.021](#), [RCW 77.55.420](#), [RCW 77.55.430](#), [RCW 77.55.440](#), [RCW 77.55.460](#), WDFW orders and decisions;
- [RCW 70A.205.155](#), [RCW 70A.205.260](#), [RCW 70A.245.020](#), [RCW 70A.245.040](#), [RCW 70A.245.080](#), Ecology orders and decisions.

How: **E-FILE** your appeal using our Case Management System. **Instructions:**

www.eluh.wa.gov/case-management/case-management-system. If you are *incapable* of e-filing, you may file as outlined in [WAC 371-08-335\(4\)](#) by e-mail, mail, or fax using the contact information found on the back of this pamphlet.

What to Expect

Prehearing Conference, Hearing Dates: When an appeal is filed, the PCHB will assign a Presiding Officer and notify you of the dates for your Prehearing Conference and evidentiary hearing. After the Prehearing Conference, a written Prehearing Order including all case preparation deadlines, legal issues, and other procedural information will be sent to the parties.

Motions: Any party may file a motion. A motion asks the PCHB, or the Presiding Officer, to take action in an appeal. A *dispositive motion* asks the PCHB to dispose or resolve one or more issues or the entire appeal. A *non-dispositive motion* asks the PCHB to take action that does not dispose or resolve any legal issue, *e.g.*, to change a case preparation deadline.

Hearing: *Be on time to your hearing.* Failing to appear may result in default or dismissal. You will have a fair opportunity to present your side. Judicial procedures will be followed so that all sides can be heard in a fair and orderly manner.

PCHB Decision: After the hearing, the PCHB will deliberate on the testimony, exhibits, and final arguments. Within 90 days after the last procedural event (*e.g.*, hearing, post-hearing briefs, etc.), the PCHB will issue a Final Order resolving the appeal.

Appealing PCHB Decision: Within 10 days after the Final Order is issued, any party may file a Petition for Reconsideration, asking the PCHB to change its decision. (If the PCHB does not act on the Petition for Reconsideration within 20 days, it is considered denied.) Within 30 days after the Final Order or the Order on Reconsideration is issued (whichever is later), any party may appeal to Superior Court.

Procedural Assistance

If you have questions, please visit the Environmental and Land Use Hearings Office website at www.eluh.wa.gov.

If you need assistance filing an appeal, please call our office. While our office *does* provide procedural assistance to people with active appeals before one of our Boards, we *cannot* provide legal advice.