

# Chapter 197-06 WAC

## PUBLIC RECORDS

### WAC

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**WAC 197-06-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the council on environmental policy with the provisions of chapter 1, Laws of 1973 (Initiative 276 - Disclosure—Campaign finances—Lobbying—Records); and in particular with sections 25 - 32 of that act, dealing with public records; and to set regular meetings.

[Order 74-1, § 197-06-010, filed 8/29/74.]

**WAC 197-06-020 Definitions.** (1) "Public record" includes any writing containing information relating to the conduct or the performance of any governmental function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "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.

(3) The council on environmental policy is the council established pursuant to section 4, chapter 179, Laws of 1974 ex. sess. The council on environmental policy shall hereinafter be referred to as the council. Where appropriate, the term council also refers to the staff and employees of the council.

[Order 74-1, § 197-06-020, filed 8/29/74.]

**WAC 197-06-030 Public records available.** All public records of the commission, as defined in WAC 197-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973, and these rules.

[Order 74-1, § 197-06-030, filed 8/29/74.]

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**WAC 197-06-040 Membership, officers, quorum, administrative offices, function.** (1) **Members.** The council shall be composed of the members of the pollution control hearings board.

(2) **Officers, quorum.** The council shall annually elect from among its members a chairman. Two members shall constitute a quorum, and no action shall be taken by less than a majority of the council.

(3) **Administrative offices.** The administrative offices of the council and its staff shall be located at No. 5 South Sound Center, Lacey, Washington 98504. The council has no established field organization and all available records relating to council functions shall be at the foregoing address.

(4) **Function.** It shall be the duty and function of the council:

(a) To adopt initially and amend thereafter rules of interpretation and implementation of the State Environmental Policy Act of 1971, (chapter 43.21C RCW), subject to the requirements of chapter 34.04 RCW, for the purpose of providing guidelines to all branches of government including state agencies, political subdivisions, public and municipal corporations, and counties. Such rule-making powers shall include, but shall not be limited to, the following phases of interpretation and implementation of the State Environmental Policy Act of 1971 (chapter 43.21C RCW):

(i) Categories of governmental actions which normally are to be considered as potential major actions significantly affecting the quality of the environment as well as categories of actions exempt from such classification, including categories pertaining to applications for water right permits pursuant to chapters 90.03 and 90.44 RCW.

(ii) Criteria and procedures applicable to the determination of when an act of a branch of government is a major action significantly affecting the quality of the environment for which a detailed statement is required to be prepared pursuant to RCW 43.21C.030.

(iii) Procedures applicable to the preparation of detailed statements, including but not limited to obtaining comments, data and other information, and providing for and determining areas of public participation.

(iv) Scope of coverage and contents of detailed statements assuring that such statements are simple, uniform, and as short as practicable.

(v) Procedures for public notification of actions taken and documents prepared.

(vi) Definition of terms relevant to the implementation of chapter 43.21C RCW.

(vii) Guidelines for determining the obligations and powers under chapter 43.21C RCW of two or more branches of government involved in the same project significantly affecting the quality of the environment.

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(viii) Methods to assure adequate public awareness of the preparation and issuance of detailed statements required by RCW 43.21C.030 (2)(c).

(ix) To prepare guidelines for projects setting forth the time limits within which the governmental entity responsible for the action shall comply with the provisions of chapter 43.21C RCW.

(x) Guidelines for utilization of a detailed statement for more than one action.

(xi) Guidelines relating to actions which shall be exempt from the provisions of chapter 43.21C RCW in situations of emergency.

(b) In exercising such powers, functions, and duties, the council may:

(i) Consult with the state agencies and with representatives of science, industry, agriculture, labor, conservation organizations, state and local governments and other groups, as it deems advisable; and

(ii) Utilize, to the fullest extent possible, the services, facilities, and information (including statistical information) of public and private agencies, organizations, and individuals, in order to avoid duplication of effort and expense, overlap, or conflict with similar activities authorized by law and performed by established agencies.

(c) Rules adopted pursuant to this section shall be subject to the review procedures of RCW 34.04.070 and 34.04.080.

(d) The council shall be abolished and shall cease to exist at midnight, June 30, 1976. The guidelines established by the council prior to midnight, June 30, 1976, shall continue to be valid and of force and effect, except as they are thereafter amended by further guidelines promulgated by the department of ecology, in accord with chapter 34.04 RCW.

Upon the abolishment of the council on June 30, 1976, all powers, duties and functions of the council are transferred to the department of ecology.

[Order 74-1, § 197-06-040, filed 8/29/74.]

#### **WAC 197-06-050 Meetings. (1) Regular meetings.**

Pursuant to section 7, chapter 250, Laws of 1971 1st ex. sess., and RCW 42.30.070, regular meetings of the council shall be held on the third Friday of each calendar month at 10:00 a.m. and on the fourth Wednesday of each calendar month at 1:30 p.m. Said meetings shall be held at the council's administrative offices at No. 5 South Sound Center, Lacey, Washington 98504 or at such other location as the council shall designate, which specific location for any particular meeting may be obtained by contacting the council's administrative offices.

(2) **Special meetings.** A special meeting may be called at any time by the chairman or by a majority of the members. Said meeting shall be called by delivering personally or by mail written notice to each member of the council; and to each local newspaper of general circulation and to each local radio or television station which has on file with the council a written request to be notified of such special meeting or of all special meetings. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice. The call and notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings by the council. Such

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written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the council a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes. The notices provided in this section may be dispensed with in the event a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.

[Order 74-1, § 197-06-050, filed 8/29/74.]

**WAC 197-06-060 Public records officer.** The council's public records shall be in charge of the public records officer designated by the council. The person so designated shall be located in the administrative offices of the council. The public records officer shall be responsible for the following: The implementation of the council's rules and regulations regarding release of public records, coordinating the staff of the council in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

[Order 74-1, § 197-06-060, filed 8/29/74.]

**WAC 197-06-070 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the council. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

[Order 74-1, § 197-06-070, filed 8/29/74.]

**WAC 197-06-080 Requests for public records.** In accordance with requirements of chapter 1, Laws of 1973, that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied 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 prescribed by the council which shall be available at its administrative offices. The form shall be presented to the public records officer; or to any member of the council's staff, if the public records officer is not available, at the administrative offices of the council during customary office hours. 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 matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the council's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records

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officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Order 74-1, § 197-06-080, filed 8/29/74.]

**WAC 197-06-090 Copying.** No fee shall be charged for the inspection of public records. The council shall charge a fee of ten cents per page of copy for providing copies of public records and for use of the council's copy equipment. This charge is the amount necessary to reimburse the council for its actual costs incident to such copying.

[Order 74-1, § 197-06-090, filed 8/29/74.]

**WAC 197-06-100 Exemptions.** (1) The council reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 197-06-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the council reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

[Order 74-1, § 197-06-100, filed 8/29/74.]

**WAC 197-06-110 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering 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 or other staff member denying the request shall refer it to the chairman of the council. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the council as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the council has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

(4) With regard to review of denial of requests hereunder, the provisions of WAC 197-06-040(2) regarding quorum shall be inapplicable.

[Order 74-1, § 197-06-110, filed 8/29/74.]

**WAC 197-06-120 Protection of public records.** The public records officer shall, to the extent practical, insure that

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records requested are not removed from the premises nor portions thereof removed by members of the public.

[Order 74-1, § 197-06-120, filed 8/29/74.]

**WAC 197-06-130 Records index.** (1) The council has available to all persons a current index which provides identifying information as to those of the following records applicable to the council and issued, adopted or promulgated since June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opines upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the council shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 74-1, § 197-06-130, filed 8/29/74.]

**WAC 197-06-140 Communications.** All communications with the council including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973, and these rules; requests for copies of the council's decisions and other matters, shall be addressed as follows: c/o Public Records Officer, Council on Environmental Policy, No. 5 South Sound Center, Lacey, Washington 98504.

[Order 74-1, § 197-06-140, filed 8/29/74.]

**WAC 197-06-150 Adoption of form.** The council hereby adopts use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for public records."

[Order 74-1, § 197-06-150, filed 8/29/74.]

**WAC 197-06-990 Form—Council on environmental policy—Request for public records.** We have received your request for copies of our public records. Please complete the form on the right and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you.

Return to:

Public Records Officer  
Council on Environmental Policy  
No. 5 South Sound Center  
Lacey, Washington 98504

COUNCIL ON ENVIRONMENTAL POLICY

REQUEST FOR PUBLIC RECORDS

Date ..... Time .....

Name .....

Address .....

.....

Description of Records (see index):

.....

.....

.....

I certify that the information obtained through this request for public records will not be used for commercial purposes.

.....

Signature

Number of copies .....

Number of pages .....

Per page charge \$ .....

Total charge \$ .....

[Order 74-1, Form (codified as WAC 197-06-990), filed 8/29/74.]