

# Title 140 WAC

## CONVENTION AND TRADE CENTER

**Chapters**

- 140-09**      **Washington state convention and trade center—SEPA guidelines.**
- 140-12**      **General procedures.**

**DISPOSITION OF CHAPTERS FORMERLY  
CODIFIED IN THIS TITLE**

**Chapter 140-08  
WASHINGTON STATE  
CONVENTION AND TRADE CENTER—  
SEPA GUIDELINES**

- 140-08-010      Purpose. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-010, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW. Later promulgation, see chapter 140-09 WAC.
- 140-08-020      Policies. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-020, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-030      Adoption by reference. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-030, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-040      Additional definitions. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-040, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-050      Designation of official to perform consulted agency responsibilities for the corporation. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-050, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-060      Designation of responsible official. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-060, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-070      SEPA public information center. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-070, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-080      Responsibility of corporation—Public information. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-080, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-090      Notice/statute of limitations. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-090, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-100      Severability. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-100, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.
- 140-08-110      Compliance. [Statutory Authority: Chapter 43.21C RCW. 83-06-034 (Order 1, Resolution No. 9), § 140-08-110, filed 2/28/83.] Repealed by 85-03-004 (Order 3, Resolution No. 103), filed 1/3/85. Statutory Authority: Chapter 43.21C RCW.

(2009 Ed.)

**Chapter 140-09 WAC**

**WASHINGTON STATE CONVENTION AND TRADE CENTER—SEPA GUIDELINES**

**WAC**

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- 140-09-080      Use of exemptions. [Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-080, filed 1/3/85.] Repealed by 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.
- 140-09-090      Environmental checklist. [Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-090, filed 1/3/85.] Repealed by 08-13-015,

	filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.
140-09-100	Mitigated DNS. [Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-100, filed 1/3/85.] Repealed by 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.
140-09-120	Preparation of EIS—Additional considerations. [Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-120, filed 1/3/85.] Repealed by 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.
140-09-200	Fees. [Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-200, filed 1/3/85.] Repealed by 08-13-015, filed 6/6/08, effective 7/7/08. Statutory Authority: RCW 43.21C.120.

## PART ONE - AUTHORITY

**WAC 140-09-010 Authority.** These rules are promulgated pursuant to the State Environmental Policy Act (SEPA), RCW 43.21C.120, and are intended to administratively implement that statute, as further authorized by WAC 197-11-904. This chapter contains this corporation's SEPA procedures and policies. The SEPA rules, chapter 197-11 WAC, must be used in conjunction with this chapter.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-010, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-010, filed 1/3/85. Formerly chapter 140-08 WAC.]

## PART TWO - GENERAL REQUIREMENTS

**WAC 140-09-020 Purpose of this part and adoption by reference.** This part contains the basic requirements that apply to the SEPA process. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of environmental review.
197-11-070	Limitations on actions during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.
197-11-100	Information required of applicants.
197-11-250	SEPA/Model Toxics Control Act integration
197-11-253	SEPA lead agency for MTCA actions.
197-11-256	Preliminary evaluation.
197-11-259	Determination of nonsignificance for MTCA remedial action.
197-11-262	Determination of significance and EIS for MTCA remedial actions.
197-11-265	Early scoping for MTCA remedial actions.
197-11-268	MTCA interim actions.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-020, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-020, filed 1/3/85.]

**WAC 140-09-030 Additional definitions.** In addition to those definitions contained within WAC 197-11-700 through 197-11-799, the following terms shall have the fol-

lowing meanings when used in this chapter, unless the context indicates otherwise:

(1) "Corporation" means the Washington state convention and trade center as established by chapter 67.40 RCW.

(2) "SEPA rules" means chapter 197-11 WAC adopted by the department of ecology.

(3) "Early notice" means the corporation's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated determination of nonsignificance (DNS) procedures).

[Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-030, filed 1/3/85.]

### WAC 140-09-040 Designation of responsible official.

(1) For those proposals for which the corporation is the lead agency, the responsible official shall be the president of the Washington state convention and trade center.

(2) For all proposals for which the corporation is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 140-09-020.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-040, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-040, filed 1/3/85.]

### WAC 140-09-050 Lead agency determination and responsibilities.

(1) The corporation receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050, 197-11-253, and 197-11-922 through 197-11-940.

(2) The corporation shall serve as the lead agency for all proposals by the corporation. When the total proposal will involve both private and corporation construction activity, it shall be characterized as either a private or a corporation project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is the corporation or a private party. Any project in which corporation and private interests are too intertwined to make this characterization shall be considered a corporation project.

(3) When the corporation is not the lead agency for a proposal, the corporation shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. The corporation shall not prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the corporation may conduct supplemental environmental review under WAC 197-11-600.

(4) If the corporation receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-253 or 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the corporation must petition the department of ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on

behalf of the corporation may be initiated by the president of the Washington state convention and trade center.

(5) The corporation is authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided that the responsible official approves the agreement.

(6) The corporation, making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (That is: Which agencies require non-exempt licenses?).

(7) When the corporation is the lead agency for a MTCA remedial action, the department of ecology shall be provided an opportunity under WAC 197-11-253(5) to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under WAC 197-11-253(6), the corporation shall decide jointly with ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-050, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-050, filed 1/3/85.]

### PART THREE - CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATIONS

**WAC 140-09-065 Purpose of this part and adoption by reference.** This part contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of nonsignificance (DNS).
197-11-350	Mitigated DNS.
197-11-360	Determination of significance (DS)/initiation of scoping.
197-11-390	Effect of threshold determination.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-065, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-065, filed 1/3/85.]

### PART FOUR - ENVIRONMENTAL IMPACT STATEMENT (EIS)

**WAC 140-09-110 Purpose of this part and adoption by reference.** This part contains the rules for preparing environmental impact statements. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

(2009 Ed.)

WAC	
197-11-400	Purpose of EIS.
197-11-402	General requirements.
197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping. (Optional)
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on nonproject proposals.
197-11-443	EIS contents when prior nonproject EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-455	Issuance of DEIS.
197-11-460	Issuance of FEIS.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-110, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-110, filed 1/3/85.]

### PART FIVE - COMMENTING

**WAC 140-09-128 Adoption by reference.** This part contains rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-508	SEPA register.
197-11-510	Public notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.
197-11-570	Consulted agency costs to assist lead agency.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-128, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-128, filed 1/3/85.]

**WAC 140-09-129 Availability and cost of environmental documents.** (1) SEPA documents required by the SEPA rules shall be retained by the corporation and made available in accordance with chapter 42.56 RCW.

(2) The corporation shall make copies of any environmental document available in accordance with chapter 42.56 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-129, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-130 Public notice.** (1) Whenever the SEPA rules require notice to be given under WAC [197-11-510] the corporation shall give public notice as follows:

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(a) Posting the property, for site-specific proposals; and  
 (b) Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located (e.g., The Seattle Times or the Seattle Post-Intelligencer).

(2) Whenever possible, the corporation shall integrate the public notice required under this section with existing notice procedures for the corporation's nonexempt licenses required for the proposal.

(3) The corporation may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-130, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-130, filed 1/3/85.]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 140-09-140 Designation of official to perform consulted agency responsibilities for the corporation.** The president of the corporation, or his or her designee, shall be responsible for coordinating, receiving, and reviewing comments and requests for information from agencies regarding threshold determinations, scoping, EISs, and supplemental EISs.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-140, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-140, filed 1/3/85.]

## PART SIX - USING EXISTING ENVIRONMENTAL DOCUMENTS

**WAC 140-09-150 Purpose of this part and adoption by reference.** This part contains rules for using and supplementing existing environmental documents prepared under SEPA or National Environmental Policy Act (NEPA) for the corporation's own environmental compliance. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-150, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-150, filed 1/3/85.]

## PART SEVEN - SEPA AND AGENCY DECISIONS

**WAC 140-09-155 Purpose of this part and adoption by reference.** This part contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains

procedures for appealing SEPA determinations to agencies or the courts. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

WAC	
197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-155, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-155, filed 1/3/85.]

**WAC 140-09-160 Substantive authority.** (1) The policies and goals set forth in this chapter are supplementary to those in the existing authorization of the Washington state convention and trade center.

(2) The corporation may attach conditions to a permit or approval for a proposal so long as:

(a) Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

(b) Such conditions are in writing; and

(c) The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

(d) The corporation has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

(e) Such conditions are based on one or more policies in subsection (4) of this section and cited in the license or other decision document.

(3) The corporation may deny a permit or approval for a proposal on the basis of SEPA so long as:

(a) A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this ordinance; and

(b) A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

(c) The denial is based on one or more policies identified in subsection (4) of this section and identified in writing in the decision document.

(4) The corporation designates and adopts by reference the following policies as the basis for the corporation's exercise of authority pursuant to this section:

(a) The corporation shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without unreasonable degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve when feasible important historic, cultural, and natural aspects of our national heritage;

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

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

(vii) Enhance the quality of renewable resources and support recycling of depletable resources.

(b) The corporation recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

(5) To the extent that the appeal provision of RCW 43.21C.060 may be applicable to the corporation, the corporation hereby eliminates any appeal to the legislative authority of the corporation of decisions to grant, condition, or deny a proposal.

[Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-160, filed 1/3/85.]

**WAC 140-09-170 No administrative appeal.** There is no administrative appeal of any corporation determination relating to SEPA. Any appeal must be a judicial appeal under WAC 197-11-680(4).

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-170, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-173 Notice/statute of limitations.** (1) The corporation, applicant for, or proponent of an action may publish a notice of action pursuant to RCW 43.21C.080 for any action.

(2) The form of the notice shall be substantially in the form provided in WAC 197-11-990. The notice shall be published by the corporation, applicant or proponent pursuant to RCW 43.21C.080.

[Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-173, filed 1/3/85.]

**PART EIGHT - DEFINITIONS**

**WAC 140-09-175 Purpose of this part and adoption by reference.** This part contains uniform usage and definitions of terms under SEPA. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference, as supplemented by WAC 140-09-030:

WAC	
197-11-700	Definitions.
197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-721	Closed record appeal.

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WAC	
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/city.
197-11-730	Decision maker.
197-11-732	Department.
197-11-734	Determination of nonsignificance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead agency.
197-11-760	License.
197-11-762	Local agency.
197-11-764	Major action.
197-11-766	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-775	Open record hearing.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private project.
197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-175, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-175, filed 1/3/85.]

**PART NINE - CATEGORICAL EXEMPTIONS**

**WAC 140-09-180 Adoption by reference.** The corporation adopts by reference the following rules for categorical exemptions from chapter 197-11 of the Washington Administrative Code:

WAC	
197-11-800	Categorical exemptions.
197-11-810	Exemptions and nonexemptions applicable to specific state agencies.
197-11-820	Department of licensing.
197-11-825	Department of labor and industries.
197-11-830	Department of natural resources.
197-11-835	Department of fisheries.

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## WAC

- 197-11-840 Department of game.
- 197-11-845 Department of social and health services.
- 197-11-850 Department of agriculture.
- 197-11-855 Department of ecology.
- 197-11-860 Department of transportation.
- 197-11-865 Utilities and transportation commission.
- 197-11-870 Department of commerce and economic development.
- 197-11-875 Other agencies.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-180, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-180, filed 1/3/85.]

**WAC 140-09-182 Corporation compliance with flexible thresholds.** The corporation will use the flexible thresholds established by the city of Seattle.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-182, filed 6/6/08, effective 7/7/08.]

**WAC 140-09-183 Emergencies.** Actions that must be undertaken immediately or within a time too short to allow full compliance with these rules, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt from the procedural requirements of this chapter. Such actions include, but are not limited to, the following:

(1) Emergency pollution control actions responding to accidental discharges, leaks or spills into the air, water, or land.

(2) Implementation of a change in waste disposal procedures caused by unanticipated changes in waste sources which are in compliance with federal and state regulations and standards.

(3) Cleanup or decontamination of the corporation's facilities or equipment accidentally exposed or contaminated, to permit maintenance, repair or relocation, when procedures followed are in accordance with federal or state guidelines, recommendations, or standards.

(4) Emergency actions implemented to reduce an imminent hazard to the public health or safety resulting from structural failure, accidental or intentional acts or omissions, equipment malfunction, human error or natural event.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-183, filed 6/6/08, effective 7/7/08.]

## PART TEN - AGENCY COMPLIANCE

**WAC 140-09-185 Purpose of this part and adoption by reference.** This part contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The corporation adopts the following sections of chapter 197-11 of the Washington Administrative Code by reference:

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## WAC

- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-910 Designation of responsible official.
- 197-11-912 Procedures of consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-955 Effective date.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-185, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-185, filed 1/3/85.]

**WAC 140-09-220 Severability.** If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

[Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-220, filed 1/3/85.]

## PART ELEVEN - FORMS

**WAC 140-09-230 Adoption by reference.** The corporation adopts the following forms and sections of chapter 197-11 of the Washington Administrative Code by reference:

## WAC

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

[Statutory Authority: RCW 43.21C.120. 08-13-015, § 140-09-230, filed 6/6/08, effective 7/7/08. Statutory Authority: Chapter 43.21C RCW. 85-03-004 (Order 3, Resolution No. 103), § 140-09-230, filed 1/3/85.]

**Chapter 140-12 WAC  
GENERAL PROCEDURES**

**WAC**

140-12-010	Nature and purpose of Washington state convention and trade center.
140-12-020	Corporation organization.
140-12-030	Purpose of rules.
140-12-040	Public records available.
140-12-050	Public records officer.
140-12-060	Request for public records.
140-12-070	Adoption of form.
140-12-080	Copying fees.
140-12-090	Review of denials.
140-12-100	Protection of public records.
140-12-110	Index of records not maintained.

**WAC 140-12-010 Nature and purpose of Washington state convention and trade center.** The Washington state convention and trade center, hereinafter referred to as the corporation, has been established pursuant to chapter 34, Laws of 1982, to acquire, design, construct, maintain, operate, promote and manage a state convention and trade center. The corporation is a public nonprofit corporation formed in the same manner as a private nonprofit corporation is formed under chapter 24.03 RCW. The corporation is an instrumentality of the state, and has all the powers, and is subject to the same restrictions as are permitted or prescribed to private nonprofit corporations, but may exercise those powers only for carrying out the purposes of chapter 34, Laws of 1982, and those purposes necessarily implied therefrom.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-010, filed 2/28/83.]

**WAC 140-12-020 Corporation organization.** (1) The corporation is governed by a board of nine directors appointed by the governor. The directors serve terms of six years, except that two of the the original directors serve for two years and two of the original directors serve for four years.

(2) The organization and methods of operation of the corporation are established in the corporation's articles of incorporation, and in bylaws adopted by the board of directors.

(3) The administrative head of the corporation is the administrator of the Washington state convention and trade center, who is appointed by, and is responsible to, the board of directors.

(4) The principal office of the corporation shall be at Seattle, Washington, and shall be open each day for the transaction of business from 9:00 a.m. to 5:00 p.m. (Saturdays, Sundays and legal holidays excepted).

Submissions, requests and communications to the corporation shall be sent or made to the Administrator, Washington State Convention and Trade Center, 720 Olive Way, Suite 1520, Seattle, Washington 98101.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-020, filed 2/28/83.]

**WAC 140-12-030 Purpose of rules.** The purpose of WAC 140-12-040 through 140-12-110 is to ensure compliance by the Washington state convention and trade center, hereinafter referred to as the corporation, including its officers and employees, with the applicable provisions of chapter

42.17 RCW, and in particular with RCW 42.17.250 through 42.17.320, dealing with public records.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-030, filed 2/28/83.]

**WAC 140-12-040 Public records available.** All public records of the corporation, as defined in RCW 42.17.020(26), are deemed to be available except as provided by the applicable provisions of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-040, filed 2/28/83.]

**WAC 140-12-050 Public records officer.** The corporation's public records shall be the responsibility of the administrator of the corporation. The administrator shall be responsible for the implementation of these rules regarding release of public records and coordination and compliance by staff with the applicable provisions of chapter 42.17 RCW.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-050, filed 2/28/83.]

**WAC 140-12-060 Request for public records.** Public records may be inspected 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 in substantial compliance with the provisions of WAC 140-12-070. The form shall be available at the corporation's office and shall be presented to the administrator or to any member of the office staff. 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; and
- (d) An appropriate description of the matter requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the administrator or staff to assist the member of the public in appropriately identifying the matter requested.

(3) Staff members shall make a good faith effort to respond to the request within two working days after its receipt.

(4) Public records shall be available for inspection during the customary office hours of the corporation's office.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-060, filed 2/28/83.]

**WAC 140-12-070 Adoption of form.** The corporation hereby adopts the following form for use by all persons requesting inspection and/or copies of public records:

.....  
 Name of Applicant .....

.....  
 Mailing Address of Applicant .....

.....  
 Phone Number .....

.....  
 Date Request Made at Washington State .....

.....  
 Convention and Trade Center .....

.....  
 Time of Day of .....

.....  
 Request Made .....

.....  
 Nature of Request: .....

.....  
 .....

.....  
 .....

.....  
 .....

Description of Record Requested: .....

.....

Said Records Have Not Been Requested to Provide Access to Lists of  
Individuals for Commercial Purposes.

.....

Signature ..... Signature (please print)  
Request: Approved ..... By.....  
Date

Denied Date: .....

Reasons for Denial: .....

.....

Referred to ..... By.....  
Date

vention and trade center which would have to be indexed under RCW 42.17.260(2), and because the corporation has only a limited permanent staff. The corporation shall make available for public inspection and copying all indexes maintained by the corporation for its use.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-110, filed 2/28/83.]

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-070, filed 2/28/83.]

**WAC 140-12-080 Copying fees.** No fees are to be charged for inspection of public records. The corporation will charge a fee not to exceed twenty-five cents per page of copy for use of the corporation's copy equipment in cases where no significant staff time is taken up with the request.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-080, filed 2/28/83.]

**WAC 140-12-090 Review of denials.** (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 a written request for review to the administrator. The written request shall specifically refer to the written statement by the staff member which constituted or accompanied the denial.

(2) Immediately upon receipt of a written request for review of a decision denying a public record, the written request for review shall be referred to the administrator. The administrator or his or her designee shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision within two business days of the date of filing of the request for review.

(3) Administrative remedies shall not be considered exhausted until the agency has returned the request for review with a decision or until the close of the second business day following date of filing the request for review, whichever occurs first.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-090, filed 2/28/83.]

**WAC 140-12-100 Protection of public records.** Requests for public records shall be made in the office of the corporation. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the office or, if copying facilities are not available, the office will arrange to have copies made subject to the provisions of WAC 140-12-070.

[Statutory Authority: RCW 42.17.250. 83-06-035 (Order 2, Resolution No. 10), § 140-12-100, filed 2/28/83.]

**WAC 140-12-110 Index of records not maintained.** The corporation does not maintain the current index of records specified in RCW 42.17.260(2). The corporation has determined, pursuant to RCW 42.17.260(3), that compliance with RCW 42.17.260(2) would unduly burden the corporation because there are a very large number and variety of documents involved in planning and constructing the state con-