

WAC 296-104-018 Administration—Interpretation of rules—Appeal rights—Hearings. (1) Any person desiring clarification or interpretation and/or application of the rules in this chapter shall submit a request in writing to the chief inspector upon the "chief inspector clarification and interpretation request form." The chief inspector shall issue a written decision responding to such a request.

(2) Any person who disputes the interpretation and/or application of the rule(s) by the chief inspector may ask the board of boiler rules (board) for its interpretation. Such requests must:

(a) Be submitted in writing to the board upon the "board of boiler rules interpretation and revision request form";

(b) Be received by the secretary to the board (the chief inspector) within thirty days after the date on which the chief inspector's written decision was served on the person making the request; and

(c) Be received by the secretary at least forty-five days before the board meeting date for inclusion at the next regularly scheduled board meeting. Otherwise, the request will be heard and considered at the following board meeting.

At the meeting, the board will affirm, modify or revoke the department's interpretation and a written order reflecting the board's decision will be issued by the chair.

(3) A party may seek judicial review of a final order of the board within thirty days after service of the order, in accordance with RCW 34.05.542.

(4) Any person, firm, partnership, corporation, or other entity wishing to appeal a penalty issued under chapter 70.79 RCW or this chapter must file a written notice of appeal with the chief boiler inspector within twenty days after the date on which the notice of the penalty was served on the assessed party. In the hearing of the appeal, the department has the burden of proof by a preponderance of the evidence. At the hearing, the board will decide the appropriateness of the penalty and may either affirm, modify or overturn the assessment. The parties shall prepare and submit an order reflecting the board's decision to the chair of the board.

(5) Except as provided in chapter 70.79 RCW and this chapter, all proceedings before the board and the courts will be conducted according to chapter 34.05 RCW, Administrative Procedure Act and chapter 10-08 WAC, Model rules of procedure.

[Statutory Authority: Chapter 70.79 RCW. WSR 13-10-018, § 296-104-018, filed 4/23/13, effective 6/1/13. Statutory Authority: RCW 70.79.030, 70.79.040, 70.79.150, 70.79.290, 70.79.330, and 70.79.350. WSR 09-12-033, § 296-104-018, filed 5/27/09, effective 6/30/09; WSR 07-11-137, § 296-104-018, filed 5/22/07, effective 6/30/07; WSR 05-22-092, § 296-104-018, filed 11/1/05, effective 1/1/06. Statutory Authority: RCW 70.79.030 and 70.79.040. WSR 99-22-026, § 296-104-018, filed 10/26/99, effective 11/26/99. Statutory Authority: RCW 70.79.040. WSR 92-11-070, § 296-104-018, filed 5/20/92, effective 6/20/92.]