Chapter 463-34 WAC
PETITIONS FOR RULE MAKING AND DECLARATORY ORDERS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

463-34-020 Scope of petitions for rule making. [Order 107, § 463-34-020, filed 11/4/76.] Repealed by WSR 90-05-018, filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 80.50.040.

463-34-040 Rule-making petitions—Request for specific time. [Order 107, § 463-34-040, filed 11/4/76.] Repealed by WSR 90-05-018, filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 80.50.040.

463-34-100 Form of petitions. [Order 107, § 463-34-100, filed 11/4/76.] Repealed by WSR 90-05-018, filed 2/13/90, effective 3/16/90. Statutory Authority: RCW 80.50.040.

WAC 463-34-010 Purpose. This chapter sets forth procedures to be followed in petitions for rule making and for declaratory orders pursuant to chapter 34.05 RCW.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-010, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-010, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-010, filed 11/4/76.]

WAC 463-34-030 Petitions for rule making—Content and filing. (1) Petitions for adoption, amendment, or repeal of a rule may be filed pursuant to RCW 34.05.330 and shall include the information required by WAC 82-05-020. In addition, petitioners are encouraged to include the information identified in WAC 82-050-020 (1)(c) and (2).

(2) Petitions for adoption, repeal, or amendment of a rule must be submitted in accordance with WAC 82-05-030.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-030, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-030, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-030, filed 11/4/76.]

WAC 463-34-050 Petitions for rule making—Consideration. (1) In accordance with WAC 82-05-040, within a reasonable time of receipt of a petition for rule making, the council will send the petitioner an acknowledgment of receipt of the petition and the name and telephone number of the council's contact person.

(2) Each petition for the adoption, amendment, or repeal of a rule shall be considered by the council, and the council may, in its discretion, solicit comments or invite discussion concerning the matter prior to disposition of the petition.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-050, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-050, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-050, filed 11/4/76.]

WAC 463-34-060 Petitions for rule making—Disposition. In accordance with RCW 34.05.330 and WAC 82-05-040, within 60 days after receipt of the petition, the council shall either initiate rule-making proceedings or deny the petition in writing, stating its reasons for the denial and specifically addressing the concerns stated in the petition. Where appropriate, the council may indicate alternative means by which the agency will address the concerns raised in the petition.

[Statutory Authority: RCW 80.50.040(1). WSR 25-12-020, s 463-34-060, filed 5/22/25, effective 6/22/25. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-060, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-060, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-060, filed 11/4/76.]

WAC 463-34-070 Declaratory orders—Form, content, and filing. A petition for a declaratory order may be filed pursuant to RCW 34.05.240 to determine the applicability to a specified circumstance of a statute, rule, or order enforceable by the council and shall generally adhere to the following form:

(1) At the top of the page, centered, shall appear the wording "before the energy facility site evaluation council." On the left side of the page below the foregoing the following caption shall be set out: "In the matter of the petition of (name of petitioning party) for a declaratory order." Opposite the caption shall appear the words "petition for declaratory order."

(2) The body of the petition shall be set out in numbered paragraphs:

(a) The first paragraph shall state the name and address of the petitioning party.

(b) The second paragraph shall identify all statutes, rules, orders, or other legal requirements that are at issue.

(c) Succeeding paragraphs shall set out the facts relied upon by the petitioner to make the showing required by RCW 34.05.240(1) and to support the petitioner’s requested outcome.

(d) The concluding paragraph shall specify the outcome sought by the petitioner.

The petition shall be subscribed and verified in the manner prescribed for verification of complaints in the superior courts of this state.

(3) The original and two legible copies of the petition shall be filed with the council.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-070, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-070, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-070, filed 11/4/76.]

WAC 463-34-080 Declaratory orders—Procedural rights of persons in relation to petition. (1) In accordance with WAC 10-08-251, if a petition for a declaratory order is set for specified proceedings under RCW 34.05.240 (5)(b), the council shall give not less than seven days' advance written notice of the proceeding to the petitioner and all persons described in RCW 34.05.240(3). The notice shall specify

the time, date, place, and nature of the proceeding and shall describe how interested persons may participate.

(2) The council may order that RCW 34.05.410 through 34.05.494 and chapter 463-30 WAC shall apply in a proceeding under this section.

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-080, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-080, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-080, filed 11/4/76.]

WAC 463-34-090 Declaratory orders—Disposition. In accordance with WAC 10-08-252, a declaratory order entered by the council or a decision by the council to decline to enter a declaratory order shall be in writing and shall be served upon the petitioner and all other persons described in RCW 34.05.240(3).

[Statutory Authority: RCW 80.50.040 (1) and (12). WSR 04-21-013, § 463-34-090, filed 10/11/04, effective 11/11/04. Statutory Authority: RCW 80.50.040. WSR 90-05-018, § 463-34-090, filed 2/13/90, effective 3/16/90; Order 107, § 463-34-090, filed 11/4/76.]