

Title 118 WAC

MILITARY DEPARTMENT

(EMERGENCY MANAGEMENT)

Chapters

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**DISPOSITION OF CHAPTERS FORMERLY
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**Chapter 118-10
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- 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 Repealed by 84-01-022 (Order 118-09), filed 12/9/83.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 Repealed by 84-01-022 (Order 118-09), filed 12/9/83.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 Repealed by 84-01-022 (Order 118-09), filed 12/9/83.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

- 118-02-010 Purpose.
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- 118-02-100 Exemptions.
- 118-02-110 Review of denials of public records requests.
- 118-02-120 Protection of public records.
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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;

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(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.

time to time as conditions warrant. The executive orders issued by the governor recognize the continuing danger from additional eruptions, earthquakes, flash floods, and other related events from Mt. St. Helens.

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-010, filed 9/27/85; 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 "DEM" as used hereinafter shall mean the Washington state department of emergency management. The term "director" used hereinafter shall mean the director of the department of emergency management. "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. 85-20-062 (Order 85-02), § 118-03-030, filed 9/27/85; 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. 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.

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(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 when applicable.

(8) Individual(s) with a legitimate business reason for being within the restricted zone as determined by the director, department of emergency management, or his designee(s).

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-050, filed 9/27/85; 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 DEM or the USFS.

(2) The restricted zone will be closed by a coordinated decision of the DEM and the USFS on the advice of the USGS that hazards are elevated. The restricted zone will be closed when there is an alert issued by the U.S. Geological Survey, and if necessary 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 USFS or by the director of DEM 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, base radio contact alternative routes, and names of those entering.

(5) Helicopters entering the restricted zone must obtain a mission number from the Mt. St. Helens National Volcanic Monument ((206) 247-5473). Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequently 122.75 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 or U.S. Geological Survey.

(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. 85-20-062 (Order 85-02), § 118-03-070, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include areas outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

The DOL may process restricted zone entry permit applications at but limited to 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 DEM 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	—	360-577-2235 or 2236
Vancouver	—	360-696-6671 or 6672
Morton	—	360-496-5637
Centralia	—	360-736-2855 or 2856
Seattle	—	206-464-5846

[Statutory Authority: Chapters 43.06 and 38.52 RCW. 85-20-062 (Order 85-02), § 118-03-090, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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, DEM; 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. 85-20-062 (Order 85-02), § 118-03-110, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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. 85-20-062 (Order 85-02), § 118-03-130, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and

the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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. 85-20-062 (Order 85-02), § 118-03-150, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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. 85-20-062 (Order 85-02), § 118-03-170, filed 9/27/85; 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 USFS review committee.

(2) Scientific research permit applications will be reviewed by a USFS scientific research review committee.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS ECC 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. 85-20-062 (Order 85-02), § 118-03-190, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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. 85-20-062 (Order 85-02), § 118-03-210, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(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 DEM 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 due to natural volcanic or flash flood causes 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 DEM 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 DEM 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 DEM 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. 85-20-062 (Order 85-02), § 118-03-230, filed 9/27/85; 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. When the restricted zone is expanded by governor's executive order to include lands outside of USFS lands and the Mt. St. Helens National Volcanic Monument, the following shall apply.

(1) Industrial permits issued for the restricted zone prior to August 1, 1985, 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. 85-20-062 (Order 85-02), § 118-03-250, filed 9/27/85; 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, DEM or his designee(s) or the USFS, 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. 85-20-062 (Order 85-02), § 118-03-270, filed 9/27/85; 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, DEM, his designee(s) or the USFS 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 when applicable, 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. 85-20-062 (Order 85-02), § 118-03-290, filed 9/27/85; 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, when applicable, and scientific personnel approved by the director of DEM, his designee(s), or the USFS may be suspended or revoked by the director, DEM, his designee(s), or the USFS. This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC director) and DEM. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DEM and the USFS in accordance with established DEM and USFS operational procedures.

(2) The director of DEM or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code, except for permanent residents when applicable, 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. 85-20-062 (Order 85-02), § 118-03-310, filed 9/27/85; 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 118-04 WAC

EMERGENCY WORKER PROGRAM

WAC

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118-04-010	Purpose. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-010, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-030	Scope. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-030, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-050	Definitions. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-050, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-070	Registration. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-070, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-090	Scope of emergency duties. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-090, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-110	Classes of emergency workers. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-110, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-130	Emergency worker criteria and standards. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-130, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-140	Search and rescue emergency worker guidelines. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-140, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-150	Department of emergency services mission number. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-150, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-170	Evidence search training mission number. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-170, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-190	Eligibility and responsibility. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-190, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-210	Eligibility requirements and procedures for filing personal injury claims by emergency workers. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-210, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-230	Eligibility requirements and procedures for filing property loss/damage claims by emergency workers. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-230, filed 5/11/84.] Repealed by 93-23-005

- 118-04-250 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW. Fuel and toll claims. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-250, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-270 Extraordinary expense claims. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-270, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
- 118-04-290 After action reports—Search and rescue. [Statutory Authority: RCW 38.52.310. 84-11-022 (Order 118-04), § 118-04-290, filed 5/11/84.] Repealed by 93-23-005 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.

WAC 118-04-020 Purpose and intent. The purpose of this chapter is to adopt rules pertaining to the use, classes, scope, conditions of duty and training of emergency workers and compensation of emergency workers' claims.

The intent of these rules is to clearly delineate the responsibilities of authorized officials and emergency workers before, during, and after emergencies, disasters, and other specific missions.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-020, filed 11/4/93, effective 12/5/93.]

WAC 118-04-040 Scope. This chapter is applicable for emergency activities as outlined in chapter 38.52 RCW for:

(1) Emergencies, disasters, and related incidents that are determined by appropriate state or local authorities to require the use of emergency workers and that are authorized by the issuance of an emergency management division mission number.

(2) Search and rescue missions, including urban search and rescue and evidence search missions, that are conducted under the authority of local law enforcement officers and that are authorized by issuance of an emergency management division mission number.

(3) Training events authorized by issuance of an emergency management division training event number.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-040, filed 11/4/93, effective 12/5/93.]

WAC 118-04-060 Definitions. (1) "Authorized official" means director of the department of community development or designee, assistant director of the emergency management division or designee, the director or designee of a local emergency management agency, the chief law enforcement officer or designee of a political subdivision, or other such officials as identified in Annex S (search and rescue) of a local comprehensive emergency management plan.

(2) "Authorized organization" means the department of community development, the emergency management division, local emergency management agencies, and law enforcement agencies of political subdivisions.

(3) "Claimant" means the person making a claim or their legal representative.

(4) "Emergency management division" means Washington state department of community development, emergency management division.

(5) "Engineer" means any person registered under chapter 38.52 RCW as an emergency worker who is an architect registered under chapter 18.08 RCW and/or a professional engineer registered under chapter 18.43 RCW.

(6) "Evidence search" means an unscheduled, non-emergency training activity utilizing emergency worker skills to look for evidentiary material resulting from criminal activity.

(7) "Incident" means an occurrence or event, either human-caused or natural phenomena, that requires action by emergency services personnel to prevent or minimize loss of life or damage to property and/or the environment.

(8) "Local emergency management agency" means the emergency management or emergency services organization of a political subdivision of the state established in accordance with RCW 38.52.070.

(9) "Local director" means the director or designee of a local emergency management agency.

(10) "Mission" means a distinct assignment of personnel and equipment to achieve a set of tasks related to an incident, emergency, disaster, or search and rescue operation that occurs under the direction and control of a local authorized official.

(11) "Training event" means a planned, non-emergency activity for the development, maintenance, or upgrading of emergency worker skills.

(12) "Urban search and rescue (US&R)" means locating, extricating and providing for the immediate medical treatment of victims trapped in collapsed or damaged structures.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-060, filed 11/4/93, effective 12/5/93.]

WAC 118-04-080 Registration. Registration is a prerequisite for eligibility of emergency workers for benefits and legal protection under chapter 38.52 RCW.

(1) Emergency workers shall register in their jurisdiction of residence or in the jurisdiction where their volunteer organization is headquartered by completing and filing an emergency worker registration card, Form DEM-024 or equivalent, with the local emergency management agency.

(a) The information provided during registration may be used by local authorized officials to conduct criminal history and driving record background checks.

(b) Failure to truthfully respond to statements set forth on the registration form may result in the denial of registration, revocation of registration as an emergency worker, or denial of compensation for claims or damage.

(c) Registration and subsequent issuance of an emergency worker identification card, Form DEM-025 or equivalent, shall be at the discretion of the local emergency management agency director. Denial of registration should only be made for cause.

(d) Each emergency worker shall be assigned to an emergency worker class as listed in WAC 118-04-100 in accordance with their skills, abilities, licenses, and qualifications.

(2) An employee of the state or of a political subdivision of the state who is required to perform emergency duties as a normal part of their job shall be considered as

registered with the local emergency management agency in the jurisdiction in which they reside.

(a) When such individuals are outside the jurisdiction of their employment during a disaster or emergency, except when acting under the provisions of a mutual aid agreement, they should report to the on-scene authorized official and announce their capabilities and willingness to serve as a volunteer during the emergency or disaster. These individuals will be afforded the same protection as all other emergency workers.

(b) Such individuals, including volunteer fire fighters enrolled under chapter 41.24 RCW, shall not be eligible for compensation as emergency workers when, during an emergency or disaster, they are performing their normal duties in the geographic area they are normally assigned to work or in another geographic area under the provisions of a mutual aid agreement.

(3) Temporary registration.

(a) Temporary registration may be authorized:

(i) In those emergency situations requiring immediate or on-scene recruiting of volunteers to assist in time-critical or life-threatening situations.

(ii) In those training or exercise situations where certain duties can be performed by persons who have no permanent and specific emergency worker assignments and who are not registered emergency workers but whose participation may be essential or necessary for the conduct of the training or exercise activity such as persons serving as disaster victims during a medical exercise.

(b) Persons shall be temporarily registered during the period of service if they have filled out a temporary registration card which includes name, date of birth, and address, as well as information describing the emergency, training, or exercise function they participated in, and the date and time they were involved in these activities, are issued a temporary identification card, and have reported to and are under the control and supervision of an authorized official operating under the provisions of chapter 38.52 RCW.

(c) When the lack of available time or resources precludes the completion of separate temporary registration and identification cards for each person, entry of the person's name, assignment, date and times of work, total hours worked, and miles driven (if applicable) on an emergency worker daily activity report, Form DEM-078 or equivalent, shall suffice until such time as the required forms can be completed. In these cases, the emergency worker's date of birth shall be used in lieu of an emergency worker identification card number in the appropriate block on the Form DEM-078.

(d) Period of service:

(i) The period of service for persons temporarily registered shall commence no earlier than the date and time of issuance of an emergency management division mission, evidence search mission, or training event number.

(ii) The period of service for persons temporarily registered shall terminate no later than the termination date and time of the emergency management division mission, evidence search mission, or training event number.

(4) Any citizen commandeered for service in accordance with RCW 38.52.110 shall be entitled, during the period of this service, to all privileges, benefits and immunities provided by state law and state or federal regulations for

registered emergency workers so long as that citizen remains under the direction and control of an authorized official. Such persons should complete temporary registration at the scene in order to facilitate the processing of any claim that may result from that service.

(5) Animals, such as dogs and horses used in search and rescue and other disaster response may be registered with the local emergency management agency.

(a) The purpose of this provision is to support those instances where a search dog or other animal must be transported on commercial aircraft. Registration as an emergency search and rescue animal will aid the airline in determining the proper method of transporting the animal.

(b) Registration of an animal will also facilitate the processing claims for that animal should it become injured or killed during a training event or mission.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-080, filed 11/4/93, effective 12/5/93.]

WAC 118-04-100 Classes of emergency workers.

The following classes of emergency workers and the scope of duties of each class are hereby established.

(1) Administration includes, but is not limited to, technical, administrative, and clerical services and may involve recruiting, coordinating, and directing any emergency support activities.

(2) Aviation includes duties performed by pilots licensed by the Federal Aviation Administration, operating Federal Aviation Administration approved aircraft, in support of emergency management activities. No compensation will be provided under chapter 38.52 RCW for those activities of air search which are the statutory responsibility of the Washington state department of transportation, aeronautics division.

(3) Communications includes, but is not limited to, any emergency communications activities carried out in accordance with approved state or local emergency operations and communications plans.

(4) Engineering includes, but is not limited to, structural, lifeline, electrical, civil, or mechanical engineering activities, inspection services, structural stability evaluation, and other emergency engineering-related activities such as construction, closure, demolition, repair, and maintenance of highways, roads, streets, bridges, as well as all types of buildings and facilities.

(5) Fire service includes, but is not limited to, assisting fire fighting forces or agencies in both urban and rural areas, rescuing persons or protecting property, instructing residents regarding fire prevention, providing emergency information to individual citizens about methods of detecting fires and precautions to be observed to reduce fire hazards. This class does not include volunteer fire fighters enrolled under and while in the performance of duty under chapter 41.24 RCW.

(6) General includes, but is not limited to, duties which can be performed by persons without permanent specific emergency assignment. These emergency workers may include personnel who are not ordinarily a part of an emergency response organization and who do not have any specific training or qualifications, but whose participation is essential to a specific emergency operation such as conducting sandbagging operations during a flood. These persons may be necessary for training or exercise activities such as

serving as disaster casualties. These personnel shall register as temporary emergency workers for the period of time they are participating in emergency activities.

(7) Hazardous materials includes, but is not limited to, hazards materials incident response duties, such as planning and coordination of response resources conducted in accordance with approved state or local emergency operations and hazardous materials plans.

(8) Law enforcement includes, but is not limited to, securing compliance with local, state, and federal laws, in a manner consistent with chapter 38.52 RCW, and assisting law enforcement officers with administrative and nonenforcement functions for the purpose of relieving commissioned personnel to carry out their enforcement duties.

(9) Mass care includes, but is not limited to, the provision of food, clothing, and lodging in mass care centers for persons whose homes have been destroyed or have been made temporarily uninhabitable by emergency or disaster, evacuation service for other than medical cases, registration and information, health and welfare inquiries, provision of temporary housing, counseling performed by qualified counselors, and other necessary assistance to disaster victims. It includes all duties required by current shelter management guidelines and procedures published in approved state or local emergency operations and shelter plans.

(10) Medical includes, but is not limited to, medical and surgical field teams, triage, general emergency and mobile hospitals, nursing service, first aid and ambulance service, sanitation, mortuary and laboratory service, medical-related radiological monitoring, precautionary measures for biological or chemical incidents, identification of sick and injured, and other medical and health services. This class also includes critical incident stress debriefing teams.

(11) Public education includes, but is not limited to, duties involving public education and informational activities necessary to keep the public informed during an emergency or disaster as well as activities designed to prevent persons from becoming lost or injured during wilderness or other outdoor activities.

(12) Radiological includes, but is not limited to, radiological monitoring, gathering and evaluating radiological data, providing technical guidance concerning radiological decontamination operations, reporting, and planning duties that are in accordance with approved state or local emergency operations and radiological emergency plans.

(13) Search and rescue includes, but is not limited to, duties involving searching for, rescuing, or recovering by means of ground, marine, or air activity any person who becomes lost, injured, or is killed while outdoors or as a result of a natural, man-caused, or technological disaster. These duties include instances involving searches for downed aircraft when ground personnel are used. This class includes urban search and rescue activities.

(14) Supply includes, but is not limited to, procurement, warehousing, staging, sorting, and release of supplies, equipment, and materials required during a mission, emergency, or disaster.

(15) Training includes, but is not limited to, all activities, public and private, relating to the education process and proficiency skill building for the enhancement of emergency preparedness under the concept of comprehensive emergency management, including but not limited to, specific courses,

workshops, seminars, exercises, volunteer training activities, which includes the administration, reporting, and maintaining of appropriate records.

(16) Transportation includes, but is not limited to, the planning, organizing, maintaining, operating, and coordinating available means of transportation for the movement of supplies, evacuees, personnel, service animals, livestock, and equipment.

(17) Underwater diving includes, but is not limited to, the duties of underwater diving on any mission or training event. Workers serving in this capacity shall be certified in accordance with recognized national standards and shall provide proof of this certification to the local authorized official prior to conducting the task assigned.

(18) Utilities includes, but is not limited to, assisting utility personnel in the repair of water, gas, electric, telephone, telegraph, steam, sewer, and other utility facilities.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-100, filed 11/4/93, effective 12/5/93.]

WAC 118-04-120 Classes and qualifications of search and rescue emergency workers. There are three classes of search and rescue emergency workers: Novice, support personnel, and field personnel. The basic qualifications listed below define each of the three classes. Local requirements may include more extensive and detailed qualifications to meet local needs. Authorized officials may also require search and rescue emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

Emergency workers who are not qualified for specific search and rescue duties shall not be assigned to such duties unless specifically directed by an authorized official and then only when under the direct supervision and control of personnel who are qualified for that specific assignment.

(1) The following are basic qualifications for novice search and rescue emergency workers without specific duties including those personnel in a training status. Novice personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess sufficient knowledge of search and rescue skills and techniques to fulfill their emergency assignment.

(2) The following are basic qualifications for support search and rescue emergency workers. Support-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of the skills required of field search and rescue emergency workers but are not required to have the field tested experience nor the physical capabilities of field-qualified personnel.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to blood borne pathogens.

(d) Possess basic knowledge of helicopter operations. Successful completion of a helicopter operations basic course approved by the emergency management division satisfies this requirement.

(e) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate and, as applicable, advanced course, approved by the emergency management division satisfies this requirement.

(3) The following are basic qualifications for field search and rescue emergency workers. Field-qualified personnel shall:

(a) Be physically and mentally fit for the position assigned.

(b) Possess knowledge of and demonstrated proficiency in survival techniques and outdoor living.

(c) Possess knowledge in first aid for the control of bleeding, cardiopulmonary resuscitation, bone immobilization, protection from the elements, and protection from exposure to blood borne pathogens.

(d) Possess knowledge in wilderness navigation including map, compass, and other navigation methods as appropriate.

(e) Possess basic knowledge of helicopter operations. Successful completion of the helicopter operations basic course approved by the emergency management division will satisfy this requirement.

(f) Possess knowledge of search and rescue techniques.

(g) Possess knowledge of crime scene recognition, evidence recognition, human remains recognition and the provisions of RCW 68.50.010, 68.50.020, and 68.50.050.

(h) If duties require involvement in helicopter operations, possess demonstrated knowledge and proficiency in helicopter operations. Successful completion of a helicopter operations intermediate, and, as applicable, advanced course approved by the emergency management division, satisfies this requirement.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-120, filed 11/4/93, effective 12/5/93.]

WAC 118-04-160 Establishment of state standards.

When appropriate, and with input from local emergency management and law enforcement agencies as well as volunteer organizations, state standards may be established for classes of individual emergency workers and for search and rescue specialties. Upon establishment of a state standard, training programs within the state shall, at a minimum, comply with that standard.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-160, filed 11/4/93, effective 12/5/93.]

WAC 118-04-180 Responsibilities of authorized officials registering and using emergency workers. (1) Authorized officials registering emergency workers have the responsibility to ensure those emergency workers meet basic qualifications as stated in these rules. Authorized officials organizing and using emergency workers are responsible for assembling the proper combination of emergency workers with the skills and abilities to accomplish the mission being undertaken. It is acknowledged that authorized officials must use judgment and experience in assessing the scene and the requirements for the mission. Authorized officials shall ensure each team has, among its members, the skills and expertise necessary to safely accomplish the mission.

(2) Local requirements may include more extensive and detailed criteria than are specified in this rule to meet local needs. Authorized officials may also require emergency workers to demonstrate proficiency in the skills required to carry out their assignments.

(3) Authorized officials shall ensure that all emergency workers are aware of their duty to comply with the personal responsibilities contained in WAC 118-04-200. This shall be accomplished at the time of registration and should be reemphasized to the emergency worker at periodic intervals.

(4) The state recognizes that many situations to which emergency workers are asked to respond are inherently hazardous. It is incumbent upon authorized officials utilizing emergency workers to ensure that the workers are not needlessly endangered in mission activities or training events.

(a) Authorized officials utilizing emergency workers for actual missions or during training events or evidence search activities shall not place emergency workers nor shall they allow emergency workers to be placed in unnecessarily hazardous situations.

(b) All prudent and reasonable safety procedures, techniques, equipment, and expertise shall be used to ensure the safety of emergency workers at all times while going to, preparing for, performing, recovering from, and returning from, missions or training events.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-180, filed 11/4/93, effective 12/5/93.]

WAC 118-04-200 Personal responsibilities of emergency workers. (1) Emergency workers shall be responsible to certify to the authorized officials registering them and using their services that they are aware of and will comply with all applicable responsibilities and requirements set forth in these rules.

(a) Emergency workers have the responsibility to notify the on-scene authorized official if they have been using any medical prescription or other drug that has the potential to render them impaired, unfit, or unable to carry out their emergency assignment.

(b) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of or while using narcotics or any illegal controlled substance is prohibited.

(c) Participation by emergency workers in any mission, training event, or other authorized activity while under the influence of alcohol is prohibited.

(d) Emergency workers participating in any mission, training event, or other authorized activity shall possess a valid operator's license if they are assigned to operate vehicles, vessels, or aircraft during the mission unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180. All emergency workers driving vehicles to or from a mission must possess a valid driver's license and required insurance.

(e) Use of private vehicles, vessels, boats, or aircraft by emergency workers in any mission, training event, or other authorized activity without liability insurance required by chapter 46.29 RCW is prohibited unless specifically directed otherwise by an authorized official in accordance with RCW 38.52.180.

(f) Emergency workers shall adhere to all applicable traffic regulations during any mission, training event, or other authorized activity. This provision does not apply to individuals who have completed the emergency vehicle operator course or the emergency vehicle accident prevention course and who are duly authorized under state law to use special driving skills and equipment and who do so at the direction of an authorized official.

(2) Emergency workers have the responsibility to comply with all other requirements as determined by the authorized official using their services.

(3) When reporting to the scene, emergency workers have the responsibility to inform the on-scene authorized official whether they are mentally and physically fit for their assigned duties. Emergency workers reporting as not fit for currently assigned duties may request a less demanding assignment that is appropriate to their current capabilities.

(4) Emergency workers have the responsibility to check in with the appropriate on-scene official and to complete all required recordkeeping and reporting.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-200, filed 11/4/93, effective 12/5/93.]

WAC 118-04-220 Emergency worker duty status.

Emergency workers are considered to be on duty when they are performing their duties during a mission, evidence search mission, or training event authorized by the emergency management division and they are under the direction and control of an authorized official.

In no event shall a public agency, other than an authorized organization as defined in these rules, use the services, including for training, of an emergency worker unless the agency has received the prior approval of the emergency management division assistant director. Emergency management division approval shall set forth the time and purpose of the activity and the proposed use of the emergency worker.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-220, filed 11/4/93, effective 12/5/93.]

WAC 118-04-240 Mission numbers—Requests and requirements. (1) The emergency management division shall assign a mission number to approved missions or other emergency activities. The local authorized official shall notify emergency management division as soon as practical of all missions or other emergency activities under their jurisdiction and request the assignment of a mission number.

(2) The mission number assigned shall be a reference for the dispatch of resources to assist in the mission, recordkeeping, and reimbursement of any emergency worker compensation claims filed in connection with that mission.

(3) If additional resources from a different jurisdiction are needed to respond to an authorized mission, the local authorized official should make the request through the emergency management division duty officer.

(4) Requests from jurisdictions outside the state of Washington for the assistance of Washington state-based emergency workers should be coordinated through the requesting state, province or nation and the emergency management division duty officer. Compensation under chapter 38.52 RCW will only be available to individuals

responding to missions outside of the state of Washington when the emergency management division duty officer has assigned a mission number, is coordinating the mission with the requesting state, province, or nation, and where an interstate mutual aid or similar agreement governs the mission.

(5) Upon notification by an authorized official to report to duty at a specific time and place, emergency workers are entitled to the benefits and provisions under chapter 38.52 RCW when acting in compliance with such notification and these rules. Eligibility for compensation shall be limited to the time and distance necessary to travel to the duty station, performance of services, and reasonable time to return to the point of origin.

(6) Mission numbers shall not be applied for or assigned, nor shall compensation be provided for activities which directly involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(7) Emergency worker daily activity report, Form DEM-078 or the equivalent, shall be used as a part of the administrative record for each mission.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-240, filed 11/4/93, effective 12/5/93.]

WAC 118-04-260 Evidence search mission numbers—Requests and requirements. (1) The purpose of this section is to provide additional training opportunities for emergency workers. Since the skills and techniques used to search for evidence relating to criminal activity are substantially the same as those used in the search for clues relating to lost or injured persons, search and rescue emergency workers can receive training benefit by participating in such evidence searches.

(2) An evidence search mission number shall be issued by the emergency management division for the utilization of emergency workers to search for evidence when the provisions of this section have been complied with.

(a) The requesting law enforcement agency shall send a hardcopy message requesting the evidence search mission number via the law enforcement teletype system (ACCESS, address code BK), by facsimile, or by other suitable means to the emergency management division. During nonbusiness hours, the request shall be sent to the Washington state patrol dispatch in Olympia (ACCESS address code BN).

(b) The hard copy message shall be addressed "please relay to emergency management division duty officer immediately" and shall include the following items:

(i) Jurisdiction and law enforcement agency requesting the evidence search mission number.

(ii) Name of the officer in charge on-scene and call-back telephone number.

(iii) Description of specific location of the evidence search.

(iv) The approximate number of emergency workers being utilized and a list of participating units.

(v) A statement of the activity to be undertaken and training benefits to be derived by the emergency workers participating in the mission.

(vi) A statement certifying that the emergency workers will be utilized within the scope of their normal emergency worker assignment.

(vii) A statement certifying, verbatim, that: "This activity does not involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime."

(3) After the hard copy is sent via access, facsimile, or other suitable means, the local authorized official shall call the emergency management division duty officer and coordinate the details of the mission. During nonbusiness hours the Washington state patrol dispatcher will call the emergency management division duty officer regarding the ACCESS message. Upon receipt of such notice, the emergency management division duty officer shall call the local authorized official who requested the mission.

(4) Upon receipt of the hard copy information, the request shall be reviewed to determine if the mission is in compliance with WAC 118-04-260. Upon approval, an evidence search mission number shall be assigned.

(5) Emergency worker daily activity report, Form DEM-078 or equivalent, shall be used as a part of the administrative record for each evidence search mission.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-260, filed 11/4/93, effective 12/5/93.]

WAC 118-04-280 Training event numbers—Requests and requirements. (1) The emergency management division shall establish a procedure for local emergency management agency directors to assign a training event number to routine, approved search and rescue and other emergency-related training activities consistent with chapter 38.52 RCW.

(2) A request for a training event number for the purpose of developing, maintaining, or upgrading emergency worker skills for all types of emergency management activities shall be forwarded in writing using Form DEM-079, training mission request or equivalent, for approval by the emergency management division.

(a) All requests for training event numbers shall be signed by the local emergency management agency director or designee of the jurisdiction where the organization sponsoring the training activity is located.

(b) The Form DEM-079, training mission request or equivalent, shall be forwarded to the emergency management division so as to arrive ten working days prior to the scheduled date of the training activity.

(c) For training events that come to the attention of the local emergency management agency director less than ten working days prior to the scheduled date of the training activity, approval may be requested from the emergency management division by facsimile, telephone, or other method. Such requests shall be considered by the emergency management division on a case-by-case basis.

(3) All training shall conform to local comprehensive emergency management plans. The request for training event number shall cite those portions of the plans, annexes, appendices, and tabs which specifically address the activities for which emergency workers are being trained. Training activities planned for an area outside the jurisdiction of the requesting agency should be coordinated with the local

emergency management agency in the jurisdiction where the training will take place.

(4) A training course curriculum, plan of instruction, or course outline shall accompany the training event approval request. If that particular curriculum, plan of instruction, or course outline will be used as a standard, recurring course of instruction, then the requesting local emergency management agency may number and title that curriculum, plan of instruction, or outline, keep it on file with the state, and refer to that number and title when requesting a training event approval for the same training in the future. Blocks of training event numbers may be issued for such courses at the discretion of the emergency management division.

(5) Upon approval of the training event, the emergency management division shall issue a training event number. The training event number assigned shall provide a reference for the local, state, or federal organization taking part in the training activity. Administrative records and reimbursement of eligible emergency worker compensation claims, filed as a result of activities on a training event shall include the training event number.

(6) The training event number issued is for the specified training activity at the specified date, time, and location. Any change in the training activity, location, or date or a significant change in the specified time (e.g., from daylight hours to after dark) shall be reported to the emergency management division as soon as possible.

(7) If additional organizations other than those originally listed on Form DEM-079 request to participate in the training event and are approved by the sponsoring emergency management agency director, they shall provide appropriate information (the organization's name and address, names of participating personnel and emergency worker registration numbers) to the sponsoring local emergency management agency director for inclusion in the training event report prior to submittal to the emergency management division.

(8) Upon notification that the emergency management division has issued a training event number for a training event at a specific date, time, and place, emergency workers will be eligible for benefits and compensation under the provisions of chapter 38.52 RCW when acting in compliance with the notification and these rules.

(9) Compensation will be limited to medical services, property loss or damage, and liability under chapter 38.52 RCW during the time necessary to travel to the training site, performance of the training activity, and reasonable time to return to the point of origin.

(10) Authorized officials shall ensure that emergency workers participating in a training event or exercise are not placed in unnecessarily hazardous situations.

(11) Authorized officials shall ensure that emergency workers have successfully completed applicable helicopter operations training course(s), approved by emergency management division, prior to being transported by aircraft during a training event.

(12) Emergency worker daily activity report, Form DEM-078 or equivalent, shall be used as a part of the administrative record for each training event.

(13) Training event numbers shall not be assigned for any activities which involve the search for, apprehension of, detention, or arrest of suspects or persons in the act of committing or having committed a crime.

(14) Training event numbers shall not be assigned for training activities which involve the use of aircraft of any type without specific, prior approval of the emergency management division. The state shall not assume any liability for any accidents or incidents resulting from the unauthorized use of aircraft.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-280, filed 11/4/93, effective 12/5/93.]

WAC 118-04-300 Compensation eligibility and compensation board. (1) Compensation shall be authorized when emergency worker eligibility has been established and all appropriate regulations and statutes are complied with.

(2) Emergency workers are eligible for compensation when they are participating in a mission, evidence search mission, or training event authorized by the emergency management division and are under the direction and control of an authorized official.

(3) No eligibility or protection offered under chapter 38.52 RCW will replace other state mandated insurance coverage required for vehicles, vessels, boats, or aircraft except as specified in RCW 38.52.180.

(4) The assistant director, emergency management division may deny any claim under the amount set by statute requiring a compensation board on the basis of inadequate documentation, failure to follow prescribed reporting procedures, or when lack of compliance with these rules is sufficient to raise doubt as to the circumstances, extent of injury, damage, loss, or expense related to the claim. For claims over the amount set by statute, the provisions of RCW 38.52.240 shall apply.

(5) A compensation board shall be convened for claims over the amount set by statute (RCW 38.52.220).

(6) Compensation board hearing, procedural records, and claim preparations are the responsibility of the local emergency management agency director in the jurisdiction in which loss or injury occurred (RCW 38.52.210).

(7) Department of labor and industries workers' compensation forms shall not be used, nor shall medical expenses claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-300, filed 11/4/93, effective 12/5/93.]

WAC 118-04-320 Eligibility requirements and procedures for filing personal injury claims. (1) The injured person shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division shall provide forms for personal injury claims (Form DEM-084, medical expenses claim), parts of which must be completed by the local emergency management agency, the claimant, and the attending physician. This form shall be submitted with documentation to the local emergency management agency.

(3) For missions occurring outside an injured person's jurisdiction of residence, the claimant may file the claim with the local agency in the jurisdiction of residence, provided that the local emergency management agency

director in the injured person's jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) In the event of injury to an emergency worker, the responsible agency's on-scene authorized official shall be notified as soon as possible.

(5) The on-scene authorized official shall advise the local emergency management agency director of any injuries, as soon as possible, and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any injuries as soon as possible. The emergency management division shall assist the local emergency management agency director in processing claims.

(6) Labor and industries workers' compensation forms shall not be used, nor shall medical expense claims be submitted to the department of labor and industries for a claim made pursuant to chapter 38.52 RCW.

(7) Documentation shall include any reports, mission logs, ambulance and hospital bills, receipts, medical reports, or other information helpful in describing the extent of the injury, the circumstances under which the injury occurred, and the costs that were incurred as a result of the injury.

(8) The injury, disability, or death shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(9) Compensation for injury, disability, death, and related claims shall be adjusted and paid in accordance with department of labor and industries workers' compensation schedules.

(10) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall convene to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(11) In accordance with RCW 51.28.050, no claim for injury shall be valid unless filed within one year after the day upon which the injury occurred or the rights of dependents or beneficiaries accrued except as provided in RCW 51.28.055.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-320, filed 11/4/93, effective 12/5/93.]

WAC 118-04-340 Eligibility requirements and procedures for filing property loss and damage claims.

(1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized

official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(2) The emergency management division will provide forms (Form DEM-086, property loss or damage claim) for reimbursement of property loss or damage claims as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted to the local emergency management agency.

(3) For missions occurring outside the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) The original of the claim shall be sent to the department of general administration, division of risk management who will register the claim and forward it to the emergency management division. A copy of the claim should be sent to the emergency management division.

(5) In the event of property loss or damage, the on-scene authorized official shall be notified as soon as possible.

(6) The on-scene authorized official shall advise the local emergency management agency director of any significant property loss or damage and shall provide appropriate and timely documentation. The local emergency management agency director shall notify the emergency management division of any significant property loss or damage. The emergency management division shall assist the local emergency management agency director in processing claims.

(7) Loss or damage shall not have been caused by the willful misconduct, gross negligence, or bad faith of the claimant.

(8) Only property that is deemed necessary and reasonable for the mission activity shall be considered for compensation, if lost or damaged.

(9) Loss or damage to personal property caused by normal wear and tear, mechanical or electrical breakdown, or any inconvenience consequent to such loss or damage that was not the result of the mission activity shall not be eligible for compensation.

(10) Compensation for the loss or theft of property left unsecured or for damage which could have been prevented through reasonable care may be denied.

(11) Animals such as dogs and horses, used in an official capacity on missions are considered personal property. Claims for the injury or loss of animals during either an authorized training event or mission shall be submitted on the property loss or damage claim form (Form DEM-086). Evaluation of the claim shall consider, at a minimum, replacement cost of the animal, special training required, and other costs for preparing the animal for the mission or duty.

(12) For claims in excess of the amount set by RCW 38.52.220, a compensation board shall meet to review the claim under RCW 38.52.210, 38.52.220, 38.52.230, 38.52.240, and 38.52.250.

(a) The local emergency management agency director shall notify the emergency management division of any pending claim in excess of the amount set by statute.

(b) The claimant shall be notified of the date, time, and place of the compensation board hearing by the local emergency management agency director by personal service or registered mail.

(c) The compensation board established under chapter 38.52 RCW may request that the claimant appear before the board.

(d) The local emergency management agency director shall transmit the findings and recommendations of the compensation board to the emergency management division for disposition.

(13) As provided in RCW 4.16.080, claims for property damage or loss shall be filed within three years after the date of the occurrence.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-340, filed 11/4/93, effective 12/5/93.]

WAC 118-04-360 Eligibility requirements and procedures for filing fuel, toll, and ferry expense reimbursement claims.

(1) The person seeking reimbursement shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official. For individuals representing a volunteer organization, the organization must be a locally recognized emergency worker volunteer organization activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and a responsible unit official shall have reported to the authorized on-scene official.

(2) The emergency management division will provide forms (Form DEM-036, fuel, toll & ferry reimbursable expenses claim) for reimbursement of fuel, toll, and ferry expenses as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(3) For claims arising outside of the person's jurisdiction of residence, the claimant may file the claim with the jurisdiction of residence, provided that the local emergency management agency director in the jurisdiction of residence coordinates the claim with the local emergency management agency director in the jurisdiction where the mission occurred.

(4) Fuel, toll, and ferry reimbursable expense claims shall be considered for both individual emergency workers and for emergency workers representing volunteer organizations when missions:

(a) Occur outside a participating emergency worker's/volunteer organization's county of residence; or

(b) In which an emergency worker/volunteer organization has participated for more than twenty-four hours; or

(c) Occurring within an emergency worker's/volunteer organization's county of residence and lasting less than twenty-four hours, when:

(i) The mission required an emergency worker/volunteer organization to drive a vehicle more than fifty miles one-way; or

(ii) Authorized officials required an emergency workers/volunteer organization to drive a vehicle more than one hundred miles during the course of the mission.

(5) Fuel, toll, and ferry expenses resulting from training events shall not be eligible for reimbursement.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-360, filed 11/4/93, effective 12/5/93.]

WAC 118-04-380 Eligibility requirements and procedures for filing extraordinary expense claims. (1)

Local authorized officials may submit extraordinary expense claims on behalf of emergency workers if the expenses were necessary to directly support emergency worker activity under an emergency management division mission number and the expenses represent extraordinary, expendable obligations such as feeding or lodging of emergency workers.

(2) Individual emergency workers submitting claims shall have been a registered emergency worker, activated by an authorized official for an authorized activity under the provisions of chapter 38.52 RCW, and shall have reported to or been in the process of reporting to the authorized on-scene official.

(3) The emergency management division shall provide forms (Form DEM-089, extraordinary expense claim) for use by local authorized officials and emergency workers for reimbursement of extraordinary expenses for missions as authorized by chapter 38.52 RCW. All claims must include receipts and documentation and be submitted through the local emergency management agency to the emergency management division.

(4) All lodging and feeding claims shall be paid in accordance with current state per diem rates.

(5) Extraordinary expenses resulting from training events shall not be eligible for reimbursement.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-380, filed 11/4/93, effective 12/5/93.]

WAC 118-04-400 After action reporting. (1) The emergency management division shall provide forms for use by local emergency management agency directors in providing after action information. After action reports shall be filed for:

(a) Search and rescue missions (Form DEM-077, search and rescue mission data sheet). The required information includes data on the subject, location of incident, response, weather conditions, results, subject behavior, and resources used.

(b) Training events. The required information includes data on the training activities conducted, resources used, problems noted, corrective actions assigned, and other information of a training nature. Form DEM-105L, incident report data sheet may be used.

(c) Other missions, including evidence search missions (Form DEM-105L, incident report data sheet). The required information includes location and other data on the incident, response, weather conditions, results, and resources used.

(2) All mission, evidence search mission, and training event after action reports shall include information from the participating emergency workers, including individual daily activity reports (DEM-078, or equivalent), other reports, rosters, mission event and communications logs, lost person information forms, training event logs, plans of instruction, instructor lists, and any other information that may be helpful in a descriptive reconstruction of the mission or training event.

(3) The local emergency management agency director shall forward all mission, evidence search mission, and training event after action reports to the emergency management division within twenty working days from the termination or suspension of the activity.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-400, filed 11/4/93, effective 12/5/93.]

WAC 118-04-420 Severability. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

[Statutory Authority: Chapter 38.52 RCW. 93-23-005 (Order 93-08), § 118-04-420, filed 11/4/93, effective 12/5/93.]

**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	Authority.
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 subdivi-

sion(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.]

Chapter 118-30 WAC

LOCAL EMERGENCY MANAGEMENT/SERVICES ORGANIZATIONS, PLANS AND PROGRAMS

WAC

118-30-010	Authority.
118-30-020	Purpose.
118-30-030	Definitions.
118-30-040	Responsibilities of political subdivisions.
118-30-050	Emergency management ordinance/resolution.
118-30-060	Emergency plan.
118-30-070	Program papers.
118-30-080	Review periods and procedures for organizations, plans and program papers.

WAC 118-30-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.070.

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-010, filed 7/22/86.]

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

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-020, filed 7/22/86.]

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

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

(2) Director means the director of the Washington state department of community development.

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

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

(5) Executive head(s) means:

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

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

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

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

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

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

(9) Comprehensive emergency management plan, hereinafter referred to as the plan, means a written basic plan with elements which address all natural and man-made emergencies and disasters to which a political subdivision is vulnerable. The comprehensive emergency management plan specifies the purpose, organization, responsibilities and facilities of agencies and officials of the political subdivision in the mitigation of, preparation for, response to, and recovery from emergencies and disasters.

(10) Hazard analysis means a written assessment and listing of the natural and man-made emergencies and disasters to which a political subdivision is vulnerable.

(11) Program paper means a statement of emergency management program objectives for a period of twelve consecutive months beginning January 1 and ending December 31 of the calendar year. The program paper shall represent the local program for the purposes of RCW 38.52.070 and shall be used as a program management tool by both state and local government.

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-030, filed 7/22/86.]

WAC 118-30-040 Responsibilities of political subdivisions. (1) Each political subdivision must establish an emergency management organization by ordinance or resolution passed by the legislative body of the political subdivision. Two or more political subdivisions may join in the establishment of an emergency management organization.

(2) Each political subdivision shall develop, promulgate and submit a comprehensive emergency management plan.

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

(4) Political subdivisions that have joined together to form a joint emergency management organization may submit a single plan and program paper.

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-040, filed 7/22/86.]

WAC 118-30-050 Emergency management ordinance/resolution. Each political subdivision must establish an emergency management organization by ordinance or resolution passed by the legislative body of the political subdivision. Two or more political subdivisions may join in the establishment of an emergency management organization.

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

(2) Each political subdivision shall specify in the ordinance or resolution establishing the organization, how the costs of supporting the organization shall be shared between the constituent political subdivision.

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

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

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

(6) In the case of an emergency management organization established by two or more political subdivisions, such political subdivisions shall specify in the ordinance or resolution establishing the organization, that the local government agency shall be headed by a local director of emergency management who shall be appointed by the joint action of the executive heads of the constituent political

subdivisions. The political subdivisions shall specify by ordinance or resolution that the emergency management director shall be directly responsible to the executive authority of the constituent political subdivisions.

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

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

(9) Such ordinance or resolution shall constitute an approved organization for the purposes of RCW 38.52.195 and 38.52.260(2). Use of emergency workers is governed by chapter 118-04 WAC.

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-050, filed 7/22/86.]

WAC 118-30-060 Emergency plan. (1) Each political subdivision shall maintain a current plan of operations which shall be based on a hazard analysis and as a minimum, include a basic document with the following elements:

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

(b) Organization and responsibilities - The plan shall contain a section which defines the emergency responsibilities for each agency involved in the plan and provide a brief explanation of the chain of command and organizational relationship among such agencies.

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

(d) Administration and logistics - Each plan shall contain a section which outlines the measures for the administration and the utilization of resources in response and recovery actions and which defines how such actions will be financed.

(e) Direction and control - Each plan shall contain a section which describes the location of emergency operating centers, and the mechanisms for maintaining continuity of civil government within the political subdivision.

(2) The plan shall also include a functional description of how each of the following operational components will be addressed. It is recommended these components be in annex form in the order listed herein:

- (a) Direction, control and coordination
- (b) Continuity of government
- (c) Emergency resource management
- (d) Warning
- (e) Emergency public information
- (f) Response and recovery operation reports
- (g) Movement (evacuation)
- (h) Shelter
- (i) Human resources (manpower)

- (j) Mass care and individual assistance
- (k) Medical, health and mortuary
- (l) Communication
- (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 and volunteer agency affairs
- (v) Emergency administrative procedures
- (w) Emergency fiscal procedures and records
- (x) Training and education
- (y) Energy and utilities
- (z) Special subjects (political subdivisions may develop special contingency procedures for specific hazards or events).

(3) It is recommended the annexes be written using the following format:

- (a) Purpose
- (b) Operational concepts
- (c) Responsibilities
 - (i) Local agencies
 - (ii) Volunteer or private agencies or organizations
- (d) Agency functions by time phase
 - (i) Mitigation and preparedness
 - (ii) Response
 - (iii) Recovery
- (e) Appendices
 - (i) Organization chart
 - (ii) Standard operation procedures as necessary
 - (iii) Attachments.

(4) The plan may vary from the annex format, such as using chapters or sections, provided that each of the operational components listed in subsection (2) of this section is addressed. In such case, the plan must include a cross-reference index which specifies exactly where the operational components are located in the plan.

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

(a) Local ordinances or resolutions establishing the emergency management organization, mutual aid agreements, memoranda of understanding, and other documents important to the adoption or implementation of the plan shall be referenced in the plan or included in the plan's appendices.

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

(c) Each page shall be numbered.

(6) The plan shall be promulgated by letter signed by the current executive head.

(7) The plan shall be reviewed and updated at least once every two calendar years.

(8) No less than once each calendar year, the operational capabilities shall be tested by an emergency operations exercise or by an actual local emergency declaration.

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

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-060, filed 7/22/86.]

WAC 118-30-070 Program papers. (1) Each political subdivision shall be responsible for the preparation and submission of a program paper, not less than sixty days prior to the start of the calendar year, which defines the emergency management program objectives of the political subdivision. January 1 through December 31 or for a lesser period at the discretion of the director. Each program paper shall be submitted by November 1, unless specified by the director, and shall address the following activities.

(a) Comprehensive emergency plan development or updating

(b) Training and education

(c) Communications, warning and notification systems development maintenance

(d) Radiological and hazardous materials incident response capabilities or maintenance

(e) Tests, drills and exercises to assist emergency plan, personnel training and system effectiveness

(f) Public information

(g) Hazard analysis and assessment

(h) General program administration

(i) Response to emergencies and disasters.

(2) Each program paper shall have objectives consistent with federal and state emergency management program requirements as published by the director on or before September 1 of each year. The program paper may include, in addition to the objectives listed under subsection (1) of this section, specific local program objectives relating to local program needs.

(3) The program paper shall be submitted in accordance with format and instructions specified and published by the director.

(4) The political subdivision(s) shall submit a statement of progress on each objective of the categories listed in subsection (1) of this section in two reports, a mid-year report to cover the time period of January 1 through June 30 to be submitted to the director by July 15 of each year, and a year-end report to cover the time period of July 1 through December 31 to be submitted by January 15 of the following year.

The director may, at his discretion, determine that an alternative activity may substitute for the mid-year report. In such case, the director will provide written notification to the political subdivision by May 15 of each year specifying the acceptable alternate activity.

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-070, filed 7/22/86.]

WAC 118-30-080 Review periods and procedures for organizations, plans and program papers. (1) The director or his designee shall review and evaluate documents submitted by a local organization as follows:

- Ordinances/resolutions - thirty work days

- Program papers - thirty work days

- Program paper progress and final reports - thirty work days

- Plans and updates or changes - forty-five work days.

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

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

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

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

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

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

- The proposed document.
- The director's notice of nonconformance.
- Any other letters, documents, meetings minutes, etc., that may impinge upon the matter being appealed.

(6) The emergency management council shall have thirty work days from the receipt of the local director's appeal to schedule a hearing and issue notices to all parties.

(a) The council may sustain the director's determination, overturn the director's determination, or amend the director's determination. The council shall issue a written decision statement within ten work days following the adjournment of the hearing.

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

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

[Statutory Authority: Chapter 38.52 RCW. 86-15-068 (Order 86-10), § 118-30-080, filed 7/22/86.]

**Chapter 118-33 WAC
DISASTER RECOVERY PROGRAM**

WAC

118-33-010	Intent.
118-33-020	Definitions.
118-33-030	Authorization of program.
118-33-040	Administrative procedures.
118-33-050	Grant eligibility.

118-33-060	Allocation of funds.
118-33-070	Expenditures and payments.
118-33-080	Organization and functions.
118-33-090	Administrative panel.
118-33-100	Reconsideration.
118-33-110	Appeal.
118-33-120	Administrative plan review.

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 sub-

merge 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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118-40-050	Commission—Purpose, responsibilities.
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(1997 Ed.)

118-40-090	Hazardous materials advisory committee—Establishment, membership.
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118-40-300	Title III—Facilities compliance.
118-40-400	Title III—Enforcement, penalties.

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.

(1) 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.]