

WAC 468-51-150 Adjudicative proceedings. (1) Application. Any person who has standing to challenge the denial of a permit application in compliance with WAC 468-51-080; a permit with conditions in compliance with WAC 468-51-080; a notice of permit modification, revocation, or closure of permitted connection in compliance with WAC 468-51-120; or notice of closure of an unpermitted connection in compliance with WAC 468-51-130 may apply for an adjudicative proceeding on the matter in compliance with chapter 34.05 RCW, rules adopted thereunder, and department rules within thirty days of the date the initial determination of the department is sent by certified mail.

(2) Conduct. Thereafter, and within the times set forth by chapter 34.05 RCW, rules adopted thereunder, and department rules, the department shall convene an adjudicative proceeding. The proceeding shall be conducted in compliance with chapter 34.05 RCW, rules adopted thereunder, and department rules.

(3) Failure to apply. Failure to apply for an adjudicative proceeding within the times set forth in subsection (1) of this section shall result in the adoption of the department's initial determination as its final determination.

(4) Failure to participate. Failure to attend or otherwise participate in an adjudicative proceeding may result in a finding of default.

(5) Reasonableness of access. The department in its regulation of connections in compliance with chapter 47.50 RCW and these regulations shall allow reasonable access. If the department's final order denies reasonable access, the appellant shall be entitled to just compensation in compliance with RCW 47.50.010(5). Access which is not reasonable is not compensable.

[Statutory Authority: Chapter 47.50 RCW. WSR 99-06-034 (Order 187), § 468-51-150, filed 2/25/99, effective 3/28/99. Statutory Authority: RCW 47.01.101 and chapter 47.50 RCW. WSR 92-14-044, § 468-51-150, filed 6/24/92, effective 7/25/92.]