Chapter 173-03 WAC
PUBLIC RECORDS

WAC 173-03-010 What is the purpose of this chapter?

The purpose of this chapter is to implement the requirements of RCW 42.17.250 - 42.17.340 relating to public records.


WAC 173-03-020 How are specific terms defined in this chapter? (1) The terms "person," "public record," and "writing" shall have the meanings as stated in RCW 42.17.020.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department.

(4) "Public records officer" means the employee designated as such by the department.

(5) "Designee" means the employee of the department designated by the director or the public records officer to serve as the public records coordinator at the headquarters offices or at each of the regional offices in the absence of the officer.


WAC 173-03-030 How is the department of ecology organized? (1) Headquarters office.

(a) The headquarters office is located at 300 Desmond Drive, Lacey, Washington. The mailing address for the headquarters office is:

Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

(b) The offices of the director, deputy director(s), program managers and other agency officials are located in the headquarters office.

(c) The titles of the executive staff are as follows:

Chief financial officer for financial services.
Administrative services manager for administrative services.
Director for intergovernmental relations.
Director for employee services.
Director for communications and education.
Assistant administrator for spills prevention, preparedness and response.

(2) The program offices located in the headquarters office are:

(a) Air quality;
(b) Water resources;
(c) Water quality;
(d) Toxics cleanup;
(e) Nuclear waste;
(f) Solid waste and financial assistance;
(g) Hazardous waste and toxics reductions;
(h) Environmental investigations and laboratory services; and

(i) Shorelands and environmental assistance.

(3) Regional offices and their geographical jurisdictions are as follows:

(a) Northwest regional office (Whatcom, Skagit, Snohomish, San Juan, Island, King, and Kitsap counties):

3190 - 160th Avenue S.E.
Bellevue, WA 98008-5452

(b) Southwest regional office (Pierce, Thurston, Mason, Clallam, Jefferson, Grays Harbor, Pacific, Lewis, Cowlitz, Wahkiakum, Clark, and Skamania counties):

300 Desmond Drive
Lacey, WA 98503
Mailing address:
P.O. Box 47775
Olympia, Washington 98504-7775

(c) Central regional office (Okanogan, Chelan, Douglas, Kittitas, Yakima, Benton, and Klickitat counties):

15 West Yakima, Suite 200
Yakima, WA 98902-3401
(d) Eastern regional office (Ferry, Stevens, Pend Oreille, Grant, Lincoln, Spokane, Adams, Whitman, Franklin, Walla Walla, Columbia, Garfield, and Asotin counties):

N. 4601 Monroe, Suite 100
Spokane, Washington 99205-1295


WAC 173-03-040 How do I get access to the public records of the department of ecology? (1) All public records of the department are available for public inspection and copying under these rules subject to subsections (2), (3), (4), and (5) of this section.

(2) Availability of public records is subject to the exemptions and prohibitions against disclosure contained in RCW 42.17.310, 42.17.130, 42.17.255, 42.17.260, and 90.52.020. In addition, individuals may request, and ecology may grant, confidentiality of documents from disclosure under RCW 43.21A.160 and 70.105.170.

(3) When a public record includes information which, if disclosed, would lead to an unreasonable invasion of personal privacy, and the department becomes aware of this fact, the department shall delete such information before making the record available.

(4) Public records requested may not be readily available for immediate inspection. If the requested records are not readily available, the department shall notify the requester when and where those records will be available.

(5) Public records of the department are kept by the department or state archives until scheduled for destruction by the records retention schedule in accordance with chapter 40.14 RCW. Public records subject to a request for disclosure when scheduled for destruction shall be retained by the department and may not be erased or destroyed until the request is resolved.

[Statutory Authority: RCW 42.17.250. WSR 98-16-052 (Order 98-12), § 173-03-040, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 – 42.17.340 and 1992 c 139. WSR 92-20-116 (Order 92-37), § 173-03-040, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 42.17.250 - 42.17.340. WSR 78-02-041 (Order DE 77-35), § 173-03-040, filed 1/17/78.]

WAC 173-03-050 What records are retained and how are they indexed? The records retention schedule established by the division of state archives of the office of the secretary of state serves as an index for the identification and location of the following records:

(1) All records issued before July 1, 1990, for which the department has maintained an index;

(2) Final orders entered after June 30, 1990, that are issued in adjudicative proceedings as defined in RCW 34.05.010(1) and that contain an analysis or decision of substantial importance to the department in carrying out its duties;

(3) Declaratory orders entered after June 30, 1990, that are issued pursuant to RCW 34.05.240 and that contain an analysis or decision of substantial importance to the department in carrying out its duties; and

(4) Interpretive statements as defined in RCW 34.05.010(8) that were entered after June 30, 1990.

The records retention schedule indexes records according to the originating program or section, and then the record series title. Each title is further identified by a statement of function or purpose, and the retention period. The records retention schedule is available to the public for inspection and copying. With the assistance of the public records officer or designee, any person can obtain access to public records of the department using the records retention schedule.

A separate index of policy statements as defined in RCW 34.05.010(4) entered after June 30, 1990, shall be maintained by the department's policy manual coordinator or designees.


WAC 173-03-060 How do I request a public record? (1) All requests for inspection or copying made in person at a department office shall be made on a form substantially as follows:

REQUEST FOR PUBLIC RECORDS

Date of Request . . . . . . . Time of Request . . . . . . .
Name . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Address . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .

Description of Records:

Name . . . . . . . . . . . . . . . . . . . . . . . . . . . . . .
Number of pages to be copied . . . . . . . . . . . . . .
Number of copies per page . . . . . . . . . . . . . . .
Charge per copy $ . . . . . . . . . . . . . . . . . . . .
Special copy work charge $ . . . . . . . . . . . . . .

I understand that if a list of individuals is provided me by the Department of Ecology, it will neither be used to promote the election of an official nor promote nor oppose a ballot proposition as prohibited by RCW 42.17.130 nor for commercial purposes nor give or provide access to material to others for commercial purposes as prohibited by RCW 42.17.260(9).

I understand that I will be charged the amount necessary to reimburse the department's cost for copying.

Signature

Number of pages to be copied . . . . . . . . . . . . . .
Number of copies per page . . . . . . . . . . . . . .
Charge per copy $ . . . . . . . . . . . . . . . . . . . .
Special copy work charge $ . . . . . . . . . . . . . .

(7/31/98)
WAC 173-03-070  How much will it cost me to view a public record? The department does not charge a fee for the inspection of public records. The department will charge an amount necessary to reimburse its costs for providing copies of records. This amount shall be reviewed from time to time by the department, and shall represent the costs of providing copies of public records and for use of the department’s copy equipment, including staff time spent copying records, preparing records for copying, and restoring files. This charge is the amount necessary to reimburse the department for its actual costs for copying and is payable at the time copies are furnished. The charge for special copy work of nonstandard public records shall reflect the total cost, including the staff time necessary to safeguard the integrity of these records.

[Statutory Authority: RCW 42.17.250 - 42.17.340. WSR 78-02-041 (Order DE 77-35), § 173-03-070, filed 1/17/78.]

WAC 173-03-080  What happens when the department denies a public records request? When the department refuses, in whole or part, a request for inspection of any public record, it must include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.

[Statutory Authority: RCW 42.17.250 - 42.17.340. WSR 78-02-041 (Order DE 77-35), § 173-03-080, filed 1/17/78.]

WAC 173-03-090  What do I object to the department’s denial to review a public record? (1) Any person who objects to the refusal of a request for a public record may petition for prompt review of that decision by submitting a written request for review. The written request shall specifically refer to the written statement by the public records officer or designee which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the director or the director’s delegate. The director or delegate shall immediately consider the matter and either affirm or reverse the refusal. The final decision shall be sent to the objecting person within two business days following receipt of the petition for review.

[Statutory Authority: RCW 42.17.250 - 42.17.340. WSR 78-02-041 (Order DE 77-35), § 173-03-090, filed 1/17/78.]

WAC 173-03-100  How does the department protect public records? In order to adequately protect the public records of the department, you must comply with the following guidelines while inspecting public records:

(1) You may not remove any public record from the department’s premises.

(2) You must have a designated department employee present while you are inspecting a public record.

(3) You may not mark or deface a public record in any manner during inspection.

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(4) You may not dismantle public records which are maintained in a file or jacket, or in chronological or other filing order, or those records which, if lost or destroyed, would constitute excessive interference with the department's essential functions.

(5) Access to file cabinets, shelves, vaults, or other storage areas is restricted to department personnel, unless other arrangements are made with the public records officer or designee.

[Statutory Authority: RCW 42.17.250. WSR 98-16-052 (Order 98-12), § 173-03-100, filed 7/31/98, effective 8/31/98. Statutory Authority: RCW 42.17.250 - 42.17.340 and 1992 c 139. WSR 92-20-116 (Order 92-37), § 173-03-100, filed 10/7/92, effective 11/7/92. Statutory Authority: RCW 43.17.050 and 42.17.250. WSR 90-21-119 (Order 90-37), § 173-03-100, filed 10/23/90, effective 11/23/90. Statutory Authority: RCW 42.17.250 - 42.17.340. WSR 78-02-041 (Order DE 77-35), § 173-03-100, filed 1/17/78.]