Chapter 468-12 WAC

TRANSPORTATION COMMISSION AND TRANSPORTATION DEPARTMENT STATE ENVIRONMENTAL POLICY ACT RULES

WAC

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468-12-025 Scope and coverage of this chapter. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-025, filed 12/20/78. Formerly WAC 252-09-025.] Repealed by WSR 84-19-030 (Order 90), filed 9/14/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-040 Incorporation of the SEPA guidelines adopted by the department of ecology. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-040, filed 12/20/78. Formerly WAC 252-09-040.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-080 Program assessment of related actions. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-080, filed 12/20/78. Formerly WAC 252-09-080.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-170 Categorical exemptions. [Statutory Authority: RCW 43.21C.120 and 47.01.101(5). WSR 81-19-051 (Order 64), § 468-12-170, filed 9/11/81. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-170, filed 12/20/78. Formerly WAC 252-09-170.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-180 Exemptions for emergency actions. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-180, filed 12/20/78. Formerly WAC 252-09-180.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-185 Nonactions. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-185, filed 12/20/78. Formerly WAC 252-09-185.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-520 Procedures when consulted. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-520, filed 12/20/78. Formerly WAC 252-09-520.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-550 Extension of time period allowed for preparation of the final EIS. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-550, filed 12/20/78. Formerly WAC 252-09-550.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-820 Designation of responsible official. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-820, filed 12/20/78. Formerly WAC 252-09-820.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

468-12-990 Substantive effect of this chapter. [Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-990, filed 12/20/78. Formerly WAC 252-09-990.] Repealed by WSR 85-01-055 (Order 92), filed 12/17/84. Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC.

WAC 468-12-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120 and chapter 197-11 WAC.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-010, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-010, filed 12/20/78. Formerly WAC 252-09-010.]

WAC 468-12-020 Purpose. (1) The purpose of this chapter is to establish rules pertaining to the integration of the policies and procedures of the State Environmental Policy Act (SEPA), chapter 43.21C RCW, into the programs, activities, and actions of the department of transportation (hereinafter referred to as the transportation department or the department). The rules contained herein are intended to implement and be consistent with the provisions and purposes of the SEPA guidelines (chapter 197-11 WAC).

(2) These rules are intended to establish procedures for implementing SEPA which reduce duplicative and wasteful practices, establish effective and uniform procedures, encourage public involvement, and promote certainty with respect to the requirements of SEPA.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-020, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-020, filed 12/20/78. Formerly WAC 252-09-020.]

WAC 468-12-055 Timing of the SEPA process. (1) As provided by WAC 197-11-055, the SEPA process shall be completed before the transportation department is irrevocably committed to a particular course of action. At the same time, the SEPA process should not be undertaken until a proposal is sufficiently definite to permit meaningful environmental analysis.

(2) The threshold determination and any required environmental impact statement (EIS) for transportation department nonproject actions shall be completed prior to official adoption of the action in question.

(3) The threshold determination and any required (EIS) for licensing actions of the transportation department shall be completed prior to issuance of the license or licenses in question. Environmental review relating to licensing actions, when required, shall begin as soon as an application is complete. Applicants shall provide all environmental and design information necessary to prepare the appropriate environmental document. No licensing actions of the department require the submission of environmental documents to planning commissions or similar advisory bodies.

(4) The threshold determination and any required EIS for transportation department actions of a project nature shall in all cases be completed prior to the approval of the location or design of the project in question. A draft EIS shall be prepared prior to the first public hearing which may be held in connection with such project, and shall be made available at such hearing. While the transportation department may present a preferred alternate location or design in a draft EIS, final adoption of a particular location or design shall not occur until a final threshold determination has been made or a final EIS has been prepared.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-055, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-055, filed 12/20/78. Formerly WAC 252-09-055.]

WAC 468-12-060 Content of environmental review—Scope of proposals. (1) Proposals which are not so closely related to each other as to be, in effect, a single action, and which are related to a large existing or planned network of highways, streets, etc., may be separated, and the present proposal may be treated as the total proposal, or only some of the future elements of a proposed action may be selected for present consideration in a threshold determination or EIS. These categorizations shall be logical with relation to the design of the total system or network, and shall not be made merely to divide a larger system into exempted fragments. These categorizations shall (a) connect logical termini (population centers, major traffic generators, major crossroads, etc.); (b) possess a reasonable degree of independent utility; and (c) promote a meaningful consideration of alternatives by avoiding the necessity of considering numerous combinations of different alternatives.

(2) Functionally related actions which are not categorically exempted by the provisions of WAC 197-11-800, and whose impacts are more significant and more readily analyzable on a "program" than on an "individual action" basis, may be analyzed, for purposes of threshold determinations and EIS preparation, as a total program.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-060, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-060, filed 12/20/78. Formerly WAC 252-09-060.]

WAC 468-12-455 Issuance of draft EIS. In addition to the circulation procedures specified by mandatory subsection of WAC 197-11-455(1), the draft EIS shall be made available at public libraries or other public places determined by the department to be appropriate and stated in the notice of availability of the draft EIS. Notice of the availability of the draft EIS shall be as stated under WAC 468-12-510.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-455, filed 9/14/84.]

WAC 468-12-460 Issuance of final EIS. (1) As permitted in general terms by the provisions of WAC 197-11-460, the normal sixty-day period for preparation of a final EIS may be extended whenever the proposal is unusually large in scope, or where the environmental impact associated with the proposal is unusually complex. The determination that additional time is required for preparation of the final EIS shall be made in writing by the responsible official or his designee and shall be accompanied by a brief statement explaining the reason that additional time is required.

(2) Availability of the final EIS shall be as stated under WAC 468-12-510.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-460, filed 9/14/84. Statutory Authority: 1977 ex.s. c 151. WSR 79-01-033 (DOT Order 10 and Comm. Order 1, Resolution No. 13), § 468-12-460, filed 12/20/78. Formerly WAC 252-09-460.]

WAC 468-12-510 Public notice procedures. (1) The department shall inform the public of actions requiring notice and invitation to comment under WAC 197-11-502 and 197-11-510 in the following manner:

(a) For a determination of nonsignificance (DNS) or a mitigated DNS, issued under WAC 197-11-340(2) and 197-11-350 and requiring public notice under WAC 197-11-502 (3)(b); by (i) sending a copy of the DNS and the letter of transmittal sent to the department of ecology pursuant to WAC 197-11-508, to a newspaper of general circulation in the county, city, or general area where the proposed action is located, agencies with jurisdiction, affected Indian tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and (ii) any other agency, organization, or member of the public who has made a specific request for information on the proposed action in writing to the department. Each person requesting information shall submit such request individually in writing by mail.

(b) For a determination of significance (DS) issued under WAC 197-11-360 and requiring public notice under WAC 197-11-502 (4)(a); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending a copy of the DS to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(c) For a draft EIS issued under WAC 197-11-455 and requiring public notice under WAC 197-11-455(5) and for a public hearing held under WAC 197-11-535 and requiring public notice under WAC 197-11-502(6); by (i) publishing notice in a newspaper of general circulation in the county, city, or general area where the proposed action is located; (ii) sending notice of the availability of the draft EIS or the notice of the hearing to any agencies with jurisdiction, affected Indian tribes, and any other agencies, members of the public, and organizations who have commented on the proposed

action in writing to the department or expressed in writing to the department an interest in the proposed action; and (iii) using one or more of the other methods specified in WAC 197-11-510 (1)(a), (d), (e), and (f), as selected by the department;

(d) For a final EIS issued under WAC 197-11-460 the document shall be sent to (i) the department of ecology (two copies), (ii) all agencies with jurisdiction, (iii) all agencies who commented on the draft EIS, and (iv) anyone requesting a copy of the final EIS. (As determined by the department a fee may be charged for the final EIS in accordance with WAC 197-11-504);

(e) For a notice of administrative review issued and requiring public notice pursuant to WAC 468-12-680:

(i) By publishing notice on the same day of each week for two consecutive weeks in a legal newspaper of general circulation in the area where the proposed action is located;

(ii) By filing notice of such action with the department of ecology in Olympia prior to the date of the last newspaper publication, and by one of the following methods which shall be accomplished prior to the date of the last newspaper publication:

(A) Mailing to the latest recorded real property owners, as shown by the records of the county treasurer, who share a common boundary line with the property upon which the project is proposed through United States mail, first class, postage prepaid; or

(B) Posting of the notice in a conspicuous manner on the property upon which the project is to be constructed;

(iii) The form of such notice of administrative review shall be substantially as follows:

NOTICE OF ADMINISTRATIVE REVIEW
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

NOTICE IS GIVEN UNDER SEPA, CHAPTER 43.21C RCW, WAC 197-11-680, 468-12-680, AND 468-12-510, THAT THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION TOOK THE ACTION DESCRIBED IN 2. BELOW ON . . . . . .

1. ANY ACTION TO SET ASIDE, ENJOIN, REVIEW, OR OTHERWISE CHALLENGE SUCH ACTION ON THE GROUNDS OF NONCOMPLIANCE WITH THE PROVISIONS OF CHAPTER 43.21C RCW (STATE ENVIRONMENTAL POLICY ACT) SHALL BE COMMENCED BY ADMINISTRATIVE REVIEW, ON OR BEFORE . . . . . A PARTY DESIRING JUDICIAL REVIEW OF THE DECISION RESULTING FROM SUCH ADMINISTRATIVE REVIEW SHALL COMMENCE SUCH APPEAL WITHIN: (A) NINETY DAYS OF THE ISSUANCE OF THIS NOTICE OF ACTION OR (B) THIRTY DAYS AFTER SERVICE OF THE FINAL DECISION OF THE DEPARTMENT, WHICHEVER IS LATER.

2. DESCRIPTION OF AGENCY ACTION: . . . . . .
. . . . . .
. . . . . .

3. DESCRIPTION OF PROPOSAL: . . . . . .
. . . . . .
. . . . . .

4. LOCATION OF PROPOSAL: . . . . . .
. . . . . .
. . . . . .

5. TYPE OF ENVIRONMENTAL REVIEW UNDER SEPA: . . . . . .
. . . . . .

6. DOCUMENTS MAY BE EXAMINED DURING REGULAR BUSINESS HOURS AT:
. . . . . .

7. THIS NOTICE IS FILED BY . . . . . , P.E.
PROJECT DEVELOPMENT ENGINEER
DATE: . . . . . .

THIS DETERMINATION MAY BE APPEALED IN WRITING TO: PROJECT DEVELOPMENT ENGINEER; TRANSPORTATION BUILDING, MAILSTOP KF-01; OLYMPIA, WA 98504
NO LATER THAN . . . . . .

YOU SHOULD BE PREPARED TO MAKE SPECIFIC FACTUAL OBJECTIONS. CONTACT LOCATION DESIGN ENGINEER; TRANSPORTATION BUILDING; MAILSTOP KF-01; OLYMPIA, WA 98504; PHONE (360) 753-6141 TO READ OR ASK ABOUT THE PROCEDURES FOR SEPA APPEALS.

(2) If the department selects WAC 197-11-510 (1)(a), posting the property, as a public notice procedure, it shall do so by posting notices at major road and pedestrian intersections along the project.

(3) SEPA notices may be combined with other department notices.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 88-01-029 (Order 111), § 468-12-510, filed 12/10/87; WSR 84-19-030 (Order 90), § 468-12-510, filed 9/14/84.]

WAC 468-12-660 Substantive authority and mitigation. (1) It is the policy of the department that significant adverse economic, social, and environmental effects relating to any proposed department action should be fully considered in planning and implementing such action, and that final decisions on such action should be made in the best overall public interest, and taking into consideration (a) the need for fast, safe, efficient, and economical transportation and public services reasonably responsive to the public's preferences, (b) the adverse environmental, social, and economic effects of the proposed action and alternative courses of action, and (c) the costs of eliminating or minimizing such adverse effects.

(2) The provisions of this chapter shall be interpreted in accord with this policy. This policy shall also govern substantive decisions made by the department.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-660, filed 9/14/84.]

WAC 468-12-680 Administrative review. (1) The administrative review process described in this section shall apply only to actions of the department where the department publishes a notice of administrative review and where no public hearing pursuant to either chapter 47.52 or 43.21C RCW has been provided. The notice of administrative review shall describe the action to be taken and the environmental document upon which the action is based and prescribe the availability of this administrative review process to challenge the action and its environmental documents. The notice of administrative review shall be published pursuant to WAC 197-11-510. All actions of the department not subject to the administrative review process defined herein, shall be subject to applicable judicial review. The department may file a notice of action as provided for in RCW 43.21C.080 for such actions.

(2) Any person aggrieved by the department's determination to proceed with an action which is subject to administra-

tive review as provided in subsection (1) of this section without preparation of an EIS or with preparation of an EIS alleged to be inadequate shall appeal such determination administratively before seeking judicial review thereof. Appeals of procedural and substantive determinations shall be combined (for example, an appeal of the adequacy of an EIS or the necessity of preparing an EIS must be combined with an appeal of the department's decision on the proposed action).

(3) For any action subject to the administrative review process, any determination by the department (a) that it will proceed with the action without preparation of an EIS, (b) that it will proceed with the action after preparation of an EIS, or (c) that the EIS prepared by the department is adequate, shall become final unless the aggrieved party serves on the project development engineer of the department a written request for administrative review within thirty days of the date of the filing of the department's notice of administrative review as authorized by RCW 43.21C.075. Upon receipt of such a request, the department shall afford an aggrieved party a hearing in accordance with chapter 34.04 RCW and chapter 468-10 WAC relating to contested cases. In reaching a decision based upon such a hearing, procedural determinations made by the responsible official shall be entitled to substantial weight.

(4) If a party wishes to obtain judicial review of the administrative review decision concerning that party, the aggrieved party shall first submit a notice of intent to do so with the responsible official of the department within the time period for commencing a judicial appeal as provided in subsection (5) of this section.

(5) As provided in RCW 43.21C.075 and WAC 197-11-680, a party desiring judicial review of the administrative review decision concerning that party shall commence such appeal within (a) ninety days of the issuance of notice of administrative review by the department pursuant to RCW 43.21C.080, or (b) thirty days after service of the final decision of the department as provided in RCW 34.04.130, whichever is later.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 88-01-029 (Order 111), § 468-12-680, filed 12/10/87; WSR 84-19-030 (Order 90), § 468-12-680, filed 9/14/84.]

WAC 468-12-704 Activities exempted from definition of "action." The following activities are exempted from the definition of "action" because they are nonproject actions for which approval must be obtained from a federal agency prior to implementation as provided in WAC 197-11-704 (2)(b)(iii):

(1) National transportation studies;

(2) Federal-aid system designations;

(3) National functional classification of highways and determination of needs.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-704, filed 9/14/84.]

WAC 468-12-800 Categorical exemptions. The following activities of the department are within the categorical exemptions contained in the indicated subsections of WAC 197-11-800:

(1) The repair, maintenance, or minor alteration of existing private or public structures, facilities or equipment, as provided in WAC 197-11-800(3), including but not limited to:

(a) Burning of weeds or brush within right of way limits;

(b) Preparation, storage, and application of sand and deicing chemicals;

(c) Disposal and/or treatment of sewage generated on transportation department property in accordance with state and local regulations;

(d) Right of way mowings;

(e) Snow removal and avalanche control;

(f) Erosion control measures;

(g) Stormwater disposal procedures not involving significant changes in existing drainage patterns and quantities outside of transportation right of way;

(h) Street, road, rail, and airport cleaning and sweeping;

(i) Litter pickup and disposal;

(j) Removal and disposal of debris;

(k) Application of right of way fertilizer;

(l) Planting, thinning, and removal of roadside, railside, or airport vegetation as required for landscaping and maintenance purposes;

(m) Dead animal removal and disposal;

(n) Pavement burning;

(o) Maintenance and fencing of game crossings;

(p) Pit and sundry site reclamation;

(q) Waste oil disposal;

(r) Maintenance of chemical toilets;

(s) Control and disposal of roadway spills;

(t) The periodic application of approved pesticides to transportation rights of way to maintain design conditions as provided in WAC 197-11-800(24);

(u) All repair, maintenance, or minor alteration of existing transportation pavement, drainage facilities, rails, earthwork, bridges, tunnels, guardrails, railroad protective devices, signs, paths, trails, buildings, toll booths, radio and telephone equipment, air quality equipment, rest area facilities, storage facilities, pit sites, airports, and other physical features and structures within the jurisdiction of the transportation department.

(2) Adoptions or approvals of utility, transportation, and solid waste disposal rates, as provided in WAC 197-11-800 (15), including, but not limited to the establishment of or changes in toll rates.

(3) Information collection and research, as provided by WAC 197-11-800(18), including but not limited to the development, adoption, and revision of transportation plans and six-year construction programs, and any other studies, plans, and programs which lead to proposals which have not yet been approved, adopted, or funded, and which do not commit the transportation department to proceed with the proposals contained therein.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-800, filed 9/14/84.]

WAC 468-12-880 Exemptions for emergency actions. The emergency exemptions defined in WAC 197-11-880 include, but are not limited to, the following emergency actions taken by the department.

(1) Issuance of emergency load restrictions on highways and bridges;

(2) Performance of emergency protection or restoration of highways and other transportation facilities under circumstances defined in RCW 47.28.170;

(3) Approval of funding for emergency projects;

(4) Emergency disposal of hazardous material;

(5) Emergency disaster maintenance;

(6) Installation, removal, or alteration of emergency generator equipment;

(7) Restriction of use of bridges due to structural deterioration;

(8) Emergency removal of materials dangerous to highways, bridges, or other transportation facilities.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-880, filed 9/14/84.]

WAC 468-12-904 Incorporation of chapter 197-11 WAC. (1) The provisions of chapter 197-11 WAC (SEPA guidelines adopted by the department of ecology on January 26, 1984), are hereby adopted by the department, and are incorporated in and made a part of this chapter by reference herein, to the extent that the SEPA guidelines are applicable to the programs, activities, and actions of the department.

(2) The provisions of this chapter are intended to implement the provisions of chapter 197-11 WAC, and to be consistent therewith.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-904, filed 9/14/84.]

WAC 468-12-910 Designation of responsible official. The responsible official for any project or nonproject actions not described below shall be the secretary of the department. The responsible official for all project and nonproject EIS's is the project development engineer in Olympia. The responsible official for determinations of significance and determinations of nonsignificance on project actions is the district administrator in the district where the action is located.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-910, filed 9/14/84.]

WAC 468-12-912 Procedures when consulted. When a request by another agency for consultation is made pursuant to the provisions of WAC 197-11-912, such request shall be referred for response to the project development office of the department in Olympia who shall coordinate the research and field investigations which may be necessary, and supervise the transmittal of the requested information to the lead agency within the time periods specified by WAC 197-11-502.

[Statutory Authority: RCW 43.21C.120 and chapter 197-11 WAC. WSR 84-19-030 (Order 90), § 468-12-912, filed 9/14/84.]