

WSR 25-03-031

PROPOSED RULES

MILITARY DEPARTMENT

(Emergency Management Division)

[Filed January 7, 2025, 2:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-16-050.

Title of Rule and Other Identifying Information: Local emergency management/services organizations, plans and programs.

Hearing Location(s): On February 26, 2025, at 2:00 - 3:00 p.m., virtual meeting, Meeting ID 294 777 104 66, Passcode 7vM2w6um.

Date of Intended Adoption: February 27, 2025.

Submit Written Comments to: Alexa Bach, 20 Aviation Drive, #20, Camp Murray, WA 98430, email alexa.bach@mil.wa.gov.

Assistance for Persons with Disabilities: Contact Alexa Bach, phone 253-512-7133.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Current rules are outdated and based on federal structure that have been revised. Emergency management agencies within the state agree that a revision is needed. The proposed changes will simplify applicable rules and make them more applicable to varied emergency management organizational structures.

Reasons Supporting Proposal: The rules of chapter 118-30 WAC are severely outdated. The code needed to be updated to align with current federal and state practice more accurately. The code also needed to be modified to be more supportive of diverse local emergency management organizations.

Statutory Authority for Adoption: RCW 38.52.070.

Statute Being Implemented: RCW 38.52.070.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state military department, governmental.

Name of Agency Personnel Responsible for Drafting: Alexa Bach, Washington Military Department, Emergency Management Division, Camp Murray, Washington, 253-512-7133; Implementation and Enforcement: Robert Ezelle, Washington Military Department, Emergency Management Division, Camp Murray, Washington, 253-324-8020.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The Washington state military department is not subject to RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

January 7, 2025

Alexa Bach

Planning Program Supervisor

OTS-6080.1

Chapter 118-30 WAC
LOCAL EMERGENCY MANAGEMENT (~~/SERVICES~~) ORGANIZATIONS, PLANS, AND PROGRAMS

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-020 Purpose. The purpose of this chapter is to establish criteria for ~~((evaluating))~~ existing local emergency management ~~((/services))~~ organizations, plans, and programs, and to evaluate new local emergency management organizations, plans, and programs to ensure consistency with the state comprehensive emergency management plan and program.

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-030 Definitions. As used in this chapter:

(1) Emergency management will hereinafter refer to ~~((both))~~ emergency management ~~((and emergency services))~~ organizations.

(2) Director means the ~~((director))~~ adjutant general of the Washington ~~((state department of community development))~~ military department. The adjutant general delegates this authority to the Washington emergency management division director.

(3) Council means the Washington state emergency management council as established by RCW 38.52.040.

(4) Political subdivision means a county or incorporated city or town.

(5) Executive head(s) means:

(a) In the case of an incorporated city or town, the mayor or city manager.

(b) In the case of a county, either the county executive or the chair of the board of county commissioners or county council.

(c) In the case of a joint emergency management organization, the chair of the joint emergency management council.

(6) Emergency management organizations means the local government organization established by either a political subdivision or two or more political subdivisions for the purpose of carrying out local emergency management functions ~~((as described in RCW 38.52.010))~~.

(7) Ordinance means a law established by the legislative body of a city, town, or county.

(8) Resolution means an expression of policy established by the legislative body of a city, town, or county.

(9) Governing document means an interlocal agreement (ILA) or other legal agreement entered into by the members of a joint emergency management organization governing its affairs.

(10) Comprehensive emergency management plan, hereinafter referred to as the plan, means a written ~~((basic))~~ base plan with elements ~~((which address))~~ addressing all reasonably foreseeable natural ~~((and man-made))~~, human-caused, and technological emergencies and disasters to which a political subdivision is vulnerable. The ~~((comprehensive emergency management))~~ plan specifies the purpose, organization, responsibilities, and facilities of agencies and officials of the polit-

ical subdivision in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.

~~((10))~~ (11) Hazard analysis means a written assessment and listing of the reasonably foreseeable natural ((and man-made)), human-caused, and technological emergencies and disasters to which a political subdivision is vulnerable.

~~((11) Program paper means a statement of emergency management program objectives for a period of twelve consecutive months beginning January 1 and ending December 31 of the calendar year. The program paper shall represent the local program for the purposes of RCW 38.52.070 and shall be used as a program management tool by both state and local government.)~~ (12) Director of a local emergency management organization, hereinafter referred to as local director, means the head of the emergency management organization appointed by and directly responsible to the executive head of the political subdivision or joint emergency management organization and/or local officials with emergency management authority.

(13) Emergency management program means a system that provides for management and coordination of prevention, protection, mitigation, response, and recovery activities for all hazards. The system encompasses all organizations, agencies, departments, and individuals having responsibilities for these activities.

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-040 ((Responsibilities of political subdivisions.))

Establishing an emergency management organization. (1) Each political subdivision must establish an emergency management organization by ordinance or resolution passed by the legislative body of the political subdivision. ~~((Two or more political subdivisions may join in the establishment of an emergency management organization.))~~

(2) Each political subdivision shall develop, promulgate, and submit a comprehensive emergency management plan to the director or their designee.

(3) ~~((Each political subdivision shall submit an emergency management program paper annually to the director not less than sixty days prior to the beginning of the calendar year.~~

~~((4))~~ Two or more political subdivisions may establish a joint emergency management organization by ordinance or resolution approving a governing document for the joint emergency management organization. Political subdivisions that have joined together to form a joint emergency management organization ((may)) must submit a single plan ((and program paper)) to the director or their designee.

(4) Each new political subdivision or joint organization shall submit a copy of the ordinance(s) or resolution(s) establishing its emergency management organization or joint emergency management organization, and governing document if applicable, to the director for review and recommendations.

(5) Such ordinance or resolution, and governing document if applicable, shall create and constitute an approved emergency management organization for the purposes of RCW 38.52.195(2) and 38.52.260(2). Use of emergency workers is governed by chapter 118-04 WAC.

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-050 Contents of emergency management (~~ordinance/~~ resolution) ordinances, resolutions, and governing documents. ((Each political subdivision must establish an emergency management organization by ordinance or resolution passed by the legislative body of the political subdivision. Two or more political subdivisions may join in the establishment of an emergency management organization.

~~(1) Each political subdivision must establish said organization by ordinance or resolution.~~

~~(2) Each political subdivision shall specify in)) (1) The ordinance or resolution establishing an emergency management organization, and the governing document establishing ((the)) a joint emergency management organization if applicable, shall contain the following elements:~~

~~(a) How ((the)) costs of supporting the emergency management organization ((shall)) will be shared between or among the constituent political subdivisions.~~

~~((3) If two or more political subdivisions cannot agree on the sharing of costs to support the emergency management organization established by the constituent political subdivisions, the director shall refer the matter to the council. The council shall consider the matter at either a regular or special meeting. The council may request additional information from the constituent political subdivisions, the director, or other interested party(s). The council shall arbitrate the matter, and its decision shall be final.~~

~~(4) When two or more political subdivisions submit ordinances or resolutions establishing a single emergency management organization which meets the criteria set forth, the director shall inform the executive heads of the constituent political subdivisions that the emergency management organization is acceptable and authorized. Nothing in this code shall prevent one or more political subdivisions from contracting with another subdivision for emergency management activities under the provisions of chapter 39.34 RCW, the Interlocal Cooperation Act.~~

~~(5) Each political subdivision must specify in the ordinance or resolution establishing the emergency management organization, that the agency shall be headed by a director of emergency management who shall be appointed by and directly responsible to the executive head of the political subdivision.~~

~~(6) In the case of an emergency management organization established by two or more political subdivisions, such political subdivisions shall specify in the ordinance or resolution establishing the organization, that the local government agency shall be headed by a local director of emergency management who)) (b) A requirement that the emergency management organization or joint emergency management organization be headed by a local director of emergency management appointed by the political subdivision(s) or as set forth in the governing document.~~

~~(c) The local director of emergency management shall be appointed by the joint action of the executive heads of the constituent political subdivisions or in a manner stipulated in the governing document of the joint emergency management organization. ((The political subdivisions shall specify by ordinance or resolution that)) The local director of emergency management ((director)) shall be directly responsible to the executive ((authority)) head of the constituent political subdivision(s) or to the governing body of the joint emergency manage-~~

ment organization as established by the executive heads of the constituent political subdivisions.

~~((7) Each political subdivision shall specify by ordinance or resolution that the local director of emergency management shall be directly responsible))~~ (d) Specification of responsibility for the organization, administration, and operation of the emergency management organization(s) or joint emergency management organization.

~~((8) Each political subdivision shall submit a copy of the ordinance or resolution establishing its emergency management organization to the director for evaluation and approval of the organizational plan or structure.~~

~~(9) Such ordinance or resolution shall constitute an approved organization for the purposes of RCW 38.52.195 and 38.52.260(2). Use of emergency workers is governed by chapter 118-04 WAC.)~~ (2) Nothing in this code shall prevent one or more political subdivisions from contracting with another subdivision for emergency management activities under the provisions of chapter 39.34 RCW, the Interlocal Cooperation Act.

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-060 ((Emergency plan.)) Comprehensive emergency management plan. (1) Each ~~((political subdivision))~~ emergency management organization or joint emergency management organization shall create, promulgate, and maintain a current plan ((of operations)) which shall be based on a hazard analysis or equivalent and, ~~((as))~~ at a minimum, include a basic document with the following elements:

(a) Mission or purpose - ~~((Each plan shall contain a section which provides an explanation))~~ Provides a description of why the plan is established, ~~((the))~~ citation of the authorizing or enabling federal, state, and local statute(s) or ordinance(s), and an explanation of the situations and assumptions ~~((from))~~ on which the plan is based.

(b) Organization and responsibilities - ~~((The plan shall contain a section which defines))~~ Provides a definition of the emergency responsibilities ~~((for))~~ of each primary agency and local officials with emergency management authority involved in the plan, and ~~((provide))~~ a brief explanation of the chain of command and organizational relationship among such agencies.

(c) Concept of operations - ~~((Each plan shall contain a section which))~~ Provides a general explanation of how the plan is to be implemented and how the plan's general functions are to be performed.

(d) Administration, finance, and logistics - ~~((Each plan shall contain a section which outlines the measures for the administration and))~~ Provides an outline of the utilization of resources in response and recovery actions, including records retention and documentation, and ~~((which))~~ defines how such actions will be financed.

(e) Direction and control - ~~((Each plan shall contain a section which describes))~~ Provides a description of the location (physical or virtual) of emergency ~~((operating))~~ operations and/or coordination centers, and the mechanisms for maintaining continuity of civil government within the political subdivision.

(2) The plan ~~((shall))~~ should also include, either in the plan itself or in an annex or appendix, a functional description of how each of the following operational components will be addressed~~((It~~

is recommended these components be in annex form in the order listed herein):

- (a) Direction, control, and coordination;
 - (b) Continuity of government;
 - (c) Emergency resource management (requests, procurement, and tracking);
 - (d) ~~((Warning))~~ Alerts and warnings;
 - (e) ~~((Emergency))~~ External affairs and/or public information;
 - (f) Response and recovery operations ~~((reports));~~
 - (g) ~~((Movement (evacuation))~~) Evacuation and shelter-in-place;
 - (h) ~~((Shelter))~~ Sheltering and temporary housing;
 - (i) Human resources ~~((manpower));~~
 - (j) Mass care and ~~((individual))~~ emergency assistance;
 - (k) ~~((Medical, health and mortuary))~~ Public health, medical, and mortuary services;
 - (l) Communications;
 - (m) ~~((Food))~~ Agricultural resources;
 - (n) Transportation;
 - (o) ~~((Radiological and technological protection))~~ Oil and hazardous materials response (including radiological);
 - (p) Public safety, law enforcement, and security;
 - (q) ~~((Fire protection))~~ Firefighting;
 - (r) ~~((Emergency engineering services))~~ Public works and engineering;
 - (s) Search and rescue;
 - (t) ~~((Military support~~
 - ~~(u) Religious and volunteer agency affairs~~
 - ~~(v) Emergency administrative procedures~~
 - ~~(w))~~ Nongovernmental organizations, including faith-based and nonprofit agencies;
 - (u) Development and maintenance;
 - (v) Emergency fiscal procedures ((and records));
 - ~~((x))~~ (w) Training and ((education)) exercise;
 - ~~((y))~~ (x) Energy and utilities;
 - ~~((z) Special subjects (political subdivisions may develop special contingency procedures for specific hazards or events)).~~
- (3) It is recommended the annexes be written using the following format:
- (a) Purpose
 - (b) Operational concepts
 - (c) Responsibilities
 - (i) Local agencies
 - (ii) Volunteer or private agencies or organizations
 - (d) Agency functions by time phase
 - (i) Mitigation and preparedness
 - (ii) Response
 - (iii) Recovery
 - (e) Appendices
 - (i) Organization chart
 - (ii) Standard operation procedures as necessary
 - (iii) Attachments.
- (4) The plan may vary from the annex format, such as using chapters or sections, provided that each of the operational components listed in subsection (2) of this section is addressed. In such case, the plan must include a cross-reference index which specifies exactly where the operational components are located in the plan) (y) Debris management.

~~((5))~~ (3) The plan shall ~~((address))~~ reference or include the following items:

(a) A list of local ordinances or resolutions ~~((establishing))~~ granting authority to establish: The emergency management organization, mutual aid agreements, memoranda of understanding, and other documents important to the adoption or implementation of the plan ~~((shall))~~. These may be referenced in the plan or included in the plan's appendices.

(b) The month and year of the most recent revision shall be identified on each page of the plan and its associated procedures and checklists.

(c) Each page of the plan shall be numbered.

~~((6))~~ (4) The plan shall be promulgated by letter signed by the current executive head and included in or attached to the plan.

~~((7))~~ (5) The plan shall be ~~((reviewed and))~~ updated at least once every ~~((two))~~ five calendar years, and reviewed and amended as needed following exercises and activations.

~~((8))~~ (6) No less than once ~~((each))~~ every five calendar years, the operational capabilities of the emergency management organization and plan shall be tested by an emergency operations exercise or by an actual ~~((local emergency declaration))~~ emergency operations and/or coordination center activation.

~~((9) Revised or updated portions of the plan shall be submitted to the director within ninety calendar days of revision.)~~

AMENDATORY SECTION (Amending WSR 86-15-068, filed 7/22/86)

WAC 118-30-080 Review periods and procedures for organizations ~~((7))~~ and plans ~~((and program papers))~~. (1) The director or ~~((his))~~ their designee shall review and evaluate plans and other documents submitted by a local emergency management organization ~~((as follows))~~ within the following time periods:

~~((Ordinances/resolutions — thirty work days~~

~~— Program papers — thirty work days~~

~~— Program paper progress and final reports — thirty work days~~

~~— Plans and updates or changes — forty-five work days))~~ (a) Ordinances/resolutions shall be reviewed within 30 working days of submittal to verify that a political subdivision has adopted a resolution creating or identifying an emergency management program as required for the emergency management performance grant, and a resolution adopting the national incident management system.

(b) All other submittals of plans and updates shall be reviewed and appropriate feedback or response shall be provided within 45 working days of submittal.

(2) The director or ~~((his))~~ their designee(s) shall review and evaluate documents for consistency with criteria established in this chapter and ~~((per))~~ by state and federal guidance for local plans, annexes, revisions ~~((7))~~, and ordinances or resolutions creating emergency management organizations ~~((7 and local program papers))~~.

(3) If the director determines that any document is in nonconformance, ~~((he))~~ they shall notify the local director of the emergency management organization or joint organization submitting the document. The director shall state in writing the reasons for determining that the document does not conform.

(4) The ~~((local))~~ emergency management organization or joint organization and the political subdivision(s) it represents shall have ~~((twenty work))~~ 90 working days following the date of issuance of the director's notice of nonconformance to:

(a) Change the document to meet state criteria and resubmit it to the state for reconsideration ~~((prior to the expiration of the twenty work-day period))~~; or

(b) Schedule a meeting with the director to be held within the ~~((twenty work-day))~~ 90 working day period to resolve differences between the emergency management organization and the director.

(5) If, following such a meeting, the director's determinations regarding the document are still ~~((adverse))~~ averse to the emergency management organization or the political subdivision(s) it represents, the local director of the ~~((local))~~ submitting emergency management organization may file a written appeal with the chairperson of the state emergency management council within ~~((fifteen work))~~ 15 working days ~~((following the expiration of the twenty work-day period following the issuance))~~ of receipt of the director's written notification or expiration of the 90 working day period following the issuance of the director's initial notice of nonconformance. Such an appeal shall state in writing emergency management the organization's reasons for appealing the director's determination and shall have appended to the appeal statement a copy of each of the following:

- The ~~((proposed))~~ document(s) in question.
- The director's initial and any subsequent notice of nonconformance.
- Any other letters, documents, meetings minutes, etc., that may ~~((impinge upon))~~ impact the matter being appealed.

(6) The emergency management council shall have ~~((thirty work))~~ 30 working days from ~~((the))~~ receipt of the local director's appeal to schedule a hearing to and issue notices of the hearing to all parties. The hearing shall be set for as soon as practical for all the parties, but not later than 90 working days after the emergency management council receives the notice of appeal.

(a) In hearing the appeal, the council may consider any information supplied by the director, the emergency management organization, or the political subdivisions it represents, or any other party it wishes to allow to make a presentation. The hearing shall be an administrative law hearing.

(b) Within 10 working days following the conclusion of the hearing, the council ~~((may sustain))~~ shall issue a written decision sustaining the director's determination, ((overturn)) overturning the director's determination, or ((amend)) amending the director's determination. ~~((The council shall issue a written decision statement within ten work days following the adjournment of the hearing.~~

~~((b) In hearing the appeal, the council may consider any information supplied by the director, the organization or the political subdivisions it represents, or any other party it wishes to allow to make a presentation.))~~

(7) The ~~((local agency))~~ emergency management organization shall not be held in nonconformance until the appeal process is complete.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 118-30-070 Program papers.