

# Chapter 173-06 WAC

## DELEGATION OF POWERS

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### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

173-06-010	Introduction. [Order DE 71-13, § 173-06-010, filed 9/8/71.] Repealed by WSR 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-020	Definitions. [Order DE 71-13, § 173-06-020, filed 9/8/71.] Repealed by WSR 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-030	Delegation. [Statutory Authority: Chapter 43.21A RCW. WSR 89-11-021 and 90-07-014 (Order 89-6 and 89-6A), § 173-06-030, filed 5/11/89 and 3/13/90, effective 4/13/90. Statutory Authority: RCW 43.21A.090. WSR 85-24-019 (Order 85-25), § 173-06-030, filed 11/26/85; Order DE 75-7, § 173-06-030, filed 5/16/75; Order DE 71-13, § 173-06-030, filed 9/8/71.] Repealed by WSR 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-040	Director's powers. [Order DE 71-13, § 173-06-040, filed 9/8/71.] Repealed by WSR 95-07-058 (Order 94-45), filed 3/9/95, effective 4/9/95. Statutory Authority: RCW 43.21A.090.
173-06-060	NPDES delegation. [Statutory Authority: RCW 43.21A.090. WSR 79-08-034 (Order DE 79-10), § 173-06-060, filed 7/16/79; Order DE 77-12, § 173-06-060, filed 8/2/77.] Repealed by WSR 80-17-044 (Order DE 80-47), filed 11/19/80. Statutory Authority: RCW 43.21A.090.
173-06-065	NPDES delegation. [Statutory Authority: RCW 43.21A.090. WSR 81-24-033 (Order DE 81-41), § 173-06-065, filed 11/25/81; WSR 81-09-056 (Order DE 81-7), § 173-06-065, filed 4/17/81.] Repealed by WSR 84-20-042 (Order DE 84-39), filed 9/27/84. Statutory Authority: RCW 43.21A.060, 43.21A.080 and 43.21A.090.

**WAC 173-06-050 Regulations.** Nothing in this chapter shall be construed as a delegation of authority to adopt, amend or repeal any rule or regulation. The power to adopt, amend or repeal rules or regulations rests with the director, or in his absence, the deputy director.

[Order DE 71-13, § 173-06-050, filed 9/8/71.]

**WAC 173-06-100 Introduction.** Under the provisions of RCW 43.21A.090, the director of ecology may delegate the performance of his or her powers, duties, and functions, other than those relating to the adoption, amendment or rescission of rules and regulations, to employees of the department whenever that appears desirable to fulfill the purposes of the laws implemented by the department.

[Statutory Authority: RCW 43.21A.090. WSR 95-07-058 (Order 94-45), § 173-06-100, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-110 Definitions.** As used in this chapter:

(1) "Department" shall mean the department of ecology;

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(2) "Director" shall mean the person bearing such title created pursuant to RCW 43.21A.050. "Deputy director" shall mean the person bearing such title created pursuant to RCW 43.21A.100.

[Statutory Authority: RCW 43.21A.090. WSR 95-07-058 (Order 94-45), § 173-06-110, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-120 Delegation.** (1) Consistent with their assigned duties and responsibilities, department employees are delegated authority to act on behalf of the director and department in the administration of programs and all other duties assigned to the department.

(2) The department shall, by formal policy, specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take formal action on behalf of the director and/or the department, including, but not limited to, the issuance of penalties, orders, directives, permits, or other decisions reviewable before appropriate administrative or judicial bodies. Such policy may specify the extent of signature authority for department employee positions whose assigned duties and responsibilities include authority to take other action on behalf of the director and/or department. Such policies may be amended as appropriate. Copies of this policy shall be available for public review upon request.

(3) For department employees whose assigned duties and responsibilities include authority to approve or deny reports, plans and specifications, or amendments thereto, prepared by a registered professional, such approval or denial must be based on services provided by a similarly registered professional in accordance with state law.

(4) Any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may not delegate any such authority to an employee that he or she supervises unless such additional delegation is provided for in a written delegation letter. The written delegation letter shall be signed by the employee granting delegation and the employee receiving delegation. A department employee receiving such delegation shall not further delegate authority, except as provided in subsection (5) of this section. Each written delegation letter shall also include the position number of the employee receiving delegation. Unless rescinded, authority granted by a written delegation letter remains in effect as long as the employee delegated authority retains the same position number. A copy of each written delegation letter shall be maintained in a file within the department program in which the employee receiving delegation is assigned. Employees granting delegation pursuant to this provision may, upon written notification to the employee receiving delegation, rescind delegation at any time. A copy of each letter rescinding delegation shall be maintained in a file within the department program in which the employee rescinding delegation is

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assigned. An employee granting delegation pursuant to this paragraph does not relinquish his or her delegated authority to act on the behalf of the director or the department.

(5) In addition to the delegation described in subsection (4) of this section, any department employee whose assigned duties and responsibilities include signature authority to act on behalf of the director and/or department, may designate another department employee to serve in a temporary or acting capacity. Any employee properly designated to serve in a temporary or acting capacity shall have the same delegated authority as the department employee permanently holding the position, unless the delegation letter provides otherwise. Proper designation to serve in temporary or acting capacity for a position shall consist of a letter to the individual assuming temporary or acting capacity from the employee who permanently serves in the position or from the director. A department employee receiving such delegation shall not further delegate authority.

(6) During the absence of an employee delegated authority pursuant to this rule, employees responsible for supervising the absent employee may perform the absent employee's delegated functions.

(7) The authority delegated in this rule is limited to the power to act for the department in carrying out functions within the power of the department, and shall not be construed to authorize acts which are contrary to law or beyond the authority of the department.

(8) Nothing in this chapter shall preclude the director from delegating in writing specific signature authority to any employee of the department nor in any way limit the authority of the director to act on behalf of the department.

[Statutory Authority: RCW 34.05.322, 43.21A.080, and 43.21A.090. WSR 03-10-019 (Order 02-18), § 173-06-120, filed 4/28/03, effective 5/29/03. Statutory Authority: RCW 43.21A.090. WSR 95-07-058 (Order 94-45), § 173-06-120, filed 3/9/95, effective 4/9/95.]

**WAC 173-06-130 Director's powers.** The director may perform all powers, duties and functions within the authority of the department. The delegations authorized by this chapter shall not preclude the director from exercising any of the powers, duties and functions delegated. In the director's absence, the deputy director may act as director.

[Statutory Authority: RCW 43.21A.090. WSR 95-07-058 (Order 94-45), § 173-06-130, filed 3/9/95, effective 4/9/95.]