### Title 199 WAC

## **ENVIRONMENTAL HEARINGS OFFICE** (ENVIRONMENTAL AND LAND USE HEARINGS **BOARD**)

#### 199-08-350

045, § 199-08-345, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Persons who may appear before the board. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-350, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010

# DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

199-08-360

199-08-365

199-08-375

199-08-380

199-08-400

199-08-430

199-08-355

Appearance by representative. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-355, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

### Chapter 199-08 PRACTICE AND PROCEDURE—BEFORE THE ENVIRONMENTAL AND LAND USE HEARINGS BOARD

199-08-300

199-08-305

199-08-310

199-08-315

199-08-320

199-08-325

199-08-340

Withdrawal or substitution of representatives. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-360, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010

Purpose of this chapter and applicability of the board's rules of practice to the civil rules of procedure and the rules of evidence. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-300, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Conduct before the board by representatives. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-365, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Definitions. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-305, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285

199-08-370 Parties not represented by legal counsel-Waiver of rules to prevent manifest injustice. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045. § 199-08-370, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Computation of time. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-310, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84,

Presiding officer duties and powers. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-375, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10, Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

2010 c 130, 2010 c 210, and 2010 c 285 Board membership, function and jurisdiction. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 75-07-045, \$ 199-08-315, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010

Mediation. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-380, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 310 c 130, 2010 c 310 c 130 c 130. 2010 c 210, and 2010 c 285.

c 285

Subpoenas. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-385, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: 199-08-385 RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130,

Office hours, telephone number, telefacsimile number and address of the board. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-43.21L RCw and RCw 34.03.300. 03-07-043, § 199-08-320, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. Public information about practice before the board and

2010 c 210, and 2010 c 285. 199-08-390

public records. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-325, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority Author RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

2010 c 210, and 2010 c 285. Answers to petitions for review. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-395, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. 199-08-395

199-08-330 Types of petitions before the board. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-330, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285. 199-08-335

Certification of permit applications. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-400, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Where to file a petition for review and number of copies. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-335, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285

Intervention. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-425, 199-08-425 filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Author-RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Contents of the petition for review. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-340, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.

Correction or amendment of notice. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-199-08-345

Joinder of parties. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-430, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-

	021, filed 8/23/10, effective 9/23/10. Statutory Author-		3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-
	ity: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c		tive 9/23/10. Statutory Authority: RCW 43.21B.170,
100 00 425	130, 2010 c 210, and 2010 c 285.		90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010
199-08-435	Request for initial hearing, jurisdictional motions. [Stat-	100 00 500	c 285.
	utory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-435, filed 3/11/05,	199-08-500	Scope and standard of review. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045,
	effective 3/11/05.] Repealed by 10-18-021, filed		§ 199-08-500, filed 3/11/05, effective 3/11/05.]
	8/23/10, effective 9/23/10. Statutory Authority: RCW		Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.
	43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c		Statutory Authority: RCW 43.21B.170, 90.58.175,
	210, and 2010 c 285.		2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
199-08-440	Scheduling of initial hearing and motions. [Statutory	199-08-505	Provision of interpreters and of reasonable accommoda-
	Authority: Chapter 43.21L RCW and RCW 34.05.360.		tions to individuals with special needs. [Statutory
	05-07-045, § 199-08-440, filed 3/11/05, effective		Authority: Chapter 43.21L RCW and RCW 34.05.360.
	3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170,		05-07-045, § 199-08-505, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-
	90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010		tive 9/23/10. Statutory Authority: RCW 43.21B.170,
	c 285.		90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010
199-08-445	Initial hearing. [Statutory Authority: Chapter 43.21L		c 285.
	RCW and RCW 34.05.360. 05-07-045, § 199-08-445,	199-08-510	Rules of evidence—Admissibility criteria. [Statutory
	filed 3/11/05, effective 3/11/05.] Repealed by 10-18-		Authority: Chapter 43.21L RCW and RCW 34.05.360.
	021, filed 8/23/10, effective 9/23/10. Statutory Author-		05-07-045, § 199-08-510, filed 3/11/05, effective
	ity: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c		3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-
199-08-450	130, 2010 c 210, and 2010 c 285. Case conferences. [Statutory Authority: Chapter		tive 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010
199-00-430	43.21L RCW and RCW 34.05.360. 05-07-045, § 199-		c 285.
	08-450, filed 3/11/05, effective 3/11/05.] Repealed by	199-08-515	Rules of evidence—Official notice—Matters of law.
	10-18-021, filed 8/23/10, effective 9/23/10. Statutory		[Statutory Authority: Chapter 43.21L RCW and RCW
	Authority: RCW 43.21B.170, 90.58.175, 2010 c 84,		34.05.360. 05-07-045, § 199-08-515, filed 3/11/05,
	2010 c 130, 2010 c 210, and 2010 c 285.		effective 3/11/05.] Repealed by 10-18-021, filed
199-08-455	Stays. [Statutory Authority: Chapter 43.21L RCW and		8/23/10, effective 9/23/10. Statutory Authority: RCW
	RCW 34.05.360. 05-07-045, § 199-08-455, filed		43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c
	3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority:	199-08-520	210, and 2010 c 285. Rules of evidence—Official notice—Material facts.
	RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130,	199-06-320	[Statutory Authority: Chapter 43.21L RCW and RCW
	2010 c 210, and 2010 c 285.		34.05.360. 05-07-045, § 199-08-520, filed 3/11/05,
199-08-460	Discovery. [Statutory Authority: Chapter 43.21L RCW		effective 3/11/05.] Repealed by 10-18-021, filed
	and RCW 34.05.360. 05-07-045, § 199-08-460, filed		8/23/10, effective 9/23/10. Statutory Authority: RCW
	3/11/05, effective 3/11/05.] Repealed by 10-18-021,		43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c
	filed 8/23/10, effective 9/23/10. Statutory Authority:	100.00.525	210, and 2010 c 285.
	RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130,	199-08-525	Rules of evidence—Tentative admission—Exclusion—
199-08-465	2010 c 210, and 2010 c 285. Motions. [Statutory Authority: Chapter 43.21L RCW		Discontinuance—Objections. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045,
199-00-403	and RCW 34.05.360. 05-07-045, § 199-08-465, filed		§ 199-08-525, filed 3/11/05, effective 3/11/05.]
	3/11/05, effective 3/11/05.] Repealed by 10-18-021,		Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.
	filed 8/23/10, effective 9/23/10. Statutory Authority:		Statutory Authority: RCW 43.21B.170, 90.58.175,
	RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130,		2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
	2010 c 210, and 2010 c 285.	199-08-540	Contents of the record. [Statutory Authority: Chapter
199-08-470	Settlement and mediation agreements. [Statutory		43.21L RCW and RCW 34.05.360. 05-07-045, § 199-
	Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-470, filed 3/11/05, effective		08-540, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory
	3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-		Authority: RCW 43.21B.170, 90.58.175, 2010 c 84,
	tive 9/23/10. Statutory Authority: RCW 43.21B.170,		2010 c 130, 2010 c 210, and 2010 c 285.
	90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010	199-08-545	Preparation of transcripts. [Statutory Authority: Chap-
	c 285.		ter 43.21L RCW and RCW 34.05.360. 05-07-045, §
199-08-475	Use of telephone conferences, motion hearings and		199-08-545, filed 3/11/05, effective 3/11/05.] Repealed
	hearings. [Statutory Authority: Chapter 43.21L RCW		by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory
	and RCW 34.05.360. 05-07-045, § 199-08-475, filed		Authority: RCW 43.21B.170, 90.58.175, 2010 c 84,
	3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority:	199-08-550	2010 c 130, 2010 c 210, and 2010 c 285.  Preparation of findings, conclusions and orders. [Statu-
	RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130,	199-08-330	tory Authority: Chapter 43.21L RCW and RCW
	2010 c 210, and 2010 c 285.		34.05.360. 05-07-045, § 199-08-550, filed 3/11/05,
199-08-480	Postponements and continuances of hearings. [Statutory		effective 3/11/05.] Repealed by 10-18-021, filed
	Authority: Chapter 43.21L RCW and RCW 34.05.360.		8/23/10, effective 9/23/10. Statutory Authority: RCW
	05-07-045, § 199-08-480, filed 3/11/05, effective		43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c
	3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-	100.00.555	210, and 2010 c 285.
	tive 9/23/10. Statutory Authority: RCW 43.21B.170,	199-08-555	Final decisions and orders. [Statutory Authority: Chap-
	90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.		ter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-555, filed 3/11/05, effective 3/11/05.] Repealed
199-08-485	Dismissal, default or withdrawal of appeal. [Statutory		by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory
1,,, 00 .00	Authority: Chapter 43.21L RCW and RCW 34.05.360.		Authority: RCW 43.21B.170, 90.58.175, 2010 c 84,
	05-07-045, § 199-08-485, filed 3/11/05, effective		2010 c 130, 2010 c 210, and 2010 c 285.
	3/11/05.] Repealed by 10-18-021, filed 8/23/10, effec-	199-08-565	Petitions for reconsideration. [Statutory Authority:
	tive 9/23/10. Statutory Authority: RCW 43.21B.170,		Chapter 43.21L RCW and RCW 34.05.360. 05-07-045,
	90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010		§ 199-08-565, filed 3/11/05, effective 3/11/05.]
199-08-490	c 285. Hearing briefs. [Statutory Authority: Chapter 43.21L		Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175,
177-08-470	RCW and RCW 34.05.360. 05-07-045, § 199-08-490,		2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
	filed 3/11/05, effective 3/11/05.] Repealed by 10-18-	199-08-570	Time for filing petitions for review to superior court and
	021, filed 8/23/10, effective 9/23/10. Statutory Author-		court of appeals. [Statutory Authority: Chapter 43.21L
	ity: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c		RCW and RCW 34.05.360. 05-07-045, § 199-08-570,
100 00 10 -	130, 2010 c 210, and 2010 c 285.		filed 3/11/05, effective 3/11/05.] Repealed by 10-18-
199-08-495	Procedures for hearings on the merits. [Statutory		021, filed 8/23/10, effective 9/23/10. Statutory Author-
	Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-495, filed 3/11/05, effective		ity: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c
	03-07-043, § 177-00-473, IIICU 3/11/03, CHECHIVE		130, 2010 c 210, and 2010 c 285.

199-08-580

Certification of record. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-580, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10. Statutory Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.