

Title 118 WAC

EMERGENCY SERVICES, DEPARTMENT OF

(Formerly: Civil Defense)

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118-02	Public records.
118-03	Mt. St. Helens closure--Rules for permitted entry and/or occupation.
118-06	Local emergency services organizations.
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DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

Chapter 118-10

CRITERIA FOR ALLOCATION OF EMERGENCY MANAGEMENT ASSISTANCE FUND

118-10-010	Purpose. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-010, filed 7/8/81.] Repealed by 84-01-022 (Order 118-09), filed 12/9/83. Statutory Authority: RCW 38.52.160. Later promulgation, see WAC 118-09-010.
118-10-020	Definitions. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-020, filed 7/8/81.] Repealed by 84-01-022 (Order 118-09), filed 12/9/83. Statutory Authority: RCW 38.52.160. Later promulgation, see WAC 118-09-020.
118-10-030	EMA funds eligibility criteria. [Statutory Authority: Chapter 38.52 RCW. 81-15-015 (Order 81-05), § 118-10-030, filed 7/8/81.] Repealed by 84-01-022 (Order 118-09), filed 12/9/83. Statutory Authority: RCW 38.52.160. Later promulgation, see WAC 118-09-030.

Chapter 118-02 WAC PUBLIC RECORDS

WAC	
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WAC 118-02-010 Purpose. The purpose of this chapter shall be to ensure compliance by the department

of emergency services with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure--Campaign finances--Lobbying--Records; and in particular with sections 25-34 of that act, dealing with public records. [Order 230-1, § 118-02-010, filed 5/13/74.]

WAC 118-02-020 Definitions. (1) PUBLIC RECORDS. "Public record" includes any writing containing information relating to the conduct of governmental 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. "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) DEPARTMENT OF EMERGENCY SERVICES. The department of emergency services is a state agency created pursuant to chapter 38.52 RCW. The department of emergency services shall hereinafter be referred to as the "agency." Where appropriate, the term agency also refers to the staff and employees of the department of emergency services. [Order 230-1, § 118-02-020, filed 5/13/74.]

WAC 118-02-030 Description of central and field organization of department of emergency services. (1) The department of emergency services is a general government agency authorized to administer the program of disaster relief, search and rescue coordination, and civil defense in the state of Washington. The administrative office of the agency and its staff is located at 4220 East Martin Way, Olympia, Washington 98504. [Order 230-1, § 118-02-030, filed 5/13/74.]

WAC 118-02-040 Operations and procedures. Pursuant to chapter 38.52 RCW the department of emergency services has the responsibility for preparing, coordinating and directing all nonmilitary emergency functions for the protection and preservation of the lives, property and resources of the state, and for coordinating state-wide search and rescue activities. On April 10, 1968, the governor issued an emergency plans policy assigning to this agency the responsibility for coordinating the resources from other state agencies required in natural or man-made disasters, and naming it a member of the emergency plans group for support to the

Washington state patrol in the event of civil disturbance. [Order 230-1, § 118-02-040, filed 5/13/74.]

WAC 118-02-04001 Public records available. All public records of the agency, as defined in WAC 118-02-020(1) 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, WAC 118-02-100 or any other applicable law. [Order 230-1, § 118-02-04001, filed 5/13/74.]

WAC 118-02-060 Public records officer. The agency's public records shall be in charge of the public records officer designated by the agency. The person so designated shall be located in the administrative office of the agency. The public records officer shall be responsible for the following: The implementation of the agency's rules and regulations regarding release of public records, coordinating the staff of the agency in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 230-1, § 118-02-060, filed 5/13/74.]

WAC 118-02-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes 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. [Order 230-1, § 118-02-070, filed 5/13/74.]

WAC 118-02-080 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 agency which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the agency's staff, if the public records officer is not available, at the administrative office of the agency 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 agency'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 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 230-1, § 118-02-080, filed 5/13/74.]

WAC 118-02-090 Copying. No fee shall be charged for the inspection of public records. The agency shall charge a reasonable fee per page of copy for providing copies of public records and for use of the agency copy equipment. This charge is the amount necessary to reimburse the agency for its actual costs incident to such copying. [Order 230-1, § 118-02-090, filed 5/13/74.]

WAC 118-02-100 Exemptions. (1) The agency reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 118-02-080 is exempt under the provisions of section 31, chapter 1, Laws of 1973 or any other applicable law.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the agency 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 or vital governmental interests.

(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 230-1, § 118-02-100, filed 5/13/74.]

WAC 118-02-110 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 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 or his designee shall refer it to the director of the agency or his designee. The director or his designee shall consider the matter and either affirm or reverse such denial. Consultation, wherever possible, will be made with the attorney general's office regarding the matter under review. 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 agency has returned the petition with a decision or until the close of the second business day following the denial of inspection, whichever occurs first. [Order 230-1, § 118-02-110, filed 5/13/74.]

WAC 118-02-120 Protection of public records. Requests for public records shall be made in the agency's

office at 4220 East Martin Way, 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 agency office or, if copying facilities are not available, the agency will arrange to have copies made subject to the provisions of WAC 118-02-909 [118-02-090]. [Order 230-1, § 118-02-120, filed 5/13/74.]

WAC 118-02-130 Records index. The current index promulgated by the agency 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 230-1, § 118-02-130, filed 5/13/74.]

WAC 118-02-140 Agency address. All communications with the agency pertaining to the enforcement of chapter 1, Laws of 1973, these rules and requests for copies of the agency's records, may be addressed as follows: Department of Emergency Services, c/o Public Records Officer, 4220 East Martin Way, Olympia, Washington 98504. [Order 230-1, § 118-02-140, filed 5/13/74.]

WAC 118-02-150 Adoption of form. The agency hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "request for public record." [Order 230-1, § 118-02-150, filed 5/13/74.]

WAC 118-02-990 Appendix A--Form--Request for public record to department of emergency services.

APPENDIX A

REQUEST FOR PUBLIC RECORD TO DEPARTMENT OF EMERGENCY SERVICES

Name of Organization, if Applicable
Mailing Address of Applicant Phone Number
Date Request Made at Department of Emergency Services Time of Day 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 Department of Emergency Services Current Index
Said Records Have Not Been Requested to Provide Access to Lists of Individuals for Commercial Purposes.
Signature Signature (Please Print)

Request: Approved Date By Public Records Officer
Denied Date
Reasons for Denial:
Referred to Date By Public Records Officer

[Order 230-1, Appendix A (codified as WAC 118-02-990), filed 5/13/74.]

Chapter 118-03 WAC
MT. ST. HELENS CLOSURE--RULES FOR PERMITTED ENTRY AND/OR OCCUPATION

Table with 2 columns: WAC and Purpose. Rows include 118-03-010 Purpose, 118-03-030 Definitions, 118-03-050 Exempted personnel, 118-03-070 Conditions for entry, 118-03-090 Washington state department of licensing to process permits, 118-03-110 Application/processing procedures--Nonpermanent residents, 118-03-130 Permit and waiver issuance procedures--Permanent residents, 118-03-150 Permit and waiver issuance procedures--Recreation property owners, renters, or lessees, 118-03-170 Permit and waiver issuance procedures--Visitors to permanent residents or recreational property owners, 118-03-190 Permit and waiver issuance procedures--Media and scientific research, 118-03-210 Conditions for entry--Permanent residents and recreation property owners, 118-03-230 Conditions for entry--Employees, contractors, and agents of individual(s) or government entity(s) issued industrial permits, 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 83-08, 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 June 14, 1983, 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. 83-16-025 (Order 83-01), § 118-03-010, filed 7/27/83; 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 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 83-08, 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. 83-16-025 (Order 83-01), § 118-03-050, filed 7/27/83; 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 —	73 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 Administrative 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 118-06 WAC LOCAL EMERGENCY SERVICES ORGANIZATIONS

WAC

118-06-010	Authority.
118-06-020	Purpose.
118-06-030	Definitions.
118-06-040	Responsibilities of political subdivisions.
118-06-050	Evaluation of emergency services organization.
118-06-060	Review and evaluation of an existing emergency services organization.
118-06-070	Authorizing two or more political subdivisions to establish a local emergency services organization.
118-06-080	Resolution of conflict regarding the sharing of emergency services organization costs between political subdivisions.

WAC 118-06-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.070. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-010, filed 12/9/83.]

WAC 118-06-020 Purpose. The purpose of this chapter is to establish criteria for evaluating and approving the establishment of local emergency services organizations. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-020, filed 12/9/83.]

WAC 118-06-030 Definitions. (1) Director means the director of the Washington state department of emergency services.

(2) Council means the Washington state emergency services council as established by RCW 38.52.040.

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

(4) Executive head(s) means:

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

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

(5) Emergency services organization means the local government organization established by either a political subdivision or two or more political subdivisions for the purpose of carrying out emergency services as described in RCW 38.52.010(1).

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

(7) Resolution means an expression of policy established by the legislative body of a city, town or county. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-030, filed 12/9/83.]

WAC 118-06-040 Responsibilities of political subdivisions. (1) A political subdivision must establish an emergency services organization by ordinance or resolution passed by the legislative body of the political subdivision.

(2) In the event that two or more political subdivisions want to join in the establishment of an emergency services organization, each political subdivision must establish said organization by ordinance or resolution passed by the legislative body of the political subdivision. Such ordinance or resolution shall specify the joint relationship being entered into with one or more political subdivisions.

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

(4) In the case of an emergency services organization established by two or more political subdivisions, such political subdivisions shall specify in the ordinances or resolutions establishing the organization that the local government agency shall be headed by a director of emergency services who shall be appointed by the joint action of the executive heads of the constituent political subdivisions. The political subdivisions shall specify by ordinances or resolutions that the emergency services director shall be directly responsible to the executive heads of the constituent political subdivisions.

(5) Each political subdivision shall specify by ordinance or resolution that the director of emergency services shall be directly responsible for the organization, administration, and operation of the emergency services organization.

(6) In the case of two or more political subdivisions joining in the establishment of a single emergency services organization, each political subdivision shall specify in the ordinance or resolution establishing the organization how the costs of supporting the organization shall be equitably shared between the constituent political subdivisions.

(7) Each political subdivision shall submit a copy of the ordinance or resolution establishing its emergency

services organization to the state director for evaluation and approval of the organizational plan or structure. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-040, filed 12/9/83.]

WAC 118-06-050 Evaluation of emergency services organization. (1) The director shall use the following criteria to review and evaluate a local emergency services organization as represented by the ordinance(s) or resolution(s) submitted by the political subdivision(s).

(a) The emergency services organization must be established by an ordinance or resolution passed by the legislative body of the political subdivision.

(b) The ordinance or resolution establishing the emergency services organization must specify that:

(i) Either the organization represents only one political subdivision or the organization represents two or more political subdivisions that have jointly established an emergency services organization.

(ii) The organization shall be headed by a director appointed by and directly responsible to the executive head(s) of the political subdivision(s).

(iii) The director of emergency services shall be directly responsible for the organization, administration, and operation of the emergency services organization.

(iv) In the case of an organization established by two or more political subdivisions, the costs of supporting the organization shall be equitably shared as determined between the constituent political subdivisions.

(2) If any one of the criteria specified in subsection (1) of this section is not met, the director shall inform the executive head(s) of the political subdivision(s) submitting the ordinance(s) or resolution(s) establishing the organization that the organization as established is unacceptable. A political subdivision with an unacceptable organization shall be regarded as not having an emergency services organization as required by RCW 38.52.070. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-050, filed 12/9/83.]

WAC 118-06-060 Review and evaluation of an existing emergency services organization. (1) Each political subdivision with an emergency services organization shall submit its ordinance or resolution establishing such organization to the director by no later than October 1, 1983.

(2) After October 1, 1983, a political subdivision shall submit a copy of the ordinance or resolution establishing an emergency services organization to the director if such organization did not exist prior to October 1, 1983.

(3) The director shall review and evaluate the ordinance for compliance with the criteria established in WAC 118-06-050 within thirty calendar days of receipt of the ordinance or resolution.

(4) If the director determines that the organization is unacceptable, he shall so inform the executive head(s) of the political subdivision(s) submitting the ordinance or resolution. The director shall state the reasons for determining that the ordinance or resolution is unacceptable.

(5) The local political subdivision(s) shall have thirty calendar days from the date of the statement of determination in which to appeal to the director his finding that the organization is unacceptable. The appeal shall be in writing, shall set forth the reasons why the political subdivision believes the finding is incorrect, and shall be submitted by the executive head(s) of the political subdivision(s).

(6) The director shall respond to the appeal within thirty calendar days of receipt of the appeal. The response to the appeal shall either:

- (a) Sustain the original determination; or
- (b) Reverse the original determination.

(7) In responding to the appeal the director shall state in writing to the appealing executive head(s) the director's reasons for sustaining or reversing the original finding. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-060, filed 12/9/83.]

WAC 118-06-070 Authorizing two or more political subdivisions to establish a local emergency services organization. If two or more political subdivisions submit ordinances or resolutions establishing a single emergency services organization which meet the criteria set forth in WAC 118-06-050, the director shall inform the executive heads of the constituent political subdivisions that the emergency services organization is acceptable and authorized. Nothing in this code shall prevent one or more political subdivisions from contracting with another subdivision for emergency services under the provisions of chapter 39.34 RCW, the Interlocal Cooperation Act. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-070, filed 12/9/83.]

WAC 118-06-080 Resolution of conflict regarding the sharing of emergency services organization costs between political subdivisions. If two or more political subdivisions cannot agree on the equitable sharing of costs to support the emergency services 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. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-080, filed 12/9/83.]

Chapter 118-07 WAC

LOCAL EMERGENCY SERVICES PLANS

WAC

118-07-010	Authority.
118-07-020	Purpose.
118-07-030	Definitions.
118-07-040	Submittal of comprehensive emergency operations plan or plan development schedule for review by director.
118-07-050	Review periods and procedures.
118-07-060	Criteria for evaluating local emergency services plan.

WAC 118-07-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.070. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-010, filed 12/9/83.]

WAC 118-07-020 Purpose. The purpose of this chapter is to establish criteria for evaluating local comprehensive emergency operations plans. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-020, filed 12/9/83.]

WAC 118-07-030 Definitions. (1) Director means the director of the Washington state department of emergency services.

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

(3) Council means the Washington state emergency services council as described in RCW 38.52.040 and 38.52.070.

(4) Comprehensive emergency operations plan, hereinafter referred to as the plan, means a written basic plan with annexes, procedures and checklists which addresses all natural and man-made, including warfare, emergencies and disasters to which a political subdivision is vulnerable. The comprehensive emergency operations plan follows the format outlined in WAC 118-07-060 and specifies the purpose, organization, responsibilities, and facilities of agencies and officials of the political subdivision in mitigation of, preparation for, response to, and recovery from all emergencies and disasters.

(5) Hazard analysis means a written assessment and listing of the natural and man-made, including warfare, emergencies and disasters to which a political subdivision is vulnerable. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-030, filed 12/9/83.]

WAC 118-07-040 Submittal of comprehensive emergency operations plan or plan development schedule for review by director. (1) Each political subdivision shall submit its comprehensive emergency operations plan or schedule for development or maintenance of the plan to the director by July 1 of each year. Political subdivisions that have joined together to form a joint emergency services organization may submit a single plan or schedule by the aforementioned deadline.

(2) Revised or updated portions of the plan or its annexes shall be submitted to the director within thirty calendar days of local promulgation of such updated or revised portion of the plan or its annexes. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-040, filed 12/9/83.]

WAC 118-07-050 Review periods and procedures.

(1) The director shall review and evaluate the plan or its annexes, procedures, or checklists or revisions or updates to portions of the plan or its annexes, procedures, or checklists within forty-five workdays of receipt of such plan, annexes, procedures or checklists or portions thereof at the state department of emergency services.

(2) Within the forty-five workday review period the director shall provide to the political subdivision(s) submitting the comprehensive emergency operations plan or portions thereof, recommendations for changes or improvements or notice of acceptance. If the director's recommendations for changes or improvements are adverse to the political subdivision(s) submitting the plan, the political subdivision(s) may request a meeting with the director to resolve questions regarding the recommendations.

(3) If the political subdivision(s) submitting the plan still disagree with the director's recommendations, the political subdivision(s) may appeal the director's review findings to the council. The council may consider the matter at any regular or special meeting; consider information supplied by the director, the political subdivision, or other party; and review the plan or portion thereof. Within thirty days of receipt of notice of appeal by the director, the council shall render a decision regarding the matter. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-050, filed 12/9/83.]

WAC 118-07-060 Criteria for evaluating local emergency services plan. The director shall use but not be limited to the following criteria for evaluating local emergency services plans.

(1) Each plan shall have a basic section which shall follow the format listed in (a) through (d) of this subsection and shall be comprised of the following five components:

(a) A purpose or mission statement. This statement shall include an explanation of why the plan is established, a citation of federal, state, and local statutes, and an explanation of the situations and assumptions upon which the plan is based.

(b) An organization and responsibilities statement. This statement shall include a listing of the emergency responsibilities of each agency of the political subdivision(s) and a brief explanation of the chain of command and organizational relationships between agencies.

(c) A concept of operations statement. This statement shall briefly explain how the plan and its annexes, procedures or checklists will be implemented and how the political subdivisions will interrelate to other counties, cities, or towns or other levels of government.

(d) An administration and logistics statement. This statement shall specify how emergency response and recovery action will be financed and shall outline how resources within the political subdivision(s) shall be organized, listed and utilized.

(e) A direction and control statement. This statement shall specify the location of the emergency operating center(s), control points, command posts, field stations, communications links, warning and notification systems and the means or procedures for maintaining civil government within the political subdivision(s).

(2) Each plan shall have the following annexes appearing behind the basic section of the plan:

(a) Direction, control and coordination.

(b) Continuity of government.

- (c) Emergency resource management.
 - (d) Warning.
 - (e) Emergency public information.
 - (f) Response and recovery operation reports.
 - (g) Movement (evacuation).
 - (h) Shelter.
 - (i) Manpower.
 - (j) Mass care, emergency welfare, individual assistance.
 - (k) Medical, health, and mortuary.
 - (l) Communications.
 - (m) Food.
 - (n) Transportation.
 - (o) Radiological and technological protection.
 - (p) Law enforcement.
 - (q) Fire protection.
 - (r) Emergency engineering services.
 - (s) Search and rescue.
 - (t) Military support.
 - (u) Religious affairs.
 - (v) Emergency administrative procedures.
 - (w) Emergency fiscal procedures and records.
 - (x) Training and education.
 - (y) Energy and utilities.
 - (z) Special subjects (special contingency procedures).
- (3) The annexes shall outline in detail the function of the emergency services organization during emergencies. Each annex should include the following elements:

- (a) Purpose.
 - (b) Operational concepts.
 - (c) Responsibilities.
 - (i) Local agencies.
 - (ii) Volunteer agencies or organizations.
 - (d) Agency functions by time phase.
 - (i) Mitigation and preparedness.
 - (ii) Response.
 - (iii) Recovery.
 - (e) Appendices.
 - (i) Organization chart.
 - (ii) SOPs as necessary.
 - (iii) Attachments.
- (4) The political subdivision(s) may add special contingency procedures for specific hazards or events under annex z (subsection (2)(z) of this section). The content of such procedures shall be determined by the political subdivision(s).
- (5) The local ordinance(s) establishing the emergency services organization shall be appended to the plan along with other documents such as mutual aid agreements, memoranda of understanding, etc.
- (6) The plan, its annexes, procedures and checklists shall be promulgated by letter signed by the current executive head(s) of the political subdivision(s) to which the plan applies.
- (7) The plan shall be reviewed and updated at least once in every two calendar years. Each page of the plan and its annexes, procedures, and checklists must show the month and year of the latest update of information appearing on the page.
- (8) Each plan shall be tested by an emergency operations exercise involving the head(s) of the local political

subdivision(s) no less than once each calendar year. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-060, filed 12/9/83.]

Chapter 118-08 WAC

LOCAL EMERGENCY SERVICES PROGRAM

WAC

118-08-010	Authority.
118-08-020	Purpose.
118-08-030	Definitions.
118-08-040	Submittal of program paper for review by director.
118-08-050	Review period and procedures.
118-08-060	Criteria for evaluating local emergency services program paper.
118-08-070	Interim program paper for the period October 1 through December 31, 1983.

WAC 118-08-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.070. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-010, filed 12/9/83.]

WAC 118-08-020 Purpose. The purpose of this chapter is to establish criteria for evaluating local emergency services programs. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-020, filed 12/9/83.]

WAC 118-08-030 Definitions. (1) Director means the director of the Washington state department of emergency services.

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

(3) Emergency services organization means the local government agency established by a political subdivision or two or more political subdivisions for the purpose of carrying out emergency services as described in RCW 38.52.010(1).

(4) Council means the Washington state emergency services council as described in RCW 38.52.040 and 38.52.070.

(5) Program paper means a statement of emergency services program objectives for a period of twelve consecutive months beginning January 1 and ending December 31 of the calendar year. A program paper may represent, at the discretion of the director, the program objectives for a period of less than twelve consecutive months. 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. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-030, filed 12/9/83.]

WAC 118-08-040 Submittal of program paper for review by director. (1) Each political subdivision shall submit its program paper annually to the director not less than sixty days prior to the start of the effective period of the program paper. Unless the director specifies in writing to the contrary the program paper must be submitted by November 1 each year for the twelve-

month period beginning January 1 and ending December 31 of that year.

(2) Two or more political subdivisions may submit a single program paper if the political subdivisions have established an accepted joint emergency services organization as described by WAC 118-06-070. The submittal requirements described in subsection (1) of this section apply to the submission of a single program paper by two or more political subdivisions acting jointly. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-040, filed 12/9/83.]

WAC 118-08-050 Review period and procedures.

(1) The director shall review and evaluate the program paper within twenty workdays following receipt of the program paper.

(2) Within twenty workdays of receipt of the program paper, the director shall provide to the political subdivision(s) submitting said paper, recommendations for changes or improvements or a notice of acceptance. The political subdivision(s) submitting such program paper shall have fifteen calendar days to make any recommended changes in the program paper or to appeal the director's determination to the council. If the director's recommendations are adverse to the political subdivision(s), the political subdivision(s) may request a meeting with the director to resolve any questions prior to appeal to the council.

(3) The political subdivisions may appeal the director's review findings to the council. Such appeal must be made in writing within thirty calendar days of the date of the findings. The council may consider the matter at any regular or special meeting. The council may request information regarding the matter from the director, the political subdivision(s), or any other party. The council shall review the program paper, and within thirty calendar days of receipt of the appeal by the director, the council shall render a decision. The council's decision shall be final and binding on the director and the political subdivision. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-050, filed 12/9/83.]

WAC 118-08-060 Criteria for evaluating local emergency services program paper. (1) The director shall use the following criteria for evaluating program papers.

(a) Each program paper shall list the emergency services program objectives of the political subdivision(s) for a twelve-month period or for a lesser period as specified in WAC 118-08-030.

(b) Each program paper shall address the following categories:

(i) Comprehensive emergency plan development or updating;

(ii) Training and education;

(iii) Communications, warning and notification systems development or maintenance;

(iv) Radiological and hazardous materials incident response capability or maintenance;

(v) Tests, drills and exercises to assess emergency plan, personnel training and system effectiveness;

(vi) Public information;

(vii) Hazard analysis and assessment;

(viii) General program administration;

(ix) Response to emergencies and disasters.

(c) Each program paper shall have objectives consistent with federal and state emergency services program requirements as published by the director on or before September 1 each year.

(d) The program paper may include, in addition to the objectives listed in (b) of this subsection, specific local program objectives relating to local program needs.

(e) The director shall specify and publish a form for the political subdivision(s) to use in recording and submitting program objectives.

(2) The political subdivision(s) shall submit a statement of progress on each objective in each of the categories listed in subsection (1) of this section in two reports, one to be submitted to the director on April 1 of each year and the other July 1 of each year. Each report shall indicate the progress on each objective, whether or not objectives have been met, and if objectives have not been met or are not being met, the reasons why progress or achievement has not been accomplished. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-060, filed 12/9/83.]

WAC 118-08-070 Interim program paper for the period October 1 through December 31, 1983. Each political subdivision shall submit a program paper by October 14, 1983, for the period of October 1 through December 31, 1983, in accordance with the program paper evaluation criteria specified in WAC 118-08-060. Review and appeal procedures specified in WAC 118-08-050 shall apply to this interim program paper. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-070, filed 12/9/83.]

Chapter 118-09 WAC

CRITERIA FOR ALLOCATION OF EMERGENCY MANAGEMENT ASSISTANCE FUNDS

WAC

118-09-010	Purpose.
118-09-020	Definitions.
118-09-030	EMA funds eligibility criteria.
118-09-040	Distribution of EMA funds.
118-09-050	Appeal and review of EMA funds distribution.

WAC 118-09-010 Purpose. The purpose of this regulation is to establish criteria to be applied by the director of the Washington state department of emergency services in allocating emergency management assistance (EMA) funds to local emergency services organizations of this state for the purpose of carrying out emergency services programs. EMA funds will be allocated in accordance with the federal Civil Defense Act of 1950 and other applicable parts of the Code of Federal Regulations. [Statutory Authority: RCW 38.52.160. 84-01-022 (Order 118-09), § 118-09-010, filed 12/9/83. Formerly WAC 118-10-010.]

WAC 118-09-020 Definitions. (1) Administrative expenses mean necessary emergency management expenses required for the proper and efficient administration of the emergency management program of a local government emergency services organization.

(2) Personnel expenses mean necessary emergency management expenses for personnel on the staffing pattern of a local emergency services organization including but not limited to salaries, wages, and supplementary compensation and fringe benefits for such personnel. Such expenses must be supported by job descriptions, payroll records, and time distribution records to be kept on file by the local emergency services organization.

(3) Program paper means the same as "program paper" as defined by WAC 118-08-030.

(4) Comprehensive emergency operations plan means the same as "comprehensive emergency operation plan" as defined by WAC 118-02-030.

(5) State director means the director of the Washington state department of emergency services.

(6) Emergency services organization means the same as emergency services organization as defined by WAC 118-06-030.

(7) Review board shall mean a committee of four persons appointed by the director; three persons from the state department of emergency services and the president of the Washington state association of emergency services directors. [Statutory Authority: RCW 38.52-.160. 84-01-022 (Order 118-09), § 118-09-020, filed 12/9/83. Formerly WAC 118-10-020.]

WAC 118-09-030 EMA funds eligibility criteria. Local emergency services organizations in the state of Washington will be eligible for EMA funds if the following criteria are met prior to the beginning of the one-year period for which the funds are sought:

(1) The local emergency services organization for which EMA funds are sought shall have a current comprehensive emergency operations plan or schedule for plan development or maintenance approved by the state director.

(2) The director/coordinator of the emergency services organization for which EMA funds are sought shall be a full-time or part-time employee of the organization.

(3) The emergency services organization shall have an approved program paper in accordance with WAC 118-08-060.

(4) Local emergency services organization personnel must be hired and appointed in accordance with local merit system rules and regulations that are commensurate with federal guidelines.

(5) If a local emergency services organization receiving EMA funds fails to meet the requirements of subsections (1) through (4) of this section, the state director shall withhold from the recipient any EMA funds for the balance of the federal fiscal year. The funds thus withheld shall be reallocated on a percentage basis to those emergency services organizations that have met the requirements of subsections (1) through (4) of this section.

[Statutory Authority: RCW 38.52.160. 84-01-022 (Order 118-09), § 118-09-030, filed 12/9/83. Formerly WAC 118-10-030.]

WAC 118-09-040 Distribution of EMA funds. (1) From the total amount of EMA funds allocated for distribution to local emergency services organizations, the director may withhold up to five percent of the funds for discretionary distribution to emergency services organizations that meet EMA funds eligibility criteria after the beginning of the one-year period for which EMA funds are available. These discretionary moneys will be distributed on a percentage basis to local emergency services organizations that became eligible during the one-year period for which EMA funds are available. If such discretionary funds are exhausted, local emergency services organizations that become eligible for such funds will not receive funds.

(2) Any portion of the withheld percentage of the total EMA fund allocation to local emergency services organizations that has not been distributed by the end of a nine-month period, measured from the beginning of the one-year period for which EMA funds are available, shall be distributed on a percentage basis to those emergency services organizations that have achieved and maintained eligibility in accordance with WAC 118-09-030.

(3) The director shall decide upon and publish by September 1 each year, the beginning and ending dates of the next one-year period for which EMA funds will be available to local emergency services organizations.

(4) The total amount of EMA funds allocated for distribution to local emergency services organizations, less the percentage withheld by the director (net funds), shall be distributed to eligible local emergency services organizations on a percentage basis up to and including fifty percent of eligible costs. The percentage amount will be determined by the amount of federal funds available each federal fiscal year. The percentage shall be derived by dividing the amount of net funds available by the total of all EMA funds requested by eligible local emergency services organizations. An eligible local emergency services organization shall receive an amount of EMA funds equal to the percentage multiplied by the amount of EMA funds requested. [Statutory Authority: RCW 38.52.160. 84-01-022 (Order 118-09), § 118-09-040, filed 12/9/83.]

WAC 118-09-050 Appeal and review of EMA funds distribution. (1) A local emergency services organization may appeal to the director to reconsider the amount of funds distributed to it if the emergency services organization believes that the amount of EMA funds distributed to it is inconsistent with the eligibility criteria. Such appeal shall be made in writing to the director within fifteen calendar days following receipt of notification of the EMA allocation by the local emergency services organization.

(2) The appeal shall set forth the local emergency services organization's reasons for the appeal.

(3) The director shall respond to the local emergency services organization in writing within fifteen calendar days of receipt of the written appeal. The director's response shall uphold or modify the distribution of EMA funds and set forth in writing the reasons for his decision. The decision of the director shall be final.

(4) The director may appoint a review board of four persons to review and recommend a response to an appeal. [Statutory Authority: RCW 38.52.160. 84-01-022 (Order 118-09), § 118-09-050, filed 12/9/83.]