

# **Bond Case Briefs**

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## **ENVIRONMENTAL - WASHINGTON**

### **Advocates for a Cleaner Tacoma v. Puget Sound Clean Air Agency**

**Court of Appeals of Washington, Division 2 - December 26, 2023 - P.3d - 2023 WL 8889864**

Objector sought review of Pollution Control Hearings Board's (PCHB) dismissal of claim that regional clean air agency's approval of permit for construction of a liquefied natural gas facility was issued ultra vires.

The Superior Court affirmed. Objector appealed.

The Court of Appeals held that permit approval, via agency control officer's delegation of authority to staff to approve the permit, was not an ultra vires act.

Regional clean air agency's approval of permit for construction of a liquefied natural gas facility, under which the agency's control officer sub-delegated authority to staff members to approve the permit, was not ultra vires, where control officer complied with agency's resolution granting him authorization to delegate the issuance of orders of approval, and such delegation was appropriate based on the volume of applications that the agency received, the expertise required, and the limited duties that were expected of board members.