



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (4/25/96)**

**Agency:**  
ENVIRONMENTAL HEARINGS OFFICE

- Permanent Rule
- Emergency Rule
- Expedited Repeal

**(1) Date of adoption:** 5/22/97 SMS

**(2) Purpose:**  
To conform WAC 371-08 to Substitute House Bill 1314.

**(3) Citation of existing rules affected by this order:**  
**Repealed:** N/A  
**Amended:** WAC 371-08-310 and WAc 371-08-335  
**Suspended:**

**(4) Statutory authority for adoption:**  
**Other authority:** SHB 1314, RCW 43.21B

**PERMANENT RULE ONLY**  
Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).  
Describe any changes other than editing from proposed to adopted version:

**EMERGENCY RULE ONLY**  
Under RCW 34.05.350 the agency for good cause finds:  
 (a) 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.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: SHB 1314 changed the date from which the appeal period is computed and also excluded Saturdays from the computation if the appeal deadline falls on a Saturday.

**EXPEDITED REPEAL ONLY**  
Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

**(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**  
 Yes  No If Yes, explain:

**(6) Effective date of rule:**

<b>Permanent Rules or Expedited Repeal</b>	<b>Emergency Rules</b>
<input type="checkbox"/> 31 days after filing	<input checked="" type="checkbox"/> Immediately
<input type="checkbox"/> Other (specify) _____*	<input type="checkbox"/> Later (specify) _____

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**NAME (TYPE OR PRINT)**  
SUZANNE SKINNER

**SIGNATURE**  
*Suzanne Skinner*

**TITLE**  
Administrative Appeals Judge

**DATE**  
5/22/97

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAY 22 1997

TIME 4:33 AM  
PM

WSR 97-12-003

**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 <u>2</u>	Repealed _____

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

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted on the agency's own initiative:**

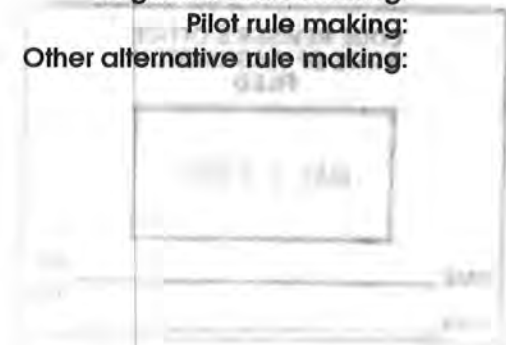
New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**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 96-17-016, filed 8/12/96, effective 9/12/96)

**WAC 371-08-310 Computation of time.** (1) The time within which any act shall be done, as provided by these rules, shall be computed by excluding the first day and including the last, unless the last day is a Saturday, Sunday or a legal holiday, and then it is excluded and the next succeeding day which is neither a Saturday, Sunday nor a legal holiday is included. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

(2) This section also pertains to the period for filing an appeal with the board.

AMENDATORY SECTION (Amending WSR 96-17-016, filed 8/12/96, effective 9/12/96)

**WAC 371-08-335 Filing a timely appeal with the board.** (1) An appeal before the board shall be begun by filing a notice of appeal with the board at the environmental hearings office and by serving a copy of the appeal notice on the agency whose decision is being appealed. For the board to acquire jurisdiction both such filing and such service must be timely accomplished.

(2) The notice of appeal shall be filed with the board within thirty days of the date that a copy of the order or decision is ~~((mailed))~~ posted in the United States mail, properly addressed, postage prepaid, to the appealing party. The board's rule governing the computation of time (WAC 371-08-310) shall determine how the thirty-day appeal period is calculated.

(3) An appeal is filed with the board on the date the board actually receives the notice of the appeal, not the date that the notice is mailed. Upon receiving the notice of appeal, the board will acknowledge receipt. The date stamped on the appeal notice shall be prima facie evidence of the filing date. The board may thereafter require that additional copies be filed.