

WSR 22-16-073

AGENDA

ENVIRONMENTAL AND
LAND USE HEARINGS OFFICE

[Filed July 29, 2022, 3:13 p.m.]

Following is the environmental and land use hearings office's semi-annual rules development agenda for publication in the Washington State Register. This list identifies rules that we have under active development and rules that the agency anticipates starting some rule-making action on during the next six months.

This agenda is also available on our rule-making website. We update rule-making information on our website as rule-making progresses. If we start rule-making activities not listed on this agenda or stop listed rule-making activities, we immediately post that information to our rule-making website and inform interested and known affected parties.

If you have questions about this agenda, please contact our agency rules coordinator, Jamie Merly, at jamie.merly@eluh.wa.gov.

Semi-Annual Rule-Making Agenda

August 1, 2022 - January 31, 2023

Note: All proposals are related to board hearings.

WAC Citation	Purpose of Rule Making	Current Activity/Approx. Filing Date
Pollution Control Hearings Board		
WAC 371-08-305 (6)(a)	Amend rule to change the definition of "filing" of a document to: <ul style="list-style-type: none"> Remove the 10-page limit for electronic filings; Remove the requirement to file hard copies along with electronic filings. 	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-315 (2), (3)	Repeal rule. The rule restates the board function and jurisdiction that is provided by statute. Avoids unnecessary rule making when new jurisdiction is assigned by the legislature.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-335	Amend rule to add new subpart to align, without material change, with RCW 76.09.205 regarding the filing of appeals of department of natural resources' approval or disapproval of applications to conduct a forest practice, landscape plans or permits, or watershed analysis.	This rule will be adopted under expedited rule making RCW 34.05.353. We anticipate filing a proposal for Expedited rule making (CR-105) in September 2022.
WAC 371-08-335(2)	Amend rule to clarify what "date of receipt" means for the purposes of timely filing an appeal.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-340(9)	Amend rule to require proof of service to be filed with board clerk in order to perfect an appeal.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-390(10)	Amend rule to remove the authority of presiding officers to hold settlement conferences.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-440(1)	Amend rule regarding settlements before hearing to require parties to submit a request for a dismissal order rather than a dismissal order.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.

WAC Citation	Purpose of Rule Making	Current Activity/Approx. Filing Date
WAC 371-08-450(4)	Amend rule to change the deadline for filing/service of dispositive motions from 60 days to 90 days before hearing.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 371-08-560	Repeal rule. Removing the rule would eliminate the board's requirement to grant/deny applications for filing a certificate of appealability for direct review to the court of appeals. Parties could file for direct review without approval by the board.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
Shorelines Hearings Board		
WAC 461-08-305 (6)(a)	Amend rule to change the definition of "filing" of a document to: • Remove the 10-page limit for electronic filings; • Remove the requirement to file hardcopies along with electronic filings.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 461-08-350	Amend rule to require proof of service to be filed with board clerk in order to perfect a petition for review.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 461-08-410(10)	Amend rule to remove the authority of presiding officers to hold settlement conferences.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 461-08-465	Amend rule regarding settlements before hearing to require parties to submit a request for a dismissal order rather than a dismissal order.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 461-08-475 (4)(a)	Amend rule to change the deadline for filing/service of dispositive motions from 60 days to 90 days before hearing.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 461-08-575	Repeal rule. Removing the rule would eliminate the board's requirement to grant/deny applications for filing a certificate of appealability for direct review to the court of appeals. Parties could file for direct review without approval by the board.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
Growth Management Hearings Board		
WAC 242-03-230 (2)(a)	Amend rule to clarify requirements for the petitioner to serve the petition for review upon the respondent.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.
WAC 242-03-720	Amend rule to clarify that parties may stipulate to a dismissal after a hearing on the merits.	We anticipate filing a notice of proposed rule making (CR-102) in September 2022.

Dominga Soliz
Executive Director