Title 198 WAC
ENVIRONMENTAL HEARINGS OFFICE

Chapters

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Chapter 198-09 WAC
STATEMENT OF EXEMPTION FROM STATE ENVIRONMENTAL POLICY ACT

WAC

198-09-010 Statement of exemption.

WAC 198-09-010 Statement of exemption. The environmental hearings office has reviewed its authorized activities and found them all to be exempt under the provisions of WAC 197-10-170(7). This section is adopted for compliance with the State Environmental Policy Act, chapter 43.21C RCW.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-09-010, filed 11/16/79.]

Chapter 198-12 WAC
DISCLOSURE OF PUBLIC RECORDS—PUBLIC MEETINGS

WAC

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WAC 198-12-010 Purpose. The purpose of this chapter shall be to insure compliance by the environmental hearings office with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records (chapter 42.17 RCW), and in particular RCW 42.17.250 through 42.17.320, dealing with public records; chapters 34.04 and 42.30 RCW.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-010, filed 11/16/79.]

WAC 198-12-020 Definitions. The following definitions shall apply:

(1) "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.

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

(3) The environmental hearings office, created by RCW 43.21B.005, shall hereinafter be referred to as the "hearings office." Where appropriate, the term "hearings office" also refers to the staff and employees of the environmental hearings office.

[Statutory Authority: RCW 34.04.940 and 42.17.250. 81-19-024 (Order 82-1), § 198-12-020, filed 9/9/81. Statutory Authority: RCW 34.04.940, 42.17.-250, 42.30.070 and 43.21C.120. 79-12-025 (Order 79-1), § 198-12-020, filed 11/16/79.]

WAC 198-12-030 Organization, operation and public meeting. (1) Organization. The hearings office is created for the purpose of consolidating administratively the pollution control hearings board, the forest practices appeals board and the shorelines hearings board into one agency of state government with minimum disturbance to these boards. Membership powers, functions and duties of the pollution control hearings board, the forest practices appeals board and the shorelines hearings board shall be as provided by law.

(2) Operation. The chairman of the pollution control hearings board is the chief executive officer of the hearings office. The lawyer member of the pollution control hearings board is designated the chief administrative law judge of the hearing office.

(3) Public meeting. There is no regular meeting of the hearings office.

[Statutory Authority: RCW 34.04.940 and 42.17.250. 81-19-024 (Order 82-1), § 198-12-030, filed 9/9/81. Statutory Authority: RCW 34.04.940, 42.17.-250, 42.30.070 and 43.21C.120. 79-12-025 (Order 79-1), § 198-12-030, filed 11/16/79.]

WAC 198-12-040 Public records available. All public records of the hearings office as defined in WAC 198-12-020(1) are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-040, filed 11/16/79.]

WAC 198-12-050 Public records officer. The public records officer for the hearings office shall be the administrative officer, who shall be responsible for the following: The implementation of the hearings office rules regarding release of public records, and assurance of compliance with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 34.04.940 and 42.17.250. 81-19-024 (Order 82-1), § 198-12-050, filed 9/9/81. Statutory Authority: RCW 34.04.940, 42.17.-250, 42.30.070 and 43.21C.120. 79-12-025 (Order 79-1), § 198-12-050, filed 11/16/79.]

WAC 198-12-060 Office hours. Public records shall be available for inspection and copying during the customary office hours of the hearings office. For the purpose of this chapter, the customary office hours shall be from 8:00 a.m. to noon and from 1:00 p.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-060, filed 11/16/79.]

WAC 198-12-070 Request for public records. In accordance with the requirements of chapter 42.17 RCW, which states 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 hearings office which shall be available at its principal office in Lacey. The form shall be presented to the public records officer, or a designated substitute if the public records officer is not available. The request shall include the following information:

(a) The name and address of the person requesting the record and the organization represented;

(b) The time of day and calendar day on which the request was made;

(c) A description of the material 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 officer or a staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-070, filed 11/16/79.]

WAC 198-12-080 Copying. No fee shall be charged for the inspection of public records. For printed, typed and written materials, maximum size 8-1/2 inches by 14 inches, and other writings as defined in WAC 198-12-020(2) the hearings office shall charge a reasonable fee for providing copies of public records and for use of the hearings office's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the hearings office for its actual costs incident to such copying.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-080, filed 11/16/79.]

WAC 198-12-090 Exemptions. (1) The hearings office reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 198-12-070 is exempt under the provisions of RCW 42.17.310. Exemptions shall include, but are not limited to the following:

(a) Pursuant to RCW 42.17.260, the hearings office reserves the right to delete identifying details when it makes available or publishes any public record, in all cases when there is reason to believe the disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The public records officer will justify such deletion in writing.

(b) All public records otherwise exempt by law shall be considered exempt under the provisions of these rules.

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

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-090, filed 11/16/79.]

WAC 198-12-100 Review of denials of public records request. (1) Any person who objects to the denial of the request for public records may petition for prompt review of such decision by submitting 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) Following receipt of a written request for review of a decision denying a public record, the public records officer or other authorized staff member denying the request shall refer it to the chief executive officer of the hearings office. The chairman or his designee shall immediately consider the matter and either affirm or reverse such denial. The request shall be returned with the final decision, within two business days following the original denial.

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

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-100, filed 11/16/79.]

WAC 198-12-110 Protection of public records. In order to properly protect the public records in the custody of the hearings office, the following guidelines shall be adhered to by any person inspecting such public records:

(1) No public records shall be removed from the office;

(2) Inspection of any public records shall be conducted in the presence of a designated employee;

(3) No public records may be marked or defaced in any manner during inspection;

(4) Public records which are maintained in the file jacket, or in a chronological order, may not be dismantled except for purposes of copying and then only by a designated employee;

(5) Access to file cabinets, shelves, vaults, etc., is restricted to the hearings office personnel.

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-110, filed 11/16/79.]

WAC 198-12-120 Records index. (1) The hearings office has available to all persons a current index which provides identifying information as to the boards' final opinions,

including concurring and dissenting opinions, as well as orders, made in the adjudication of cases.

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

[Statutory Authority: RCW 34.04.940, 42.17.250, 42.30.070 and 43.21C.-120. 79-12-025 (Order 79-1), § 198-12-120, filed 11/16/79.]

WAC 198-12-130 Communication with the hearings office. All communications with the hearings office regarding the administration or the enforcement of chapter 42.17 RCW, and these rules, requests for decisions by the hearings office and other matters, shall be addressed as follows: The Environmental Hearings Office, c/o Administrative Officer, 4224 6th Avenue S.E., Building 2 Rowesix, MS: PY-21, Lacey, Washington, 98504.

[Statutory Authority: RCW 34.04.940 and 42.17.250. 81-19-024 (Order 82-1), § 198-12-130, filed 9/9/81. Statutory Authority: RCW 34.04.940, 42.17.-250, 42.30.070 and 43.21C.120. 79-12-025 (Order 79-1), § 198-12-130, filed 11/16/79.]

WAC 198-12-140 Adoption of form. The hearings office hereby prescribes for use by all persons requesting inspection and/or copying or copies of its records, the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the form 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:

The Environmental Hearings Office
4224 6th Avenue S.E.
Building 2 Rowesix, MS: PY-21
Lacey, Washington 98504

THE ENVIRONMENTAL HEARINGS OFFICE

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 be used in compliance with chapter 42.17 RCW.

. . . . . .
Signature

Number of copies . . . . . .
Number of pages . . . . . .
Per page charge $. . . . . .
Total charge $. . . . . .

[Statutory Authority: RCW 34.04.940 and 42.17.250. 81-19-024 (Order 82-1), § 198-12-140, filed 9/9/81. Statutory Authority: RCW 34.04.940, 42.17.-250, 42.30.070 and 43.21C.120. 79-12-025 (Order 79-1), § 198-12-140, filed 11/16/79.]