



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Environmental and Land Use Hearings Office (ELUHO)

- Preproposal Statement of Inquiry was filed as WSR _____; or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).
- Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: WAC Ch. 371-08 contains the procedural rules governing the conduct of Pollution Control Hearings Board (PCHB) hearings. WAC Ch. 461-08 contains the procedural rules governing the conduct of Shorelines Hearings Board hearings (SHB). The following specific rules of the PCHB are proposed for amendment: WAC 371-08-300, 305, 315, 320, 325, 330, 335, 340, 355, 365, 375, 395, 430, 435, 440, 445, 450, 465, 475, 485, 535, 560, and 565. The following specific rules of the SHB are proposed for amendment: WAC 461-08-300, 305, 315, 320, 325, 335, 350, 385, 395, 415, 435, 455, 460, 465, 470, 475, 485, 490, 495, 555, and 575.

Hearing location(s):

ELUHO
 1111 Israel Rd. SW
 Tumwater, WA 98501

Date: January 7, 2015 Time: 10:00 a.m.

Submit written comments to:

Name: Kay Brown
 Address: PO Box 40903

e-mail eluho@eluho.wa.gov
 fax (360)586-2253 by January 5, 2015

Assistance for persons with disabilities: Contact

Paulette Yorke by telephone at 360-664-9171 or e-mail at Paulette.Yorke@eluho.wa.gov

Date of intended adoption: January 13, 2015 at 10:00 a.m.
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

One purpose of the amendments to both WAC Ch. 371-08 and WAC Ch. 461-08 is to allow the Boards to routinely accept electronic filing for both filings of the initial petition for review and other types of filings.
 Another purpose specifically of the amendments to WAC 371-08-315 is to update the existing rule to reflect additional types of appeals over which the Legislature has given the PCHB jurisdiction.
 Additional amendments reflect general clean up and modernization of the rules.

Reasons supporting proposal: Allowing appellants and other parties to file by electronic mail saves them time and expense. Listing all of our areas of jurisdiction in one rule assists appellants in identifying where to file their appeals.

Statutory authority for adoption: RCW 43.21B.170; RCW 90.58.175

Statute being implemented: Ch. 43.21B, Ch. 90.58 and Ch. 34.05

Is rule necessary because of a:

- Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: November 24, 2014

TIME: 4:48 PM

WSR 14-24-044

DATE
 November 24, 2014

NAME
 Kathleen D. Mix

SIGNATURE *Kathleen D. Mix*

TITLE
 Director, Environmental and Land Use Hearings Office

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: ELUHO

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kay M. Brown	ELUHO	(360) 664-9174
Implementation.... Kathleen D. Mix	ELUHO	(360) 664-9160
Enforcement.... Kathleen D. Mix	ELUHO	(360) 664-9160

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. No statement is required for adoption of rules described in RCW 34.05.310(4). These proposed rules and rule amendments meet the requirements of 34.05.310(4)(g)(amendment to rules relating to procedure, practice, or requirements related to agency hearings). Rules meeting these requirements are not subject to RCW Ch. 19.85. See RCW 19.85.025(3).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

X No. ELUHO is not an agency specifically listed in RCW 34.05.328.

