

**WAC 200-130-016 Exemptions.** (1) Exemptions from the elevation requirements of WAC 200-130-015(3) are granted automatically for:

(a) Facilities where their use and purpose require construction below one hundred-year flood plains and/or special flood hazard areas (e.g., fish pens, fish ladders, holding ponds, dams, etc.);

(b) Roads, bridges, and highway facilities.

(2) All other exemptions from the elevation requirements of WAC 200-130-015 must be granted by the department of enterprise services, office of risk management. Agencies seeking an exemption must submit a purpose and use statement, including an explanation of why and how the structure, development, or substantial improvement will not comply with these flood mitigation standards. This information must be submitted in writing to the Risk Manager, Department of Enterprise Services, 1500 Jefferson Street S.E., MS: 41466, Olympia, WA 98504-1466. These requests will be reviewed on a case-by-case basis, and the risk manager will issue a letter of exemption no later than fourteen days after receipt of such request, if in his/her sole discretion it is appropriate to do so.

Denials of any exemptions may be appealed in writing to the Director of the Department of Enterprise Services, 1500 Jefferson Street S.E., MS: 41401, Olympia, WA 98504-1401 within thirty days of the date of the denial letter.

[Statutory Authority: RCW 43.19.011, 43.19.620, 43.19.985, 43.19.742, 43.19.769, 39.26.080, 39.26.090, 39.26.251, 39.26.255, and 39.26.271. WSR 15-23-062, § 200-130-016, filed 11/13/15, effective 12/14/15. Statutory Authority: 2011 c 43. WSR 11-23-093, recodified as § 200-130-016, filed 11/17/11, effective 11/17/11. Statutory Authority: RCW 43.17.060 and chapter 43.19 RCW. WSR 00-01-104, § 236-100-016, filed 12/16/99, effective 1/16/00. Statutory Authority: Chapters 43.17 and 43.19 RCW. WSR 91-08-057, § 236-100-016, filed 4/2/91, effective 5/3/91.]