

Title 118 WAC

MILITARY DEPARTMENT (EMERGENCY MANAGEMENT)

Chapters

- 118-02** **Public records.**
- 118-03** **Mt. St. Helens closure—Rules for permitted entry and/or occupation.**
- 118-04** **Emergency worker program.**
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**DISPOSITION OF CHAPTERS FORMERLY
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**Chapter 118-06
LOCAL EMERGENCY SERVICES ORGANIZATIONS**

- 118-06-010 Authority. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-010, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-020 Purpose. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-020, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-030 Definitions. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-030, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-040 Responsibilities of political subdivisions. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-040, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-050 Evaluation of emergency services organization. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-050, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-060 Review and evaluation of an existing emergency services organization. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-060, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-070 Authorizing two or more political subdivisions to establish a local emergency services organization. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-070, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-06-080 Resolution of conflict regarding the sharing of emergency services organization costs between political subdivisions. [Statutory Authority: RCW 38.52.070. 84-01-023 (Order 118-06), § 118-06-080, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.

**Chapter 118-07
LOCAL EMERGENCY SERVICES PLANS**

- 118-07-010 Authority. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-010, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-07-020 Purpose. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-020, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-07-030 Definitions. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-030, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-07-040 Submittal of comprehensive emergency operations plan or plan development schedule for review by director. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-040, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-07-050 Review periods and procedures. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-050, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-07-060 Criteria for evaluating local emergency services plan. [Statutory Authority: RCW 38.52.070. 84-01-024 (Order 118-07), § 118-07-060, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.

**Chapter 118-08
LOCAL EMERGENCY SERVICES PROGRAM**

- 118-08-010 Authority. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-010, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-020 Purpose. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-020, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-030 Definitions. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-030, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-040 Submittal of program paper for review by director. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-040, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-050 Review period and procedures. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-050, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-060 Criteria for evaluating local emergency services program paper. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-060, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
- 118-08-070 Interim program paper for the period October 1 through December 31, 1983. [Statutory Authority: RCW 38.52.070. 84-01-025 (Order 118-08), § 118-08-070, filed 12/9/83.] Repealed by 00-05-011, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.

**Chapter 118-10
CRITERIA FOR ALLOCATION
OF EMERGENCY MANAGEMENT ASSISTANCE FUND**

- 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 118-33
DISASTER RECOVERY PROGRAM**
- 118-33-010 Intent. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-010, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-020 Definitions. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-020, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-030 Authorization of program. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-030, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-040 Administrative procedures. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-040, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-050 Grant eligibility. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-050, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-060 Allocation of funds. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-060, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-070 Expenditures and payments. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-070, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-080 Organization and functions. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-080, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-090 Administrative panel. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-090, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-100 Reconsideration. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-100, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-110 Appeal. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-110, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- 118-33-120 Administrative plan review. [Statutory Authority: RCW 38.52.030(9), 87-24-005 (Order 87-21), § 118-33-120, filed 11/19/87.] Repealed by 04-08-007, filed 3/25/04, effective 4/25/04. Statutory Authority: Title 44 C.F.R.
- Chapter 118-65
ENHANCED 9-1-1 FUNDING**
(Formerly chapter 365-300 WAC)
- 118-65-010 Authority. [98-01-064, recodified as § 118-65-010, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-010, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-020 Purpose. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-020, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-020, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-020, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-030 Definitions. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-030, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-030, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-030, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-040 Eligible jurisdictions. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-040, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-040, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-040, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-050 Fundable items. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-050, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-050, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-050, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-060 Local plan requirements. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-060, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-060, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-060, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-070 Funding priorities. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-070, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-070, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-070, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-081 Application procedures. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-081, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-081, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-081, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.
- 118-65-090 Other rules. [Statutory Authority: RCW 38.52.540, 02-12-053, § 118-65-090, filed 5/29/02, effective 6/29/02, 98-01-064, recodified as § 118-65-090, filed 12/11/97, effective 1/1/98. Statutory Authority: RCW 38.52.540, 93-11-039 (Order 93-04), § 365-300-090, filed 5/11/93, effective 6/11/93.] Repealed by 03-10-014, filed 4/25/03, effective 7/1/03. Statutory Authority: RCW 38.52.540.

Reviser's note: Later promulgation, see chapter 118-66 WAC.

Chapter 118-02 WAC PUBLIC RECORDS

WAC

- 118-02-010 Purpose.
- 118-02-020 Definitions.
- 118-02-030 Description of central and field organization of department of emergency services.
- 118-02-040 Operations and procedures.
- 118-02-04001 Public records available.
- 118-02-060 Public records officer.
- 118-02-070 Office hours.
- 118-02-080 Requests for public records.
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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.
- 118-02-130 Records index.
- 118-02-140 Agency address.
- 118-02-150 Adoption of form.
- 118-02-990 Appendix A—Form—Request for public record to department of emergency services.

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 statewide 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.]

(2007 Ed.)

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;
- (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.

[Order 230-1, § 118-02-110, filed 5/13/74.]

WAC 118-02-120 Protection of public records. Requests for public records shall be made in the agency's office at 4220 East Martin Way, Olympia. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made in the agency office or, if copying facilities are not available, the agency will arrange to have copies made subject to the provisions of WAC 118-02-909 [118-02-090].

[Order 230-1, § 118-02-120, filed 5/13/74.]

WAC 118-02-130 Records index. The current index promulgated by the agency shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Order 230-1, § 118-02-130, filed 5/13/74.]

WAC 118-02-140 Agency address. All communications with the agency pertaining to the enforcement of chap-

ter 1, Laws of 1973, these rules and requests for copies of the agency's records, may be addressed as follows: Department of Emergency Services, c/o Public Records Officer, 4220 East Martin Way, Olympia, Washington 98504.

[Order 230-1, § 118-02-140, filed 5/13/74.]

WAC 118-02-150 Adoption of form. The agency hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "request for public record."

[Order 230-1, § 118-02-150, filed 5/13/74.]

WAC 118-02-990 Appendix A—Form—Request for public record to department of emergency services.

APPENDIX A

REQUEST FOR PUBLIC RECORD TO DEPARTMENT OF EMERGENCY SERVICES

.....

Name of Organization, if Applicable

Mailing Address of Applicant Phone Number

Date Request Made at Time of Day

Department of Emergency Services Request Made

Nature of Request

.....

Identification Reference on Current Index (Please Describe)

.....

Description of Record, or Matter, Requested if Not Identifiable by Reference to the Department of Emergency Services Current Index

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

.....

Signature Signature (Please Print)

Request: Approved By

..... Date Public Records Officer

Denied Date

Reasons for Denial:

.....

Referred to Date

..... By

..... Public Records Officer

[Order 230-1, Appendix A (codified as WAC 118-02-990), filed 5/13/74.]

Chapter 118-03 WAC

MT. ST. HELENS CLOSURE—RULES FOR PERMITTED ENTRY AND/OR OCCUPATION

WAC

- 118-03-010 Purpose.
- 118-03-030 Definitions.
- 118-03-050 Exempted personnel.
- 118-03-070 Conditions for entry.
- 118-03-090 Washington state department of licensing to process permits.
- 118-03-110 Application/processing procedures—Nonpermanent residents.
- 118-03-130 Permit and waiver issuance procedures—Permanent residents.
- 118-03-150 Permit and waiver issuance procedures—Recreation property owners, renters, or lessees.

118-03-170	Permit and waiver issuance procedures—Visitors to permanent residents or recreational property owners.
118-03-190	Permit and waiver issuance procedures—Media and scientific research.
118-03-210	Conditions for entry—Permanent residents and recreation property owners.
118-03-230	Conditions for entry—Employees, contractors, and agents of individual(s) or government entity(s) issued industrial permits.
118-03-250	Industrial permit reapplication procedure.
118-03-270	Federal, state, and local government administrative personnel.
118-03-290	Other permit applicants.
118-03-310	Revocation and suspension.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

118-03-330	Uniform procedural rules. [Statutory Authority: Chapters 43.06 and 38.52 RCW. 81-15-012 (Order 81-03), § 118-03-330, filed 7/7/81.] Repealed by 00-05-012, filed 2/4/00, effective 3/6/00. Statutory Authority: RCW 38.52.050.
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WAC 118-03-010 Purpose. The purpose of this chapter is to adopt rules, regulations, and guidelines to implement executive orders issued by the governor prohibiting any person or persons with certain limited exceptions from entering the high risk danger zone known as the restricted zone of the Mt. St. Helens volcano as described in that executive order, and providing entry permit procedures for persons excepted. These rules may be amended from 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 corpora-

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tion, 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.

(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 com-

munications. 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.

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(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.]

Chapter 118-04 WAC EMERGENCY WORKER PROGRAM

WAC

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118-04-400	After action reporting.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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 (Order 93-08), filed 11/4/93, effective 12/5/93. Statutory Authority: Chapter 38.52 RCW.
118-04-250	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 the adjutant general of the Washington military department or designee, director of the state 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 the search and rescue annex or emergency support function of a local comprehensive emergency management plan.

(2) "Authorized organization" means the Washington military department, 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 military department, 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, nonemergency 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, nonemergency 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. 01-02-053, § 118-04-060, filed 12/28/00, effective 1/28/01; 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 EMD-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 EMD-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 EMD-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 EMD-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 also will facilitate the processing of claims for that animal should it become injured or killed during a training event or mission.

[Statutory Authority: Chapter 38.52 RCW. 01-02-053, § 118-04-080, filed 12/28/00, effective 1/28/01; 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, aviation 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 accor-

dance 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 non-enforcement 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, human-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 coordinat-

ing 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. 01-02-053, § 118-04-100, filed 12/28/00, effective 1/28/01; 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 also may 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 bloodborne 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 bloodborne 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 a 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. 01-02-053, § 118-04-120, filed 12/28/00, effective 1/28/01; 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 also may 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.

(5) In accordance with RCW 38.52.030(3), 38.52.070(1), and 38.52.400(1), the incident command system shall be used for all multiagency/multijurisdiction operations.

[Statutory Authority: Chapter 38.52 RCW. 01-02-053, § 118-04-180, filed 12/28/00, effective 1/28/01; 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. 01-02-053, § 118-04-200, filed 12/28/00, effective 1/28/01; 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 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. 01-02-053, § 118-04-220, filed 12/28/00, effective 1/28/01; 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 EMD-078 or the equivalent, shall be used as a part of the administrative record for each mission.

[Statutory Authority: Chapter 38.52 RCW. 01-02-053, § 118-04-240, filed 12/28/00, effective 1/28/01; 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 facsimile, the law enforcement teletype system (ACCESS, address code OLYEM), or by other suitable means to the emergency management division.

(b) The hard copy message 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 who have committed a crime."

(3) After the hard copy is sent via facsimile, ACCESS, or other suitable means, the local authorized official shall call the emergency management division duty officer and coordinate the details of 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 EMD-078 or equivalent, shall be used as a part of the administrative record for each evidence search mission.

[Statutory Authority: Chapter 38.52 RCW. 01-02-053, § 118-04-260, filed 12/28/00, effective 1/28/01; 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) Jurisdictions may request a training event number for individual training events or for a series of routine, recurring, training activities such as monthly training meetings or for an established training program such as a search and rescue academy.

(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 EMD-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 EMD-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 instruc-

tion, 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. Training event number requests for a series of training activities also shall include a schedule with proposed subjects, dates, times and locations.

(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 or series of training activities at the specified date(s), time(s), and location(s). Any significant change in the training activity, location, date or time shall be reported to the emergency management division as soon as possible. The local authorized official may approve reasonable changes to the proposed schedule.

(7) If additional organizations other than those originally listed on Form EMD-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 EMD-078 or equivalent, shall be used as a part of the administrative record for each training event. When a series of training activities is covered by a single training event number, separate emergency worker daily activity reports, Form EMD-078, or equivalent, shall be used for each activity.

(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 man-

agement 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, 01-02-053, § 118-04-280, filed 12/28/00, effective 1/28/01; 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 emergency management division director 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, 01-02-053, § 118-04-300, filed 12/28/00, effective 1/28/01; 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 EMD-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, 01-02-053, § 118-04-320, filed 12/28/00, effective 1/28/01; 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 EMD-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. The claimant should send a copy of the claim 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 EMD-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 emer-

gency 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. 01-02-053, § 118-04-340, filed 12/28/00, effective 1/28/01; 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 EMD-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. 01-02-053, § 118-04-360, filed 12/28/00, effective 1/28/01; 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 EMD-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. 01-02-053, § 118-04-380, filed 12/28/00, effective 1/28/01; 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 EMD-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 EMD-105L, incident report data sheet may be used.

(c) Other missions, including evidence search missions (Form EMD-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 (EMD-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. 01-02-053, § 118-04-400, filed 12/28/00, effective 1/28/01; 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 118-09 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

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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 manage-

ment 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 sub-

mitted 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.

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(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 118-40 WAC

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

WAC

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118-40-300 EPCRA—Facilities compliance.
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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

118-40-090 Hazardous materials advisory committee—Establishment, membership. [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.] Repealed by 98-07-028, filed 3/11/98, effective 4/11/98. Statutory Authority: Chapter 38.52 RCW and Public Law 99-499.

118-40-100 Hazardous materials advisory committee—Purpose, responsibilities. [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.] Repealed by 98-07-028, filed 3/11/98, effective 4/11/98. Statutory Authority: Chapter 38.52 RCW and Public Law 99-499.

118-40-190 Emergency response training. [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.] Repealed by 98-07-028, filed 3/11/98, effective 4/11/98. Statutory Authority: Chapter 38.52 RCW and Public Law 99-499.

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" hereafter referred to as "EPCRA." EPCRA 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 EPCRA (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.

Other community right-to-know provisions of EPCRA require the owners and/or operators of facilities to provide information about the nature, quantity, and location of reportable 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: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-010, filed 3/11/98, effective 4/11/98. 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 EPCRA in the state of Washington to establish a mechanism for compliance by state and local governmental agencies and industry. This chapter is promulgated under the general policy and rule-making authority of the military department as established by RCW 38.52.030(2); 38.52.050 (1) and (3); and 43.63A.060.

Compliance with the requirements of EPCRA, 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, EPCRA citations are provided. This chapter is not

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intended to mandate any new compliance requirements beyond those required by EPCRA.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-020, filed 3/11/98, effective 4/11/98. 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. "Administrator" means the administrator of the Environmental Protection Agency (EPA).

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

"EMC" means the emergency management council for Washington state. (RCW 38.52.040(1).)

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

"EPCRA" means Emergency Planning and Community Right-to-Know Act of 1986 as adopted, which is synonymous with SARA Title III.

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

"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, EPCRA, the term includes motor vehicles, rolling stock and aircraft, shipping, and pipelines.

"First responder" means fire fighters, law enforcement and emergency medical personnel as defined in chapter 296-62 WAC, Part P.

"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 EPCRA 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.

"LEPC" means the local emergency planning committee established for each state emergency planning district established by the state emergency response commission (P.L. 99-499).

"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 adopted from time to time.

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

"NRT-1A guidelines" means the criteria for review of hazardous materials emergency plans.

"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.

"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.

"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.

"SARA" means the Superfund Amendments and Reauthorization Act of 1986, as adopted.

"SERC" means the state emergency response commission for Washington state. (RCW 38.52.040(2) and P.L. 99-499.)

"TERC" means tribal emergency response 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.

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

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

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-030, filed 3/11/98, effective 4/11/98. 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 EPCRA the EMC appoints the state emergency response commission membership composed of a representative from the following agencies and organizations:

- (a) Military department.
- (b) Department of ecology.
- (c) Washington state patrol.
- (d) Department of transportation.
- (e) Department of health.
- (f) Department of labor and industries.
- (g) Local emergency manager.
- (h) Washington state association of fire chiefs.
- (i) Private industry.
- (j) Local emergency planning committee (eastern Washington representative).
- (k) Local emergency planning committee (western Washington representative).
- (l) Transportation industry.
- (2) The chairperson and vice-chairperson for the state emergency response commission members shall be appointed by the emergency management council.
- (3) The state emergency response commission shall seek the attendance and active participation of representatives of

the following agencies and organizations at all commission meetings:

- (a) Tribal Emergency Response Commission(s).
- (b) Federal Emergency Management Agency.
- (c) Environmental Protection Agency.
- (d) U.S. Department of Transportation.
- (e) Washington state attorney general.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-040, filed 3/11/98, effective 4/11/98. 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 EPCRA (P.L. 99-499), as now authorized or hereafter adopted.

The state emergency response commission shall be responsible for the establishment of a state hazardous materials emergency preparedness, response, and community right-to-know program as required by EPCRA. Specific responsibilities of the commission include, but are not limited to the following duties:

- (1) Appointment of such ad hoc committees and working groups as required.
- (2) Designation of local emergency planning districts.
- (3) Receive and record initial appointment of and subsequent revisions to local emergency planning committee membership.
- (4) Review and evaluation of local emergency response plans.
- (5) Administer and coordinate responsibilities for representative state emergency response commission members for implementing the EPCRA program in Washington state.
- (6) Establishment of procedures for the receipt of, management and access to all notifications, reports, plans and all other information required by EPCRA.
- (7) Coordination with the Environmental Protection Agency on EPCRA implementation.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-050, filed 3/11/98, effective 4/11/98. 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 Military department—EPCRA responsibilities. Specific responsibilities of the military department 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 and make appropriate notifications. Track and maintain records of such notifications.
- (2) Develop emergency planning guidance and provide assistance to LEPCs in the development of an emergency response plan for their district.
- (3) Coordinate the review of each LEPC emergency plan as it is submitted.
- (4) Serve as repository agency for LEPC emergency response plans.

(5) Set up community EPCRA education and training program addressing mitigation, emergency preparedness, disaster response, and long-term disaster recovery.

(6) Provide adequate staff support for the state emergency response commission 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 state emergency response commission.

(8) Receive and coordinate the distribution of correspondence, information, and written reports to offices of representative state emergency response commission agencies and organizations, TERC's and LEPC's, as well as other governmental and nongovernmental agencies when appropriate or as requested.

(9) Develop, apply for and administer training, exercise, and planning grants, as authorized and provided under Section 305 of EPCRA.

(10) Provide nonfirst responder training and maintain related records for the state hazardous materials training, exercise, and planning programs as authorized and funded through Section 305 of EPCRA.

(a) Training may be attended by emergency first responders, including fire fighters, law enforcement, environmental, and emergency medical personnel. Other constituencies to be trained 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.

(b) Emergency training programs for nonfirst responders 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 EPCRA.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-060, filed 3/11/98, effective 4/11/98. 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—EPCRA 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) As required under subsection 301(a) of EPCRA, coordinate development, implementation, and maintenance of an EPCRA Community Right-to-Know Program which may include, but is not limited to:

(a) Data management of reports and notifications submitted by businesses. Such reports and notifications shall be retained for a minimum of three years.

(b) Technical assistance to businesses regarding compliance with EPCRA.

(c) Accessing and communicating information to the public.

(d) Outreach to businesses and the public about EPCRA.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-070, filed 3/11/98, effective 4/11/98. 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—EPCRA responsibilities. Specific responsibilities of the Washington state patrol include, but are not limited to, the following duties:

(1) Serve as advisor to the state emergency response 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) Provide first responder training and maintain related records for state hazardous materials training as authorized through Section 305 of EPCRA.

(a) Training may be attended by emergency first responders, including fire fighters, law enforcement, environmental, and emergency medical personnel. Other constituencies to be trained 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.

(b) Emergency training programs for first responders 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 EPCRA.

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

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-080, filed 3/11/98, effective 4/11/98. 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 118-40-150 Emergency planning districts—Designation. (1) The chief elected official of the local emergency planning district shall appoint the local emergency planning committee.

(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 EPCRA emergency response planning.

(3) Any town, city or political jurisdiction identified in RCW 38.52.070 may petition the state emergency response commission to be designated as a local emergency planning district. Prior to the approval of such designation the proposed local emergency planning district must have selected

the membership of the proposed local emergency planning committee and be in full compliance with the requirements of EPCRA.

(4) Any local emergency planning district and the respective local emergency planning committee existing prior to the effective date of this rule change shall be recognized.

(5) An existing local emergency planning district may petition the state emergency response commission to dissolve its independent status and either join the jurisdiction of the county in which it is included or join with an adjacent local emergency planning committee.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-150, filed 3/11/98, effective 4/11/98. 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 emergency planning committee—Organization, membership. (1) Each local committee shall include, at a minimum, representation from each of the following groups or types of organizations as specified by Section 301(c) of EPCRA:

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

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

(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.

(4) Each local emergency planning committee shall submit annually, to the state emergency response commission, a list of their membership and the organizations they represent.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-160, filed 3/11/98, effective 4/11/98. 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 emergency planning committee—Responsibilities. (1) Each local emergency planning 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), EPCRA, 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.

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(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) EPCRA. Such procedures shall include the designation of an official to serve as committee coordinator for all information requests.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-170, filed 3/11/98, effective 4/11/98. 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 emergency planning committee shall complete a hazardous materials emergency response plan as required by Section 303 (a), (b), (c), EPCRA.

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

Washington State Emergency Response
Commission
Washington Military Department
Emergency Management Division

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

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

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

(b) Copies of the plan will then be reviewed for comment within ninety days of receipt as required by EPCRA.

(d) Upon completion of this review the state emergency response commission shall, as appropriate, send a letter to the submitting local emergency planning committee acknowledging receipt and providing reviewer's comments as appropriate in meeting the intent of EPCRA.

(5) The local emergency planning committees shall review and update, as appropriate, their plans annually changes to the plan shall be submitted to the state emergency response commission. If there are no changes to the local plan, the local emergency planning committee shall provide written notification to the state emergency response commission within thirty days of the review's completion.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-180, filed 3/11/98, effective 4/11/98. 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 118-40-300 EPCRA—Facilities compliance. The owner or operator of a facility shall meet all of the applicable requirements of EPCRA, or of rules adopted by the

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administrator to implement EPCRA, 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 EPCRA.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-300, filed 3/11/98, effective 4/11/98. 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 EPCRA—Enforcement, penalties.

Enforcement of all EPCRA provisions and the administration of penalties for violations of the provisions shall be pursuant to Section 325 of EPCRA, as now authorized or hereafter amended.

[Statutory Authority: Chapter 38.52 RCW and Public Law 99-499. 98-07-028, § 118-40-400, filed 3/11/98, effective 4/11/98. 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.]

Chapter 118-66 WAC

ENHANCED 9-1-1 FUNDING

WAC

118-66-010	Authority.
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118-66-030	Definitions.
118-66-040	County eligibility for funding.
118-66-042	Radio communications service company (RCSC) eligibility for wireless funding.
118-66-045	Washington state patrol (WSP) eligibility for wireless funding.
118-66-050	Eligible expenses.
118-66-080	Allocation of funds.
118-66-081	Funding applications.
118-66-085	Reporting requirements for radio communications service companies (RCSCs).
118-66-090	Other rules.

WAC 118-66-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.540 and 38.52.545.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-010, filed 4/25/03, effective 7/1/03.]

WAC 118-66-020 Purpose and priorities. (1) RCW 38.52.540 authorizes the establishment of an enhanced 9-1-1 account in the state treasury and specifies that the funds shall be used only

(a) To support the statewide coordination and management of the enhanced 9-1-1 system,

(b) For the implementation of wireless enhanced 9-1-1 statewide, and

(c) To help supplement, within available funds, the operational costs of the system, including:

(i) Adequate funding of counties to enable implementation of wireless enhanced 9-1-1 service, and

(ii) Reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 9-1-1 service pursuant to negotiated contracts between counties or their agents and the radio communications service companies.

(2) RCW 38.52.545 provides that the rules defining the purposes for which available enhanced 9-1-1 funds may be expended shall consider the base needs of individual counties

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for specific assistance, and establishes the following expenditure priorities for such funds:

(a) To assure that 9-1-1 dialing is operational statewide;

(b) To assist counties as necessary to assure they can achieve a basic service level for 9-1-1 operations; and

(c) To assist counties as practicable to acquire items of a capital nature appropriate to increasing 9-1-1 effectiveness.

(3) The state enhanced 9-1-1 coordinator, with the advice and assistance of the enhanced 9-1-1 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 9-1-1 services for all counties and to specify by rule the operational purposes for which funds, if available, may be expended from the enhanced 9-1-1 account.

(4) The purpose of these rules is to define the criteria and priority for enhanced 9-1-1 fundable items and requirements for eligible entities to receive enhanced 9-1-1 assistance from the state enhanced 9-1-1 account.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-020, filed 4/25/03, effective 7/1/03.]

WAC 118-66-030 Definitions. (1) **"9-1-1 management information system"** shall mean equipment that collects, stores and collates 9-1-1 call data into reports and statistics.

(2) **"9-1-1 voice network"** shall mean switching systems and circuits which provide the connection between the caller's switching office and the public safety answering point (PSAP).

(3) **"Address"** shall mean the identification of a unique physical location by street name, number, and postal community, latitude, longitude (and, when available, altitude). When applicable, the address may contain the identification of separately-occupied subunits, such as apartment or suite numbers, and where appropriate, other information such as building name or floor number which defines a unique physical location.

(4) **"Advisory committee"** shall mean the enhanced 9-1-1 advisory committee as established by RCW 38.52.530.

(5) **"Alternate routing"** shall mean a method of routing 9-1-1 calls to a designated alternate PSAP location when all 9-1-1 lines are busy at the primary PSAP location.

(6) **"ANI/ALI controllers"** shall mean the stand-alone components that provide control functions for retrieving and interpreting information in the ANI and ALI data bases.

(7) **"ANI/ALI display equipment"** shall mean the equipment at the PSAP call answering position necessary for the display of automatic number identification and automatic location identification.

(8) **"Automatic location identification (ALI)"** shall mean a feature of the enhanced 9-1-1 system by which the name and address associated with the calling party's telephone number (identified by ANI feature) is forwarded to the PSAP for display.

(9) **"Automatic location identification (ALI) data base"** shall mean the set of ALI records residing on a computer system at an E9-1-1 Service Provider

(10) **"Automatic location identification/data management system (ALI/DMS)"** shall mean a system of manual procedures and computer programs used to create, store, and

update the data required for automatic location identification in support of enhanced 9-1-1.

(11) "**Automatic number identification (ANI)**" shall mean a feature of the enhanced 9-1-1 system that allows for the automatic display of the telephone number used to place a 9-1-1 call.

(12) "**B.01/P.01 grade of service**" shall mean a level of service where the probability that one call out of one hundred (one percent) will be blocked during the average busy hour.

(13) "**Call detail recorder**" shall mean equipment used to store, record and print ANI/ALI information for 9-1-1 calls.

(14) "**Cell sector**" shall mean an area, geographically defined according to an RCSC's radio frequency coverage data, consisting of a certain portion or all of the total coverage area of a cell site.

(15) "**Cell site**" shall mean an RCSC's radio frequency base station that receives calls from wireless end users.

(16) "**Computer aided dispatch (CAD)**" shall mean equipment capable of receiving and disseminating detailed information related to emergency services call taking and dispatching.

(17) "**Department**" shall mean the military department.

(18) "**E9-1-1 mapping administration**" shall mean personnel, hardware, and software necessary to create and maintain map data necessary to interpret Phase II E9-1-1 latitude and longitude (and, when available, altitude), and to display the data on a PSAP call answering position.

(19) "**E9-1-1 service provider**" shall mean a LEC providing the selective routing services for county wireline E9-1-1 service.

(20) "**Electronic mail**" shall mean a means of delivering text, data, graphics and other electronic media via a private computer network or the internet.

(21) "**Emergency service number (ESN)**" shall mean a number representing an emergency service zone, used to facilitate the selective routing and selective transfer of 9-1-1 calls to the appropriate PSAP.

(22) "**Emergency service zone (ESZ)**" shall mean a geographical area with a combination of designated police, fire, and emergency medical service providers.

(23) "**Instant call check**" shall mean equipment which records 9-1-1 call conversations for immediate playback on demand.

(24) "**Language line service**" shall mean language interpreter services for 9-1-1 calls.

(25) "**Local exchange company (LEC)**" shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide telephone exchange service or exchange access. Such term does not include the provision of radio communications service.

(26) "**Location**" has the same definition as "address" in this section.

(27) "**Location determination technology (LDT)**" shall mean the technology used exclusively to determine position or geographic location using latitude and longitude (and, when available, altitude) of a wireless E9-1-1 caller when the mobile switching center (MSC) starts a call or while the MSC is engaged in a call.

(28) "**Logging recorder**" shall mean a device that is capable of time stamping, recording and replaying 9-1-1 call conversations.

(29) "**Mapping display**" shall mean equipment capable of displaying 9-1-1 call locations on a map.

(30) "**Master street address guide (MSAG)**" shall mean a data base of street names and address ranges within their associated postal communities defining emergency service zones for 9-1-1 purposes.

(31) "**Mobile directory number (MDN)**" shall mean the telephone number of the mobile handset used to originate the 9-1-1 call.

(32) "**Mobile positioning center (MPC)**" shall mean a point of interface to a wireless network for the emergency service network. The gateway mobile location center (GMLC) serves as the point of interface to the global standard for mobile communications (GSM) wireless network. The MPC and GMLC serve as the entity that retrieves, forwards, stores and controls position data within the location network. The MPC/GMLC entity receives position information from the wireless network, forwards it to the emergency services network upon request and coordinates requests for position update.

(33) "**Mobile switching center (MSC)**" shall mean the wireless equivalent of a switching office that provides switching functions for wireless calls.

(34) "**MSC Phase I software capabilities**" shall mean software at an MSC that is necessary for the provision of Phase I E9-1-1 service and is used exclusively [for] this purpose.

(35) "**MSC Phase II software capabilities**" shall mean software at the MSC that is necessary for the provision of Phase II E9-1-1 service, and is exclusively used for this purpose.

(36) "**Multicounty region**" shall mean two or more counties served by a regional PSAP.

(37) "**Night service**" shall mean a feature that forwards all 9-1-1 calls routed to a designated PSAP to an alternate directory number preassigned for that PSAP. The alternate directory number may be associated with another PSAP or other alternate destination.

(38) "**Phase I 9-1-1 voice network**" shall mean the dedicated 9-1-1 trunks between an MSC and a selective router, and between a selective router and PSAPs.

(39) "**Phase I address**" shall mean the identification of a cell site and cell sector from which a 9-1-1 call originates, and includes identification of a cell site address, cell sector orientation, and/or a text description of the area.

(40) "**Phase I ALI data base**" shall mean a computer data base used to update the MDN information of wireless end user and cell site and cell sector information.

(41) "**Phase I ALI data circuit**" shall mean a dedicated 9-1-1 data circuit between an MSC and a service control point (SCP), and between an SCP and an ALI data base.

(42) "**Phase I automatic location identification (ALI)**" shall mean the MDN information of wireless end users and the cell site and cell sector information.

(43) "**Phase I E9-1-1 service**" shall mean service that facilitates the selective routing of wireless 9-1-1 calls and the display of Phase I ALI at the PSAPs.

(44) "**Phase I implementation plan**" shall mean a plan of an RCSC or county for implementation of Phase I E9-1-1 service in a county or counties in Washington state, including, but not limited to: Phase I E9-1-1 service activation date; network flowchart (including the company's relevant MSCs); specification of the technology used for interface to the selective router and the ALI/data management system (DMS) and a 9-1-1 call flow description; procedures for updating cell site and cell sector information; default and diverse routing plans; and an outline of Phase I E9-1-1 service testing procedures.

(45) "**Phase I interface to ALI data base**" shall mean the physical connection of Phase I ALI data circuits from a service control point (SCP) or selective router to the ALI data base, and the ALI feature enabling of the circuits.

(46) "**Phase I interface to selective router**" shall mean the physical connection of the Phase I 9-1-1 voice network from an MSC of an RCSC to a selective router, and the selective router feature enabling of the 9-1-1 trunks.

(47) "**Phase I master street address guide (MSAG)**" shall mean records in a master street address guide associated with each cell sector that provide cell site and cell sector identification, address, coverage information, service provider name, and PSAP of the cell sector for automatic display at the PSAP when a wireless 9-1-1 call is processed by that cell sector.

(48) "**Phase I testing**" shall mean testing conducted by an RCSC when Phase I E9-1-1 service is implemented to ensure the service is working correctly and testing after a company makes Phase I E9-1-1 service affecting additions or changes to their networks.

(49) "**Phase II address**" shall mean the latitude and longitude (and, when available, altitude) of the wireless end user.

(50) "**Phase II ALI**" shall mean the latitude and longitude (and, when available, altitude) of the wireless end user, in addition to the MDN information. When the latitude and longitude are not available the Phase II ALI defaults to Phase I ALI as defined in this chapter.

(51) "**Phase II ALI data stream**" shall mean the location information and formatting required for data collected by the LDT and transmitted to the PSAP.

(52) "**Phase II computer aided dispatch (CAD) system upgrades**" shall mean upgrades to the PSAP CAD system necessary to interpret the Phase II ALI data stream or to provide output to display Phase II location.

(53) "**Phase II E9-1-1 service**" shall mean service provided by an RCSC that delivers Phase I E9-1-1 service and latitude and longitude (and, when available, altitude) of the wireless end user.

(54) "**Phase II implementation plan**" shall mean a plan of an RCSC or county for implementation of Phase II E9-1-1 service in a county or counties in Washington state, including, but not limited to: Phase II E9-1-1 service activation date; network flowchart (including specification of the technology used for Phase II); and an outline of Phase II E9-1-1 service testing procedures.

(55) "**Phase II testing**" shall mean testing conducted by an RCSC when Phase II E9-1-1 service is implemented to ensure the service is working correctly, and periodic testing necessary for the maintenance of the service.

(56) "**Position determining entity (PDE)**" is used interchangeably with and shall mean "location determination technology (LDT)" as defined herein.

(57) "**PSAP mapping**" shall mean a system capable of converting Phase II latitude and longitude (and, when available, altitude) to a map display at the 9-1-1 call answering positions at the PSAPs.

(58) "**Pseudo-ANI (P-ANI)**" shall mean a telephone number used to support routing of wireless 9-1-1 calls that may identify a wireless cell, cell sector, or PSAP to which the call should be routed.

(59) "**Public safety answering point (PSAP)**" shall mean the public safety answering location for 9-1-1 calls originating in a given area. PSAPs are designated as primary or secondary, which refers to the order in which calls are directed for answering.

(60) "**Radio communications service company (RCSC)**" shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio communications services, or cellular communications service for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio-paging providers.

(61) "**Regional PSAP**" shall mean a single facility answering 9-1-1 calls for multiple counties (two or more) on a twenty-four hours a day, seven days a week basis and operated under a single management and fiscal structure.

(62) "**Reverse ALI search**" shall mean the ability to electronically query the ALI data base to obtain an address associated with a known telephone number.

(63) "**Route diversity**" shall mean a method of assuring continuity of service by using multiple transmission routes to deliver a particular service between two points on a network.

(64) "**Selective router**" shall mean a switching office that provides tandem switching of 9-1-1 calls and controls delivery of a voice call with ANI to the PSAP and provides selective routing, speed calling, selective transfer, fixed transfer, and certain maintenance functions for each PSAP.

(65) "**Selective routing**" shall mean a feature that permits a 9-1-1 call to be routed to a predesignated PSAP based upon the address and/or location associated with the originating telephone number.

(66) "**Service control point (SCP)**" (also referred to as "signal control point") shall mean a remote data base within the signaling system 7 (SS7) signaling network that supplies the translation and routing data needed to deliver advanced network services.

(67) "**Service control point (SCP) Phase I capabilities**" shall mean data base and routing translations necessary for interpretation of data provided by the MSC on wireless 9-1-1 calls to allow 9-1-1 calls to be routed to the correct PSAP and display the correct MDN of the wireless phone and the correct cell site and cell sector information.

(68) "**Service control point (SCP) Phase II capabilities**" shall mean specific functions and features necessary for interpretation of Phase II data provided by the MPC on wireless 9-1-1 calls to allow 9-1-1 calls to be routed to the correct PSAP and display the latitude and longitude (and, when available, altitude) of the caller.

(69) "**Signaling system 7 (SS7)**" shall mean an out of band signaling system used to provide basic routing information, call set-up and other call termination functions in which signaling is removed from the voice channel itself and put on a separate data network.

(70) "**Switching office**" shall mean a telecommunications provider facility that houses the switching and trunking equipment serving telephones in a defined area.

(71) "**Switching office enabling**" shall mean the technology that allows the public network telephone switching office to recognize and accept the digits 9-1-1.

(72) "**Telecommunications provider**" shall mean a telecommunications company as defined in RCW 80.04.010, a RCSC as defined herein, and a commercial mobile radio service provider as defined in 47 CFR, section 20.3.

(73) "**TTY**" shall mean a telecommunications device that permits typed telephone conversations with or between deaf, hard of hearing, or speech impaired people with a machine at their location.

(74) "**Traffic studies**" shall mean 9-1-1 call studies performed by a telecommunications provider.

(75) "**Uninterruptible power supply (UPS)**" shall mean a system designed to provide power, without delay or electrical transients, during a period when the normal power supply is incapable of performing acceptably.

(76) "**Wireless end user**" shall mean any person or entity placing a 9-1-1 call on an RCSC's network.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-030, filed 4/25/03, effective 7/1/03.]

WAC 118-66-040 County eligibility for funding. (1) As required by RCW 38.52.510, each county shall provide funding for the enhanced 9-1-1 communication system in the county or district in an amount equal to the amount the maximum taxes under RCW 82.14B.030(1) would generate in the county or district or the amount necessary to provide full funding of the system in the county or district, whichever is less.

(2) A county in the state of Washington may be eligible to receive available wireline funds from the enhanced 9-1-1 account for certain eligible wireline enhanced 9-1-1 expenses as described in this chapter only if the county has imposed the maximum county wireline enhanced 9-1-1 tax allowed under RCW 82.14B.030(1).

(3) A county in the state of Washington may be eligible to receive available wireless funds from the enhanced 9-1-1 account for certain eligible wireless enhanced 9-1-1 expenses as described in this chapter related to implementation and operation of the enhanced wireless communication system only if the county has imposed the maximum county wireless enhanced 9-1-1 tax allowed under RCW 82.14B.030(2).

(4) Funds for wireless enhanced 9-1-1 service shall not be distributed to any county that has not negotiated or in good faith attempted to negotiate a wireless enhanced 9-1-1 Phase I or Phase II service agreement with the applicable RCSC(s).

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-040, filed 4/25/03, effective 7/1/03.]

WAC 118-66-042 Radio communications service company (RCSC) eligibility for wireless funding. (1) The state enhanced E9-1-1 coordinator is authorized to enter into

statewide agreements to improve the efficiency of enhanced 9-1-1 services for all counties, and may do so through execution of statewide agreements with RCSC(s).

(2) Funds for wireless enhanced 9-1-1 service shall not be distributed to any radio communications service company that has not negotiated or in good faith attempted to negotiate a wireless enhanced 9-1-1 Phase I or Phase II service agreement with the applicable county(ies).

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-042, filed 4/25/03, effective 7/1/03.]

WAC 118-66-045 Washington state patrol (WSP) eligibility for wireless funding. Upon designation by a county as a public safety answering point for wireless 9-1-1 calls, Washington state patrol communications centers may be eligible to receive available wireless funds from the enhanced 9-1-1 account for ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment, Phase I E9-1-1 voice network, PSAP mapping, Phase II CAD upgrades, and for ANI/ALI display equipment. Such eligibility shall be based on the portion of wireless 9-1-1 calls initially received by the regional Washington state patrol communications center serving the designating county.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-045, filed 4/25/03, effective 7/1/03.]

WAC 118-66-050 Eligible expenses. Enhanced 9-1-1 communications systems are comprised of multiple components. Subject to available funds, expenses for implementation, operation, and maintenance costs of these components may be eligible for reimbursement if incurred by eligible entities. The components listed below may be eligible for reimbursement to eligible entities from the enhanced 9-1-1 account based on a reasonable prioritization by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee and in accordance with the purposes and priorities established by statute and regulation, including WAC 118-66-020.

(1) Expenses for the following wireline components may be eligible for reimbursement from the enhanced 9-1-1 account from funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)):

- (a) Statewide dialing items:
 - (i) Switching office enabling;
 - (ii) Automatic number identification (ANI);
 - (iii) 9-1-1 voice network (B.01/P.01 grade of service level required);
 - (iv) Traffic studies between switching offices and the selective router;
 - (v) MSAG coordination and maintenance;
 - (vi) ALI/DMS service;
 - (vii) Reverse ALI search capability;
- (b) Basic service items:
 - (i) Route diversity between switching offices and selective router;

(2) Expenses for the following wireless components may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):

- (a) Wireless Phase I E9-1-1 service components:
 - (i) Phase I automatic location identification (ALI);

- (ii) Phase I address;
- (iii) Service control point Phase I capabilities;
- (iv) Phase I ALI data base;
- (v) Phase I MSAG coordination;
- (vi) Phase I interface to selective router;
- (vii) Phase I interface to ALI data base;
- (viii) Phase I testing;
- (ix) Phase I implementation plans;
- (x) Phase I implementation agreements;
- (xi) Pseudo-ANI (P-ANI);
- (xii) Phase I 9-1-1 voice network;
- (xiii) MSC Phase I software capabilities;
- (xiv) Traffic studies between the MSC and selective router;
- (xv) Phase I ALI data circuits;
- (b) Wireless E9-1-1 Phase II service components (including all Phase I components):
 - (i) PSAP mapping;
 - (ii) Phase II CAD system upgrades;
 - (iii) Location determination technology;
 - (iv) Phase II implementation plan;
 - (v) Phase II testing;
 - (vi) MSC Phase II software capabilities;
 - (vii) Service control point Phase II capabilities; and
 - (viii) Mobile positioning center.
- (3) Expenses for the following components are shared with wireline and wireless enhanced 9-1-1 services and may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and from enhanced 9-1-1 account funds generated under the statewide wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)):
 - (a) Statewide dialing items:
 - (i) Selective routing;
 - (ii) Automatic location identification (ALI) data base;
 - (iii) Traffic studies between selective router and PSAP;
 - (iv) ANI/ALI controllers and necessary interfaces to send data to other PSAP equipment;
 - (v) ANI/ALI display equipment for primary PSAPs;
 - (vi) That portion of a telephone system compatible with enhanced 9-1-1 that is used to answer 9-1-1 calls;
 - (vii) TTY required for compliance with the American Disabilities Act (ADA);
 - (viii) County 9-1-1 coordinator duties;
 - (b) Basic service items:
 - (i) Call detail recorder and/or printer;
 - (ii) E9-1-1 mapping administration;
 - (iii) Mapping display for call answering positions that are ANI/ALI equipped.
 - (iv) Instant call check equipment (one per 9-1-1 call answering position);
 - (v) Uninterruptible power supply (UPS) for PSAP enhanced 9-1-1 equipment;
 - (vi) 9-1-1 management information system;
 - (vii) Headsets for 9-1-1 call takers;
 - (viii) 9-1-1 call receiver salaries and benefits;
 - (ix) Language line service;
 - (x) Call receiver training;
 - (xi) Enhanced 9-1-1 document retention and destruction;
 - (xii) 9-1-1 coordinator electronic mail;

- (xiii) Route diversity between selective router and PSAP;
- (xiv) Alternate routing and/or night service;
- (c) Capital:
 - (i) Auxiliary generator to support 9-1-1 emergency telephone service for backup;
 - (ii) Logging recorder for 9-1-1 call;
 - (iii) Computer aided dispatch (CAD) system hardware and software; and
 - (iv) Clock synchronizer.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-050, filed 4/25/03, effective 7/1/03.]

WAC 118-66-080 Allocation of funds. (1) Within available funds and consistent with statutory and regulatory purposes and priorities, the state enhanced 9-1-1 coordinator (with the advice and assistance of the enhanced 9-1-1 advisory committee) has the discretion to allocate enhanced 9-1-1 account funds to eligible entities as reimbursement for wireline and wireless enhanced 9-1-1 eligible expenses.

(2) Eligible expenses for wireline components established in WAC 118-66-050(1) may only be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)). Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

(3) Eligible expenses for wireless components established in WAC 118-66-050(2) may only be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)). Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

(4) Eligible expenses for components established in WAC 118-66-050(3) may be eligible for reimbursement from enhanced 9-1-1 account funds generated under the state wireline enhanced 9-1-1 excise tax (RCW 82.14B.030(3)) and enhanced 9-1-1 account funds generated under the state wireless enhanced 9-1-1 excise tax (RCW 82.14B.030(4)). The amount allocated from each tax source will be based on an equitable distribution determined by the state E9-1-1 coordinator with the advice and assistance of the enhanced 9-1-1 advisory committee. Such funds shall be allocated based on statutory and regulatory purposes and priorities and WAC 118-66-020.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-080, filed 4/25/03, effective 7/1/03.]

WAC 118-66-081 Funding applications. Requests for funding shall be submitted in accordance with application formats developed by the state E9-1-1 coordinator and shall include plans and budget information justifying the funding request, an annual schedule of eligible items, funding levels, and funding priority. The state E9-1-1 coordinator will establish a schedule of annual application dates.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-081, filed 4/25/03, effective 7/1/03.]

WAC 118-66-085 Reporting requirements for radio communications service companies (RCSCs). In addition to other reports that may be required as a condition of funding, RCSCs shall report to the state E9-1-1 office, on a per county basis, the total number of customers, including customers that are using resold services from that company, based on the customer's place of primary use. These numbers shall reflect the total number of customers at the end of each calendar year and shall be furnished to the respective county enhanced 9-1-1 coordinator by March 1 of the following year. RCSCs shall conduct traffic studies on 9-1-1 call volumes between their MSC and each selective router in the state as requested by the state E9-1-1 coordinator. Up to four studies may be requested by the state E9-1-1 coordinator during any calendar year.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-085, filed 4/25/03, effective 7/1/03.]

WAC 118-66-090 Other rules. Through other state agencies, such as, the Washington utilities and transportation commission, rules have and will be adopted which will impact the statewide operation of enhanced 9-1-1. By this reference, this rule is intended to be consistent with and complementary to these other rules.

[Statutory Authority: RCW 38.52.540. 03-10-014, § 118-66-090, filed 4/25/03, effective 7/1/03.]

Chapter 118-67 WAC

WIRELESS ENHANCED 9-1-1 CALLS FROM RADIO COMMUNICATIONS SERVICE COMPANIES—TECHNICAL AND OPERATIONAL STANDARDS

WAC

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WAC 118-67-010 Authority. This chapter is promulgated pursuant to the authority granted in RCW 38.52.561.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-010, filed 12/12/03, effective 1/12/04.]

WAC 118-67-020 Purpose. (1) RCW 38.52.561 authorizes the state enhanced 9-1-1 coordinator, with the advice and assistance of the enhanced 9-1-1 advisory committee, to set nondiscriminatory, uniform technical and operational standards consistent with the rules of the Federal Communication Commission (FCC) for the transmission of 9-1-1 calls from radio communications service companies to enhanced 9-1-1 emergency communications systems. These standards must not exceed the requirements set by the FCC.

(2) The FCC, in its orders may refer to or approve standards adopted by the following standards bodies:

- (a) Alliance for Telecommunications Industry Solutions (ATIS);
 - (b) Emergency Services Interconnection Forum (ESIF);
 - (c) National Emergency Number Association (NENA).
- (3) This chapter is based upon and does not exceed FCC requirements contained in 47 CFR § 20.18.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-020, filed 12/12/03, effective 1/12/04.]

WAC 118-67-030 Definitions. (1) "**Alliance for Telecommunications Industry Solutions (ATIS)**" shall mean the membership organization that provides the tools necessary for the industry to identify standards, guidelines and operating procedures that make the interoperability of existing and emerging telecommunications products and services possible.

(2) "**Emergency Services Interconnection Forum (ESIF)**" shall mean the working group of ATIS that provides a venue for the telecommunications industry, public safety and other stakeholders to develop and refine technical and operational interconnection issues that will ensure E9-1-1 service will be available for everyone.

(3) "**Federal Communications Commission (FCC)**" shall mean the agency of the federal government established under the Communications Act of 1934, as revised, for the purpose of regulating interstate communication by wire and radio.

(4) "**Electronic serial number (ESN)**" shall mean the unique 11-digit serial number assigned to the handset by the manufacturer.

(5) "**International Mobile Equipment Identifier (IMEI)**" shall mean the unique 15-digit serial number assigned to a global system for mobile communication (GSM) handset used on a GSM wireless network.

(6) "**National Emergency Number Association (NENA)**" shall mean the group established to foster the technological advancement, availability, and implementation of a universal emergency telephone number system.

(7) "**Nonservice initialized handsets**" shall mean a handset for which there is no valid service contract with an RCSC.

(8) "**Phase I enhanced 9-1-1 service**" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated PSAP through the use of ANI and Pseudo-ANI (see WAC 118-66-030).

(9) "**Phase II enhanced 9-1-1 service**" shall mean wireless 9-1-1 service where the RCSC is required to provide the telephone number of the originator of a 9-1-1 call and the location by latitude and longitude to the designated PSAP.

(10) "**Radio communications service company (RCSC)**" shall mean every corporation, company, association, joint stock association, partnership, and person, their lessees, trustees, or receivers appointed by any court, and every city or town making available facilities to provide commercial mobile radio communications services, or cellular communications service for hire, sale, and both facilities-based and nonfacilities-based resellers, and does not include radio-paging providers.

(11) **"9-1-1 Only Handsets"** shall mean a nonservice initialized handset that is manufactured with the capability of dialing 9-1-1 only and that cannot receive incoming calls.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-030, filed 12/12/03, effective 1/12/04.]

WAC 118-67-040 Introduction. (1) Radio communications service companies (RCSCs) shall comply with the technical and operational standards established by the Federal Communications Commission for the transmission of 9-1-1 calls in section 47 CFR Chapter I, § 20.18 of the FCC Rules.

(2) The authority given to the state enhanced 9-1-1 coordinator by RCW 38.52.561 is limited to setting standards as set forth in that section and does not constitute authority to regulate radio communications service companies.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-040, filed 12/12/03, effective 1/12/04.]

WAC 118-67-050 Phase II accuracy. (1) RCSCs shall meet or exceed the location accuracy standards for Phase II enhanced 9-1-1:

(a) For network-based technologies: 100 meters for 67 percent of calls, 300 meters for 95 percent of calls;

(b) For handset-based technologies: 50 meters for 67 percent of calls, 150 meters for 95 percent of calls.

(c) For the remaining 5 percent of calls, location attempts must be made and a location estimate for each call must be provided to the appropriate PSAP.

(2) Adhere to schedules for implementation of Phase I and Phase II enhanced 9-1-1 service (see paragraphs 20.18 (d) through (g) of the FCC Rules and subsequent modifications of the FCC's Richardson Order and Phase II Compliance Deadlines in CC Docket 94-102):

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-050, filed 12/12/03, effective 1/12/04.]

WAC 118-67-060 Phase I enhanced 9-1-1 service. (1) Within six months of a request by the designated public safety answering point as set forth in WAC 118-67-100, RCSCs must provide the telephone number of the originator of a 9-1-1 call and the location of the cell site or base station receiving a 9-1-1 call from any mobile handset accessing their systems to the designated public safety answering point through the use of ANI and pseudo-ANI.

(2) When the directory number of the handset used to originate a 9-1-1 call is not available to the serving carrier, such carrier's obligations under paragraph (1) of this section extend only to delivering 9-1-1 calls and available call party information, including that prescribed in WAC 118-67-120 to the designated public safety answering point.

(3) With respect to 9-1-1 calls accessing their systems through the use of TTYs, RCSCs must comply with the requirements in paragraphs (1) and (2) of this section, as to calls made using a digital wireless system.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-060, filed 12/12/03, effective 1/12/04.]

WAC 118-67-070 Phase II enhanced 9-1-1 service. RCSCs must provide to the designated public safety answer-

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ing point, Phase II enhanced 9-1-1 service, i.e., the location of all 9-1-1 calls by longitude and latitude in conformance with Phase II accuracy requirements of WAC 118-67-050.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-070, filed 12/12/03, effective 1/12/04.]

WAC 118-67-080 Network-based location technologies. RCSCs that employ a network-based location technology shall provide Phase II enhanced 9-1-1 service to at least 50 percent of their coverage area or 50 percent of their population beginning within 6 months of a PSAP request, and to 100 percent of their coverage area or 100 percent of their population within 18 months of such a request.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-080, filed 12/12/03, effective 1/12/04.]

WAC 118-67-090 Handset-based location technologies. RCSCs that employ a handset-based location technology may phase in deployment of Phase II enhanced 9-1-1 service, subject to the following requirements:

(1) Without respect to any PSAP request for deployment of Phase II 9-1-1 enhanced service, the RCSC shall:

(a) Ensure that 100 percent of all new digital handsets activated are location-capable.

(b) By December 31, 2005, achieve 95 percent penetration of location-capable handsets among its subscribers.

(2) Once a PSAP request is received, the RCSC shall, in the area served by the PSAP, within six months:

(a) Install any hardware and/or software in the CMRS network and/or other fixed infrastructure, as needed, to enable the provision of Phase II enhanced 9-1-1 service; and

(b) Begin delivering Phase II enhanced 9-1-1 service to the PSAP.

(3) For all 9-1-1 calls from portable or mobile phones that do not contain the hardware and/or software needed to enable the RCSC to provide Phase II enhanced 9-1-1 service, the RCSC shall, after a PSAP request is received, support, in the area served by the PSAP, Phase I location for 9-1-1 calls or other available best practice method of providing the location of the portable or mobile phone to the PSAP.

(4) RCSCs employing handset-based location technologies shall ensure that location-capable portable or mobile phones shall conform to industry interoperability standards designed to enable the location of such phones by multiple RCSCs.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-090, filed 12/12/03, effective 1/12/04.]

WAC 118-67-100 Requirements for PSAPs. PSAPs shall request Phase I or Phase II enhanced service from RCSCs providing wireless service in their areas based on the following requirements:

(1) The requirements set forth in WAC 118-67-050, 118-67-060, 118-67-070, 118-67-080, and 118-67-090, shall be applicable only if the administrator of the designated public safety answering point has requested the services required under those paragraphs and is capable of receiving and utilizing the data elements associated with the service, and a mechanism for recovering the public safety answering point's costs of the enhanced 9-1-1 service is in place.

(2) A public safety answering point will be deemed capable of receiving and utilizing the data elements associated with the service requested if it can demonstrate that it has ordered the necessary equipment and has commitments from suppliers to have it installed and operational within the six-month period specified in WAC 118-67-060, 118-67-080, or 118-67-090, as applicable, and can demonstrate that it has made a timely request to the appropriate LEC for the necessary trunking and other facilities.

(3) In the alternative, a public safety answering point will be deemed capable of receiving and utilizing the data elements associated with Phase II service if it is Phase I-capable using an NCAS methodology, and if it can demonstrate that it has made a timely request to the appropriate LEC for the ALI data base upgrade necessary to receive the Phase II information.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-100, filed 12/12/03, effective 1/12/04.]

WAC 118-67-110 TTY access to 9-1-1 services.

RCSCs subject to this section must be capable of transmitting 9-1-1 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of text telephone devices (TTY). Operators of digital wireless systems must comply with the provisions of this paragraph.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-110, filed 12/12/03, effective 1/12/04.]

WAC 118-67-120 Nonservice initialized handsets.

RCSCs that donate a nonservice initialized handset for purposes of providing access to 9-1-1 services are required to:

(1) Program each handset with 9-1-1 plus the decimal representation of the seven least significant digits of the electronic serial number, international mobile equipment identifier or any other identifier unique to that handset;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a nonservice initialized phone, and that notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of nonservice initialized handsets.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-120, filed 12/12/03, effective 1/12/04.]

WAC 118-67-130 Manufacturers of 9-1-1-only handsets. Manufacturers of 9-1-1-only handsets that are manufactured after May 3, 2004, are required to:

(1) Program each handset with 9-1-1 plus the decimal representation of the seven least significant digits of the electronic serial number, International Mobile Equipment Identifier or any other identifier unique to that handset;

(2) Affix to each handset a label that is designed to withstand the length of service expected for a nonservice initialized phone, and which notifies the user that the handset can only be used to dial 9-1-1, that the 9-1-1 operator will not be

able to call the user back, and that the user should convey the exact location of the emergency as soon as possible; and

(3) Institute a public education program to provide the users of such handsets with information regarding the limitations of 9-1-1-only handsets.

[Statutory Authority: RCW 38.52.561. 04-01-066, § 118-67-130, filed 12/12/03, effective 1/12/04.]

Chapter 118-68 WAC

REQUIRED FOR AUTOMATIC LOCATION IDENTIFICATION

WAC

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WAC 118-68-010 Purpose. The purpose of chapter 118-68 WAC is to adopt standards for the protection of life through assuring that telephone systems provide adequate location information through enhanced 911 systems pursuant to RCW 38.52.505.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-010, filed 4/13/01, effective 5/14/01.]

WAC 118-68-020 Definitions. The following definitions shall apply when used in chapter 118-68 WAC:

(1) "authority having jurisdiction" is defined as the fire chief for municipal corporations, or the county fire marshal or designee as appointed by the governing body for unincorporated areas.

(2) "Building unit identifier" means room number or equivalent designation of a specific portion of a structure, or an apartment number in multifamily residences.

(3) "Call back telephone number" means a phone number which can be called from the public switched network to be used by the public safety answering point to recontact the location from which the 911 call was placed. The number may or may not be the number of the station used to originate the 911 call.

(4) "Determination of noncompliance" means written notification that a system is not in compliance with this regulation. Information contained therein shall include, but not be limited to, system deficiencies requiring correction to bring the system into compliance and a date by which noted corrections shall be made.

(5) "Director of fire protection" means the state fire marshal or his/her designee.

(6) "Emergency location identification number (ELIN)" means a valid North American Numbering Plan format telephone number assigned to the MLTS operator by the appropriate authority that is used to route the call to a PSAP and is used to retrieve the ALI for the PSAP. The ELIN may be the same number as the ANI. The North American Numbering Plan number may in some cases not be a dialable number.

(7) "Emergency response location" means a location to which a 911 emergency response team may be dispatched.

The location should be specific enough to provide a reasonable opportunity for the emergency response team to quickly locate a caller anywhere within it.

(8) "Fire official" means the person or his/her designee appointed by the city, town or county for the administration and enforcement of the Uniform Fire Code. Adopted by reference in the State Building Code, chapter 19.27 RCW and energy related building standards, chapter 19.27A RCW.

(9) "MLTS" means a multiline telephone system comprised of common control units, telephones and control hardware and software. This includes network and premises based systems and includes systems owned or leased by governmental agencies and nonprofit entities, as well as for profit businesses.

(10) "On-site notification" means a system capability whereby a call to 911 is directed through the 911 network to a public safety answering point and simultaneously to a display unit collocated with the fire alarm annunciator panel for the building which will display the caller's location to a minimum of the building unit identifier.

(11) "Public safety answering point (PSAP)" means a facility equipped and staffed to receive 911 calls.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-020, filed 4/13/01, effective 5/14/01.]

WAC 118-68-030 Applicability. This regulation applies to all facilities for which a "certification of occupancy" is to be or has been approved by the authority having jurisdiction. This regulation provides for the implementation of RCW 38.52.505, 28A.335.320, 43.43.934, 80.36.555, and 80.36.560 pertaining to private telephone systems.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-030, filed 4/13/01, effective 5/14/01.]

WAC 118-68-040 Compliance. All facilities covered by this regulation shall comply with its provisions by May 1, 2001.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-040, filed 4/13/01, effective 5/14/01.]

WAC 118-68-050 Inspection. (1) For the purpose of directing emergency response, the authority having jurisdiction is authorized to approve the adequacy of automatic location information displayed on the enhanced 911 equipment serving its jurisdiction, when 911 calls are made. Such authority shall issue a determination of noncompliance to the telephone system owner when an automation location information display is not in compliance. For systems which are in compliance the testing authority shall issue a notice of compliance noting the date of inspection and test circumstances.

(2) The authority having jurisdiction shall ensure that the telecommunications system is connected to the public switched network such that calls to 911 result in automatic location information displays as herein defined:

(a) For the 1994 Uniform Building Code Occupancy Group Classification R-1 except congregate residences, hotels and motels, the minimum information requirements are:

2.a.1 Customer name

2.a.2 Street address and city

2.a.3 Building unit identifier

2.a.4 Call back telephone number

(b) For congregate residences, hotels and motels as defined in the 1994 Uniform Building Code Group Classification R-1 the minimum information requirements as in (a) above or:

2.b.1 Customer name

2.b.2 Street address and city

2.b.3 Building unit identifier, or additional information supplied by automatic simultaneous connection of the caller, the PSAP and a knowledgeable designated individual(s) who will be able to supplement the ALI record with specific location information by effectively communicating with the PSAP

(c) For multiple unaffiliated business users as defined in chapter 80.36 RCW, the minimum information requirements are:

2.c.1 Business name

2.c.2 Street address and city

2.c.3 Building unit identifier (or more specific location information)

2.c.4 Call back telephone number

(d) For common and public schools, as defined in RCW 28A.150.010 and 28A.150.020, the minimum information requirements for any school district having a private telecommunications system acquired after January 1, 1997, that allows connection to the public switched network:

2.d.1 Individual school name

2.d.2 Street address and city

2.d.3 Building unit identifier

2.d.4 Call back telephone number

(e) For schools with phone systems installed prior to January 1, 1997, at any time the facility is occupied, it shall provide direct access to telephones that are connected to the public switched network, such that calls to 911 result in automatic location information.

(f) For certification of voluntary compliance for uses not defined above, the minimum information requirements are:

2.f.1 Business or agency name

2.f.2 Street address and city

2.f.3 Building unit identifier (or more specific location information)

2.f.4 Call back telephone number

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-050, filed 4/13/01, effective 5/14/01.]

WAC 118-68-060 Enforcement. Fines or penalties for noncompliance are within the authority of the local governing body, but are recommended to be one hundred dollars per day per telephone system until compliance is met.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-060, filed 4/13/01, effective 5/14/01.]

WAC 118-68-070 Right of review. (1) The authority having jurisdiction shall promulgate procedures through which a facility may seek review of initial decisions. Such procedures shall conform to the Administrative Procedure Act, chapter 34.05 RCW, to the extent that act is applicable, and shall be pursuant to brief adjudicative procedures, RCW 34.05.482 through 34.05.485.

(2) At a minimum, such procedures shall provide that a facility aggrieved by an initial order of the authority having jurisdiction or his/her designee may petition for review, in writing, stating why the initial order is in error, to the designated agency head within ten days of the initial order. If no petition is made within ten days, the initial order becomes final. In any event, the decision of the designated agency head shall be deemed the final decision of the agency.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-070, filed 4/13/01, effective 5/14/01.]

WAC 118-68-080 Local codes. The enforcement of local fire and building codes is the responsibility of the chief of a local fire department or a chief fire protection officer or such other person as may be designated by the local governing body having jurisdiction.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-080, filed 4/13/01, effective 5/14/01.]

WAC 118-68-090 Separability. If any provision of this regulation or its application to any person or circumstance is held invalid, the remainder of the regulation or the application of the provision to other persons or circumstances shall not be affected.

[Statutory Authority: RCW 38.52.505. 01-09-045, § 118-68-090, filed 4/13/01, effective 5/14/01.]