

(8) Appeal. An appeal of a decision adverse to the college must be filed with the board within thirty days of receipt of the board's written decision. To be valid the appeal must contain a certified copy of a formal action authorizing the appeal, taken by a lawfully constituted meeting of the governing body of the institution. The appeal is based on a review of self-evaluation documents, catalog, visitor's report, institution's response to visitor's report, pre-decision hearing of the board and board decision. Alleged improvements effective subsequent to the evaluation which can be verified only through another on-site visit provide the basis for another evaluation, not for an appeal. An appeal does not include a dispute on a finding of fact unless appellant makes a prima facie showing that the finding is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record before the board. The board shall meet to consider the appeal at its earliest opportunity, and send a formal reply to the appealing college within thirty days of such meeting, unless it extends the time for good cause shown. [Statutory Authority: RCW 18.25.025. 81-05-004 (Order PL 371), § 114-12-031, filed 2/6/81.]

WAC 114-12-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 114-12-041 Colleges--Educational standards required for accreditation. (1) Objectives--the college shall:

- (a) Have clearly defined objectives.
- (2) Administration and organization--the college shall:
 - (a) Be incorporated as a nonprofit institution and recognized as such by its state of domicile.
 - (b) Have full-time administrator.
 - (c) Have either a president or a dean of education with a doctor of chiropractic degree.
 - (d) Adopt policy of nondiscrimination as to national origin, race, religion, or sex.
- (3) Educational offerings--the college shall:
 - (a) Provide educational offerings which prepare the student for successfully completing licensing examination and engaging in practice.
 - (b) Offer an educational program with a minimum of 4,000 in-class hours provided over a four year academic term.
 - (c) Have available syllabi for all courses.
 - (d) Offer chiropractic curriculum as follows: principles of chiropractic - 200 in-class hours; adjustive technique - 400 in-class hours; spinal roentgenology - 175 in-class hours; symptomatology and diagnosis - 425 in-class hours; clinic - 625 in-class hours.
 - (e) Offer at least 120 of the hours required for the study of "principles of chiropractic" [hours] as the study of chiropractic philosophy, which shall be defined as the commonly held tenets which provide the basis for chiropractic as a separate and distinct form of practice.

The required 120 hours of philosophy instruction shall be clearly identified in the application and subsequent college catalogue as philosophy of chiropractic by course title and description. The remaining 80 required hours

may include history of chiropractic, ethics, interprofessional relationships and other subjects specifically relating to the principles and practice of chiropractic.

(f) Not include mechanotherapy, physiotherapy, acupuncture, acupressure, or dietary therapy or any other therapy in computation of the qualifying 4,000 classroom hours.

(g) Maintain a clinical program sufficient to fulfill the objectives of the college.

(4) Faculty--the college shall:

(a) Provide sufficient faculty to support the educational program of the college.

(5) Students--the college shall:

(a) Select students on a nondiscriminatory basis.

(b) Require that students maintain a 2.00 grade average and have no chiropractic subject grade less than 2.0.

(c) Require the student to complete a four-year academic program which meets all requirements of statute and rule for licensing to practice chiropractic in Washington state.

(6) Physical facilities and equipment--the college shall:

(a) Maintain a library of size and quality sufficient to serve the educational program.

(b) Maintain a basic plant that facilitates the educational program.

(c) Maintain clinic facilities that are of sufficient size and equipped appropriately to serve the student.

(7) Financial--the college shall:

(a) Have adequate present and anticipated income to sustain a sound educational program.

(b) Have well formulated plans for financing existing and projected education programs.

(c) Have an annual audit of financial records by a CPA.

(d) Make records available for review by the board upon request.

(8) Self-evaluation - the college shall:

(a) Have a program of continuing self-evaluation and such evaluation must be made available upon request by the board. [Statutory Authority: RCW 18.25.025. 83-01-028 (Order PL 414), § 114-12-041, filed 12/8/82; 81-22-078 (Order PL 385), § 114-12-041, filed 11/4/81; 81-05-004 (Order PL 371), § 114-12-041, filed 2/6/81.]

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Title 118 WAC

EMERGENCY SERVICES, DEPARTMENT OF

(Formerly: Civil Defense)

Chapter

118-03

Mt. St. Helens closure--Rules for permitted entry and/or occupation.

118-10 Criteria for allocation of emergency management assistance fund.

Chapter 118-03 WAC

MT. ST. HELENS CLOSURE--RULES FOR PERMITTED ENTRY AND/OR OCCUPATION

WAC	
118-03-010	Purpose.
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118-03-250	Industrial permit reapplication procedure.
118-03-270	Federal, state, and local government administrative personnel.
118-03-290	Other permit applicants.
118-03-310	Revocation and suspension.
118-03-330	Uniform procedural rules.

WAC 118-03-010 Purpose. The purpose of this chapter is to adopt rules, regulations, and guidelines to implement Executive Order 82-11, prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the Restricted Zone of the Mt. St. Helens volcano as described in that executive order, and providing entry permit procedures for persons excepted. These rules may be amended from time to time as conditions warrant. The executive order issued by the governor effective May 12, 1982 recognizes the continuing danger from additional eruptions, earthquakes, and other related events from Mt. St. Helens. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-010, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-010, filed 7/7/81.]

WAC 118-03-030 Definitions. "Restricted Zone" shall mean that high hazard area immediately adjacent to or surrounding the Mt. St. Helens volcano closed to public access by the governor of the state of Washington pursuant to the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Restricted Zone boundary area may change from time to time as conditions warrant. "Fallback Zones" shall mean areas immediately adjacent or surrounding the Restricted Zone which may be closed to public access by the governor of the state of Washington pursuant to RCW 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. When closed to

public access by the governor, a Fallback Zone shall be a part of the Restricted Zone defined by this section. Fallback Zones may be instituted from time to time as conditions warrant. The abbreviation "DES" as used hereinafter shall mean the Washington state department of emergency services. The term "director" used hereinafter shall mean the director of the department of emergency services. "DOL" shall mean the Washington state department of licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the emergency coordinating center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean driver's license examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-030, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-030, filed 7/7/81.]

WAC 118-03-050 Exempted personnel. Consistent with Executive Order 82-11, the following shall be subject to a limited exception to the prohibition against entry or occupancy in the Restricted Zone.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the Restricted Zone.

(2) U.S. Forest Service personnel who are performing official duties that require entry into the Restricted Zone.

(3) U.S. Army Corps of Engineers personnel who are performing official duties that require their presence in the Restricted Zone.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Restricted Zone. The sheriffs of counties whose jurisdictions lie within the boundaries of the Restricted Zone or their designee(s) shall have the authority to approve entry and/or occupation by search and rescue personnel.

(5) Federal, state, county and local law enforcement and fire fighting personnel whose jurisdiction is within the Restricted Zone and who are on official business within the Restricted Zone.

(6) Federal, state, county or local administrative personnel on official business within the Restricted Zone.

(7) Individual(s) who own and/or control real property, or personal property being used as a residence, and whose official permanent residence is within the Restricted Zone.

(8) Individual(s) with a legitimate business reason for being within the Restricted Zone as determined by the director, department of emergency services, or his designee(s). [Statutory Authority: Chapters 43.06 and

38.52 RCW. 82-15-007 (Order 86-06), § 118-03-050, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-050, filed 7/7/81.]

WAC 118-03-070 Conditions for entry. (1) All permit holders must have two-way communications available within the Restricted Zone with a base station located outside of the zone. The base station must be monitored at all times while the permittee is in the Restricted Zone. The base station emergency phone number must be on file with DES.

(2) The Restricted Zone will be open only when volcanic monitoring instruments are functioning properly. The Restricted Zone will be closed when volcanic monitoring instruments are unreliable. The Restricted Zone will be closed also during eruptions, when there is an alert issued by the U.S. Geological Survey, and occasionally during advisories issued by the U.S. Geological Survey.

(3) Overnight stays in the Restricted Zone will be granted only by special permission by the director of DES or his designee. The permit holder must be doing work requiring night time operations and have constant radio communications. Otherwise, entry and occupancy of the Restricted Zone will normally be limited to the period one-half hour before sunrise to one-half hour after sunset, as established by the National Weather Service.

(4) The permit for entry into the Restricted Zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, alternative routes, and names of those entering.

(5) Helicopters entering the Restricted Zone must obtain a mission number from the ECC. Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently 118.6 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the U.S. Forest Service.

(7) Permit holders must be able to leave the Restricted Zone within one hour.

(8) Permit holders will leave the Restricted Zone when ordered by proper authorities.

(9) Anyone entering the Restricted Zone must have with them either a Restricted Zone permit or a Restricted Zone contractor's permit card.

(10) It is strongly recommended that all who enter the Restricted Zone carry emergency gear and a first aid kit. Recommended minimal emergency equipment should include: Hard hat, respirator or face mask, goggles, water and food. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-070, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-070, filed 7/7/81.]

WAC 118-03-090 Washington state department of licensing to process permits. The DOL shall process Restricted Zone entry permit applications at the following locations:

Longview	—	773 Third Avenue, 98632
Vancouver	—	915 MacArther Blvd., 98661
Morton	—	141 North 2nd, 98356 (P.O. Box 774)
Centralia	—	112 Harrison Ave., 98531
Seattle	—	King County Ad- ministrative Bldg. Room 615, 500 4th Avenue

The DOL, under the direction of the director of DES or his designee(s), may issue a permit for entry to the Restricted Zone, only to such individuals and for such purposes as are clearly permitted by this chapter and Executive Order. The DOL shall compile a daily status list of approved and denied entry permits to the Restricted Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the Restricted Zone. Permanent residents or property owners will keep DOL advised by mail of the names and number of visitors and the dates that the visitors will be present.

Phone Numbers of DOL Offices

Longview	—	206-577-2235 or 2236
Vancouver	—	206-696-6671 or 6672
Morton	—	206-496-5637
Centralia	—	206-736-2855 or 2856
Seattle	—	206-464-5846

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-090, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-090, filed 7/7/81.]

WAC 118-03-110 Application/processing procedures--Nonpermanent residents. (1) Individuals desiring access to the Restricted Zones should contact one of the designated DOL driver's license examiners at the locations listed during regular business hours, Tuesday through Saturday, 8:30 a.m. to 5 p.m., and complete an application form for a permit stating the nature and need for access and sign the waiver contained on the application form. Federal, state and local governmental personnel on official business will only be required to complete and submit a permit application form. Upon completion and submission of this application to DOL, the application will be approved or disapproved within five regular working days by DOL. After approval of the application a permit will be issued immediately.

(2) Individuals who are employers or government entities applying for a permit under WAC 118-03-230 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the Restricted Zone by its authorized employees, contractors or agents for business reasons.

(3) DOL will screen applicants according to the criteria published herein and will issue permits to those that have demonstrated a need to enter and/or occupy the Restricted Zone. The DLE will assure that all pertinent data such as time of entry, duration of need, and mode of travel has been presented and will inform the applicant of entry requirements as stated herein.

(4) DOL will provide the director, DES; the director, USFS Emergency Coordination Center; and the sheriffs of counties whose jurisdictions lie within the boundaries of the Restricted Zone with a daily list of permits issued. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-110, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-110, filed 7/7/81.]

WAC 118-03-130 Permit and waiver issuance procedures--Permanent residents. (1) Permanent residence applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent residence status at the time of application.

(2) Permanent residence applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent residence applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent residence applicants under sixteen years of age must be included on the application of their parent/guardian.

(5) DOL will maintain a current list of permanent residents with permits within the Restricted Zone.

(6) Permanent residents must have either a proven two-way communications system for warning or be a part of a local government warning and evacuation system. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-130, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-130, filed 7/7/81.]

WAC 118-03-150 Permit and waiver issuance procedures--Recreation property owners, renters, or lessees. (1) Recreation property owners, renters, or lessees must comply with the following conditions:

(a) Applicants must present proof of ownership or control of real property or personal property.

(b) Applicants eighteen years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen years of age or older, but who have not attained eighteen years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen years of age must be included on the application of their parent/guardian.

(2) DOL will maintain a current list of recreation property owners, renters, or lessees with permits within the Restricted Zone.

(3) Recreation property owners, renters, or lessees must have either a proven two-way communications

system for warning or be a part of a local government warning and evacuation system. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-150, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-150, filed 7/7/81.]

WAC 118-03-170 Permit and waiver issuance procedures--Visitors to permanent residents or recreational property owners. (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen years of age and older shall sign a waiver.

(b) All visitors between sixteen years of age or older, but who have not attained eighteen years of age must have a waiver signed on their behalf by their parent/guardian.

(c) All visitors under sixteen years of age must be included on the waiver signed by their parent/guardian.

(2) Permanent residents or recreational property owners must notify DOL by mail in advance of the names of visitors and the dates the visitors will be with them in the Restricted Zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-170, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-170, filed 7/7/81.]

WAC 118-03-190 Permit and waiver issuance procedures--Media and scientific research. (1) Media permit applications will be reviewed by a Mt. St. Helens review committee composed of members of the media community.

(2) Scientific research permit applications will be reviewed by a Mt. St. Helens scientific research review committee composed of members of the scientific community.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS Volcano Center coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-070 and 118-03-230. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-190, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-190, filed 7/7/81.]

WAC 118-03-210 Conditions for entry--Permanent residents and recreation property owners. (1) Individuals who establish proof of permanent residence in communities or areas within the Restricted Zone will be issued a permit by DOL.

(2) Movement within the Restricted Zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations within the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the Restricted Zone unless a specific permit has been issued. [Statutory Authority: Chapters 43.06 and 38.52 RCW.]

82-15-007 (Order 86-06), § 118-03-210, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-210, filed 7/7/81.]

WAC 118-03-230 Conditions for entry--Employees, contractors, and agents of individual(s) or government entity(s) issued industrial permits. (1) Individual(s) or governmental entity(s) issued a permit under WAC 118-03-050, 118-03-110, and 118-03-270 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the Restricted Zone for the permittee's business.

(b) Inform each authorized employee, agent and contractor of predesignated escape routes.

(c) Monitor the local sheriff's department or other governmental agency radio frequency which is established for transmitting emergency messages related to Mt. St. Helens.

(d) Maintain a daily check-in and check-out procedure for all authorized employee(s), agent(s) and contractor(s) who are within the Restricted Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the director of DES or his designee to each authorized employee, agent and contractor who is within the Restricted Zone for the permittee's business.

(f) Provide the foreman of each work crew, or one member of each group working together with a two-way radio and require them to make regular contact with a central dispatcher.

(g) Inform each employee, agent and contractor authorized to enter the Restricted Zone for permittee's business that they must be able to leave the Restricted Zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WAC 118-03-070, 118-03-230, and all other applicable safety regulations and procedures.

(2) Individual(s) other than government entity(s) shall indemnify the United States, the state of Washington, all political subdivisions thereof and their officer(s), agent(s) and employee(s), against all claims and liabilities which may be asserted against them for any damages, injuries, or losses suffered by any person while within the Restricted Zones or as a result of entering or occupying this zone under the authority of the industrial permit.

(3) Entry and occupancy of the Restricted Zone for industrial permittees will be authorized as per WAC 118-03-070(3).

(a) Industrial permits will be good for the length of contract, not to exceed three months.

(b) Industrial permits may be renewed upon approval of the director of DES or his designee(s).

(4) Entry and occupancy of the Restricted Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the director of DES or his designee(s) upon a showing of overriding necessity.

(5) Each individual(s) at the time of application for an industrial permit issued under WAC 118-03-050 and 118-03-110 or prior to application must file with DES an evacuation, emergency communication and warning plan.

(6) The evacuation plan must include the following:

(a) A description of the areas of operation by township, range, and section.

(b) Number of personnel to be engaged within these areas.

(c) Type and number of vehicles to be used for evacuation.

(d) Primary and alternate escape routes to be used.

(7) The emergency communication and warning plans must include the following:

(a) Manner in which the industrial permit holder would receive notification of a volcanic event.

(b) Procedures which the industrial permit holder would use to warn his/her personnel in the Restricted Zone. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-230, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-230, filed 7/7/81.]

WAC 118-03-250 Industrial permit reapplication procedure. (1) Industrial permits issued for the Restricted Zone prior to May 12, 1982 are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-230 have been complied with.

(2) Industrial permittee(s) may request a new permit prior to the existing permit date via telephone or personal contact with/or in person to the DLE whose DOL office issued the application and permit.

(3) The DLE must be advised of the date and approximate time an authorized agent of the industrial permittee will arrive to sign and pick up the new permit.

(4) The industrial permittee must also give all necessary information required to process the application.

(5) On assigned day, the authorized industrial agent must go to the DOL, identify him/herself to the DLE, review the application form and permit for accuracy, and sign the waiver. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-250, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-250, filed 7/7/81.]

WAC 118-03-270 Federal, state, and local government administrative personnel. Federal, state or local government administrative personnel on official business shall be authorized entry into the Restricted Zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the Restricted Zone, and

(2) Such entry be limited, to the extent possible, to specified destination(s) and route(s) within the Restricted Zone, and

(3) Approval for permit issue has been made by the director, DES or his designee(s), and

(a) Such entry is necessary to provide for the health, safety, and welfare of citizens in the disaster area, or

(b) Such entry is necessary to assess damages caused by the volcanic activity for the purpose of mitigating further damage or providing for the well being of disaster victims, or

(c) Such entry will provide information necessary for federal, state or local officials responsible for disaster response. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-270, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-270, filed 7/7/81.]

WAC 118-03-290 Other permit applicants. The director, DES, or his designee(s) may authorize persons not included in the above specific categories to enter the Restricted Zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the Restricted Zone, and

(2) Such entry will not burden official search and rescue missions or other emergency operations, and

(3) Such entry is limited in duration and by type of transportation to minimize, to the extent consistent with urgency of the entry, the safety of those granted entry permits, and

(a) Such entry is necessary for or will contribute to the health, safety, and welfare of the citizens in the disaster area, or

(b) Such entry is necessary for maintenance of privately owned property within the Restricted Zone, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-290, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-290, filed 7/7/81.]

WAC 118-03-310 Revocation and suspension. (1) In the event that volcanic activity or other events increase the danger already present in the Restricted Zone, permits, except permanent residents and scientific personnel approved by the director of DES or his designee(s), may be suspended or revoked by the director, DES, or his designee(s). This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC director) and DES. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DES in accordance with established DES operational procedures.

(2) The director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents, upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 82-15-007 (Order 86-06), § 118-03-310, filed 7/9/82; 81-15-012 (Order 81-03), § 118-03-310, filed 7/7/81.]

WAC 118-03-330 Uniform procedural rules. The Washington state department of emergency services, hereinafter designated as the department, adopts as its

own rules or practice all those uniform procedural rules promulgated by the code reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, subject to any additional rules the department may add from time to time. The department reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the department, said determination to be in accordance with the spirit and intent of the law. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 81-15-012 (Order 81-03), § 118-03-330, filed 7/7/81.]

Chapter 118-10 WAC

CRITERIA FOR ALLOCATION OF EMERGENCY MANAGEMENT ASSISTANCE FUND

WAC

118-10-010	Purpose.
118-10-020	Definitions.
118-10-030	EMA funds eligibility criteria.

WAC 118-10-010 Purpose. The purpose of this regulation is to establish criteria to be applied by the director, Washington state department of emergency services, in allocating available emergency management assistance (EMA) funds received from federal sources to political subdivisions of this state for the purpose of carrying out the administration of civil defense or emergency services programs. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-010, filed 7/8/81.]

WAC 118-10-020 Definitions. (1) Administrative expenses: Necessary and essential civil defense expenses. Necessary and essential civil defense expenses are those required for the proper and efficient administration of the civil defense program of a grantee or subgrantee as described in a state administrative plan and program papers approved by the regional director as being consistent with the national plan for civil defense and as meeting with other requirements for civil defense plans prescribed by or under provisions of the Federal Civil Defense Act of 1950, as amended.

(2) Personnel expenses: Necessary and essential civil defense expenses for personnel on the approved staffing pattern of a grantee or subgrantee (including but not necessarily limited to salaries, wages, and supplementary compensation and fringe benefits) for such employees appointed in accordance with state and local government laws and regulations under a system which meets federal merit system and other applicable federal requirements. Such expenses must be supported by job descriptions, payrolls, time distribution records, and other documentation as detailed in CPG 1-3.

(3) Program papers: Formal identification of specific actions to be accomplished by political subdivisions during the fiscal year for which federal funds are being requested.

(4) Operational plans: Operational plans are part of the state administrative plan. They identify the available

personnel, equipment, facilities, supplies and other resources of the state and its political subdivisions and provide for coordinated direction and control or operations to be taken throughout the state in the event of a nuclear attack, peacetime nuclear incident, man-made disaster, hazardous materials incident or natural disaster.

(5) State director: Shall mean the director of the department of emergency services of the state of Washington. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-020, filed 7/8/81.]

WAC 118-10-030 EMA funds eligibility criteria. Political subdivisions of state will be eligible for allocation of available EMA funds if:

(A) The local emergency services agency for which funds are sought has a current basic emergency operations plan approved by the state director. The plan will provide for nuclear, man-made and natural disasters. Annexes for the support of the plan must be up-to-date or there must be a schedule for the completion acceptable to the state director.

(B) The director/coordinator of the emergency services agency for which funds are sought shall, unless the conditions of the following sentence are met, be a full-time employee of the agency in order for the position to be covered for EMA funding purposes. However, with approval of the state director, eligibility for funding this position may be extended to cover specific part-time local directors/coordinators when the state director finds, under the prevailing local conditions, it is not practicable to have a full-time director/coordinator. To qualify for EMA funding, the director/coordinator must work at least 8 hours per week on civil defense and disaster preparedness duties, and as many additional hours as are required to conduct an adequate program as described in CPG 1-5 standards. The director/coordinator shall be paid a salary commensurate with the extent and difficulty of the duties of the job and with other salaries paid by local government. In all jurisdictions, competent persons should be designated and trained for civil preparedness functions such as operations, shelter maintenance, communications, and radiological defense, and to carry out such functions in emergencies as well as to assist in developing readiness for emergencies. In larger jurisdictions, these positions should be paid on a full-time basis to assure professionally competent services personnel.

(C) EMA funds will be allocated to local emergency services organizations to the extent that such funds are available. The state director will review the activities of each EMA recipient through a semi-annual progress report and/or an on-site survey to determine the recipient's accomplishments. If a local EMA recipient fails to meet the requirements of this plan and program, the state director may take appropriate corrective action in accordance with the established federal regulations and CPG 1-3. The funds thus unencumbered may be reallocated, at the discretion of the state director, to those emergency services organizations which are meeting their program goals.

(D) Distribution of funds. As near as practicable all available funds will be distributed in accordance with Federal Register 44 CFR 302 dated October 1, 1980 and guidance contained in CPG 1-3, Change 1, May 15, 1977 and CPG 1-5, April 1978. By regulation, the state director has the authority and responsibility to analyze the capabilities and needs of the various jurisdictions, allocate EMA funds to jurisdictions that meet the minimum requirements as interpreted by the director, and manage the EMA program in the state. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-030, filed 7/8/81.]

Title 130 WAC COMMERCE AND ECONOMIC DEVELOPMENT

Chapters

**130-16 Industrial development--Revenue bonds--
Financing eligibility.**

Chapter 130-16 WAC INDUSTRIAL DEVELOPMENT--REVENUE BONDS--FINANCING ELIGIBILITY

WAC

130-16-010	Purpose and authority.
130-16-020	Definitions.
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WAC 130-16-010 Purpose and authority. The department of commerce and economic development is charged with determining whether proposed construction or improvement projects, for which financing is sought through revenue bonds issued under chapter 39.84 RCW (chapter 300, Laws of 1981) are for industrial development facilities eligible for such financing. The purpose of the rules contained in this chapter is to establish the procedure and requirements for submitting an application for such an eligibility determination, as required by RCW 39.84.090 (section 9, chapter 300, Laws of 1981), and these rules are intended to administratively implement that statute. [Statutory Authority: RCW 39.84.090. 82-04-022 (Order 82-1), § 130-16-010, filed 1/26/82.]

WAC 130-16-020 Definitions. The following words and terms have the following meanings for the purposes of this chapter, unless the context in which they are used indicates otherwise: (1) "Department" means the department of commerce and economic development. Where appropriate, the term "department" also means members of the staff or employees of the department of commerce and economic development.