

# Title 400 WAC

## PUGET SOUND WATER QUALITY AUTHORITY

<b>Chapters</b>	
<b>400-04</b>	<b>Puget Sound quality authority State Environmental Policy Act procedures.</b>
<b>400-06</b>	<b>Procedures--Operations--Communications--Public records.</b>

### Chapter 400-04 WAC

#### PUGET SOUND QUALITY AUTHORITY STATE ENVIRONMENTAL POLICY ACT PROCEDURES

**WAC**

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**WAC 400-04-010 Authority.** The Puget Sound water quality authority adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C-.120 and the SEPA rules, WAC 197-11-904.

[Statutory Authority: RCW 43.21C.120, 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-010, filed 2/3/86.]

**WAC 400-04-020 Adoption by reference.** The authority hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

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[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-020, filed 2/3/86.]

**WAC 400-04-040 Additional definitions.** (1) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the seven-member authority appointed by the governor and/or agency staff.

(2) "Chair" shall mean the authority member appointed by the governor as chair of the authority.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-040, filed 2/3/86.]

**WAC 400-04-504 Availability of environmental documents.** There shall be established at the offices of the authority a file containing all official authority SEPA documents. Agencies and the public shall have access to this file.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-504, filed 2/3/86.]

**WAC 400-04-510 Public notice.** When these rules require notice to be given under this section, the authority shall inform the public and other agencies that an environmental document is being prepared or is available, and public hearing(s), if any, will be held by the following notice procedures:

- (1) Publish notice in at least one newspaper of general circulation in each county, city, or general area in which the proposal is located or which the proposal affects;
- (2) Notifying the news media via news releases, public service announcements and personal contact; and
- (3) Sending notice to the official authority mailing list. The official authority list shall be kept on file and be available for inspection by the public. Individual members of the authority's advisory bodies shall receive notice.
- (4) Any other of the notice procedures listed in WAC 197-11-510, as appropriate.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-510, filed 2/3/86.]

**WAC 400-04-680 Appeals.** There shall be no administrative appeals of authority SEPA determinations. Any person may informally request, either orally or in writing, the responsible official to reconsider a determination. The official shall reconsider the determination and provide a response, but as this is not a formal appeal as described by RCW 43.21C.075 and WAC 197-11-680, the official is not required to make a record or furnish reasons for the decision. Any informal request to reconsider an authority SEPA determination shall be made within thirty days of the determination.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-680, filed 2/3/86.]

**WAC 400-04-902 Authority SEPA policies.** The authority adopts by reference the state environmental policy as set forth in SEPA, RCW 43.21C.020. To carry out this policy, the authority will use all practicable means consistent with other essential considerations of state policy to improve and coordinate plans, functions, and resources, and to mitigate adverse impacts resulting from proposals to the end that the state and its citizens may:

- (1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (2) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- (3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences;

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(4) Preserve important historic, cultural, and natural aspects of our national heritage;

(5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

(7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;

(8) Manage public waters and adjacent lands, fisheries, wetlands, and other natural resources wisely.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-902, filed 2/3/86.]

**WAC 400-04-910 Designation of responsible official.** The authority's chair, or the chair's designee, shall serve as responsible official.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-910, filed 2/3/86.]

**WAC 400-04-995 Severability.** If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other person or circumstances, shall not be affected.

[Statutory Authority: RCW 43.21C.120. 86-04-054 (Order 86-01, Resolution No. 4), § 400-04-995, filed 2/3/86.]

**Chapter 400-06 WAC  
PROCEDURES--OPERATIONS--  
COMMUNICATIONS--PUBLIC RECORDS**

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**WAC 400-06-010 Purpose.** The purpose of this chapter is to describe the authority, its procedures and operations, communications to ensure compliance by the authority with the provisions of chapter 42.17 RCW (Initiative 276), and in particular, to implement sections 25 through 32 of that act, dealing with public records.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-010, filed 2/3/86.]

**WAC 400-06-020 Definitions.** (1) The terms "person," "public record," and "writing" shall have the meaning as stated in RCW 42.17.020.

(2) "Authority" means the Puget Sound water quality authority.

(3) "Chair" means the chair of the authority as stated in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW.

(4) "Public records officer" means the authority staff member so designated by the chair.

(5) "Voting member" means the seven members of the authority appointed by the governor.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-020, filed 2/3/86.]

**WAC 400-06-030 Authority operations and procedures.** (1) The authority was created by the enactment of chapter 451, Laws of 1985, chapter 90.70 RCW for the principal purpose of establishing a planning mechanism for improving and maintaining the water quality of Puget Sound. The legislation also provides for a public participation process for the development of the comprehensive water quality management plan for Puget Sound (plan), a biennial state of the Sound report, methods for staffing the authority and mechanisms to assure compliance with the plan.

(2) The duties, responsibilities and powers of the authority are set forth in sections 4 through 9 of chapter 451, Laws of 1985, chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW.

(3) The authority meets at least monthly to consider and act upon major policy matters, planning decisions, and routine business of the authority. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative Procedures Act (chapters 34.04 and 1.08 RCW), and *Robert's Rules of Parliamentary Procedure*. Any official action of the authority shall require the affirmative vote of a majority of the voting members present so long as there are at least four voting members present, except that the adoption of the plan and any substantial revision to the plan shall require the affirmative vote of a majority of all voting members of the authority.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-030, filed 2/3/86.]

**WAC 400-06-050 Puget Sound water quality authority officers--Terms.** The officers of the authority shall be the chair and the vice-chair. The vice-chair shall be elected by a majority vote of the voting members of the authority and shall serve for a term of one year. The chair of and other members of the authority shall serve for terms as provided in chapter 451, Laws of 1985, chapter 90.70 RCW.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-050, filed 2/3/86.]

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**WAC 400-06-060 Puget Sound water quality authority--Regular meetings.** Regular meetings of the authority shall be held on the third Wednesday of each calendar month usually beginning at 9:30 a.m. and running until 3:30 p.m. The meetings shall be held at a place designated by the chair of the authority. Provided that, if the authority deems it necessary to meet more or less frequently, the authority shall give notice of those meetings as required by law.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-060, filed 2/3/86.]

**WAC 400-06-070 Puget Sound water quality authority--Description of organization.** The authority pursuant to section 3, chapter 451, Laws of 1985, chapter 90.70 RCW, is composed of seven members appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology serve as ex-officio, nonvoting members of the authority. The administrative office of the authority and its staff is 217 Pine Street, Suite 1100, Seattle, Washington 98101.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-070, filed 2/3/86.]

**WAC 400-06-090 Public records available.** All public records of the agency, as defined in WAC 400-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-090, filed 2/3/86.]

**WAC 400-06-100 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 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-100, filed 2/3/86.]

**WAC 400-06-110 Requests for public records.** In accordance with requirements of chapter 42.17 RCW 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 authority which shall be available at its office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, telephone numbers, and organization represented, if any, 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; and

(e) If the requested matter is not identifiable by reference to the authority'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.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-110, filed 2/3/86.]

**WAC 400-06-120 Copying.** No fee shall be charged for the inspection of public records. The authority shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-120, filed 2/3/86.]

**WAC 400-06-130 Exemptions.** (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 400-06-110 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.

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

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-130, filed 2/3/86.]

**WAC 400-06-140 Review of denials of public records request.** (1) Any person who objects to the denial of a request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or

other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chair who shall consider the matter and either affirm or reverse such denial. 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 authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-140, filed 2/3/86.]

**WAC 400-06-150 Protection of public records.** (1) No person shall knowingly alter, deface, or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the offices of the authority.

(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-150, filed 2/3/86.]

**WAC 400-06-160 Records index.** (1) A chronological index is maintained providing identifying information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the authority to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 42.17.310.

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

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-160, filed 2/3/86.]

**WAC 400-06-170 Communications.** All communications regarding the actions or decisions of the authority:

(1) Pertaining to the administration or enforcement of chapter 42.17 or these rules shall be addressed to the Public Records Officer, Puget Sound Water Quality Authority, Suite 1100, 217 Pine Street, Seattle, Washington 98101; and

(2) Relating to the development of the plan shall be addressed to Director of Planning, Puget Sound Water

Quality Authority, Suite 1100, 217 Pine Street, Seattle, Washington 98101.

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-170, filed 2/3/86.]

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

**WAC 400-06-180 Request for public record--Form.**

**STATE OF WASHINGTON  
PUGET SOUND WATER QUALITY AUTHORITY  
REQUEST FOR PUBLIC RECORD**

\_\_\_\_\_  
(Signature and date)

[Statutory Authority: RCW 42.17.250 through 42.17.320, 1985 c 451 and chapter 90.70 RCW. 86-04-055 (Order 86-02, Resolution No. 5), § 400-06-180, filed 2/3/86.]

Date of Request: \_\_\_\_\_

Requested By: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Public Records or Information Requested: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Requester Read and Sign:**

I understand that I must abide by the rules and regulations published by the Puget Sound Water Quality Authority for the protection of public records, a copy of which I have read and understand. I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.

Requester's Signature \_\_\_\_\_  
\_\_\_\_\_

**Completed by Authority Public Records Officer:**

Date of Receipt: \_\_\_\_\_

Number of Copies: \_\_\_\_\_

Amount Received: \$ \_\_\_\_\_

Reason if Authority is Unable to Comply: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Public Records Officer Signature: \_\_\_\_\_

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the authority.
- (2) Original copies of public records of the agency shall not be removed from the offices of the authority.
- (3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.