

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

WASHINGTON STATE ENERGY OFFICE

(agency name)

Administrative Order No. 82-2

(1) I, Richard H. Watson, director of Washington State Energy Office

do promulgate and adopt at 400 East Union, Olympia, WA 98504 (place)

the annexed rules relating to:

- 194-10 -- Public Disclosure Act Rules
194-12 -- Washington State Environmental Policy Act Rules

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 82-13-044d with the code reviser on 6/11/82. Such rules shall take effect:

- [xx] pursuant to RCW 34.04.040(2).
[] at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" (fill in statement (a), (b), or (c) as appropriate):

[xx] (a) This rule is promulgated pursuant to RCW 43.21F.045(12) and is intended to administratively implement that statute.

[] (b) This rule is promulgated pursuant to RCW which directs that the

(agency)

has authority to implement the provisions of

(name of act or RCW citation)

[] (c) This rule is promulgated under the general rule-making authority of the

(agency)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this agency is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED July 28 19 82

FILED

AUG 11 1982

By

[Signature]

Acting Director, Washington State Energy Office
Title

CODE REVISER'S OFFICE

WSR 82-17-030

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-020 DEFINITIONS. "Person" includes an individual, partnership joint venture, public or private corporation, association, federal, state or local government entity or agency however constituted.

"Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"Washington State Energy Office" means the state agency created pursuant to ~~((chapter 408, Laws of 1975-1976 2nd ex. sess. [chapter 43.24F RCW]))~~ chapter 43.21F RCW. It shall hereinafter be referred to as "office." Where appropriate, the term "office" also refers to the staff and employees of the Washington State Energy Office.

"Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-030 DESCRIPTION OF ~~((CENTRAL AND FIELD))~~ ORGANIZATION. The Washington State Energy Office is ~~((a general government agency authorized to serve as the official state agency responsible for coordination of energy related activities. The office is))~~ located at ~~((400 S. Cherry Street))~~ 400 E. Union, Olympia, Washington, 98504. There are no field offices. The agency is organized into four divisions/groups as follows: Administration division, conservation division, resource development and energy management division, and the energy policy development group. The director is appointed by the governor. The energy office advisory committee is appointed pursuant to RCW 43.21F.085.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-040 ~~((OPERATIONS AND))~~ PROCEDURES. ~~((Pursuant to chapter 408, Laws of 1975-1976 2nd ex. sess. [chapter 43.24F RCW], the Energy Office has the responsibility for collection of energy data, analysis of energy data and energy resources, development of contingency plans in cases of energy shortages and emergencies, and advice and support of other state agencies on energy related matters. The office is advised by the Energy Advisory Council, created and appointed by the Governor.))~~ The energy office has instituted an "Office Policies and Procedures Manual" to govern agency administrative practices and procedures.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-050 PUBLIC RECORDS AVAILABLE. All public records of the office, as defined in WAC 194-10-020 are deemed to be available

except as provided by chapter 42.17 RCW or ((chapter--408,--Laws--of-1975-1976-2nd-ex--sess--[chapter-43.21F-RCW])) RCW 43.21F.060(1).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-060 EXEMPTIONS. ((Pursuant-to-section-6(1),-chapter-408,-Laws-of-1975-1976-2nd-ex--sess--[chapter-43.21F-RCW],-any-proprietary-information-obtained-from-any-person-which-is-requested-to-be-kept-confidential-by-the-person-providing-the-information-is-exempt-from-the-provisions-of-this-chapter.)) The office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 194-10-090 is exempt under the provisions of chapter 42.17 RCW and other applicable laws. In addition, pursuant to chapter 42.17 RCW, the agency reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is a reason to believe that disclosure of such details would be an invasion of personal privacy or vital governmental interests. In each case, the justification shall be explained fully in writing. Notwithstanding any other provision of law to the contrary, proprietary information obtained under RCW 43.21F.060(1) shall be confidential and maintained as such if so requested by the person providing the information. However, the use of confidential information to prepare statistics or other general data for publication when it is so presented as to prevent identification of particular persons or sources of confidential information is authorized.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-090 REQUESTS FOR PUBLIC RECORDS. Public records may be inspected or copies of such records may be obtained by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form in substantial compliance with the provisions of WAC 194-10-100. The form shall be available from the office and shall be presented to the Public Records Officer or to any member of the office staff if the Public Records Officer is not available. The request shall include the following information:

- (a) The name of the person requesting the record,
- (b) The time of day and calendar date on which the request was made,
- (c) The nature of the request,
- (d) If the requested matter is indexed, an appropriate index reference,
- (e) If the requested matter is not identifiable by reference to a current index, an appropriate description of the matter requested.

(2) In all cases in which a member of the public is making a request, ((if-[it])) it shall be the obligation of the Public Records Officer or staff to assist the member of the public in appropriately identifying the matter requested.

(3) Staff members shall make ((an-honest-effort)) all reasonable efforts to respond to the request within two working days after its receipt.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-100 ADOPTION OF FORM. The office ((hereby-adopts-the following)) has adopted state Form S.F. 276 for use by all persons requesting inspection and/or copies of public records(:

.....
Name-of-Organization, if-Applicable

.....
Mailing-Address-of-Applicant-----Phone-Number

.....
Date-Request-Made-at-Washington-----Time-of-Day
State-Energy-Office-----of-Request-Made

Nature-of-Request:-----

.....
Identification-Reference-on-Current-Index-(Please-Describe):-----

.....
Description--of--Record,--or--Matter, Requested-if-Not-Identifiable-by
Reference-to-the-Washington-State-Energy-Office-Current-Index:

.....
Said-Records-Have-Not-Been-Requested-to-Provide--Access--to--Lists--of
Individuals-for-Commercial-Purposes:

.....
Signature-----Signature-(please-print)

Request:--Approved-----By-----
-----Date-----Public-Records-Officer

Denied-Date-----

Reasons-for-Denial:-----

.....
Referred-to-----By-----
-----Date-----Public-Records-Officer))

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-120 REVIEW OF DENIALS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by submitting to the Public Records Officer a written request for review. The written request shall specifically refer to the written statement by the Public Records Officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the Public Records Officer shall refer it to the director of the office. The director or his designee shall consider the matter and either affirm or reverse such denial. Consultation will be made with the Attorney General's Office regarding the matter under review. The ~~((request))~~ request shall be returned with a final decision within two business days of the date of filing the request for review.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the request for review with a decision or until the close of the second business day following date of filing the request for review, whichever occurs first.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-130 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made in the Washington State Energy Office at ~~((1000-S.-Cherry-Street))~~ 400 E. Union, Olympia. Public records and a facility for their inspection will be provided by the Public Records Officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the office or, if copying facilities are not available, the office will arrange to have copies made subject to the provisions of WAC ~~((194-10-100))~~ 194-10-110.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-10-140 RECORDS INDEX. ~~((The))~~ A current index ~~((and document-log))~~ of records of the Washington State Energy Office may be examined at the Washington State Energy Office at ~~((1000-S.-Cherry Street))~~ 400 E. Union, Olympia, during office hours defined in WAC 194-10-080.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120, requiring each state agency to adopt rules implementing the State Environmental Policy Act.

This chapter is also promulgated to comply with WAC 197-10-020(1).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-060 EXEMPTIONS. In addition to those exemptions identified by WAC 197-10-170, any action taken pursuant to ~~((a-declaration-of-an-"energy-supply-alert"-as-defined-in-chapter-108,-Laws--of-1975-1976,-2nd-ex-sess,-and-an-"energy-emergency"-as-defined-in-RCW-43-06-200))~~ chapter 43.21G RCW (Energy Supply Emergencies Alert), shall be exempt from the procedural requirements of this chapter. This is in accordance with RCW 43.21G.040(6).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-070 DESIGNATION OF RESPONSIBLE OFFICIAL. The ~~((ultimately))~~ responsible official is the Director of the State Energy Office. Normally, ~~((the-operational-responsibility-shall-be-delegated-by))~~ the director ~~((to-the-Deputy-Director,-who-may))~~ will delegate duties and functions assigned under this chapter.

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-080 ~~((DESIGNATION))~~ COPIES OF PUBLIC INFORMATION ((CENTER)). ~~((1)-The-SEPA-Public-Information-Center-shall-be-located-at-the-Washington-State-Energy-Office,-1000-S.-Cherry-Street,-Olympia,-Washington-98504.~~

~~((2)-The-following-documents-shall-be-maintained-at-the-SEPA-Public-Information-Center:~~

~~((a)-Copies-of-all-declarations-of-non-significance-filed-by-the-agency,-for-a-period-of-one-year.~~

~~((b)-Copies-of-all-EIS¹-prepared-by-the-agency,-for-a-period-of-three-years.-Draft-EIS¹-which-have-been-superseded-by-a-final-EIS-need-not-be-maintained-at-the-center.~~

~~((3)-In-addition,-the-Office-shall-maintain-the-following-registers-at-its-information-center,-each-register-including-for-each-proposal-its-location,-a-brief-(one-sentence-or-phrase)-description-of-the-nature-of-the-proposal,-the-data-first-listed-on-the-register,-and-a-contact-person-from-whom-further-information-may-be-obtained:~~

~~((a)-A-"Proposed-Declaration-of-Non-Significance-Register"-which-shall-contain-a-listing-of-all-current-proposed-declarations-of-non-significance.~~

~~((b)-An-"EIS-in-Preparation-Register"-which-shall-contain-a-listing-of-all-proposals-for-which-the-agency-is-currently-preparing-an-EIS,-and-the-date-by-which-the-EIS-is-expected-to-be-available.~~

~~((c)-An-"EIS-Available-Register"-which-shall-contain-a-listing-of-all-draft-and-final-EIS¹-prepared-by-the-agency-during-the-previous-six-months,-including-thereon-the-date-by-which-comments-must-be-received-on-draft-EIS,-and-the-date-for-any-public-hearing-scheduled-for-the-proposal.~~

{4)-Each-of-the-registers-required-by--subsection--(3)--shall--be kept--current--and--maintained--at--the--information-center-for-public inspection.--In-addition,-the-registers,-or-updates-thereof-containing new-entries-added-since-the-last-mailing,-shall-be-mailed--once--every two--weeks--to--those--organizations--and-individuals-who-make-written request-therfor,-unless-no-new-proposals-have-been-placed-on-the-registers-since-the-last-request,-in-which-event-a-copy-of--the--register or--update--shall--be-mailed-when-a-new-proposal-is-added.--The-Office may-charge-a-periodic-fee-for-the-service-of-mailing-the-registers--or updates,-which--shall-be-reasonably-related-to-the-costs-of-reproduction-and-mailing.

{5)-The-documents-required-to-be-maintained--at--the--information center--shall-be-available-for-public-inspection,-and)) Copies of public information shall be provided upon written request. The office may charge for copies in the manner provided by chapter 42.17((7)) RCW, and for the cost of mailing.