

# Title 199 WAC

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

### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

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

199-08-300	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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.	199-08-350	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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 c 285.
199-08-305	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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.	199-08-355	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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.
199-08-310	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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, 2010 c 130, 2010 c 210, and 2010 c 285.	199-08-360	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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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 c 285.
199-08-315	Board membership, function and jurisdiction. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 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 Repealed by 10-18-021, filed 8/23/10, effective 9/23/10.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 c 285.	199-08-365	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.
199-08-320	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, § 199-08-320, 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.	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.
199-08-325	Public information about practice before the board and 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: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.	199-08-375	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.
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.	199-08-380	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 210, and 2010 c 285.
199-08-335	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.	199-08-385	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: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
199-08-340	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.	199-08-390	Dismissal of petitions for review on jurisdictional grounds. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-390, 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.
199-08-345	Correction or amendment of notice. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-	199-08-395	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.
		199-08-400	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.
		199-08-425	Intervention. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 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 Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
		199-08-430	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 Authority: RCW 43.21B.170, 90.58.175, 2010 c 84, 2010 c 130, 2010 c 210, and 2010 c 285.
- 199-08-435 Request for initial hearing, jurisdictional motions. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-435, 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.
- 199-08-440 Scheduling of initial hearing and motions. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-440, 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.
- 199-08-445 Initial hearing. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-445, 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.
- 199-08-450 Case conferences. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-450, 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.
- 199-08-455 Stays. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-455, 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.
- 199-08-460 Discovery. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-460, 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.
- 199-08-465 Motions. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-465, 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.
- 199-08-470 Settlement and mediation agreements. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-470, 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.
- 199-08-475 Use of telephone conferences, motion hearings and hearings. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-475, 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.
- 199-08-480 Postponements and continuances of hearings. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-480, 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.
- 199-08-485 Dismissal, default or withdrawal of appeal. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-485, 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.
- 199-08-490 Hearing briefs. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-490, 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.
- 199-08-495 Procedures for hearings on the merits. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-495, filed 3/11/05, effective 3/11/05.] Repealed by 10-18-021, filed 8/23/10, effective 9/23/10, 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.
- 199-08-500 Scope and standard of review. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-500, 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.
- 199-08-505 Provision of interpreters and of reasonable accommodations to individuals with special needs. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-505, 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.
- 199-08-510 Rules of evidence—Admissibility criteria. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-510, 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.
- 199-08-515 Rules of evidence—Official notice—Matters of law. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-515, 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.
- 199-08-520 Rules of evidence—Official notice—Material facts. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-520, 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.
- 199-08-525 Rules of evidence—Tentative admission—Exclusion—Discontinuance—Objections. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-525, 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.
- 199-08-540 Contents of the record. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-540, 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.
- 199-08-545 Preparation of transcripts. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-545, 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.
- 199-08-550 Preparation of findings, conclusions and orders. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-550, 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.
- 199-08-555 Final decisions and orders. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-555, 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.
- 199-08-565 Petitions for reconsideration. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-565, 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.
- 199-08-570 Time for filing petitions for review to superior court and court of appeals. [Statutory Authority: Chapter 43.21L RCW and RCW 34.05.360. 05-07-045, § 199-08-570, 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.

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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.