

WAC 246-272B-08200 Notice of decision, appeals, and adjudicative proceedings. (1) The department's notice of a denial, suspension, modification, or revocation of a permit; approval; or determination to proceed must be consistent with RCW 43.70.115. An applicant or permit holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil penalty must be consistent with RCW 43.70.095 and 70.118B.050. A person upon whom the department imposes a civil penalty has the right to an adjudicative proceeding.

(3) A person upon whom the department imposes a civil penalty or issues a notice of denial, suspension, modification or revocation of a permit; approval; or determination to proceed may contest a department decision within twenty-eight days of receipt of the decision by filing a written application for an adjudicative proceeding by a method showing proof of receipt with the administrative hearings unit, department of health. The person must include the following in or with the application:

- (a) A specific statement of the issue or issues and law involved;
- (b) The grounds for contesting the department decision; and
- (c) A copy of the contested department decision.

(4) An adjudicative proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-10 WAC, Administrative procedure—Adjudicative proceedings.

[Statutory Authority: RCW 70.118B.020. WSR 11-12-035, § 246-272B-08200, filed 5/25/11, effective 7/1/11.]