

Title 118 WAC
EMERGENCY MANAGEMENT, DIVISION
OF

(Formerly: Emergency Management, Dept. of)

Chapter

- 118-33** **Disaster recovery program.**
118-40 **Hazardous chemical emergency response**
 planning and community right-to-know
 reporting.

Chapter 118-33 WAC
DISASTER RECOVERY PROGRAM

WAC

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WAC 118-33-010 Intent. The intent of this plan is to set forth the administrative procedures and describe the organization for implementing the individual and family grant program subsequent to a major disaster declaration by the president. The governor of Washington has designated the state division of emergency management of the department of community development to administer the individual and family grant program in Washington. These rules shall be effective only upon declaration of a major disaster by the president of the United States.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-010, filed 11/19/87.]

WAC 118-33-020 Definitions. (1) "Act" shall mean chapter 38.52 RCW.

(2) "Administrative panel" means a group consisting of one or more representatives from the division of emergency management, agreed to and approved by the GCO, determining eligibility for a grant and grant amount.

(3) "Appeal" means a formal request for redetermination by the applicant to the assistant director (appeal authority) that protests the administrative panel's decision or reconsideration officer's review of the individual and family grant determination.

(4) "Assistance from other means" means assistance including monetary or in-kind contributions from other governmental programs, insurance, voluntary or charitable organizations, or from any sources other than those of the individual or family. It does not include expendable items.

(5) "Division" shall mean the division of emergency management: Department of community development.

(6) "Assistant director" means the assistant director of the division of emergency management.

(7) "Expendable items" means consumables such as linens, clothes, and basic kitchenware.

(8) "Family" means a social unit living together and comprised of a husband and wife and dependents, or comprised of unmarried persons jointly forming a household unit (such as those who jointly own or share real estate and common household type personal property); or comprised of couples (and dependents of couples) who are joined in a common law marriage; or a household comprised of an unmarried person living with and supporting a dependent son, stepson, daughter, stepdaughter, or a dependent descendant of a son or daughter. Families may file only one IFG application.

(9) "Federal coordinating officer" (FCO) means the person appointed by the administrator, FEMA, to coordinate federal assistance in a major disaster.

(10) "FEMA" means the Federal Emergency Management Agency.

(11) "Flowage easement" means an area where the landowner has given the right to overflow, flood, or submerge the land to the government or other entity for a public purpose.

(12) "Grant coordinating officer" (GCO) means the person assigned the management responsibility for the IFGP by the assistant director.

(13) "Individual" means a person who is not a member of a family, as defined above. Renters who live together are individuals. When one individual owns real property, and another lives there in a tenant-type relationship (whether or not rent is charged), the owner may file one IFG application for home repair and the personal property of the owner; and the other individual may file an IFG application for his/her own property.

(14) "Major disaster" means any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the president, causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Disaster Relief Act of 1974, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

(15) "Necessary expense" means the cost of an item or service essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

(16) "Owner-occupied" means that the residence is occupied by the legal owner; a person who does not hold formal title to the residence but is responsible for payment of taxes, maintenance of the residence, and pays no rent; or a person who has lifetime occupancy rights in the residence with formal title vested in another. Those who do not have documentation proving home ownership

may prove such ownership by presenting an affidavit executed by a state, or local government attorney stating that the applicant is considered owner of the residence for legal purposes, and identifying the basis for this conclusion, and by presenting one form of proof of occupancy.

(17) "Reconsideration officer" means the state official appointed by the assistant director to review the administrative panel's eligibility decision when the applicant disagrees with that decision.

(18) "Serious need" means the requirement for an item or service essential to an individual or family to prevent, mitigate, or overcome a disaster-related hardship, injury, or adverse condition.

(19) "State coordinating officer" (SCO) means the individual appointed by the governor to coordinate state and local disaster assistance efforts with those of the federal government.

(20) "Governor's authorized representative" means the assistant director when appointed by the governor to utilize executive authority in a declared disaster.

[Statutory Authority: RCW 38.52.030(9). 87-24-005 (Order 87-21), § 118-33-020, filed 11/19/87.]

WAC 118-33-030 Authorization of program. The program is authorized by P.L. 93-288 (the Disaster Relief Act of 1974) and 44 CFR 205.54. Section 408 of P.L. 93-288 provides for grants up to five thousand dollars to individuals and families, who as a result of a presidentially declared major disaster, are unable to meet disaster-related "serious needs" or "necessary expenses." Chapter 38.52 RCW places responsibility for determining eligibility standards for grants to individuals and families with the department of social and health services.

[Statutory Authority: RCW 38.52.030(9). 87-24-005 (Order 87-21), § 118-33-030, filed 11/19/87.]

WAC 118-33-040 Administrative procedures. (1) The state division of emergency management has been designated by the governor as the responsible state agency to administer the provisions of 44 CFR 205.54. P.L. 93-288, Section 408 provides for grants to individuals and families up to five thousand dollars - seventy-five percent federal and twenty-five percent state funds.

(2) The division of emergency management as the state administrator of the IFG program shall arrange for the state share (twenty-five percent) of funding and secure the seventy-five percent federal matching.

(3) The division of emergency management shall be responsible for preparing the governor's request for an advance of the state's share of funds.

(4) The division of emergency management shall administer the individual and family grant program. The department of social and health services is responsible for establishing eligibility standards for applicants for assistance under the grant program.

(5) The division of emergency management shall receive the maximum allowance of three percent for administration of the program.

(6) Upon the declaration of a major disaster, the state coordinating officer, division of emergency management, and the department of social and health services, shall coordinate the necessary actions to place in operation the provisions and administrative policies and procedures for grants to individuals and families.

(7) The media shall be used to notify potential applicants of methods and procedures for application during and after the disasters; and appropriate outreach services shall be provided by the division of emergency management or welfare-related agencies, civic or church groups normally providing such services in the area.

(8) The program shall be administered in conformity with provisions of 44 CFR 205.54.

(9) Eligibility criteria shall conform to Section 44 CFR 205.54(d) and such requirements as the department of social and health services may require not inconsistent with the provisions in the cited sections of the CFR in this subsection.

(10) The SCO shall maintain close coordination with the FCO and provide reports as may be required.

(11) The GCO shall maintain close coordination with the SCO.

[Statutory Authority: RCW 38.52.030(9). 87-24-005 (Order 87-21), § 118-33-040, filed 11/19/87.]

WAC 118-33-050 Grant eligibility. Eligibility for individual and family grants is the responsibility of the department of social and health services according to chapter 38.52 RCW. This rule is contained in chapter 388-53 WAC.

[Statutory Authority: RCW 38.52.030(9). 87-24-005 (Order 87-21), § 118-33-050, filed 11/19/87.]

WAC 118-33-060 Allocation of funds. The federal share of a grant to an individual or a family under this section shall be equal to seventy-five percent of the actual cost of meeting such an expense or need and shall be made only on condition that the remaining twenty-five percent of such cost is paid to such individual or family from funds made available by a state. Where a state is unable immediately to pay its share, the president is authorized to advance to such state such twenty-five percent share, and any such advance is to be repaid to the United States on the date specified in the FEMA-STATE agreement entered into at the time of each declared disaster. No individuals and no family shall receive any grant or grants under this section aggregating more than five thousand dollars with respect to any one major disaster.

[Statutory Authority: RCW 38.52.030(9). 87-24-005 (Order 87-21), § 118-33-060, filed 11/19/87.]

WAC 118-33-070 Expenditures and payments. (1) Grant payments shall be processed by means of state Form A-19 (invoice voucher) appropriately coded to identify the charges to individual and family grant program. Each voucher shall be supported by attaching a copy of the approved grant award letter. The original approved grant application and a copy of the payment voucher shall be filed in the case record folder.

(2) Vouchers shall be transmitted to the administrative services division of the department of community development daily through the usual transmittal procedures. Separate voucher transmittals shall be made for individual and family grant program payments in order to expedite priority processing of the payments.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-070, filed 11/19/87.]

WAC 118-33-080 Organization and functions. All state agencies charged with responsibilities under this plan will ensure compliance with 44 CFR 205.54.

(1) Notifying potential applicants. The assistant director of the division of emergency management shall publicize the availability of the IFG program to potential applicants by:

(a) Coordinating public information office activities with other agencies and the FCO;

(b) Providing news releases to local and state newspapers, radio, and television stations;

(c) Notifying local governments, private welfare and welfare related agencies, civic and church groups; and

(d) Establishing outreach programs.

(2) Disaster assistance centers (DAC).

(a) The FEMA shall provide staff for the purpose of taking IFG registration/applications, and flood plain map reading at DACs and the disaster field office (DFO). FEMA forms shall be used to take applications for the IFG program.

When the DFOs close, the state shall accept applications taken through the FEMA hotline (toll free telephone number) and at the office(s) designated by the assistant director for this purpose.

(b) Applications shall be taken for sixty days following a major disaster declaration from any disaster victim desiring to apply for grant assistance. The FEMA registrar shall explain the scope and purpose of the program to each applicant and will ensure each applicant identifies on his or her application the specific needs or expenses for which he or she is seeking assistance.

(3) The applicant's signature on the application form is acknowledgement of the certification/authorization statement verifying his/her understanding of the rules of the individual and family grant program.

(4) Verifying necessary expenses or serious needs.

(a) FEMA will provide most verification data to the state on individual and family grant applicants who were not required to first apply to the Small Business Administration (SBA), and on those who were required to apply to SBA but also had expenses unrelated to SBA's disaster loan program. The FEMA regional director shall be responsible for performing most of the required verifications in the categories of housing (to include documentation of home ownership and primary residency); personal property; and transportation (to include documentation of vehicle ownership and/or registration, as appropriate to the state's administrative plan).

(b) The state will not be required to recover funds, and will not be issued a bill for collection (BFC), when

it makes a grant based on incorrect verification information provided by FEMA. A grant based on this incorrect information will not be subject to the state's normal recovery of funds procedures.

(c) Certain verifications may be required to be performed by the state, such as for medical, dental, or funeral applications, or on delayed applications or reversifications, when FEMA and its contractors are no longer available.

(5) Eligibility determination functions shall be performed by the division of emergency management. The SBA will provide copies of verifications performed by SBA staff on housing and personal property (including vehicles) for those applicants who were first required to apply to SBA. This will enable the state administrative panel to make an eligibility determination on those applicants. When an applicant disagrees with the grant award, he/she may appeal to the state. The cost of any estimate provided by the applicant in support of his/her appeal is not eligible under the program.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-080, filed 11/19/87.]

WAC 118-33-090 Administrative panel. (1) The administrative panel, consisting of one or more representatives of the division of emergency management appointed by the GCO, shall review each application and determine eligibility and grant amounts.

(2) The administrative panel shall send each applicant written notice of their determination of the applicant's eligibility and, if eligible, grant amount.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-090, filed 11/19/87.]

WAC 118-33-100 Reconsideration. (1) Reconsideration is an informal process in which all available facts pertaining to an applicant's expressed dissatisfaction with the administrative panel's decision are reviewed. Additional information may be obtained and the reconsideration officer may make a decision affirming, modifying, or reversing the administrative panel's decision within ten days of the receipt of the complaint.

(2) The request for reconsideration, additional facts and the reconsideration officer's decision will be documented in the case record.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-100, filed 11/19/87.]

WAC 118-33-110 Appeal. (1) An applicant dissatisfied with the administrative panel's or reconsideration officer's determination of his or her eligibility and/or grant amount has the right to appeal. The appeal can be oral or in writing and must state the reasons for the appellant's dissatisfaction with the administrative panel's determination. The appellant must appeal as soon as possible not to exceed fifteen days from receipt of the administrative panel's determination.

(2) When an applicant has requested an appeal, the assistant director or designee shall examine the appellant's file and any additional information received or

presented for review of the administrative panel's determination. The assistant director shall make a decision affirming, modifying, or reversing the administrative panel's decision and mail the written decision to the appellant within fifteen days of the assistant director's receipt of the appeal; this period may be extended if both the appellant and assistant director agree. The decision of the assistant director is final.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-110, filed 11/19/87.]

WAC 118-33-120 Administrative plan review. The assistant director of the department of emergency management shall review, in coordination with the FEMA regional director, the state administrative plan for the individual and family grant program every January to ensure compliance with state and federal laws and regulations and other FEMA program guidance.

[Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-120, filed 11/19/87.]

Chapter 118-40 WAC

HAZARDOUS CHEMICAL EMERGENCY RESPONSE PLANNING AND COMMUNITY RIGHT-TO-KNOW REPORTING

WAC

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WAC 118-40-010 Introduction. On October 17, 1986, the Superfund Amendments and Reauthorization Act of 1986 (SARA) was signed into law (P.L. 99-499). One part of the SARA provisions is Title III: "The Emergency Planning and Community Right-to-Know Act of 1986." Title III establishes requirements for federal, state, and local governments, and industry regarding emergency response planning and community right-to-know on hazardous chemicals.

The emergency planning provisions of Title III (Sections 301-305) are designed to develop state and local government hazardous chemical emergency preparedness and response capabilities through better coordination and planning, especially at the local level.

Community right-to-know provisions of Title III (Sections 311, 312, and 313) require the owners and/or operators of facilities to provide information about the nature, quantity, and location of chemicals manufactured, processed, stored, or used at their facility sites. The purpose of these provisions is to increase public knowledge of the presence of hazardous chemicals in communities and to better prepare for potential emergencies.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43-63A.060. 88-19-025 (Order 88-05), § 118-40-010, filed 9/12/88.]

WAC 118-40-020 Purpose and scope. It is the purpose of this chapter to implement the provisions of Title III in the state of Washington to establish a mechanism for compliance by state and local governmental agencies and industry with the provisions of Title III. This chapter is promulgated under the general policy and rule-making authority of the department of community development as established by RCW 38.52.030(2); 38.52-050 (1) and (3); and 43.63A.060.

Compliance with the requirements of Title III, as recognized by the United States Environmental Protection Agency, is regarded as compliance with the provisions of this chapter. Where federal regulations are duplicated or referred to in this chapter, Title III citations are provided. This chapter is not intended to mandate any new compliance requirements beyond those required by Title III.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43-63A.060. 88-19-025 (Order 88-05), § 118-40-020, filed 9/12/88.]

WAC 118-40-030 Definitions. "SARA" means the Superfund Amendments and Reauthorization Act of 1986, as amended.

"CERCLA" means the Comprehensive Emergency Response, Compensation and Liability Act of 1980, as amended.

"Commission" means the emergency response commission for Washington state.

"Local committee" means the local emergency planning committee established for each state emergency planning district established by the commission.

"Title III" means Title III of the Superfund Amendments and Reauthorization Act of 1986; also titled the Emergency Planning and Community Right-to-Know Act of 1986, as amended.

"Administrator" means the administrator of the Environmental Protection Agency (EPA).

"Environment" includes water, air, and land and the interrelationship which exists among and between water, air, and land and all living things.

"Extremely hazardous substances" means a substance described in Section 302 (a)(2) of Title III as now authorized or hereafter amended.

"Facility" means all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with such person). For the purpose of Section 304,

Title III, the term includes motor vehicles, rolling stock and aircraft, shipping, and pipelines.

"Hazardous chemical" means any chemical which is a physical hazard or a health hazard as defined by OSHA Hazard Communication Standard (29 CFR 1910.1200). Exceptions to the definition of "hazardous chemical" in Title III and in 29 CFR 1910.1200 shall also apply in this chapter.

"Health hazard" means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed individuals. The term health hazard includes chemicals which are carcinogens, toxic or highly toxic agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membrane.

"Physical hazard" means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive), or water reactive.

"Material Safety Data Sheet (MSDS)" means the sheet required to be developed under Section 1910.1200 (g) of Title 29 CFR, as that section may be amended from time to time.

"NRT-1 guidebook" means the *Hazardous Materials Emergency Planning Guide* published by the National Response Team, March 1987.

"NRT-1 guidelines" means the guidance outlined in the *Hazardous Materials Emergency Planning Guide*.

"OSHA" means Occupational Safety and Health Act of 1970.

"Person" means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of state, or interstate body.

"Release" means any spill, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing to the environment of any hazardous chemical, extremely hazardous substance, or toxic chemical.

"Toxic chemical" means a substance described in Section 313 (c) of Title III, as now authorized or hereafter amended.

"WISHA" means Washington Industrial Safety and Health Act of 1973.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43-.63A.060. 88-19-025 (Order 88-05), § 118-40-030, filed 9/12/88.]

WAC 118-40-040 State emergency response commission—Establishment, membership, chairperson. (1) In keeping with the provisions of Section 301 (a) of Title III, the governor of Washington state has established a state emergency response commission composed of the following members or their designees:

- (a) Director of the department of community development.
- (b) Director of the department of ecology.
- (c) Chief of the Washington state patrol.

(2) The director of the department of community development shall be the chairperson of the commission.

(3) The assistant director, division of emergency management, department of community development, shall serve as alternate chairperson of the commission in the absence of the chairperson.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43-.63A.060. 88-19-025 (Order 88-05), § 118-40-040, filed 9/12/88.]

WAC 118-40-050 Commission—Purpose, responsibilities. The purpose of the state emergency response commission is to coordinate hazardous material issues and carry out the mandate of Title III (P.L. 99-499), as now authorized or hereafter amended.

The commission shall be responsible for the establishment of a state hazardous materials emergency preparedness, response, and community right-to-know program as required by Title III. Specific duties of the commission include:

(1) Establishment of a state level hazardous materials advisory committee.

(2) Designation of local emergency planning districts.

(3) Appointment of members to local committees established for each of the local emergency planning districts designated by the commission.

(4) Reception and evaluation of local emergency response plans.

(5) Delegation of responsibilities between the department of ecology, the Washington state patrol, and the department of community development in implementing the Title III program in Washington state.

(6) Establishment of a single address, telephone number and the procedures for the receipt of, management and access to all notifications, reports, plans and all other information required by Title III.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43-.63A.060. 88-19-025 (Order 88-05), § 118-40-050, filed 9/12/88.]

WAC 118-40-060 Department of community development—Title III responsibilities. Specific responsibilities of the department of community development include, but are not limited to, the following duties:

(1) Receive and record verbal emergency toxic chemical release reports through the twenty-four-hour duty officer system. Track and maintain records of events annually.

(2) Develop emergency planning guidance and provide assistance to local committees in the development of an emergency response plan for their district. Advise and assist industry in the planning process.

(3) Coordinate the review of each emergency plan as it is submitted.

(4) Serve as repository agency for the local emergency response plans.

(5) Set up community right-to-know program to allow citizens to view emergency response plans, upon request.

(6) Provide staff to commission and hazardous material advisory committee to develop agendas, prepare minutes, coordinate meeting places, draft policy letters, and carry out other support functions as needed.

(7) Prepare and respond to correspondence for signature by the chairperson of the commission.

(8) Receive and coordinate the distribution of correspondence, information, and written reports to offices in the departments of community development and ecology and the Washington state patrol, and local committees, as well as other state agencies when appropriate.

(9) Serve as chairperson of the training subcommittee of the hazardous materials advisory committee.

(10) Develop and apply for training grants, as authorized and provided under Section 305 of Title III.

(11) Provide training and maintain training records for the state hazardous materials training program as authorized and funded through Section 305 of Title III.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-060, filed 9/12/88.]

WAC 118-40-070 Department of ecology--Title III responsibilities. Specific responsibilities of the department of ecology include, but are not limited to, the following duties:

(1) Serve as advisor to the commission on emergency spill response and environmental restoration issues.

(2) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

(3) Serve as advisor for on-scene spill response and environmental needs at the state and local levels.

(4) Serve as advisor to the commission on community right-to-know issues.

(5) Develop, implement, and maintain a Title III Community Right-to-Know Program which may include, but is not limited to:

(a) Data management of reports and notifications submitted by businesses.

(b) Technical assistance to businesses regarding compliance with Title III.

(c) Accessing and communicating information to the public.

(d) Outreach to businesses and the public about Title III.

(6) Serve as chairperson or member of the community right-to-know subcommittee of the hazardous materials advisory committee.

(7) Serve as liaison between the commission and the Environmental Protection Agency on community right-to-know issues.

(8) Provide training for hazardous substances spill response and cleanup.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-070, filed 9/12/88.]

WAC 118-40-080 Washington state patrol--Title III responsibilities. Specific responsibilities of the Washington state patrol include, but are not limited to, the following duties:

(1) Serve as advisor to the commission on emergency response and coordination of on-scene activities on state and interstate highways and other areas where it has been designated incident command agency.

(2) Serve as chairperson of the emergency response subcommittee of the hazardous materials advisory committee.

(3) Serve as advisor for emergency responder equipment and training needs at the state and local levels.

(4) Serve as a member of the training subcommittee of the hazardous materials advisory committee.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-080, filed 9/12/88.]

WAC 118-40-090 Hazardous materials advisory committee--Establishment, membership. In order to achieve a broader representation of hazardous materials interests in state emergency response planning and community right-to-know, the commission may establish a state level hazardous materials advisory committee. At a minimum, the committee membership shall consist of members appointed by the commission from the following interest groups:

(1) Four state legislators. One from each caucus in the house of representatives and one from each caucus in the senate.

(2) One representative of the Washington association of counties.

(3) One representative of the association of Washington cities.

(4) One representative of the Washington state emergency management association.

(5) One representative of the Washington state association of fire chiefs.

(6) One representative of the Washington association of sheriffs and police chiefs.

(7) One representative of the Washington state utilities and transportation commission.

(8) One representative of the Washington state department of agriculture.

(9) One representative of the Washington state council of firefighters.

(10) Two representatives of the association of Washington businesses.

(11) Two representatives of the Washington environmental council.

(12) Others may be appointed as appropriate.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-090, filed 9/12/88.]

WAC 118-40-100 Hazardous materials advisory committee--Purpose, responsibilities. (1) The purpose of the hazardous materials advisory committee is to serve as a policy advisory body regarding hazardous chemical emergencies and community right-to-know.

(2) The members of the hazardous materials advisory committee shall serve the commission in a technical advisory capacity regarding the development and implementation of a hazardous chemical emergency response process and community right-to-know functions. The committee's responsibilities include, but are not limited to, providing advice on the following topics:

(a) Contingency planning at the state and local levels.

(b) Enhanced hazardous materials training.

(c) Assessment of emergency response equipment needs at the state and local levels.

(d) Enhancement of emergency response capabilities at the state and local levels.

(e) State and federal hazardous waste programs.

(f) Interstate planning and agreements.

(g) Joint purchase of equipment and specialized materials.

(h) Develop and propose legislation to meet future needs.

(3) The hazardous materials advisory committee shall provide advice to the commission regarding the establishment of a community right-to-know program including procedures for the receipt of hazardous and toxic chemical information and the release of such information to the general public.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-100, filed 9/12/88.]

WAC 118-40-150 Emergency planning districts—Designation. (1) Emergency planning districts shall be based on the statutory requirement set forth in RCW 38.52.070 which authorizes local emergency management organizations.

(2) Cities and towns that do not have active emergency management organizations as required by chapter 38.52 RCW are considered part of the county planning district in which they are located for the purposes of Title III emergency response planning.

(3) If the provision in WAC 118-40-150(2) is unacceptable to a jurisdiction, the presiding official or officials of that jurisdiction may request that the commission designate that jurisdiction as a Title III emergency planning district.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-150, filed 9/12/88.]

WAC 118-40-160 Local committee—Organization, membership. (1) Each local committee shall include, at a minimum, representatives from each of the following groups or types of organizations as specified by Section 301 (c) of Title III:

- (a) State and local officials.
- (b) Law enforcement.
- (c) Emergency management.
- (d) Firefighting.
- (e) First aid.
- (f) Health profession.
- (g) Local environment.
- (h) Hospital.
- (i) Transportation personnel.
- (j) Broadcast and print media.
- (k) Community groups.

(l) Owners and operators of facilities subject to the requirements of Section 302 (b) of Title III.

(2) Each local emergency planning committee shall appoint a chairperson and establish rules by which the committee shall operate.

(3) Committee rules shall include provisions for public notification of committee activities, public meetings to discuss the emergency plan, public comments, response

to such comments by the committee, and distribution of emergency response plans to the general public.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-160, filed 9/12/88.]

WAC 118-40-170 Local committee—Responsibilities. (1) Not later than October 17, 1988, each local committee shall complete the preparation of a hazardous materials emergency response plan. In the development of the plan, as specified by Sections 303 (a), (b), (c) and 324 (a), (b), Title III, committee duties include, but are not limited to:

(a) Forming a local planning team.

(b) Designating a team leader.

(c) Evaluating the resources needed to develop, implement, and exercise the emergency plan.

(d) Identifying existing emergency response equipment and personnel.

(e) Conducting a needs assessment of emergency response equipment and personnel requirements.

(f) Providing oversight for preparation of the plan by the local planning team.

(2) Each local committee shall establish procedures for receiving and processing requests from the general public for information under Section 324 (including Tier II information under Section 312) Title III. Such procedures shall include the designation of an official to serve as committee coordinator for all information requests.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-170, filed 9/12/88.]

WAC 118-40-180 Hazardous material emergency response plan—Content, guidelines, evaluation process.

(1) Each local committee shall complete a hazardous materials emergency response plan as required by Section 303 (a), (b), (c), Title III.

(2) The committee shall transmit three copies of the completed plan to:

Chairperson

Washington State Emergency Response
Commission

Department of Community Development
9th and Columbia Building, GH-51
Olympia, Washington 98504-4151

(3) At a minimum, the plan shall include the requirements of Title III, the standards of the NRT-1 guidelines, and the concepts of the Washington state comprehensive emergency plan as it is written.

(4) Upon receipt of a local committee hazardous material emergency response plan, the state emergency response commission shall:

(a) Send a letter to the local committee formally acknowledging the receipt of the plan and informing them of the review process.

(b) Copies of the plan will then be sent to the following organizations for review and comment:

(i) The state division of emergency management, department of community development, to review it against required federal criteria and the state comprehensive emergency management plan.

(ii) The hazardous materials advisory committee's subcommittee for contingency planning.

(iii) The hazardous materials advisory committee's subcommittee for emergency response.

(c) The above organizations shall review the plan and within ninety days submit their comments and recommendations, if any, to the state emergency response commission on whether the plan meets the requirements of Title III, the recommendations of the NRT-1 guidelines and the concepts of the Washington state comprehensive emergency management plan.

In the event that there are significant differences in the recommendations of the committees, the full state hazardous materials advisory committee will be asked to resolve the differences and make its recommendation to the emergency response commission within forty-five days of the date of referral to the state hazardous materials advisory committee.

(d) Within forty-five days of the receipt of the recommendations, the state emergency response commission will review the recommendations. Upon completion of this review the commission shall, as appropriate, send a letter to the submitting local committee stating one of the following alternative evaluations of the local committee's plan:

(i) The plan has been reviewed and is considered to meet the requirements of Title III, the standards of the NRT-1 guidelines, and the concepts of the state comprehensive emergency management plan as it is written.

(ii) The plan has been reviewed and is considered to meet the standards of the NRT-1 guidelines, Title III requirements and the comprehensive emergency management plan concept, but suggestions are included on how it may be improved at its next revision.

(iii) Serious omissions are apparent in the plan. Please note the following suggestions on the changes that are needed to meet the Title III requirements, the guidelines of the NRT-1 guidebook and the concept of the Washington state comprehensive emergency management plan.

(5) The local committees shall review and update their plans annually, and submit them to the commission for review under the procedures and guidelines prescribed in this section.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-180, filed 9/12/88.]

WAC 118-40-190 Emergency response training. (1) The department of community development, division of fire protection services, shall provide training as authorized by Section 305, Title III, for emergency first responders, including firefighters, law enforcement, and emergency medical personnel. Other constituencies to be trained may include federal, state, and local governmental employees who may directly or indirectly involve themselves in a hazardous materials incident. Such personnel may include health officials, public works personnel, elected officials, emergency and city managers, and personnel employed by private industry.

(2) Emergency training programs shall be designed to improve emergency planning, preparedness, mitigation,

response, and recovery capabilities. Such programs shall provide special emphasis with respect to emergencies and responsibilities associated with hazardous materials and Title III.

(3) The division of fire protection services may officially schedule, conduct, and/or contract for courses throughout the state, and may also provide training sessions upon written or verbal request from public or private organizations, agencies, or departments.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-190, filed 9/12/88.]

WAC 118-40-300 Title III--Facilities compliance. The owner or operator of a facility shall meet all of the applicable requirements of Title III, or of rules adopted by the administrator to implement Title III, as now authorized or hereafter amended, including the planning, notification, reporting, access, and information availability requirements as specified by Sections 301, 302, 303, 304, 311, 312, 313, and 324 of Title III.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-300, filed 9/12/88.]

WAC 118-40-400 Title III--Enforcement, penalties. Enforcement of all Title III provisions and the administration of penalties for violations of the provisions shall be pursuant to Section 325 of Title III, as now authorized or hereafter amended.

[Statutory Authority: RCW 38.52.030(2), 38.52.050 (1), (3) and 43.63A.060. 88-19-025 (Order 88-05), § 118-40-400, filed 9/12/88.]

Title 131 WAC

COMMUNITY COLLEGE EDUCATION, BOARD FOR

Chapter

131-08 Practice and procedure.

Chapter 131-08 WAC

PRACTICE AND PROCEDURE

WAC

131-08-010 Regular meetings of the state board.

WAC 131-08-010 Regular meetings of the state board. The time and place of the regular meetings of the state board for calendar year 1989 are:

January 18-19	South Puget Sound Community College, Olympia
March 1-2	Pierce Community College, Tacoma
April 12-13	South Puget Sound Community College, Olympia
May 17-18	Olympic Community College, Bremerton
June 21-22	Peninsula Community College, Port Angeles
September 13-14	Wenatchee Valley Community College, Wenatchee