



# RULE-MAKING ORDER

W-103 (June 2004)  
(Implements RCW 34.05.360)

Agency: Environmental Hearings Office

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** WAC Chapter 371-08 was previously amended to conform to 2004 SSB 5590 and to make minor changes in the procedural rules of the Pollution Control Hearings Board. The rule, as originally amended, failed to amend WAC 371-08-555. This rule governs appeal of PCHB decisions to Superior Court. An emergency rule was adopted (WSR 06-07-002) and is currently in effect making this change. This proposed rule will make the rule change permanent.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 371-08-555  
 Suspended:

**Statutory authority for adoption:** RCW 43.21B.170 (PCHB rulemaking authority); RCW Chapter 34.05.

**Other authority :** RCW 43.21B.190

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR **06-03-050** on January 11, 2006.  
 Describe any changes other than editing from proposed to adopted version: no changes  
 If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: No cost benefit analysis required. This is a procedural rule.

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

- Under RCW 34.05.350 the agency for good cause finds:
- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
  - That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Date adopted:** March 14, 2006

**NAME (TYPE OR PRINT)**  
William H. Lynch

**SIGNATURE**  
*William H. Lynch*

**TITLE**  
EHO Director

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAR 15 2006

TIME 8:39 AM

WSR 06-07-028

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	1	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	2	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	5	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending WSR 97-19-064, filed 9/15/97, effective 10/16/97)

**WAC 371-08-555 Time for filing petitions for review to superior court.** An appeal of a final board order is called a petition for review. A petition for review must be filed with superior court within thirty days of the date (~~that the board issues its~~) of receipt of the final order or decision. The petitioner shall file a copy of the petition for review to superior court with the board and shall serve all parties of record. All appeals must first be filed in superior court even if direct review to the court of appeals will be sought.

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