

Washington State Register

LMA

MARCH 3, 1982

OLYMPIA, WASHINGTON

ISSUE 82-05



IN THIS ISSUE

IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellevue Community College
Boiler Rules, Board of
Community College Education, State Board for
Ecological Commission
Ecology, Department of
Edmonds Community College
Emergency Services, Department of
Financial Management, Office of
Game, Department of
Governor, Office of the
Horse Racing Commission
Jail Commission

Labor and Industries, Department of
Legislative Budget Committee
Licensing, Department of
Personnel, Department of
Pilotage Commissioners, Board of
Public Disclosure Commission
Public Instruction, Superintendent of
Revenue, Department of
Sentencing Guidelines Commission
Social and Health Services, Department of
Utilities and Transportation Commission
Volunteer Firemen, Board of
Western Washington University

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than February 17, 1982

CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the Code Reviser pursuant to chapter 28B.19 or 34.04 RCW is available for public inspection during normal office hours. The Code Reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

All documents appearing in the Washington State Register are prepared and printed at public expense. There are no restrictions on the republication of official documents appearing in the Washington State Register. All news services are especially encouraged to give wide publicity to all documents printed in the Washington State Register.

CERTIFICATE

Pursuant to RCW 34.08.040, the publication of rules or other information in this issue of the Washington State Register is hereby certified to be a true and correct copy of such rules or other information, except that headings of public meeting notices have been edited for uniformity of style.

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

(ISSN 0164-6389) is published twice each month by the Statute Law Committee, Office of the Code Reviser, Olympia, WA 98504, pursuant to chapter 240, Laws of 1977 ex. sess. Subscription rate \$95 per year, post-paid to points in the United States. Second-class postage paid at Olympia, Washington.

Changes of address notices, subscription orders, and undelivered copies should be sent to:

WASHINGTON STATE REGISTER
Code Reviser's Office
Legislative Building
Olympia, WA 98504

The Washington State Register is an official publication of the State of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the Code Reviser pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

Robert L. Charette,
Chairman, Statute Law Committee

Dennis W. Cooper,
Code Reviser

Gary Reid,
*Assistant Code Reviser
For WAC and WSR*

Susan J. Smith
Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

Documents are arranged within each issue of the Register according to the order in which they are filed in the code reviser's office during the pertinent filing period. The three part number in the heading distinctively identifies each document, and the last part of the number indicates the filing sequence within an issue's material.

2. PROPOSED, ADOPTED, AND EMERGENCY RULES OF STATE AGENCIES AND INSTITUTIONS OF HIGHER EDUCATION

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

- (a) **Proposed rules** are those rules pending permanent adoption by an agency and set forth in eight point type.
- (b) **Adopted rules** have been permanently adopted and are set forth in ten point type.
- (c) **Emergency rules** *have been adopted on an emergency basis and are set forth in ten point oblique type.*

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined matter is new matter;
 - (ii) deleted matter is (~~lined out and bracketed between double parentheses~~);
- (b) Complete new sections are prefaced by the heading NEW SECTION;
- (c) The repeal of an entire section is shown by listing its WAC section number and caption under the heading REPEALER.

4. EXECUTIVE ORDERS, COURT RULES, NOTICES OF PUBLIC MEETINGS

Material contained in the Register other than rule-making actions taken under the APA or the HEAPA does not necessarily conform to the style and format conventions described above. The headings of these other types of material have been edited for uniformity of style; otherwise the items are shown as nearly as possible in the form submitted to the code reviser's office.

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

Material inserted by the code reviser for purposes of clarification or correction or to show the source or history of a document is enclosed in brackets [].

7. INDEX AND TABLES

A combined subject matter and agency index and a table of WAC sections affected may be found at the end of each issue.

1981 - 1982

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
81-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
81-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
81-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
81-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
81-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1982
82-01	Nov 25	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 26
82-02	Dec 9	Dec 23, 1981	Jan 6, 1982	Jan 20	Feb 9
82-03	Dec 23, 1981	Jan 6	Jan 20	Feb 3	Feb 23
82-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
82-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
82-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
82-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
82-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
82-09	Mar 24	Apr 7	Apr 21	May 5	May 25
82-10	Apr 7	Apr 21	May 5	May 19	Jun 8
82-11	Apr 21	May 5	May 19	Jun 2	Jun 22
82-12	May 5	May 19	Jun 2	Jun 16	Jul 6
82-13	May 26	Jun 9	Jun 23	Jul 7	Jul 27
82-14	Jun 9	Jun 23	Jul 7	Jul 21	Aug 10
82-15	Jun 23	Jul 7	Jul 21	Aug 4	Aug 24
82-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
82-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
82-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
82-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
82-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
82-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
82-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
82-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
82-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1983

¹All documents are due at the Code Reviser's Office by 5:00 p.m. on the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the Order Typing Service (OTS) of the Code Reviser's Office; see WAC 1-12-220 or 1-13-240. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³No proceeding may be held on any rule until twenty days have passed from the distribution date of the register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 82-05-001**ADOPTED RULES****PUBLIC DISCLOSURE COMMISSION**

[Order 82-01—Filed February 4, 1982]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to:

- New WAC 390-16-037 Purpose of campaign expenditures.
 Amd WAC 390-12-010 Public Disclosure Commission regular meetings.
 Amd WAC 390-14-030 Copying of public records.

This action is taken pursuant to Notice Nos. WSR 81-24-080 and 82-01-073 filed with the code reviser on December 2, 1981 and December 21, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 26, 1982.

By Graham E. Johnson
 Administrator

NEW SECTION

WAC 390-16-037 PURPOSE OF CAMPAIGN EXPENDITURES—REPORTING. Any person required to report the "purpose" of an expenditure under RCW 42.17.090(1)(f), 42.17.090(1)(k)(viii), or 42.17.100(1)(e)(ii) shall (1) specifically identify any candidate(s) or ballot proposition(s) that are supported or opposed by the expenditure unless such candidate(s) or ballot proposition(s) have been previously identified in a statement of organization of the person required to be filed under RCW 42.17.040(2)(f) and 42.17.040(2)(g), and

(2) whenever an expenditure is made to a candidate or a political committee pursuant to an agreement or understanding of any kind regarding how the recipient will use the expenditure, specifically describe that agreement or understanding, and

(3) specifically describe the goods and/or services to be provided by the recipient of the expenditure.

AMENDATORY SECTION (Amending Order 80-06, filed 5/30/80)

WAC 390-12-010 PUBLIC DISCLOSURE COMMISSION—REGULAR MEETINGS. Pursuant to section 7, chapter 250, Laws of 1971 ex. sess. and RCW 42.30.070, regular meetings of the Public Disclosure Commission shall be held on the fourth Tuesday of each calendar month (~~beginning~~) at 9:00 a.m. except November and December when they shall be held on the

third Tuesday. (~~Such~~) The meetings shall be held at a place designated by the chairman of the commission. (~~If the fourth Tuesday falls on a legal holiday, the regular meeting shall be held on the third Tuesday of that month.~~)

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

WAC 390-14-030 COPYING OF PUBLIC RECORDS. No fee shall be charged for the inspection of public records. The commission shall charge a fee of ten cents per page of copy for providing copies of public records (~~and for use of the Commission's copy equipment~~) maintained on paper. A fee of twenty-five cents per film shall be charged for copies of microfiche. (~~This~~) These charges (~~is~~) are the amounts necessary to reimburse the commission for its actual costs incident to such copying and for the use of the commission's copy equipment.

WSR 82-05-002**PROCLAMATION****OFFICE OF THE GOVERNOR****PROCLAMATION BY THE GOVERNOR**

WHEREAS, beginning on January 23, 1982, rapid melting of a heavy snowpack, periods of freezing rain, and over three inches of rain in a short period of time caused a rapid build-up and surge of surface water in Whatcom County. This caused road washouts, mudslides, power outages, and flooding in homes, farms and businesses throughout the county. The rain and flooding continue to cause further threat of damage.

WHEREAS, the severity of the destruction and damage are beyond the capabilities of Whatcom County, and subsequently, I find that a disaster affecting life, health and property exists within the state of Washington.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, as a result of the aforementioned flooding and under the provisions of chapter 43.06 RCW and RCW 38.52.050, do hereby proclaim that a State of Emergency exists in Washington State and that the Washington State Disaster Preparedness Plan be executed. The resources of the state of Washington are authorized to be employed to assist Whatcom County in a concerted effort to cope with the emergency. Additionally, the Department of Emergency Services is instructed to coordinate all state assistance in support of Whatcom County. The department is also instructed to determine if Federal assistance is needed.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the state of Washington to be affixed at Olympia this twenty-ninth day of January, Nineteen Hundred and Eighty-Two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 82-05-003

**ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
(Board of Boiler Rules)**

[Order 82-2—Filed February 4, 1982]

Be it resolved by the Board of Boiler Rules, acting at Conference Room 412, 300 West Harrison, Seattle, WA 98119, that it does promulgate and adopt the annexed rules relating to the amending of WAC 296-104-200 to require boilers and pressure vessels to comply with the 1981 Summer and 1981 Winter Addenda to the ASME Boiler and Pressure Vessel Code.

This action is taken pursuant to Notice No. WSR 81-24-003 filed with the code reviser on November 20, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.79.030 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 20, 1982.

By Taylor A. Anderson
Chairman, Board of Boiler Rules

AMENDATORY SECTION (Amending 81-10, filed May 28, 1981)

WAC 296-104-200 INSPECTION OF SYSTEMS - STANDARD FOR NEW CONSTRUCTION. The standard for new construction shall be the 1980 edition of the ASME Boiler & Pressure Vessel code and ANSI B31.3 for oil and chemical plants and ANSI B31.1 for other non-nuclear construction with all addenda made thereto prior to ((February 1, 1981)) January 1, 1982. The 1980 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the Board as defined in paragraph (2) of RCW 70.79.050. The Board recognizes that the ASME code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations. Note: Editions of the ASME

Code including semiannual addenda will be adopted in accordance with the Administrative Procedures Act. Check with the Office of the Chief Boiler Inspector for the current code date.

WSR 82-05-004

**EMERGENCY RULES
DEPARTMENT OF
EMERGENCY SERVICES
[Order 82-01—Filed February 4, 1982]**

I, Hugh H. Fowler, director of the Department of Emergency Services, do promulgate and adopt at 4220 East Martin Way, Olympia, WA, the annexed rules relating to Mt. St. Helens closure, adopting rules for permitted entry and/or occupation, chapter 118-03 WAC.

I, Hugh H. Fowler, Director, Department of Emergency Services, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is Governor's Executive Order 82-01.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapters 43.06 and 38.52 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 4, 1982.

By Hugh H. Fowler
Director

CHAPTER 118-03 WAC

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

NEW SECTION

WAC 118-03-015 PURPOSE. The purpose of this chapter is to adopt emergency rules, regulations, and guidelines to implement Executive Order 82-01, prohibiting any person or persons with certain exceptions from entering the high risk danger zone known as the Red 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 Order issued by the Governor effective February 7, 1982, recognizes the continuing danger from additional eruptions, earthquakes, and other related events from Mt. St. Helens.

These rules are based on hazard assessments dated September 21, 1981 and December 3, 1981. The possibility exists that the Mt. St. Helens volcano could suddenly increase in volcanic activity. In that event, a Blue Zone could be reestablished by an executive order from the Governor.

NEW SECTION

WAC 118-03-035 **DEFINITIONS.** "Red 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 the Revised Code of Washington (hereinafter RCW) 43.06.010, 43.06.210, 43.06.220, 38.52.050, and 38.52.010. The Red Zone boundary area may change from time to time as conditions warrant. "Blue Zone" shall mean that less hazardous, administrative area immediately adjacent to or surrounding the Red Zone 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 Blue Zone boundary area may be instituted from time to time as conditions warrant. The abbreviation "DES" as used hereinafter shall mean the Washington State Department of Emergency Services. The term "Director" used hereinafter shall mean the Director of the Department of Emergency Services. "DOL" shall mean the Washington State Department of Licensing. "News media" shall include journalists, publishers, television and radio broadcast persons who are regularly engaged in the business of publishing or broadcasting. "ECC" shall mean the Emergency Coordinating Center located at the U.S. Forest Service Office in Vancouver, Washington. "Individual(s)" shall mean a person, partnership, joint venture, private or public corporation, association, firm, public service company, public utility district, or any other entity, public or private, however organized. "Control" shall mean to lease or rent. "DLE" shall mean Driver's License Examiner. "USFS" shall mean United States Forest Service. "USGS" shall mean United States Geological Survey.

NEW SECTION

WAC 118-03-055 **EXEMPTED PERSONNEL.** Consistent with Executive Order 82-01, the following shall be exempted from rules prohibiting entry and/or occupation of the Red Zone, subject to the limitations in paragraphs below.

(1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessment requiring their presence in the Red Zone.

(2) U.S. Forest Service personnel in performance of their official duties requiring entry into the Red Zone.

(3) U.S. Army Corps of Engineers personnel in performance of their official duties requiring their presence in the Red Zone.

(4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Red Zone. The sheriffs of Cowlitz, and Skamania Counties or their designee(s)

shall have the authority to approve entry and/or occupation by search and rescue personnel under their supervision.

(5) Federal, state, county or local law enforcement and fire fighting personnel whose jurisdictions are within the Red Zone and who are on official business within the Red Zone.

(6) If permitted by the Director, or his designee(s), federal, state, county or local administrative personnel on official business within the Red Zone.

(a) The Director of DES, or his designee(s), shall have the authority to approve entry and/or occupation of state, county and local administrative personnel on official business.

(b) Federal and administrative personnel, other than those exempted in section (1), (2) and (3) above, will be required to obtain and possess a permit.

(7) Individual(s) whose official permanent residence is within the Red Zone, provided they comply with the requirements and conditions under WAC 118-03-135 and WAC 118-03-215.

(8) Individual(s) with a legitimate business reason for being within the Red Zone, provided their entry is approved by the DES Director or his designee(s).

(9) Persons who own, lease, or rent property for recreational purposes may be admitted upon showing substantial need to enter the Red Zone provided they are approved by the DES Director or his designee(s).

NEW SECTION

WAC 118-03-075 **CONDITIONS FOR ENTRY.**

(1) All permit holders must have two-way communications available within the Red 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 Red Zone. The base station emergency phone number must be on file with DES.

(2) The Red Zone will be open only when volcanic monitoring instruments are functioning properly. The Red Zone will be closed when volcanic monitoring instruments are unreliable. The Red Zone will be closed also during eruptions, when there is an alert issued by the U.S. Geological Survey, and occasionally during advisories issued by the U.S. Geological Survey.

(3) Overnight stays in the Red Zone will be granted only by special permission from the Director of DES or his designee. The permit holder must be doing work requiring nighttime operations and have constant radio communications. Otherwise, entry and occupancy of the Red Zone will normally be limited to the period between one-half hour before sunrise to one-half hour before sunset, as established by the National Weather Service.

(4) The permit for entry into the Red Zone will contain specified routes of travel, duration of stay, type of vehicle or aircraft and description, destination, evacuation route, alternative routes, and names of those entering.

(5) Helicopters entering the Red Zone must obtain a mission number from the ECC. Information required is the number of people entering, destination and estimated entry and departure times. All aircraft are to monitor aircraft radio frequency 118.6 MHZ.

(6) Entry into the crater will be limited to scientists, media permit holders, and other officials on official business with supervision by the USFS.

(7) Permit holders must be able to leave the Red Zone within one hour.

(8) Permit holders will leave the Red Zone when ordered by proper authorities.

(9) Anyone entering the Red Zone must have with them either a Red Zone permit or a Red Zone contractor's permit card.

(10) It is strongly recommended that all who enter the Red 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.

NEW SECTION

WAC 118-03-095 WASHINGTON STATE DEPARTMENT OF LICENSING TO PROCESS PERMITS. The DOL shall process Red Zone entry permit applications at the following locations:

Longview, 773 Third Avenue, 98632
 Vancouver, 915 MacArthur 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 DES or his designee(s), may issue a permit for entry to the Red 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 Red Zone. DOL shall also maintain a daily status list of those permanent residents or property owners who are currently occupying their property within the Red 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 — 206-577-2235 or 2236
 Vancouver — 206-696-6671 or 6672
 Morton — 206-496-5637
 Centralia — 206-736-2855 or 2856
 Seattle — 206-464-5846

NEW SECTION

WAC 118-03-115 APPLICATION/PROCESSING PROCEDURES — NON-PERMANENT RESIDENTS. (1) Individuals desiring access to the Red Zone 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 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

(5) 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 118-03-235 may complete and submit an industrial application form to be issued an industrial permit which would allow the entry and/or occupation within the Red 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 who have demonstrated a need to enter and/or occupy the Red 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, DES; the Director, USFS Emergency Coordination Center, and the sheriffs of Cowlitz, and Skamania Counties with a daily list of permits issued.

NEW SECTION

WAC 118-03-135 PERMIT AND WAIVER ISSUANCE PROCEDURES — PERMANENT RESIDENTS. (1) Permanent resident applicants must present proof of ownership or control of real property or personal property being used as a residence and a permanent resident status at the time of application.

(2) Permanent resident applicants eighteen (18) years of age and older shall be required to obtain a permit and sign a waiver.

(3) Permanent resident applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(4) All permanent resident applicants under sixteen (16) 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 Red 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.

NEW SECTION

WAC 118-03-155 PERMIT AND WAIVER ISSUANCE PROCEDURES — RECREATION PROPERTY OWNERS, RENTERS, OR LESSEES. (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 (18) years of age and older shall be required to obtain a permit and sign a waiver.

(c) Applicants between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age, shall obtain a permit and their parent/guardian must sign a waiver on their behalf.

(d) Applicants under sixteen (16) 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 Red 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.

NEW SECTION

WAC 118-03-175 PERMIT AND WAIVER ISSUANCE PROCEDURES — VISITORS TO PERMANENT RESIDENTS OR RECREATIONAL PROPERTY OWNERS. (1) Visitors must maintain a signed waiver on file with DOL.

(a) All visitors eighteen (18) years of age and older shall sign a waiver.

(b) All visitors between sixteen (16) years of age or older, but who have not attained eighteen (18) years of age must have a waiver signed on their behalf by their parent or guardian.

(c) All visitors under sixteen (16) years of age must be included on the waiver signed by their parent or 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 Red Zone.

(3) Visitor(s) will obtain their pending permit that is being held at the DOL office where the visitor permit application was mailed.

NEW SECTION

WAC 118-03-195 PERMIT AND WAIVER ISSUANCE PROCEDURES — MEDIA AND SCIENTIFIC RESEARCH. (1) Media permit applications will be reviewed by a Mt. St. Helens Review Committee composed of members of the media community.

(2) Scientific research permit applications will be reviewed by a Mt. St. Helens Scientific Research Review Committee composed of members of the scientific community.

(3) Requests for permits by both media and scientific research personnel will be forwarded to the USFS Volcano Center coordinator for distribution and consideration by the appropriate review committee.

(4) Applicants must meet all criteria contained in WAC 118-03-075 and 118-03-235.

NEW SECTION

WAC 118-03-215 CONDITIONS FOR ENTRY — PERMANENT RESIDENTS AND RECREATION PROPERTY OWNERS. (1) Individuals who establish proof of permanent residence in communities or areas within the Red Zone will be issued a permit by DOL.

(2) Movement within the Red Zone will be restricted to the most direct access/exit route, the generally recognized boundaries of the community and service and supply locations with the zone.

(3) The permit does not allow the holder unlimited movement or access to any other areas within the Red Zone unless a specific permit has been issued.

NEW SECTION

WAC 118-03-235 CONDITIONS FOR ENTRY — EMPLOYEES, CONTRACTORS, AND AGENTS OF INDIVIDUAL(S) OR GOVERNMENT ENTITY(S) ISSUED INDUSTRIAL PERMITS. (1) Individual(s) or governmental entity(s) issued a permit under WACs 118-03-055, 118-03-115, and 118-03-275 shall:

(a) Have a method to identify the location(s) of each authorized employee, agent and contractor who is within the Red 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 Red Zone under the permittee's business.

(e) Issue an identification card, tag or other form of identification approved by the Director of DES or his designee to each authorized employee, agent and contractor who is within the Red 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 Red Zone for permittee's business that they must be able to leave the Red Zone within one hour.

(h) Make every reasonable effort to ensure compliance from their authorized employee(s), agent(s), and contractor(s) according to WACs 118-03-075, 118-03-235, 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 suffered by any person while within the Red Zone or as a result of entering or occupying this zone under the authority of the industrial permit.

(3) Entry and occupancy of the Red Zone for industrial permittees will be authorized as per WAC 118-03-075(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 DES or his designee(s).

(4) Entry and occupancy of the Red Zone for continuous 24-hour periods by industrial permittees will be permitted on a case-by-case basis by the Director of

DES 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 118-03-055 and 118-03-115 or prior to application must file with DES 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 Red Zone.

NEW SECTION

WAC 118-03-255 INDUSTRIAL PERMIT RE-APPLICATION PROCEDURE. (1) Industrial permits issued for the Red Zone prior to February 5, 1982, are valid until the expiration date on the permit has been attained and then only if all requirements under WAC 118-03-235 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 pickup 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.

NEW SECTION

WAC 118-03-275 FEDERAL, STATE, AND LOCAL GOVERNMENT ADMINISTRATIVE PERSONNEL. Federal, state or local government administrative personnel on official business shall be authorized entry into the Red Zone when:

(1) Such entry will not burden official search and rescue missions or other emergency operations in the Red Zone, and

(2) Such entry is limited, to the extent possible, to specified destination(s) and route(s) within the Red Zone, and

(3) Approval for permit issue has been made by the Director, DES or his designee(s), 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 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.

NEW SECTION

WAC 118-03-295 OTHER PERMIT APPLICANTS. The Director, DES, or his designee(s) may authorize persons not included in the above specific categories to enter the Red Zone when:

(1) Such entry be limited, to the extent possible, to specified destinations and routes within the Red 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 Red Zone, or

(c) Such entry is necessary or will contribute to the successful mitigation of damages caused by volcanic activity.

NEW SECTION

WAC 118-03-315 REVOCATION AND SUSPENSION. (1) In the event that volcanic activity or other events increase the danger already present in the Red Zone, permits, except permanent residents and scientific personnel approved by the Director of DES or his designee(s), may be suspended or revoked by the Director, DES, or his designee(s). This decision will be based on available scientific information and/or joint evaluation by the USFS (ECC Director) and DES. This evaluation will be made on a daily basis or as necessary. Notification of revocation/suspension will be made by DES in accordance with established DES operational procedures.

(2) The Director of DES or his designee(s) may suspend or revoke any permit issued under this chapter of the Washington Administrative Code upon the failure of the permit holder(s) to meet the conditions of the permit of this chapter.

NEW SECTION

WAC 118-03-335 UNIFORM PROCEDURAL RULES. The Washington State Department of Emergency Services, hereinafter designated as the Department, adopts as its own rules or practice all those uniform procedural rules promulgated by the Code Reviser, now codified in the Washington Administrative Code, WAC 1-08-005 through 1-08-590, as now or hereafter amended, subject to any additional rules the Department may add from time to time. The Department reserves the right to make whatever determination is fair and equitable should any question not covered by

its rules come before the Department, said determination to be in accordance with the spirit and intent of the law.

WSR 82-05-005
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 1762—Filed February 4, 1982]

I, David A. Hogan, Director, Division of Administration of the Department of Social and Health Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to refusal of training or employment, amending WAC 388-57-064.

This action is taken pursuant to Notice No. WSR 82-01-101 filed with the code reviser on December 23, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.22.110 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.22 RCW.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 3, 1982.

By David A. Hogan
 Director, Division of Administration

AMENDATORY SECTION (Amending Order 1433, filed 9/21/79)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE—
((REREGISTRATION)) DEREGISTRATION
SANCTION AND REACCEPTANCE TO WIN. (1)

((An individual who has been deregistered because of failure to accept employment or to participate in the WIN program without good cause may again register for WIN, provided the sanction period set by DES has elapsed since deregistration and the individual has given evidence to DES of willingness to participate.

(2) Reacceptance in the work incentive program may be denied where the termination action was the result of the individual's disruptive behavior or of criminal or other activities which presented a hazard to the staff or other participants.

(3) Reacceptance may also be denied where DES determines that the individual's sixty-day counseling was not successful and that readmission would be disruptive to the orderly administration of the activity.) A mandatory WIN registrant who has been found to have

failed or refused without good cause to participate or has terminated employment, or has refused to accept employment or has reduced earnings shall be sanctioned as follows:

(a) For the first occurrence, the individual shall be deregistered and have his or her needs removed from the grant for three payment-months beginning the first day of the month in which the sanctioned individual's needs are removed;

(b) For the second and subsequent occurrences, the individual shall be deregistered and have his or her needs removed from the grant for six payment-months beginning the first day of the month in which the sanctioned individual's needs are removed.

(2) A voluntary registrant who has failed or refused to participate without good cause shall be sanctioned by deregistration from WIN without removing the individual's needs from the grant as follows:

(a) For the first occurrence, the individual shall be deregistered for three payment-months beginning the first day of the month such action can be taken;

(b) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months beginning the first day of the month such action can be taken.

(3) Implementation of this sanction is not governed by effective date rules in chapter 388-33 WAC.

(4) Assistance unit payments shall be determined in accordance with WAC 388-57-061.

(5) When a defacto failure or refusal to participate in WIN or termination of employment or refusal to accept employment or reduction in earnings is verified, an appointment for a face-to-face interview with WIN staff shall be made to determine if good cause exists for such act or pattern of behavior. The appointment notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(6) The WIN staff shall exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before issuing a notice of intended deregistration.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of labor dispute;

(f) Adequate child care is not available to the single parent AFDC household.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

WSR 82-05-006
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 5, 1982]

a.m., Wednesday, April 7, 1982, Room 412, 300 West Harrison Building, Seattle, WA 98119.

Dated: February 4, 1982

By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-150B WAC, standards for mobile homes, commercial coaches, and recreational vehicles. These proposed rules describe the administrative procedures for obtaining approval of design plans and for obtaining insignia from the department; and the procedures by which the department will enforce the mobile home, commercial coach, and recreational vehicle law. Although these rules are drafted differently from the current rules, there are few substantive changes from the requirements that mobile homes, commercial coach, and recreational vehicle manufacturers and dealers currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures.

Proposed WAC 296-150B-990 sets new, higher fees for inspections, examination of design plans, and other departmental services. The fees for mobile homes set by the federal department of housing and urban development, however, are not changed. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations, and services.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James Louvier
 300 West Harrison Street
 Seattle, WA 98119
 (206) 576-6580;

that such agency will at 9:30 a.m., Wednesday, April 7, 1982, in the 300 West Harrison Building, Room 412, Seattle, WA 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Friday, April 16, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, WA 98504.

The authority under which these rules are proposed is RCW 43.22.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 7, 1982, and/or orally at 9:30

Title and Number of Rule Chapter: New chapter 296-150B WAC, Standards for mobile homes, commercial coaches, and recreational vehicles. This new chapter combines and clarifies the rules for mobile homes currently contained in chapter 296-48 WAC, the rules for recreational vehicles in current chapter 296-48A WAC, and parts of current chapter 296-48B WAC, which covers commercial coaches.

Statutory Authority: RCW 43.22.340.

Summary of the Rules: The three chapters that cover mobile homes, commercial coaches, and recreational vehicles each have rules governing applications for insignia, approval of design plans, alterations, quality control, and inspections. The rules in the three chapters often differ from each other in minor ways. The differences in these rules are costly for the department and the manufacturers because they must follow different procedures for each type of structure. These proposed rules eliminate the differences between the three chapters to the extent possible, and replace the current rules with one generally applicable group of rules. Proposed WAC 296-150B-990 sets increased fees for inspections of structures, issuance of insignias, checking design plans, travel costs, and other services.

Description of the Purpose of the Rules: The Department of Labor and Industries has proposed these rules to eliminate costly and inefficient differences in administering three different chapters and to raise its fees to enable the department to pay for the costs of its services.

Reasons Supporting the Proposed Rules: The current rules are inefficient because they are in three different chapters. Many rules have not been amended for several years, and their requirements no longer keep pace with new practices in the industry. The department's current fees do not cover the cost of providing its services.

The Agency Personnel Responsible for Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison, Seattle, Washington 98119, (206) 464-6436; Implementation and Enforcement: James Louvier, Chief, Factory Assembled Structures Section, 300 West Harrison, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: The fees will raise a manufacturer's costs for insignia, inspections, and plan checking. However, the raise in fees is necessary to enable the department to cover its costs, as it is required to do by law. The costs to manufacturers, dealers, owners, and others should be lessened by combining and clarifying the rules in the current three chapters.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-05-007
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Filed February 5, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-150A WAC, standards for factory-built housing and commercial structures. These proposed rules describe the administrative procedures for obtaining approval of design plans and for obtaining insignia from the department, and the procedures by which the department will enforce the factory-built housing and commercial structures law. Although these rules are drafted differently from the current rules, there are few substantive changes from the requirements that factory-built housing and commercial structure manufacturers currently must meet. No new requirements are added; however, a few of the current requirements are deleted. The primary purpose of these rules is to simplify the administrative and enforcement procedures.

Proposed WAC 296-150A-300 updates the construction standards for factory-built housing and commercial structures to comply with the latest national codes. The rule adds a new requirement that manufacturers comply with the Washington state energy code. Proposed WAC 296-150A-990 sets new, higher fees for inspections, examination of design plans, and other services the department offers. The fee increase is necessary to enable the department to cover the actual cost of the inspections, examinations, and services.

The factory-built housing and commercial structures advisory board has recommended that the department propose these rules, including the new fee rule.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the public hearing or in response to written or oral comments received before or during the public hearing.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

James Louvier
 300 West Harrison Street
 Seattle, Washington 98119
 (206) 576-6580;

that such agency will at 9:30 a.m., Thursday, May 6, 1982, in the 300 West Harrison Building, Room 412, Seattle, WA 98119, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:30 a.m., Tuesday, May 18, 1982, in the Director's Office, Room 334, General Administration Building, Olympia, Washington 98504.

The authority under which these rules are proposed is RCW 43.22.475 and 43.22.480.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to May 6, 1982, and/or orally at 9:30 a.m., Thursday, May 6, 1982, 300 West Harrison Building, Room 412, Seattle, WA 98119.

Dated: February 4, 1982
 By: Sam Kinville
 Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: Chapter 296-150A WAC, Standards for factory-built housing and commercial structures. This chapter clarifies the current rules for factory-built housing and commercial structures.

Statutory Authority: RCW 43.22.475 and 43.22.480.

Summary of the Rules: The current factory-built housing and commercial structures rules are confusing and contain unnecessary requirements. These proposed rules eliminate the confusion through a comprehensive redraft of the current rules, and eliminate the unnecessary requirements. The proposed rules, with two exceptions, do not make substantive changes to the current rules. Proposed WAC 296-150A-300, however, updates the construction requirements for factory-built housing and commercial structures to comply with the latest applicable national codes. The rule also adds a new requirement that factory-built housing and commercial structures comply with the Washington state energy code. Proposed WAC 296-150A-990, Fees contains the other change. The rule increases the fees the department charges for its inspections, insignias, design plan checks, travel costs, and other services. The factory-built housing and commercial structures advisory board has recommended that the department note these rules for a public hearing.

Description of the Purpose of the Rules: The department has proposed these rules to: Eliminate confusion among members of the public and employees of the department as to the meaning of the rules; eliminate unnecessary requirements; raise its fees to enable the department to pay for the cost of its services; and update the construction standards for factory-built housing and commercial structures.

Reasons Supporting the Proposed Rules: The current rules are poorly drafted and organized. The department and the attorney general's office have received many calls from members of the public that are confused by the rules. Often, the rules do not accurately describe the

procedures a person must follow to obtain a departmental insignia. These proposed rules will eliminate the confusion. The current construction standards rules have not been amended for several years, and they no longer keep pace with new codes, technology, and methods of construction. The rules update the construction standards. The department's current fees do not cover the cost of providing its services. The department is required by law to charge fees that cover its costs; the new fee rule will enable it to do so.

The Agency Personnel Responsible for the Drafting: Thornton Wilson, Assistant Attorney General, 300 West Harrison, Seattle, Washington 98119, (206) 464-6436; Implementation and Enforcement: James Louvier, Chief, Factory Assembled Structures Section, 300 West Harrison, Seattle, Washington 98119, (206) 464-6580.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: The fees will raise a manufacturer's costs for insignia, inspections, and plan checking. However, the raise in fees is necessary to enable the department to cover its costs, as it is required to do by law. The costs to manufacturers, dealers, owners, and others should be lessened by clarifying the current rules.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any other information that may be of assistance in identifying the rule or its purpose: None.

Reviser's Note: The material contained in this filing will appear in a subsequent issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 82-05-008
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 82-01]

AMENDING EO 81-11

ESTABLISHMENT OF BOUNDARIES, ENTRY,
AND
OCCUPANCY RULES, AND THE
ADMINISTRATION OF A
RESTRICTIVE ZONE SURROUNDING MT. ST.
HELENS

WHEREAS, the potential for major eruptions, earthquakes, and ashfall from Mt. St. Helens continues to exist throughout large portions of the state, threatening to cause more destruction of life, health, and property; and

WHEREAS, most of the land within the eastern portion of the present Mt. St. Helens restricted zones is administered by the U.S. Forest Service; and

WHEREAS, it is the intent of this order to have each jurisdiction's rules and procedures complement others in order to maximize the public safety; and

WHEREAS, in the opinion of scientific experts, allowing the public to enter specific hazardous areas surrounding Mt. St. Helens would unnecessarily imperil lives and property;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the power vested in me under the provisions of chapter 43.06 RCW and chapter 38.52 RCW, do order that no person or persons shall enter and/or occupy at any time the areas described herein and designated herewith as the Red Zone, with the exceptions of:

- (1) U.S. Geological Survey personnel who are performing official duties related to scientific evaluation and hazard assessments that require their presence in the Red Zone;
- (2) U.S. Forest Service personnel in performance of their official duties that require entry into the Red Zone;
- (3) U.S. Army Corps of Engineers personnel in performance of their official duties that require their presence in the Red Zone;
- (4) Search and rescue personnel registered or identified pursuant to RCW 38.52.010(5) on official search and rescue missions within the Red Zone. The sheriffs of Cowlitz and Skamania Counties or their designees shall have the authority to approve entry and/or occupation by search and rescue personnel;
- (5) Federal, state, county or local law enforcement and fire fighting personnel whose jurisdiction is within the Red Zone and who are on official business within the Red Zone;
- (6) Federal, state, county or local administrative personnel on official business within the Red Zone, specifically:
 - (a) The Director of the Washington State Department of Emergency Services (DES), or his designee(s), shall have the authority to approve entry and/or occupation by state, county, and local administrative personnel on official business; and
 - (b) Federal administrative personnel other than U.S. Forest Service and the U.S. Geological Survey shall be required to obtain and possess permits;
- (7) As approved by the Director of DES, or his designee(s), individual(s) who own and/or control real property, or personnel property being used as a residence, and whose official permanent residence is within the Red Zone;
- (8) As approved by the Director of DES, or his designee(s), individual(s) with a legitimate

business reason for being within the Red Zone.

Pursuant to RCW 38.52.050(3)(f), I hereby delegate to the Director of the Department of Emergency Services or his designees the administrative authority vested in me by chapter 38.52 RCW.

Each individual given permission to enter and/or occupy the Red Zone shall obtain a special identification permit from the Washington State Department of Licensing prior to entry into that zone. This entry permit must be carried on his or her person at all times.

Prior to entry and/or occupation of the Red Zone, each individual shall be required to sign a "Waiver of Rights" form releasing and discharging the state of Washington and all its political subdivisions, and their officers or agents or employees, from all liability for any damages or losses incurred by the individual while within the Red Zone or as a result of entering or occupying that zone. The "Waiver of Rights" form shall be issued by the Washington State Department of Licensing.

All persons are advised of potential criminal penalties for violation of this Order, pursuant to RCW 43.06.220 and RCW 38.52.150.

RED ZONE

The "Red Zone" is described as follows:

From the northwest corner of Section 6, Township 8 North, Range 5 East; go southeasterly to the northeast corner of Section 19, T8N, R5E; then southeasterly to the northwest corner of Section 28, T8N, R5E; then east to the southwest corner of Section 24, T8N, R5E; then north to the southeast corner of Section 14, T8N, R5E, then northeasterly to the northeast corner of Section 12, T8N, R5E; then northwesterly to the northwest corner of Section 35, T9N, R5E; then northeasterly to the southeast corner of Section 6, T9N, R6E; then northerly to Norway Pass (Section 31, T10N, R6E); then northerly to Bear Pass (Section 30, T10N, R6E); then westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); then westerly along the southside of Goldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); then north along the west boundary of the R5E line to the northeast corner of Section 36, T10N, R4E; then west to the northeast corner of Section 33, T10N, R4E; then northwesterly to the headwaters of a south fork of Hoffstadt Creek located in Section 28, T10N, R4E; then west along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); then continue west along the north bank of Hoffstadt Creek to its intersection with the Corps of Engineers' debris retaining structure commonly known as the N-1 debris dam) located in the northeast corner of Section 25, T10N, R2E; then south along the west edge of the N-1 retaining structure (placing the entire structure in the Red Zone) to the intersection with Weyerhaeuser Company Roads 2700 and 2701, located at a point south of the south end of the retaining structure, in Section 25, T10N, R2E; then east along the north edge of Weyerhaeuser Road 2701 to the intersection of

Weyerhaeuser Roads 2701 and 3000 in Section 32, T10N, R3E; then south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 crosses a section line between Sections 35 and 36, T9N, R4E; then south along the section line to the southwest corner of Section 36, T9N, R4E; then east to the northwest corner of Section 6, T8N, R5E (starting point).

This Executive Order shall supersede all prior Executive Orders pertaining to Mt. St. Helens restrictive zones, and becomes effective at 12:01 a.m., February 7, 1982.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
4th day of February, A.D.,
nineteen hundred and
eight-two.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 82-05-009
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 157—Filed February 5, 1982]

Be it resolved by a majority of the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rules relating to closure of Humptulips River system and Marine Area 2C to the taking of steelhead trout by treaty Indians, WAC 232-32-143.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is data gathered by the Department of Game from information provided by fish buyers reporting sales of steelhead harvested by treaty Indian fishermen from the Humptulips River system and Marine Area 2C pursuant to the reporting system approved by the United States District Court in *United States vs. Washington* indicates that the treaty Indian share of harvestable steelhead for the areas noted above has been reached or will have been reached on the effective date of this order. Therefore, closure of the

Humptulips River system and Marine Area 2C is necessary to assure non-Indian sport fishermen their right to take their share.

Such rule is therefore adopted as an emergency rule to take effect upon filing with the code reviser.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 5, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-32-143 CLOSURE OF HUMPTULIPS RIVER SYSTEM AND MARINE AREA 2C TO THE TAKING OF STEELHEAD TROUT BY TREATY INDIANS. *Effective February 6, 12:00 noon, it is unlawful for treaty Indians to take, fish for, or possess steelhead trout in the Humptulips River system and Marine Area 2C.*

WSR 82-05-010
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 158—Filed February 5, 1982]

Be it resolved by the Game Commission of the state of Washington, that we, the Game Commission, promulgate and adopt by conference call, as emergency rule of this governing body, the annexed rule relating to Mt. St. Helens' area hunting, fishing, and trapping closure effective 12:01 a.m., February 7, 1982, WAC 232-28-60404.

We, the Game Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of facts constituting such emergency is the area described in WAC 232-28-60404 is located in close proximity to Mt. St. Helens and in the past has received considerable damage from the volcanic eruptions of Mt. St. Helens. Rapid evacuation in the area in the event of additional major volcanic activities would be complicated by the presence of large numbers of people attracted to the area to take advantage of open hunting, fishing, and trapping seasons. Because of the above, it is necessary to close this area to hunting, fishing, and trapping. Such a closure will not result in an overescapement or surplus of

game animals, game fish, game birds, or furbearing animals. Such rule is therefore adopted as an emergency rule to take effect upon filing with the code reviser.

This rule is promulgated under the authority of the Game Commission as authorized in RCW 77.12.150.

The undersigned chairman hereby declares that the Game Commission has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 5, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

WAC 232-23-60404 MT. ST. HELENS' AREA HUNTING, FISHING, AND TRAPPING CLOSURE EFFECTIVE 12:01 A.M., FEBRUARY 7, 1982. *Notwithstanding the provisions of WAC 232-28-204, WAC 232-28-504, WAC 232-28-604, and WAC 232-28-704, it shall be unlawful for any person to take, hunt for, fish for, trap for, or possess any game animal, game fish, game bird or furbearing animal in the Mt. St. Helens' area, described as follows:*

From the northwest corner of Section 6, T8N, R5E go southeasterly to the northeast corner of Section 19, T8N, R4E; then southeasterly to the northwest corner of Section 28, T8N, R5E; then east to the southwest corner of Section 14, T8N, R5E; then northeasterly to the northeast corner of Section 12, T8N, R5E; then northwesterly to the northwest corner of Section 35, T9N, R5E; then northeasterly to the southeast corner of Section 6, T9N, R6E; then northerly to Norway Pass (Section 31, T10N, R6E); then northerly to Bear Pass (Section 30, T10N, R6E); then westerly to the headwaters of Coldwater Creek (Section 25, T10N, R5E); then westerly along the southside of Coldwater Creek to the point where it crosses the Forest Service boundary (Section 31, T10N, R5E); then north along the west boundary of R5E line to the northeast corner of Section 36, T10N, R4E; then west to the northeast corner of Section 33, T10N, R4E; then northwesterly to the headwaters of a south fork of Hoffstadt Creek located in Section 28, T10N, R4E; then west along the north bank of this fork to its intersection with Hoffstadt Creek (Section 24, T10N, R3E); then continue west along the north bank of Hoffstadt Creek to its intersection with the Corps of Engineer's debris retaining structure (commonly known as the N-1 debris dam) located in the northeast corner of Section 25, T10N, R2E; then south along the west edge of the N-1 retaining structure (placing the entire structure in the Red Zone) to the intersection with Weyerhaeuser Company Roads 2700 and 2701, located at a point south of the south end of the retaining structure, in Section 25, T10N, R2E; then east along the

north edge of Weyerhaeuser Road 2701 to the intersection of Weyerhaeuser Roads 2701 and 3000 in Section 32, T10N, R3E; then south and east along the north edge of Weyerhaeuser Road 3000 continuing to the point where Weyerhaeuser Road 3000 crosses a section line between Sections 35 and 36, T9N, R4E; then south along the section line to the southwest corner of Section 36, T9N, R4E; then east to the northwest corner of Section 6, T8N, R5E and the point of beginning.

WSR 82-05-011
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 81-50—Filed February 5, 1982]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to limitations on use of Referendum 39 grant funds for water pollution abatement, adopting chapter 173-80 WAC.

This action is taken pursuant to Notice No. WSR 81-24-071 filed with the code reviser on December 2, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.080 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 3, 1982.

By Donald W. Moos
 Director

Chapter 173-80 WAC
LIMITATIONS ON USE OF REFERENDUM 39
GRANT FUNDS FOR WATER POLLUTION
ABATEMENT

WAC	
173-80-010	Purpose and Scope.
173-80-020	Definitions.
173-80-030	Limitations on the Use of Funds.
173-80-040	Provisions of Guidelines.
173-80-050	Wastewater Treatment Works Grants — Priority Rating and Other Provisions.
173-80-060	Lake Restoration Project Grants — General Eligibility Requirements and Priority Rating.
173-80-070	Agricultural Wastes Project Grants — General Eligibility Requirements and Priority Rating.

NEW SECTION

WAC 173-80-010 **PURPOSE AND SCOPE.** The purpose of this chapter is to set forth limitations on the allocation and uses of monies administered by the Department of Ecology for purposes of providing grants and loans for wastewater treatment facilities, agricultural pollution abatement facilities, and lake restoration projects pursuant to chapter 43.99F RCW (Referendum 39). To derive the most benefit for the state in protecting the health and safety of the people it is necessary to establish criteria for the use of funds made available by Referendum 39. This chapter will outline (1) limitations on the allocation and uses of the funds, (2) the criteria to be considered for determining who will receive funds, and (3) the process to be followed for distributing the funds.

NEW SECTION

WAC 173-80-020 **DEFINITIONS.** (1) "Department" means the Washington state department of ecology.

(2) "Wastewater treatment works construction program" (hereinafter referred to as the wastewater treatment program) means the state/local program of grants and loans under chapter 43.99F RCW (Referendum 39) to public entities for the purpose of planning, designing, constructing, or upgrading treatment works.

(3) "Agricultural wastes grants program" means the program of grants and loans administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution control facilities.

(4) "Lake restoration grants program" means the program of state grants and loans administered by the department for the planning, design and implementation of lake restoration projects.

(5) "Director" means the director of the Washington state department of ecology or his or her authorized designee.

(6) "Management of wastes" means the control, collection, transport, treatment, and disposal of nonradioactive solid and nonradioactive liquid waste materials.

(7) "Renewable energy" means, but is not limited to, the production of steam, hot water for steam heat, electricity, cogeneration, gas, fuel through incineration of wastes, refuse - derived fuel processes, pyrolysis, hydrolysis or bioconversion, and energy savings through material recovery from waste source separation and/or recycling.

(8) "Energy savings as a result of the management of the wastes" means but is not limited to the capital cost associated with an energy efficient treatment or transport process chosen over a process more commonly used in standard engineering practice which is more energy intensive.

(9) "Project priority list" means the annual list of rated and ranked projects for which state grant assistance is expected during the year for which the list is issued.

(10) "Priority rating system" means the process and criteria used by the department of ecology to rate and

rank projects in the state that are considered eligible for assistance under chapter 43.99F RCW.

NEW SECTION

WAC 173-80-030 **LIMITATIONS ON THE USE OF FUNDS.** (1) The following water program projects shall be eligible for state grants, loans, or combination of grants and loans in an amount not to exceed seventy-five percent of the total eligible cost of the project as determined by the department and subject to the special provisions contained in this chapter.

- (a) Wastewater treatment projects.
- (b) Lake restoration projects.
- (c) Agricultural pollution control projects.

(2) Loans may be authorized by the director, provided:

(a) The loan repayment period does not exceed five years.

(b) The cumulative total of all loans authorized during any biennium does not exceed ten percent of the cumulative total of funds appropriated by the legislature for that biennium, excluding any special appropriation authorized by WAC 173-80-050(6).

(c) The director considers and documents why it is in the best interest of the state's citizens to provide a loan.

(d) The director considers and documents how the loan will be repaid.

(3) The wastewater treatment program will establish an accounting procedure to identify the money which is spent on projects that are capable of producing renewable energy or energy savings as a result of the management of the wastes.

NEW SECTION

WAC 173-80-040 **PROVISION OF GUIDELINES.** The department will publish guidelines which establish procedures for awarding grants and eligibility criteria for each Referendum 39 grant program identified in WAC 173-80-030(1). These guidelines will describe the grant application, review, and award process and will be available prior to the first grant award.

NEW SECTION

WAC 173-80-050 **WASTEWATER TREATMENT WORKS GRANTS—PRIORITY RATING AND OTHER PROVISIONS.** (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

(a) Water quality impacts caused by existing circumstances.

(b) Public health impacts caused by existing circumstances.

(c) The prior local effort expended toward correcting the existing or similar wastewater problems.

(d) The cost-benefit relationship of the proposed project.

(e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

(a) A project priority list is developed on an annual basis.

(b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.

(c) Comments received during any review period are considered and responded to before a final list is approved by the director.

(d) An approved list is available on or about forty-five days after the close of the application period.

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982 or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982 are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982 the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981 and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of \$100 million and requires more than three years to design and construct, providing that all the following conditions are met:

(a) The project appears on the current project priority list within the range fundable with remaining, unobligated monies authorized by chapter 43.99F RCW.

(b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

(c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW.

NEW SECTION

WAC 173-80-060 **LAKE RESTORATION PROJECT GRANTS—GENERAL ELIGIBILITY REQUIREMENTS AND PRIORITY RATING.** (1) General eligibility requirements include:

(a) The lake must have a documented water quality problem which is resulting in impairment of beneficial uses;

(b) The proposed project must be sponsored by a public body as defined in chapter 43.99F RCW;

(c) The project sponsor must be able to provide at least ten percent of the total project cost unless a lower share is specifically authorized by the director; and

(d) Public access must be provided which is sufficient to allow the general public the same opportunity to enjoy the lake's recreational benefits as that enjoyed by residents living immediately adjacent to the lake.

(2) When applications for grant funds exceed the amount currently available to the department, the director will establish a lake restoration project priority list using rating criteria which consider, but are not limited to, the following:

(a) Water quality improvements to be achieved

(b) Increased or enhanced lake utilization

(c) Restoration potential

(d) Public health impacts to be corrected

(3) When a lake restoration project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-80-070 AGRICULTURAL WASTES PROJECT GRANTS—GENERAL ELIGIBILITY REQUIREMENTS AND PRIORITY RATING. (1) General eligibility requirements include:

(a) The project sponsor must be a public body as defined in chapter 43.99F RCW;

(b) Eligible project elements must benefit the public and be utilized by more than one member of the sponsoring group or agency;

(c) The project must directly benefit the quality of the receiving water; and

(d) The project sponsor must provide at least ten percent of the grant eligible costs unless a lesser amount is authorized by the director.

(2) Project Rating—when applications for grant funds exceed the amount currently available to the department, the director will establish an agricultural wastes project priority list using criteria which includes, but are not limited to:

(a) Water quality improvements to be achieved

(b) Improved efficiency in water quantity utilization

(c) Resource conservation potential

(d) Reduction in impairment of beneficial uses

(3) When an agricultural waste project priority list is required, the director will ensure that the priority list is readily available to the public for review and comment thirty days prior to its approval by the director.

WSR 82-05-012

ATTORNEY GENERAL OPINION

Cite as: AGLO 1982 No. 2

[February 5, 1982]

OFFICES AND OFFICERS—STATE—DEPARTMENT OF SOCIAL AND HEALTH SERVICES—TAX DEFERRED ANNUITIES UNDER § 403(B) OF INTERNAL REVENUE CODE

The Department of Social and Health Services is not authorized to provide and pay for tax deferred annuities for those employees of the department eligible for such annuities pursuant to § 403(b) of the Internal Revenue Code; however, those employees may be covered by the state deferred compensation program authorized by RCW 41.04.250-.260.

Requested by:

Honorable Karen Schmidt
State Representative, 23rd District
439 House Office Building
Olympia, Washington 98504

WSR 82-05-013

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 9, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning chick pea standards, chapter 16-316 WAC;

that such agency will at 1:00 p.m., Tuesday, March 23, 1982, in the Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 31, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 15.49.370.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 1:00 p.m., Tuesday, March 23, 1982, Agricultural Conference Room, 2015 South 1st Street, Yakima, WA 98903.

Dated: February 9, 1982

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-316-727 Chick pea standards.

Description of Purpose: To enforce and administer the Washington State Seed Act, chapter 15.49 RCW, for the purpose of promoting the well-being of the seed industry and consumer.

Statutory Authority: Chapter 15.49 RCW, Washington State Seed Act.

Summary of Rule: A new section to include chick pea seed standards.

Reason for Supporting Proposed Action: To bring our standards up to date to meet industry and marketing requirements.

Drafting, Implementation and Enforcement: Max G. Long, Chief, Seed Branch, 2015 South 1st Street, Yakima, Washington 98903, phone (509) 575-2750.

Person or Agency Proposing Rule: Washington State Crop Improvement Association, Inc.

No agency comments.

Whether Rule is Necessary as a Result of Federal Law: No.

NEW SECTION

WAC 16-316-727 CHICK PEA STANDARDS. (1) Chick pea - land, isolation, and field standards:

CLASS	MINIMUM YEARS	MINIMUM FEET	OFF-TYPE MAXIMUM PLANTS/ACRE	OTHER CROP MAXIMUM PLANTS/ACRE	ASCOCHYTA BLIGHT
Foundation	3	3	None	None*	None
Registered	2	3	10	10*	None
Certified	1	3	20	20*	None

*Refers to vetch except that no Austrian pea or rye is permitted

(2) Chick pea - seed standards:

CLASS	OFF-TYPE MAXIMUM SEEDS/LB	PURE SEED MINIMUM %	INERT MAXIMUM %	OTHER CROP MAXIMUM SEEDS/LB	WEED MAXIMUM %	GERMINAT MINIMUM %
Foundation	None	99.00	1.00	None	None	85.00
Registered	None	99.00	1.00	None	0.25**	85.00
Certified	1	99.00	1.00	3*	0.25**	85.00

* No vetch, Austrian pea or rye is permitted.

** Other tolerance for weed seed:

OBJECTIONABLE WEED SEED MAXIMUM

Registered	1/lb
Certified	2/lb

WSR 82-05-014

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order 659-DOL—Filed February 9, 1982—Part effective July 1, 1982]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the administration of filing under the Uniform Commercial Code, chapter 62A.9 RCW, which includes the adoption of new chapter 308-400 WAC and the repeal of chapter 434-16 WAC.

This action is taken pursuant to Notice No. WSR 82-01-020 filed with the code reviser on December 9, 1981. WAC 308-400-010, 308-400-020, 308-400-030, 308-400-050, 308-400-060, 308-400-070, 308-400-080, 308-400-090 and repeal of chapter 434-16 WAC shall take effect pursuant to RCW 34.04.040(2). WAC 308-400-040, 308-400-044, 308-400-046 and 308-400-048 shall take effect at a later date, such date being July 1, 1982.

WAC 308-400-010, 308-400-020, 308-400-030, 308-400-040, 308-400-044, 308-400-046, 308-400-048, 308-400-050, 308-400-060, 308-400-070 and 308-400-090 are promulgated pursuant to RCW 62A.9-409(1) and are intended to administratively implement that statute.

Chapter 434-16 WAC is repealed under authority granted by section 2, chapter 117, Laws of 1977 1st ex. sess. which directs that the Department of Licensing has authority to implement the provisions of chapter 117.

This rule, WAC 308-400-080, is promulgated under the general rule-making authority of the Department of Licensing as authorized in RCW 34.04.020 and 43.24.010.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 8, 1982.

By John Gonzalez
Director

NEW SECTION

WAC 308-400-010 **AUTHORITY AND PURPOSE.** These rules are adopted under authority of RCW 62A.9-409(1) and RCW 34.04.020, to standardize filing forms for use under the Uniform Commercial Code and to establish uniform procedures for filing with, and obtaining information from, filing officers.

NEW SECTION

WAC 308-400-020 APPLICABLE STATUTE. This regulation shall be considered a supplement to and not a replacement for Article 62A.9 RCW.

NEW SECTION

WAC 308-400-030 DEFINITIONS. As used in this regulation: "Filing officer" means the director of the department of licensing or the county auditor or any person commissioned by them to act on their behalf in a Uniform Commercial Code filing procedure.

"Person" includes groups of persons, corporations, co-operatives, business trusts and all other entities capable of holding title to property.

"Filings" includes all financing statements and related documents, or documents submitted to a filing officer in lieu of financing statements under Article 62A.9 RCW.

NEW SECTION

WAC 308-400-040 UCC-1 FINANCING STATEMENT. Effective July 1, 1982, the following form shall be the standard UCC-1 Financing Statement form prescribed by the department of licensing:

PLEASE TYPE FORM.

This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

COPY 1 - FILING OFFICER - INDEX

WASHINGTON UCC-1

PLEASE TYPE FORM.

This FINANCING STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE to perfect a security interest in the below named collateral, unless otherwise indicated immediately below.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:

UNIFORM COMMERCIAL CODE DIVISION
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

FOR OFFICE USE ONLY

Images to
Be filed

9. This statement is signed by the Secured Party(ies) instead of the Debtor(s) to perfect a security interest in collateral (Please check appropriate box)

Complete only if box (d) is checked:

- (a) already subject to a security interest in another jurisdiction when it was brought into this state, or when the debtor's location was changed to this state, or
- (b) which is proceeds of the original collateral described above in which a security interest was perfected, or
- (c) as to which the filing has lapsed, or
- (d) acquired after a change of name, identity, or corporate structure of the debtor(s).

- Original filing number _____
- Filing office where filed _____
- Former name of debtor(s) _____

10.

USE IF APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

COPY 2 - FILING OFFICER - NUMERIC WASHINGTON UCC-1

FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:

- COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
- COPY 4 - DEBTOR
- COPY 5 - SECURED PARTY

Ply 1 will have a 5 inch carbon behind it.
Ply 2 will have a carbon behind it which must end at the bottom of box 9.

Plies 3 and 4 will each have a full sheet carbon behind them.
Instructions will appear on the back of copy 5.

<div style="display: flex; justify-content: space-between; align-items: center;"> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; width: 80%;"></div> <div style="border-left: 1px solid black; border-right: 1px solid black; height: 100px; width: 15%;"></div> </div>	<p>FOR OFFICE USE ONLY</p>
--	----------------------------

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____

Date _____

Signature _____

Return to: Uniform Commercial Code Division, Department of Licensing
P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT

WASHINGTON UCC-1

INSTRUCTIONS UCC-1

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
4. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-1. Proper filing fees must accompany each form.
5. When a copy of the security agreement is used as a financing statement, it should be accompanied by a completed but unsigned set of these forms. The \$7.00 fee applies.
6. Typed name of Debtor and/or Secured Party must appear with signature.

7. DO NOT WRITE IN BOX 2.

8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

NEW SECTION

WAC 308-400-044 UCC-1X FINANCING STATEMENT TO CONTINUE A COUNTY FILING AT THE DEPARTMENT OF LICENSING. Effective July 1, 1982, the following form shall be the standard UCC-1X form prescribed by the department of licensing:

PLEASE TYPE FORM.

This FINANCING STATEMENT is presented to the State Filing Officer to continue a county filing at the state level pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) OF SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

COPY 1 - FILING OFFICER - INDEX

WASHINGTON UCC-1X

Note: All other information will be the same on ply 3 as is on ply 2 except the termination statement, the office use only box, and the ply legend at the bottom of the form. Plies 4 and 5 will be identical to ply 2 except for the ply legend at the bottom of the form, which will be as follows:

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT

COPY 4 - DEBTOR

COPY 5 - SECURED PARTY

Ply 1 will have a 5 inch carbon behind it.

Ply 2 will have a carbon behind it which must end at the bottom of box 9.

Plies 3 and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.

<div style="position: absolute; top: 10px; left: 10px;">┌</div> <div style="position: absolute; bottom: 10px; left: 10px;">└</div>	<p>FOR OFFICE USE ONLY</p>
--	----------------------------

TERMINATION STATEMENT: The SECURED PARTY(IES) certifies that the SECURED PARTY(IES) no longer claims a security interest under the financing statement bearing the file number shown above.

Name _____ Date _____

Signature _____ Return to: Uniform Commercial Code Division, Department of Licensing
P.O. Box 9660, Olympia, WA 98504

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT WASHINGTON UCC-1X

This FINANCING STATEMENT is presented to the State Filing Officer to continue a county filing at the state level pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

- LEASE - This filing is for informational purposes only. The terms debtor and secured party are to be construed as LESSEE and LESSOR.
- CONSIGNMENT - This filing is for informational purposes only. The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

┌

└

4. ASSIGNEE(S) OF SECURED PARTY(IES) (if applicable) (last name first, and address(es))

┌

└

5. CHECK IF APPLICABLE:

Products of collateral are also covered.

Filing covers a security interest in collateral, including fixtures, of a TRANSMITTING UTILITY and remains effective until terminated.

6. NUMBER OF ADDITIONAL SHEETS PRESENTED:

For Informational Purposes Only:
Check Box if Filing Covers Consumer Goods

7. This FINANCING STATEMENT covers the following types or items of property:

8. RETURN ACKNOWLEDGMENT COPY TO:

┌

└

┌

└

FILE WITH:

UNIFORM COMMERCIAL CODE DIVISION
DEPARTMENT OF LICENSING
P.O. BOX 9660
OLYMPIA, WA 98504

FOR OFFICE USE ONLY Images to Be filmed

9. This statement refers to original FINANCING STATEMENT

NUMBER _____ DATE OF ORIGINAL FILING _____ COUNTY _____

NUMBER OF LAST FILING _____ DATE OF LAST FILING _____

DATE OF LAST CONTINUATION _____

The original FINANCING STATEMENT between the foregoing DEBTOR and SECURED PARTY, bearing the file number shown above, is still effective.

10. USE WHICHEVER IS APPLICABLE:

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignees(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

INSTRUCTIONS UCC-1X

1. THIS FORM IS TO BE USED ONLY WHERE A FINANCING STATEMENT HAS BEEN ORIGINALLY FILED WITH A COUNTY AUDITOR BUT WHERE THE FILING MUST BE CONTINUED WITH THE DEPARTMENT OF LICENSING TO REMAIN PERFECTED. CONTINUATIONS CAN BE MADE ONLY WITHIN SIX MONTHS OF THE FINANCING STATEMENT'S EXPIRATION DATE.
2. PLEASE TYPE THIS FORM.
3. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
4. At the time of original filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 8 to whom the acknowledgment should be returned.
5. The filing fee for a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard

UCC-1X. Proper filing fees must accompany each form.

6. Typed name of Debtor and/or Secured Party must appear with signature.
7. DO NOT WRITE IN BOX 2.
8. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

TERMINATION STATEMENT

When the filing is to be terminated the acknowledgment copy may be sent to the filing officer with the termination statement signed by the Secured Party of record, or the UCC-3 form may be used as a termination statement. If a partial assignment has been made, signatures of both the Secured Party and Assignee are required to terminate. Typed name of Secured Party of record must appear with signature. No fee is required for a termination statement.

NEW SECTION

WAC 308-400-046 UCC-3 CHANGE STATEMENT. Effective July 1, 1982, the following form shall be the standard UCC-3 form prescribed by the department of licensing:

PLEASE TYPE FORM.

This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(s) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) of SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. This statement refers to original FINANCING STATEMENT number _____ Dated _____

6. FOR OFFICE USE ONLY: C F-AS P-AS AM PR T

COPY 1 - FILING OFFICER - INDEX

WASHINGTON UCC-3

PLEASE TYPE FORM.

This CHANGE STATEMENT is presented for filing pursuant to the WASHINGTON UNIFORM COMMERCIAL CODE.

LEASE - The terms debtor and secured party are to be construed as LESSEE and LESSOR.

CONSIGNMENT - The terms debtor and secured party are to be construed as CONSIGNEE and CONSIGNOR.

1. DEBTOR(S) (or assignor(s))
(last name first, and address(es))

2. FOR OFFICE USE ONLY

TRADE NAME:
(if any)

3. SECURED PARTY(IES) (or assignee(s)) (name and address)

4. ASSIGNEE(S) of SECURED PARTY(IES)
(if applicable)
(last name first, and address(es))

5. This statement refers to original FINANCING STATEMENT number _____ Dated _____

- 7. CONTINUATION. The original financing statement between the foregoing Debtor(s) and Secured Party(ies), bearing file number shown above is still effective.
 - FULL ASSIGNMENT. All of the Secured Party's rights under the financing statement bearing file number above have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.
 - PARTIAL ASSIGNMENT. The Secured Party's rights under the financing statement bearing file number shown above to the property DESCRIBED BELOW have been assigned to the Assignee(s) whose NAME(S) AND ADDRESS(ES) APPEAR ABOVE.
 - AMENDMENT. Financing statement bearing file number shown above is amended AS SET FORTH BELOW.
 - PARTIAL RELEASE. Secured Party(ies) releases the collateral DESCRIBED BELOW from the financing statement bearing file number shown above.
 - TERMINATION. Secured Party(ies) no longer claims a security interest under the financing statement bearing file number shown above.
- DESCRIPTION:

8. NUMBER OF ADDITIONAL SHEETS ATTACHED:

9.

TYPE NAME(S) OF DEBTOR(S) (or assignor(s)) _____

TYPE NAME(S) OF SECURED PARTY(IES) (or assignee(s)) _____

SIGNATURE(S) OF DEBTOR(S) (or assignor(s)) _____
(Required if amendment)

SIGNATURE(S) OF SECURED PARTY(IES) (or assignee(s)) _____

10. RETURN ACKNOWLEDGMENT COPY TO:

FILE WITH:
 UNIFORM COMMERCIAL CODE DIVISION
 DEPARTMENT OF LICENSING
 P.O. BOX 9660
 OLYMPIA, WA 98504
 OR
 IF FIXTURE FILING:
 COUNTY AUDITOR OF COUNTY WHERE
 ORIGINAL FILING WAS MADE.

FOR OFFICE USE ONLY: Images To Be Filmed
 FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

COPY 2 - FILING OFFICER - NUMERIC

WASHINGTON UCC-3

Note: All information will be the same on plies 3, 4, and 5 as is on ply 2 except the ply legend at the bottom, which will be as follows:

- COPY 3 - FILING OFFICER - ACKNOWLEDGMENT
- COPY 4 - DEBTOR
- COPY 5 - SECURED PARTY

Ply 1 will have a half sheet carbon behind it. Plies 2, 3, and 4 will each have a full sheet carbon behind them. Instructions will appear on the back of copy 5.

┌

┐

└

┘

┌

┐

└

┘

COPY 3 - FILING OFFICER - ACKNOWLEDGMENT

WASHINGTON UCC-3

INSTRUCTIONS UCC-3

1. PLEASE TYPE THIS FORM.
2. If the space provided for any item on the form is inadequate, the item should be identified and continued on additional sheets, preferably 8 1/2" X 11". The name of the Debtor should appear as the first item on each additional sheet. Only one copy of such additional sheets need be presented to the filing officer with the two copies of the financing statement. Indicate the number of sheets attached in the space provided.
3. At the time of filing, the filing officer will return copy (3) as an acknowledgment. Indicate in Box 10 to whom the acknowledgment should be returned.
4. If the transaction indicated requires a description or explanation, that description or explanation must appear in Box 7.
5. Typed name of Debtor and/or Secured Party must appear with signature.
6. Except for terminations, one or more transactions may be accomplished by a single UCC-3 filing. If

more than one transaction is indicated on this form, send appropriate fee for each transaction. Terminations must be submitted on a separate UCC-3.

7. The filing fee for a continuation, assignment, amendment, or release on a standard form is \$4.00. The fee is \$7.00 if any other form is used or if any additional sheets or documents are attached to the standard UCC-3. Proper filing fees must accompany each form. There is no fee for a termination statement.
8. DO NOT WRITE IN BOX 2.
9. REMOVE and retain copies (4) and (5). SEND copies (1), (2), and (3) to the address on the front of the form.

NEW SECTION

WAC 308-400-048 UCC-11R REQUEST FOR CERTIFICATE OF INFORMATION. Effective July 1, 1982, the following form shall be the standard UCC-11R form prescribed by the department of licensing:

PLEASE TYPE FORM

REQUEST FOR CERTIFICATE OF INFORMATION

<p>1. FOR OFFICE USE ONLY</p>	<p>2A. DEBTOR (last name first, and address)</p> <p>2B. Previous address(es) of debtor (if applicable)</p>
<p>3. PARTY requesting Certificate of Information (name and address)</p> <div style="border: 1px solid black; height: 100px; width: 100%; margin-top: 10px;"></div>	<p>4. DATE _____</p> <p>_____</p> <p>SIGNATURE OF REQUESTING PARTY</p>

- 5.
- Department of Licensing, please furnish INFORMATION certificate showing whether there is on file any presently effective financing statement naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$4.00 fee is enclosed.
 - Department of Licensing, please furnish INFORMATION certificate and true and exact COPIES of all presently effective financing statements naming the above named debtor and any statement of assignment thereof, as of the date of receipt of this request. The \$8.00 fee is enclosed.
 - Department of Licensing, please furnish INFORMATION certificate AND COPIES of filings from _____ to _____ or for those specifically requested file numbers listed below. The \$8.00 fee is enclosed.

FILE NUMBER	DATE AND HOUR OF FILING	NAME(S) AND ADDRESS(ES) OF SECURED PARTY(IES)

--	--	--

COPY 2 - FILING OFFICER

Forward to: UNIFORM COMMERCIAL CODE, DEPARTMENT OF LICENSING, P.O. BOX 9660, OLYMPIA, WA 98504
FORM APPROVED FOR USE IN THE STATE OF WASHINGTON

WASHINGTON UCC-11R

INSTRUCTIONS UCC-11R

1. PLEASE TYPE THIS FORM.
2. Only the name of one debtor may appear on each form. If information is requested on more than one name, a separate form must be submitted for each name. A husband and wife are considered to be two individual debtors. If more than one name does appear on the submitted form, only the first name will be searched.
3. Indicate the type of search requested in Box 5.
4. The fee for a certificate of information request submitted on a standard form is \$4.00. The fee is \$5.00 if any other form is used. The fee for a certificate of information and copy request is \$8.00. Proper filing fees must accompany each form.
5. DO NOT WRITE IN BOX 2 OR BOX 6.
6. REMOVE and retain copy (3). SEND copies (1) and (2) to the address on the front of the form.

NEW SECTION

WAC 308-400-050 OFFICIAL APPROVAL OF FORMS. A supplier of standard forms who wishes to print on such forms a legend indicating that they have been officially approved as standard forms by the department of licensing shall submit five sets of reproducible proof copies of each such form to the department. The copies must demonstrate to the satisfaction of the department that the approved form in final printing will conform to content, format, size, and construction of the forms set out in WAC 308-400-040, WAC 308-400-

042, WAC 308-400-044, WAC 308-400-046, and WAC 308-400-048. If the department is so satisfied, it shall notify such supplier in writing. No person shall print such a legend on any form for use under the Uniform Commercial Code, nor shall he in any manner represent that there has been such approval, without first applying for such approval and receiving such notice from the department. A form which has not been approved by the department shall be considered a non-standard form.

NEW SECTION

WAC 308-400-060 REJECTION OF FILINGS. Any filing rejected for any reason by any filing officer shall be returned with reasonable promptness to the person submitting the same, and shall be accompanied by a brief but specific written statement of the reasons for rejection.

NEW SECTION

WAC 308-400-070 REQUEST FOR CERTIFICATE OF INFORMATION. A separate request for information (see WAC 308-400-048. Form UCC-11R) must be submitted with respect to each individual debtor concerning whom information is sought. For this purpose a husband and wife shall be considered to be two individual debtors.

NEW SECTION

WAC 308-400-080 DELEGATION OF CERTIFICATION AUTHORITY. The director of the department of licensing may delegate to other department

filing officers the authority to issue and sign all certificates of information issued by the department pursuant to RCW 62A.9-407(2).

NEW SECTION

WAC 308-400-090 AMENDMENT FEES. The fee for filing an amendment to a financing statement shall be the same as that for filing a financing statement.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- (1) WAC 434-16-010 AUTHORITY AND PURPOSE
- (2) WAC 434-16-020 APPLICABLE STATUTE
- (3) WAC 434-16-030 DEFINITIONS
- (4) WAC 434-16-040 STANDARD FORMS
- (5) WAC 434-16-050 OFFICIAL APPROVAL OF FORMS
- (6) WAC 434-16-060 REJECTION OF FILINGS
- (7) WAC 434-16-070 PREFILED FINANCING STATEMENTS
- (8) WAC 434-16-080 REQUEST FOR INFORMATION OR COPIES
- (9) WAC 434-16-090 AMENDMENT FEES.

**WSR 82-05-015
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 9, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Pacific County, amending WAC 173-19-330.

The formal adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Thursday, February 18, 1982, in Room 281, Department of Ecology Headquarters Office, St. Martin's College Campus, Abbott Rafael Hall, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 82-01-085 filed with the code reviser's office on December 22, 1981.

Dated: February 9, 1982
By: Donald W. Moos
Director

**WSR 82-05-016
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 9, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Monroe, City of, amending WAC 173-19-3910.

The formal adoption, amendment, or repeal of such rules will take place at 11:30 a.m., Thursday, February 18, 1982, in Room 281, Department of Ecology Headquarters Office, St. Martin's College Campus, Abbott Rafael Hall, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

This notice is connected to and continues the matter in Notice No. WSR 82-01-086 filed with the code reviser's office on December 22, 1981.

Dated: February 9, 1982
By: Donald W. Moos
Director

**WSR 82-05-017
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 81-53—Filed February 9, 1982]**

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to Cowlitz County, amending WAC 173-19-160.

This action is taken pursuant to Notice No. WSR 82-01-085 filed with the code reviser on December 22, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 9, 1982.
By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-160 COWLITZ COUNTY. Cowlitz County master program approved February 17, 1978. Revision approved February 9, 1982.

**WSR 82-05-018
ADOPTED RULES
DEPARTMENT OF ECOLOGY
[Order DE 81-54—Filed February 9, 1982]**

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to King County, amending WAC 173-19-250.

This action is taken pursuant to Notice No. WSR 82-01-085 filed with the code reviser on December 22,

1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 9, 1982.
By Donald W. Moos
Director

AMENDATORY SECTION (Amending Order DE 81-24, filed 9/24/81)

WAC 173-19-250 KING COUNTY. King County master program approved July 8, 1976. Revision approved November 22, 1976. Revision approved June 30, 1978. Revision approved July 5, 1979. Revision approved September 23, 1981. Revision approved February 9, 1982.

WSR 82-05-019
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Order 82-5—Filed February 10, 1982]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, Third Floor, General Administration Building, Olympia, Washington, the annexed rules relating to the administration of retrospective rating plans including group insurance for workers' compensation underwritten by the Department of Labor and Industries.

This action is taken pursuant to Notice No. WSR 82-01-100 filed with the code reviser on December 23, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 10, 1982.
By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR WORKERS' COMPENSATION INSURANCE. The department may insure the workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage.

(3) The business of the employers in the organization is substantially similar, taking into consideration the nature of the work being performed by workers of such employers such that the group comprises substantially homogeneous risks.

(4) The employers in the group constitute at least fifty percent of the total eligible employers in such organization. No groups with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed (~~(\$500,000)~~) \$250,000 during the coverage period.

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

Each employer seeking to enroll in a group for workers' compensation insurance must meet the conditions under WAC 296-17-913(2).

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:
(a) Application for Group Dividend Plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's Authorization for Release of Insurance Data and Group Membership Enrollment Application for each employer account to be enrolled no later than July 1;

(c) Group Dividend Agreement no later than July 1.

(3) A dividend is declared under provisions of WAC 296-17-905.

Employers associated with the group at any time during the term of the Group Dividend Agreement will remain parties to the Group Dividend Agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the Group Dividend Agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on ~~((his own))~~ assigned risk classification(s) and ~~((his))~~ individual experience rating.

Any premiums, penalties or assessments owing the department by any member of the group will be withheld from the group's dividend.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association according to the system for allocation described in the Group Dividend Agreement and agreed upon by the members in their membership enrollment application. Dividend allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the dividend to be retained by the association as expenses, etc. must be clearly defined in the agreement.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-913 QUALIFICATIONS FOR EMPLOYER PARTICIPATION IN A RETROSPECTIVE RATING PLAN. The department may enroll interested employers in a retrospective rating plan as a means of insuring their workers' compensation obligations provided the following conditions are met:

(1) The employer submits a satisfactorily completed Retrospective Rating Plan Agreement for each employer account to be enrolled.

(2) The employer maintains an industrial insurance account in good standing with the department.

(3) The employer may be required to post a surety bond or other security deposit separate from the cash deposit required for establishing an industrial insurance account with the department. Such surety bond or security deposit would be sufficient to cover the difference between the employer's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Final determination as to the employer's eligibility under this section and financial ability to assume the responsibilities under the retrospective rating plan rests with the department subject to review under chapter 51-.52 RCW.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-914 RETROSPECTIVE RATING FORMULA. ~~((An))~~ Employers who elect~~((s))~~ to have ~~((his))~~ their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department no later than April 30 for the coverage period beginning the following July 1. The employer must preselect a "maximum premium ratio" from Plan A or Plan B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium = Basic Premium + (loss conversion factor x incurred losses)

In the above formula, the basic premium is the product of the ~~((basis))~~ basic premium ratio times the employer's standard premium. The basic premium ratio is taken from Plan A (WAC 296-17-91901) or Plan B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium ratio. The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective for the coverage period beginning July 1, 1982, and ending June 30, 1983, will be ~~((.089))~~ .041 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-915 EVALUATION OF INCURRED LOSSES DIVIDEND AND RETROSPECTIVE RATING PLANS. The initial evaluation date for each claim arising from incidents occurring during the coverage period shall be on and include December 31, six months immediately following the end of the coverage period. Each subsequent annual incurred loss evaluation under the retrospective rating plan shall have a valuation date of December 31, twelve months following the preceding evaluation date.

The estimated cost of each claim shall include all payments made as of the valuation date and may also include a reserve for future payments consistent with evaluation methods applicable to experience rating as set forth in WAC 296-17-870, subsections (1) through (6). The incurred losses for each employer shall be determined by multiplying the individual claim cost estimates by loss development factors, and adding the resulting developed losses for all the employer's claims. The following special procedures will be used for making individual claim cost estimates:

Fatal Claims

Each fatal claim shall be assigned the "average death value", said value to be the average incurred cost for all fatal claims occurring during the coverage period.

Permanent Total Claims

Pension costs for permanent total injuries will be based on the annuity value at the time that the pension is awarded. Pension costs will not be reevaluated based on events after the pension has been awarded.

Occupational Disease Claims

The cost of any occupational disease claim paid from the accident fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment. Each employer's share of the claim cost shall be assigned to the coverage period during which ~~((he))~~ the employer last employed the claimant under conditions of injurious exposure, provided the employer's share is at least ten percent of the total claim cost.

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN. The department may enroll interested groups in the retrospective rating plan provided:

- (1) Employers qualify as a group as defined by WAC 296-17-910.
- (2) Employers maintain industrial insurance accounts in good standing with the department.
- (3) Group submits a satisfactorily completed:
 - (a) Application for group retrospective rating plan no later than April 30 for the coverage period beginning the following July 1;
 - (b) Employer's Authorization for Release of Insurance Data and Group Membership Enrollment Application for each employer account to be enrolled by July 1;
 - (c) Group Retrospective Rating Plan Agreement by July 1.

~~((3))~~ (4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department. The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.

Each employer included as a group member in the Group Retrospective Rating Plan Agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on ~~((his own))~~ assigned risk classification(s) and ((his)) individual experience rating.

Employers associated with the group at any time during the term of the Group Retrospective Rating Plan Agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association according to the system for allocation described in the Group Retrospective Rating Plan Agreement and agreed upon by the members in their membership enrollment application. Group Retrospective Rating Plan allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the retrospective premium adjustment to be retained by the association as expenses, etc. or any surcharge to the group member for expenses, etc. by the association over and above the portion of the retrospective premium adjustment to be collected from the group member must be clearly defined in the agreement.

Any premium, penalties or assessments owing the department by any employer in the group will be included in the group's retrospective premium adjustment.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-919 TABLE I.

**RETROSPECTIVE RATING PLANS A and B
STANDARD PREMIUM SIZE RANGES
Effective for the coverage period July 1, 1982, through
June 30, 1983**

Size Group Number	Standard Premium Range
((84)) 84	\$ 3,530 - \$ 3,959
83	3,960 - 4,259
82	4,260 - 4,569
81	4,570 - 4,909
80	4,910 - 5,279
79	5,280 - 5,659
78	5,660 - 6,079
77	6,080 - 6,539
76	6,540 - 7,019
75	7,020 - 7,539
74	7,540 - 8,099
73	8,100 - 8,699
72	8,700 - 9,339
71	9,340 - 9,999
70	10,000 - 10,799
69	10,800 - 11,599
68	11,600 - 12,399
67	12,400 - 13,399
66	13,400 - 14,299
65	14,300 - 15,399
64	15,400 - 16,499

Size Group Number	Standard Premium Range
63	16,500 - 17,799
62	17,800 - 19,099
61	19,100 - 20,499
60	20,500 - 21,999
59	22,000 - 23,599
58	23,600 - 25,399
57	25,400 - 27,299
56	27,300 - 29,299
55	29,300 - 31,499
54	31,500 - 33,799
53	33,800 - 36,299
52	36,300 - 38,999
51	39,000 - 41,899
50	41,900 - 44,999
49	45,000 - 48,299
48	48,300 - 51,899
47	51,900 - 55,699
46	55,700 - 59,899
45	59,900 - 64,499
44	64,500 - 69,399
43	69,400 - 74,599
42	74,600 - 80,299
41	80,300 - 86,399
40	86,400 - 92,899
39	92,900 - 99,999
38	100,000 - 107,999
37	108,000 - 115,999
36	116,000 - 124,999
35	125,000 - 133,999
34	134,000 - 143,999
33	144,000 - 154,999
32	155,000 - 166,999
31	167,000 - 179,999
30	180,000 - 192,999
29	193,000 - 207,999
28	208,000 - 223,999
27	224,000 - 239,999
26	240,000 - 258,999
25	259,000 - 277,999
24	278,000 - 298,999
23	299,000 - 321,999
22	322,000 - 346,999
21	347,000 - 372,999
20	373,000 - 400,999
19	401,000 - 431,999
18	432,000 - 463,999
17	464,000 - 499,999
16	500,000 - 537,999
15	538,000 - 687,999
14	688,000 - 948,999
13	949,000 - 1,377,999))
84	\$ 2,470 - \$ 2,759
83	2,760 - 3,099
82	3,100 - 3,469
81	3,470 - 3,889
80	3,890 - 4,359
79	4,360 - 4,879
78	4,880 - 5,469

Size Group Number	Standard Premium Range
77	5,470 - 6,139
76	6,140 - 6,869
75	6,870 - 7,679
74	7,680 - 8,209
73	8,210 - 8,769
72	8,770 - 9,369
71	9,370 - 9,999
70	10,000 - 10,699
69	10,700 - 11,399
68	11,400 - 12,199
67	12,200 - 13,099
66	13,100 - 13,999
65	14,000 - 14,899
64	14,900 - 15,899
63	15,900 - 16,999
62	17,000 - 18,199
61	18,200 - 19,399
60	19,400 - 20,799
59	20,800 - 22,199
58	22,200 - 23,699
57	23,700 - 25,299
56	25,300 - 27,099
55	27,100 - 28,899
54	28,900 - 30,899
53	30,900 - 32,999
52	33,000 - 35,299
51	35,300 - 37,699
50	37,700 - 40,199
49	40,200 - 42,999
48	43,000 - 45,899
47	45,900 - 49,099
46	49,100 - 52,499
45	52,500 - 55,999
44	56,000 - 59,899
43	59,900 - 63,999
42	64,000 - 68,299
41	68,300 - 72,999
40	73,000 - 77,999
39	78,000 - 83,399
38	83,400 - 89,099
37	89,100 - 96,199
36	96,200 - 106,999
35	107,000 - 117,999
34	118,000 - 130,999
33	131,000 - 144,999
32	145,000 - 160,999
31	161,000 - 178,999
30	179,000 - 197,999
29	198,000 - 219,999
28	220,000 - 243,999
27	244,000 - 269,999
26	270,000 - 299,999
25	300,000 - 331,999
24	332,000 - 367,999
23	368,000 - 407,999
22	408,000 - 452,999
21	453,000 - 501,999
20	502,000 - 556,999

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
19	557,000 – 617,999	9	2,842,000 – 3,552,999
18	618,000 – 683,999	8	3,553,000 – 4,567,999
17	684,000 – 758,999	7	4,568,000 – 6,064,999
16	759,000 – 841,999	6	6,065,000 – 8,474,999
15	842,000 – 932,999	5	8,475,000 – 12,659,999
14	933,000 – 1,155,999	4	12,660,000 – 20,919,999
13	1,156,000 – 1,377,999	3	20,920,000 – 41,109,999
12	1,378,000 – 1,839,999	2	41,110,000 – 113,899,999
11	1,840,000 – 2,325,999	1	113,900,000 & Over
10	2,326,000 – 2,841,999		

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A
 BASIC PREMIUM RATIOS
 LOSS CONVERSION FACTOR = ((.733)) .705
 Effective for the coverage period beginning July 1, 1982, through June 30, 1983

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group 84	(.956)	.945	.935	.926	.918	.911	.904	.899	.893	.887	.873	.862	.851	.827))
83	(.953)	.943	.933	.921	.913	.906	.900	.892	.885	.879	.865	.852	.841	.816))
82	(.952)	.940	.930	.920	.911	.903	.896	.890	.883	.876	.862	.848	.837	.812
81	(.950)	.937	.924	.914	.903	.896	.887	.879	.870	.862	.847	.832	.818	.794))
80	(.949)	.934	.922	.909	.900	.890	.882	.872	.863	.854	.837	.822	.808	.782))
79	(.947)	.930	.919	.906	.894	.884	.875	.864	.856	.846	.828	.812	.797	.771))
78	(.944)	.928	.913	.900	.889	.879	.868	.859	.848	.837	.818	.800	.787	.760))
77	(.943)	.925	.911	.896	.884	.872	.861	.851	.840	.828	.808	.790	.776	.749))
76	(.941)	.921	.905	.892	.878	.868	.855	.843	.831	.819	.799	.780	.764	.738))
75	(.939)	.918	.903	.888	.873	.861	.848	.835	.822	.810	.789	.770	.753	.727))
74	(.938)	.916	.897	.882	.868	.854	.841	.826	.813	.800	.779	.759	.742	.716))
73	(.933)	.911	.893	.875	.863	.847	.832	.818	.804	.790	.768	.749	.731	.705))
72	(.931)	.908	.888	.872	.857	.841	.824	.810	.795	.781	.757	.736	.719	.694))
71	(.930)	.903	.884	.865	.850	.834	.819	.800	.786	.771	.746	.725	.708	.682))
70	(.924)	.900	.879	.862	.845	.826	.811	.792	.777	.761	.735	.714	.698	.671))
69	(.923)	.897	.876	.855	.839	.819	.802	.783	.767	.751	.725	.703	.686	.660))
68	(.921)	.892	.870	.852	.831	.811	.793	.773	.757	.741	.713	.691	.673	.649))
67	(.915)	.889	.866	.845	.823	.805	.785	.764	.747	.729	.701	.680	.663	.637))
66	(.913)	.886	.862	.839	.820	.801	.781	.759	.741	.724	.695	.671	.651	.625))
65	(.912)	.880	.856	.834	.811	.789	.766	.745	.728	.708	.679	.658	.640	.616))
64	(.905)	.874	.850	.826	.803	.780	.757	.735	.714	.698	.668	.645	.628	.605))
63	(.903)	.866	.841	.816	.791	.765	.742	.723	.702	.686	.656	.634	.616	.590))
62	(.896)	.862	.831	.802	.777	.753	.730	.708	.691	.672	.645	.623	.606	.578))
61	(.893)	.852	.821	.791	.766	.741	.719	.697	.678	.661	.634	.612	.594	.564))
60	(.886)	.844	.811	.780	.755	.728	.705	.683	.666	.650	.622	.599	.580	.550))

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
59	.885	.841	.805	.777	.749	.723	.698	.678	.656	.638	.611	.586	.566	.534
	((.879	.836	.801	.770	.740	.716	.693	.672	.655	.637	.609	.587	.568	.534))
	.877	.831	.795	.761	.733	.708	.685	.662	.644	.627	.596	.574	.553	.520
58	((.876	.827	.792	.757	.730	.705	.682	.661	.641	.626	.598	.575	.555	.521))
	.870	.823	.785	.751	.723	.696	.671	.651	.633	.615	.585	.560	.540	.503
57	((.869	.819	.779	.746	.719	.691	.668	.650	.630	.615	.586	.562	.542	.505))
	.867	.813	.775	.740	.711	.684	.660	.639	.618	.601	.572	.547	.525	.488
56	((.866	.810	.770	.737	.709	.681	.658	.637	.619	.601	.573	.550	.527	.490))
	.859	.804	.765	.730	.701	.674	.649	.626	.607	.590	.561	.533	.512	.474
55	((.859	.801	.759	.727	.696	.670	.647	.626	.608	.590	.561	.535	.514	.476))
	.856	.801	.755	.720	.686	.660	.637	.614	.595	.578	.546	.521	.497	.457
54	((.851	.792	.750	.717	.685	.660	.637	.615	.595	.579	.549	.524	.500	.461))
	.848	.791	.746	.709	.676	.648	.623	.603	.584	.567	.534	.508	.484	.443
53	((.848	.783	.740	.706	.675	.646	.623	.601	.584	.567	.535	.509	.487	.445))
	.840	.781	.735	.694	.664	.637	.612	.591	.569	.552	.520	.493	.469	.427
52	((.840	.774	.731	.692	.664	.636	.612	.590	.573	.554	.524	.496	.473	.432))
	.837	.772	.726	.684	.654	.626	.600	.577	.558	.540	.507	.480	.455	.411
51	((.831	.765	.721	.682	.650	.625	.601	.579	.558	.542	.509	.484	.459	.417))
	.828	.762	.710	.673	.639	.612	.586	.565	.545	.527	.495	.465	.440	.397
50	((.822	.756	.711	.672	.640	.614	.587	.565	.547	.528	.497	.470	.444	.403))
	.820	.753	.701	.662	.628	.600	.574	.553	.531	.513	.479	.451	.427	.381
49	((.814	.746	.701	.661	.629	.600	.575	.554	.533	.516	.483	.457	.432	.389))
	.810	.743	.690	.652	.616	.589	.563	.539	.519	.500	.467	.436	.411	.367
48	((.811	.737	.688	.651	.618	.589	.565	.542	.521	.504	.471	.442	.417	.375))
	.801	.733	.680	.637	.606	.574	.551	.526	.507	.486	.451	.423	.398	.352
47	((.802	.728	.678	.637	.605	.577	.550	.528	.509	.490	.458	.430	.404	.361))
	.792	.724	.669	.626	.591	.563	.536	.515	.492	.473	.439	.408	.382	.338
46	((.794	.719	.667	.626	.594	.564	.539	.516	.495	.478	.443	.415	.390	.349))
	.789	.714	.660	.615	.580	.551	.524	.499	.479	.460	.424	.395	.369	.323
45	((.785	.708	.657	.616	.583	.553	.527	.504	.483	.463	.431	.402	.377	.334))
	.780	.699	.649	.604	.568	.536	.509	.487	.464	.445	.410	.380	.354	.310
44	((.777	.699	.647	.606	.568	.541	.513	.490	.468	.451	.416	.388	.362	.322))
	.771	.688	.634	.589	.557	.523	.497	.472	.451	.432	.395	.366	.340	.295
43	((.768	.689	.633	.591	.557	.526	.502	.478	.456	.436	.404	.375	.350	.309))
	.761	.679	.623	.578	.542	.512	.485	.459	.436	.417	.381	.351	.325	.283
42	((.759	.680	.622	.580	.546	.514	.486	.463	.442	.423	.390	.361	.336	.296))
	.753	.668	.612	.567	.530	.497	.469	.444	.424	.404	.366	.337	.311	.268
41	((.749	.670	.612	.569	.531	.500	.474	.451	.429	.409	.377	.349	.323	.284))
	.743	.659	.601	.555	.514	.484	.456	.431	.407	.388	.354	.322	.297	.256
40	((.740	.655	.596	.555	.520	.488	.460	.436	.414	.397	.362	.334	.311	.271))
	.733	.648	.585	.540	.502	.468	.441	.419	.395	.376	.340	.310	.285	.243
39	((.731	.645	.586	.543	.504	.473	.447	.424	.402	.382	.350	.322	.299	.260))
	.724	.637	.574	.527	.490	.455	.428	.403	.379	.359	.325	.297	.272	.230
38	((.721	.635	.575	.527	.493	.461	.432	.409	.387	.370	.336	.311	.287	.250))
	.713	.621	.563	.511	.474	.440	.412	.390	.366	.347	.312	.283	.258	.218
37	((.712	.618	.559	.515	.477	.445	.420	.397	.375	.355	.325	.298	.276	.240))
	.704	.610	.545	.498	.461	.427	.399	.374	.354	.332	.298	.270	.246	.208
36	((.696	.607	.547	.500	.464	.433	.405	.381	.363	.343	.313	.287	.266	.230))
	.686	.592	.534	.482	.444	.410	.383	.361	.337	.319	.286	.259	.235	.197
35	((.686	.591	.531	.487	.449	.418	.392	.370	.351	.332	.299	.276	.254	.221))
	.676	.581	.517	.470	.427	.398	.370	.345	.325	.304	.273	.245	.224	.188
34	((.668	.580	.514	.472	.436	.405	.377	.355	.337	.318	.289	.266	.244	.213))
	.665	.564	.499	.452	.414	.380	.354	.333	.310	.291	.260	.234	.214	.178
33	((.658	.563	.503	.455	.421	.390	.365	.343	.322	.307	.278	.254	.235	.205))
	.647	.551	.486	.435	.398	.368	.341	.316	.297	.280	.248	.223	.201	.170
32	((.641	.545	.486	.442	.404	.377	.350	.328	.310	.295	.267	.243	.225	.196))
	.629	.533	.469	.422	.384	.352	.325	.304	.282	.264	.236	.212	.191	.160
31	((.630	.534	.469	.426	.392	.361	.338	.316	.299	.281	.254	.233	.215	.188))
	.617	.516	.450	.404	.368	.338	.312	.288	.269	.252	.222	.200	.181	.151
30	((.612	.517	.457	.410	.376	.350	.322	.304	.285	.269	.243	.223	.206	.180))
	.599	.503	.438	.387	.351	.322	.296	.275	.254	.240	.211	.188	.170	.143
29	((.595	.500	.440	.397	.363	.334	.310	.289	.273	.258	.232	.213	.196	.172))
	.580	.485	.421	.374	.337	.306	.283	.260	.241	.225	.199	.177	.160	.134
28	((.577	.483	.423	.381	.348	.319	.295	.278	.258	.245	.222	.203	.187	.166))
	.562	.467	.403	.357	.321	.292	.266	.247	.229	.214	.188	.167	.150	.126
27	((.566	.471	.411	.364	.331	.306	.283	.263	.248	.233	.209	.193	.178	.158))
	.550	.449	.390	.339	.308	.276	.254	.232	.215	.201	.174	.156	.141	.119
26	((.549	.454	.394	.352	.319	.290	.268	.250	.236	.222	.199	.182	.169	.151))
	.533	.437	.373	.327	.290	.263	.238	.218	.202	.187	.163	.146	.131	.110
25	((.539	.443	.378	.336	.303	.278	.256	.237	.221	.208	.188	.173	.161	.144))
	.521	.420	.355	.309	.273	.245	.221	.203	.187	.174	.151	.135	.122	.102
24	((.523	.426	.366	.319	.290	.262	.240	.224	.209	.197	.178	.163	.152	.136))
	.512	.408	.342	.291	.260	.229	.208	.190	.174	.160	.141	.124	.112	.095
23	((.514	.415	.349	.306	.274	.246	.227	.212	.198	.186	.168	.154	.144	.130))
	.502	.391	.325	.278	.242	.216	.193	.174	.162	.148	.129	.115	.103	.087
22	((.512	.400	.332	.289	.258	.233	.213	.197	.185	.174	.158	.145	.136	.124))
	.493	.380	.307	.261	.225	.198	.179	.162	.147	.136	.117	.105	.094	.080
21	((.503	.388	.319	.272	.241	.217	.201	.186	.174	.164	.149	.138	.130	.118))
	.484	.362	.294	.242	.212	.185	.164	.149	.136	.125	.108	.097	.087	.075
20	((.484	.363	.302	.259	.228	.207	.189	.176	.166	.155	.143	.133	.125	.115))

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
19	.465 (.466)	.342 .345	.275 .284	.224 .243	.194 .213	.170 .195	.151 .177	.137 .165	.125 .156	.117 .148	.101 .135	.090 .127	.082 .121	.072 .113
18	.446 (.441)	.322 .327	.256 .266	.211 .226	.177 .201	.157 .180	.140 .166	.126 .156	.116 .147	.107 .141	.094 .130	.085 .123	.077 .117	.068 .109
17	.426 (.421)	.302 .308	.237 .248	.193 .210	.165 .186	.143 .169	.128 .156	.116 .145	.106 .139	.099 .133	.087 .124	.079 .117	.073 .113	.065 .106
16	.398 (.394)	.283 .289	.217 .231	.175 .197	.149 .174	.130 .158	.116 .146	.105 .137	.097 .131	.090 .125	.079 .118	.073 .113	.068 .109	.061 .104
15	.370 (.367)	.257 .269	.199 .213	.162 .181	.136 .162	.119 .145	.104 .136	.096 .128	.088 .122	.081 .118	.074 .112	.068 .107	.063 .104	.057 .101
14	.349 (.340)	.236 .245	.180 .200	.145 .169	.121 .148	.104 .135	.094 .126	.085 .120	.078 .115	.074 .112	.067 .106	.062 .103	.058 .101	.054 .090
13	.320 (.320)	.216 .226	.162 .183	.128 .155	.108 .137	.093 .125	.084 .117	.076 .112	.070 .107	.067 .104	.060 .101	.056 .098	.054 .097	.051 .094
12	.290 (.286)	.191 .207	.144 .166	.116 .142	.097 .126	.082 .115	.073 .108	.067 .104	.062 .100	.059 .098	.054 .095	.052 .094	.050 .093	.048 .092
11	.255 (.266)	.170 .189	.125 .150	.099 .127	.082 .114	.072 .105	.063 .099	.057 .095	.053 .093	.051 .091	.048 .090	.046 .089	.046 .089	.044 .089
10	.234 (.238)	.151 .171	.112 .138	.087 .118	.071 .108	.061 .100	.053 .095	.049 .093	.046 .091	.044 .090	.043 .089	.041 .089	.041 .089	.041 .089
9	.205 (.212)	.132 .154	.097 .127	.076 .110	.062 .102	.054 .096	.049 .093	.046 .091	.044 .090	.043 .090	.041 .089	.041 .089	.041 .089	.041 .089
8	.177 (.192)	.114 .141	.084 .117	.067 .104	.055 .096	.051 .094	.046 .091	.044 .090	.042 .089	.042 .089	.041 .089	.041 .089	.041 .089	.041 .089
7	.149 (.167)	.099 .125	.074 .108	.058 .098	.051 .094	.046 .091	.044 .090	.042 .089	.041 .089	.041 .089	.041 .089	.041 .089	.041 .089	.041 .089
6	.129 (.148)	.083 .115	.063 .101	.052 .094	.046 .091	.044 .089	.042 .089	.041 .089						
5	.108 (.130)	.071 .104	.054 .094	.047 .091	.044 .090	.042 .089	.041 .089							
4	.089 (.114)	.057 .096	.048 .091	.043 .089	.042 .089	.041 .089								
3	.071 (.102)	.051 .091	.044 .089	.042 .089	.041 .089									
2	.054 (.093)	.044 .089	.041 .089											
1	.045 (.089)	.041 .089												
	.041	.041	.041	.041	.041	.041	.041	.041	.041	.041	.041	.041	.041	.041

AMENDATORY SECTION (Amending Order 81-02, filed 1/30/81)

WAC 296-17-91902 TABLE III.

RETROSPECTIVE RATING PLAN B
BASIC PREMIUM RATIOS
AND LOSS CONVERSION FACTORS
Effective for the coverage period beginning July 1, 1982, through June 30, 1983

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
84	Basic Premium Ratio	(.999)	.997	(.996)	.995	.993	.992	.991	.990	.988	.987	.984	.982	.979	.974
	Loss Conversion Factor	(.001)	.003	(.004)	.005	.007	.009	.010	.012	.014	.016	.017	.021	.024	.028
83	Basic Premium Ratio	(.999)	.997	.996	.994	.993	.992	.990	.989	.988	.986	.983	.981	.978	.972
	Loss Conversion Factor	(.001)	.003	.004	.006	.007	.009	.011	.013	.015	.017	.019	.022	.026	.030
82	Basic Premium Ratio	(.999)	.997	.996	.994	.993	.991	.990	.988	.987	.985	.982	.979	.976	.970
	Loss Conversion Factor	(.001)	.003	.004	.006	.007	.009	.010	.012	.014	.016	.018	.020	.024	.028
81	Basic Premium Ratio	.998	(.997)	.995	.994	.992	.991	.989	.987	.986	.984	.981	.978	.975	.968
	Loss Conversion Factor	.002	(.003)	.005	.006	.008	.009	.011	.013	.015	.017	.019	.021	.026	.030
80	Basic Premium Ratio	.998	(.997)	.995	.993	.991	.990	.988	.986	.985	.983	.980	.976	.973	.966
	Loss Conversion Factor	.002	(.003)	.005	.007	.009	.010	.012	.014	.016	.018	.021	.023	.028	.032

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group															
79	Basic Premium Ratio	.998	(.996	.994	.993	.991	.989	.987	.985	.983	.982	.978	.974	.970	.963))
	Loss Conversion Factor	.002	(.004	.006	.007	.009	.011	.013	.015	.017	.020	.022	.025	.030	.050)
78	Basic Premium Ratio	(.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.976	.972	.968	.960))
	Loss Conversion Factor	(.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.024	.028	.032	.040))
77	Basic Premium Ratio	(.998	.996	.993	.991	.989	.987	.985	.982	.980	.978	.973	.969	.965	.956))
	Loss Conversion Factor	(.002	.004	.007	.009	.011	.013	.015	.018	.020	.022	.027	.031	.035	.044))
76	Basic Premium Ratio	(.998	.995	.993	.990	.988	.986	.983	.981	.979	.976	.971	.967	.962	.952))
	Loss Conversion Factor	(.002	.005	.007	.010	.012	.014	.017	.019	.021	.024	.029	.033	.038	.048))
75	Basic Premium Ratio	(.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.950))
	Loss Conversion Factor	(.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.050))
74	Basic Premium Ratio	(.997	.995	.992	.990	.987	.984	.982	.979	.977	.974	.969	.964	.958	.948))
	Loss Conversion Factor	(.003	.005	.008	.010	.013	.016	.018	.021	.023	.026	.031	.036	.042	.052))
73	Basic Premium Ratio	(.997	.995	.992	.989	.986	.984	.981	.978	.975	.973	.967	.962	.956	.945))
	Loss Conversion Factor	(.003	.005	.008	.011	.014	.016	.019	.022	.025	.027	.033	.038	.044	.055))
72	Basic Premium Ratio	(.997	.994	.991	.989	.986	.983	.980	.977	.974	.971	.966	.960	.954	.943))
	Loss Conversion Factor	(.003	.006	.009	.011	.014	.017	.020	.023	.026	.029	.034	.040	.046	.057))
71	Basic Premium Ratio	(.997	.994	.988	.988	.985	.982	.979	.976	.973	.970	.964	.958	.952	.940))
	Loss Conversion Factor	(.003	.006	.012	.012	.015	.018	.021	.024	.027	.030	.036	.042	.048	.060))
70	Basic Premium Ratio	(.997	.994	.990	.987	.984	.981	.978	.974	.971	.968	.962	.955	.949	.936))
	Loss Conversion Factor	(.003	.006	.010	.013	.016	.019	.022	.026	.029	.032	.038	.045	.051	.064))
69	Basic Premium Ratio	(.997	.993	.990	.986	.983	.980	.976	.973	.970	.966	.959	.953	.946	.932))
	Loss Conversion Factor	(.003	.007	.010	.014	.017	.020	.024	.027	.030	.034	.041	.047	.054	.068))
68	Basic Premium Ratio	(.996	.993	.989	.986	.982	.978	.975	.971	.968	.964	.957	.950	.942	.928))
	Loss Conversion Factor	(.004	.007	.011	.014	.018	.022	.025	.029	.032	.036	.043	.050	.058	.072))
67	Basic Premium Ratio	(.996	.992	.988	.985	.981	.977	.973	.969	.965	.961	.954	.946	.938	.923))
	Loss Conversion Factor	(.004	.008	.012	.015	.019	.023	.027	.031	.035	.039	.046	.054	.062	.077))
66	Basic Premium Ratio	(.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917))
	Loss Conversion Factor	(.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083))
65	Basic Premium Ratio	(.996	.991	.987	.982	.978	.973	.969	.964	.960	.955	.946	.937	.929	.911))
	Loss Conversion Factor	(.004	.009	.013	.018	.022	.027	.031	.036	.040	.045	.054	.063	.071	.089))
64	Basic Premium Ratio	(.995	.990	.985	.981	.976	.971	.966	.961	.956	.951	.942	.932	.922	.903))
	Loss Conversion Factor	(.005	.010	.015	.019	.024	.029	.034	.039	.044	.049	.058	.068	.078	.097))
63	Basic Premium Ratio	(.995	.989	.984	.979	.973	.968	.963	.957	.952	.947	.936	.925	.915	.893))
	Loss Conversion Factor	(.005	.011	.016	.021	.027	.032	.037	.043	.048	.053	.064	.075	.085	.107))
62	Basic Premium Ratio	(.994	.988	.982	.977	.971	.965	.959	.953	.947	.941	.930	.918	.906	.883))
	Loss Conversion Factor	(.006	.012	.018	.023	.029	.035	.041	.047	.053	.059	.070	.082	.094	.117))

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group		.009	.018	.027	.036	.045	.054	.063	.072	.081	.090	.108	.126	.144	.179
61	Basic Premium Ratio	(.993	.987	.980	.974	.967	.961	.954	.948	.941	.934	.921	.908	.895	.869))
	Loss Conversion Factor	(.007	.013	.020	.026	.033	.039	.046	.052	.059	.066	.079	.092	.105	.131))
		.010	.019	.029	.039	.049	.058	.068	.078	.088	.097	.117	.136	.156	.195
60	Basic Premium Ratio	(.993	.985	.978	.970	.963	.956	.948	.941	.933	.926	.911	.896	.882	.852))
	Loss Conversion Factor	(.007	.015	.022	.030	.037	.044	.052	.059	.067	.074	.089	.104	.118	.148))
		.011	.021	.032	.042	.053	.063	.074	.085	.095	.106	.127	.148	.169	.212
59	Basic Premium Ratio	(.991	.983	.974	.966	.957	.949	.940	.932	.923	.915	.898	.880	.863	.829))
	Loss Conversion Factor	(.009	.017	.026	.034	.043	.051	.060	.068	.077	.085	.102	.120	.137	.171))
		.012	.023	.035	.046	.058	.069	.081	.092	.104	.115	.138	.161	.184	.230
58	Basic Premium Ratio	(.990	.980	.970	.960	.950	.940	.929	.919	.909	.899	.879	.859	.839	.798))
	Loss Conversion Factor	(.010	.020	.030	.040	.050	.060	.071	.081	.091	.101	.121	.141	.161	.202))
		.013	.025	.038	.050	.063	.075	.088	.100	.113	.125	.150	.175	.200	.250
57	Basic Premium Ratio	(.989	.978	.967	.956	.946	.935	.924	.913	.902	.891	.869	.847	.826	.782))
	Loss Conversion Factor	(.011	.022	.033	.044	.054	.065	.076	.087	.098	.109	.131	.153	.174	.218))
		.014	.027	.041	.055	.068	.082	.096	.109	.123	.137	.164	.192	.219	.274
56	Basic Premium Ratio	(.988	.976	.965	.953	.941	.929	.918	.906	.894	.882	.859	.835	.812	.765))
	Loss Conversion Factor	(.012	.024	.035	.047	.059	.071	.082	.094	.106	.118	.141	.165	.188	.235))
		.015	.030	.045	.060	.075	.090	.105	.120	.135	.150	.180	.210	.240	.299
55	Basic Premium Ratio	(.987	.975	.962	.950	.937	.924	.912	.899	.887	.874	.849	.824	.798	.748))
	Loss Conversion Factor	(.013	.025	.038	.050	.063	.076	.088	.101	.113	.126	.151	.176	.202	.252))
		.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333
54	Basic Premium Ratio	(.987	.973	.960	.946	.933	.919	.906	.892	.879	.866	.839	.812	.785	.731))
	Loss Conversion Factor	(.013	.027	.040	.054	.067	.081	.094	.108	.121	.134	.161	.188	.215	.269))
		.018	.036	.053	.071	.089	.107	.125	.142	.160	.178	.214	.249	.285	.356
53	Basic Premium Ratio	(.985	.971	.956	.942	.927	.913	.898	.884	.869	.855	.826	.797	.768	.710))
	Loss Conversion Factor	(.015	.029	.044	.058	.073	.087	.102	.116	.131	.145	.174	.203	.232	.290))
		.019	.038	.057	.076	.095	.114	.133	.152	.171	.190	.228	.266	.304	.380
52	Basic Premium Ratio	(.984	.969	.953	.937	.922	.906	.891	.875	.859	.844	.812	.781	.750	.687))
	Loss Conversion Factor	(.016	.031	.047	.063	.078	.094	.109	.125	.141	.156	.188	.219	.250	.313))
		.020	.040	.061	.081	.101	.121	.142	.162	.182	.202	.243	.283	.324	.405
51	Basic Premium Ratio	(.983	.967	.950	.933	.917	.900	.883	.867	.850	.833	.800	.767	.733	.667))
	Loss Conversion Factor	(.017	.033	.050	.067	.083	.100	.117	.133	.150	.167	.200	.233	.267	.333))
		.022	.043	.065	.087	.108	.130	.152	.173	.195	.217	.260	.304	.347	.434
50	Basic Premium Ratio	(.982	.964	.946	.928	.910	.892	.874	.857	.839	.821	.785	.749	.713	.641))
	Loss Conversion Factor	(.018	.036	.054	.072	.090	.108	.126	.143	.161	.179	.215	.251	.287	.359))
		.023	.046	.070	.093	.116	.139	.162	.185	.209	.232	.278	.325	.371	.464
49	Basic Premium Ratio	(.981	.962	.943	.924	.904	.885	.866	.847	.828	.809	.771	.732	.694	.618))
	Loss Conversion Factor	(.019	.038	.057	.076	.096	.115	.134	.153	.172	.191	.229	.268	.306	.382))
		.025	.049	.074	.099	.124	.148	.173	.198	.223	.247	.297	.346	.396	.495
48	Basic Premium Ratio	(.980	.959	.939	.918	.898	.878	.857	.837	.817	.796	.755	.715	.674	.592))
	Loss Conversion Factor	(.020	.041	.061	.082	.102	.122	.143	.163	.183	.204	.245	.285	.326	.408))
		.027	.053	.080	.106	.133	.159	.186	.212	.239	.265	.318	.371	.425	.531
47	Basic Premium Ratio	(.978	.956	.935	.913	.891	.869	.847	.825	.804	.782	.738	.695	.651	.564))
	Loss Conversion Factor	(.022	.044	.065	.087	.109	.131	.153	.175	.196	.218	.262	.305	.349	.436))
		.028	.057	.085	.114	.142	.170	.199	.227	.255	.284	.341	.397	.454	.568
46	Basic Premium Ratio	(.977	.953	.930	.907	.883	.860	.837	.813	.790	.767	.720	.673	.627	.533))
	Loss Conversion Factor	(.023	.047	.070	.093	.117	.140	.163	.187	.210	.233	.280	.327	.373	.467))
		.030	.061	.091	.122	.152	.183	.213	.244	.274	.305	.366	.427	.488	.610
45	Basic Premium Ratio	(.975	.950	.925	.900	.875	.850	.826	.801	.776	.751	.701	.651	.601	.502))
	Loss Conversion Factor	(.025	.050	.075	.100	.125	.150	.174	.199	.224	.249	.299	.349	.399	.498))
		.033	.065	.098	.131	.163	.196	.229	.261	.294	.327	.392	.457	.523	.653
44	Basic Premium Ratio	(.973	.947	.920	.893	.866	.840	.813	.786	.759	.733	.679	.626	.572	.465))
		.965	.930	.894	.859	.824	.789	.754	.719	.683	.648	.578	.508	.437	.297

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
43	Loss Conversion Factor	((.027 .035	.053 .070	.080 .106	.107 .141	.134 .176	.160 .211	.187 .246	.214 .281	.241 .317	.267 .352	.321 .422	.374 .492	.428 .563	.535)) .703
	Basic Premium Ratio	((.971 .962	.942 .925	.913 .887	.885 .849	.856 .812	.827 .774	.798 .736	.769 .698	.740 .661	.711 .623	.654 .548	.596 .472	.538 .397	.423)) .246
	Loss Conversion Factor	((.029 .038	.058 .075	.087 .113	.115 .151	.144 .188	.173 .226	.202 .264	.231 .302	.260 .339	.289 .377	.346 .452	.404 .528	.462 .603	.577)) .754
	Basic Premium Ratio	((.969 .959	.938 .919	.907 .878	.877 .838	.846 .797	.815 .756	.784 .716	.753 .675	.722 .635	.692 .594	.630 .513	.568 .431	.507 .350	.383)) .188
	Loss Conversion Factor	((.031 .041	.062 .081	.093 .122	.123 .162	.154 .203	.185 .244	.216 .284	.247 .325	.278 .365	.308 .406	.370 .487	.432 .569	.493 .650	.617)) .812
41	Basic Premium Ratio	((.967 .957	.934 .913	.901 .870	.867 .826	.834 .783	.801 .739	.768 .696	.735 .652	.702 .609	.669 .565	.602 .478	.536 .391	.470 .304	.337)) .130
	Loss Conversion Factor	((.033 .043	.066 .087	.099 .130	.133 .174	.166 .217	.199 .261	.232 .304	.265 .348	.298 .391	.331 .435	.398 .522	.464 .609	.530 .696	.663)) .870
40	Basic Premium Ratio	((.965 .953	.929 .906	.894 .860	.858 .813	.823 .766	.787 .719	.752 .672	.716 .625	.681 .579	.645 .532	.574 .438	.504 .345	.433 .251	.291)) .064
	Loss Conversion Factor	((.035 .047	.071 .094	.106 .140	.142 .187	.177 .234	.213 .281	.248 .328	.284 .375	.319 .421	.355 .468	.426 .562	.496 .655	.567 .749	.709)) .936
39	Basic Premium Ratio	((.962 .950	.924 .900	.886 .850	.847 .800	.809 .750	.771 .700	.733 .650	.695 .600	.657 .550	.618 .500	.542 .400	.466 .300	.390 .200	.237)) .000
	Loss Conversion Factor	((.038 .050	.076 .100	.114 .150	.153 .200	.191 .250	.229 .300	.267 .350	.305 .400	.343 .450	.382 .500	.458 .600	.534 .700	.610 .800	.763)) 1.000
38	Basic Premium Ratio	((.959 .946	.918 .893	.877 .839	.837 .785	.796 .732	.755 .678	.714 .624	.673 .571	.632 .517	.591 .464	.510 .356	.428 .249	.346 .142	.183)) .000
	Loss Conversion Factor	((.041 .054	.082 .107	.123 .161	.163 .215	.204 .268	.245 .322	.286 .376	.327 .429	.368 .483	.409 .536	.490 .644	.572 .751	.654 .858	.817)) .976
37	Basic Premium Ratio	((.956 .942	.913 .884	.869 .826	.826 .769	.782 .711	.739 .653	.695 .595	.652 .537	.608 .479	.565 .421	.478 .306	.391 .190	.304 .074	.130)) .000
	Loss Conversion Factor	((.044 .058	.087 .116	.131 .174	.174 .231	.218 .289	.261 .347	.305 .405	.348 .463	.392 .521	.435 .579	.522 .694	.609 .810	.696 .926	.870)) .953
36	Basic Premium Ratio	((.953 .938	.907 .876	.860 .815	.814 .753	.767 .691	.721 .629	.674 .568	.628 .506	.581 .444	.535 .382	.442 .259	.349 .135	.255 .012	.069)) .000
	Loss Conversion Factor	((.047 .062	.093 .124	.140 .185	.186 .247	.233 .309	.279 .371	.326 .432	.372 .494	.419 .556	.465 .618	.558 .741	.651 .865	.745 .988	.931)) .933
35	Basic Premium Ratio	((.950 .934	.900 .868	.850 .801	.800 .735	.750 .669	.700 .603	.650 .536	.600 .470	.550 .404	.500 .338	.400 .205	.300 .073	.200 .000	.000
	Loss Conversion Factor	((.050 .066	.100 .132	.150 .199	.200 .265	.250 .331	.300 .397	.350 .464	.400 .530	.450 .596	.500 .662	.600 .795	.700 .927	.800 .978	1.000)) .915
34	Basic Premium Ratio	((.947 .929	.893 .857	.840 .786	.787 .715	.733 .643	.680 .572	.627 .500	.574 .429	.520 .358	.467 .286	.360 .144	.254 .001	.147)) .000	
	Loss Conversion Factor	((.053 .071	.107 .143	.160 .214	.213 .285	.267 .357	.320 .428	.373 .500	.426 .571	.480 .642	.533 .714	.640 .856	.746 .999	.853 .957	.982)) .898
33	Basic Premium Ratio	((.943 .923	.886 .845	.829 .768	.772 .691	.715 .613	.657 .536	.600 .458	.543 .381	.486 .304	.429 .226	.315 .072	.201 .000	.087)) .000	
	Loss Conversion Factor	((.057 .077	.114 .155	.171 .232	.228 .309	.285 .387	.343 .464	.400 .542	.457 .619	.514 .696	.571 .774	.685 .928	.799 .974	.913 .937	.970)) .884
32	Basic Premium Ratio	((.939 .916	.877 .831	.816 .747	.754 .662	.693 .578	.631 .493	.570 .409	.508 .324	.447 .240	.385 .155	.263 .000	.140 .000	.017)) .000	
	Loss Conversion Factor	((.061 .084	.123 .169	.184 .253	.246 .338	.307 .422	.369 .507	.430 .591	.492 .676	.553 .760	.615 .845	.737 .996	.860 .951	.983 .917	.952)) .870
31	Basic Premium Ratio	((.933 .909	.867 .819	.800 .728	.734 .637	.667 .546	.601 .456	.534 .365	.468 .274	.401 .183	.335 .093	.202 .000	.069)) .000		
	Loss Conversion Factor	((.067 .091	.133 .181	.200 .272	.266 .363	.333 .454	.399 .544	.466 .635	.532 .726	.599 .817	.665 .907	.798)) .973	.931	((.986 .900	.936)) .856
30	Basic Premium Ratio	((.927 .899	.855 .799	.782 .698	.710 .597	.637 .497	.565 .396	.492 .295	.420 .195	.347 .094	.275 .000	.130)) .000	.000	.000	.000
	Loss Conversion Factor	((.073 .101	.145 .201	.218 .302	.290 .403	.363 .503	.435 .604	.508 .705	.580 .805	.653 .906	.725 1.000	.870 .950	.999 .913	.966 .883	.925)) .844
29	Basic Premium Ratio	((.922 .890	.844 .781	.766 .671	.687 .561	.609 .451	.531 .342	.453 .232	.375 .122	.297 .013	.218 .000	.062)) .000	.000	.000	.000
	Loss Conversion Factor	((.078 .110	.156 .219	.234 .329	.313 .439	.391 .549	.469 .658	.547 .768	.625 .878	.703 .987	.782 .975	.938 .927	.977 .894	.953 .869	.912)) .833
28	Basic Premium Ratio	((.913 .880	.827 .759	.740 .639	.654 .518	.567 .398	.481 .277	.394 .157	.308 .036	.221 .000	.134)) .000	.000	.000	.000	.000
	Loss Conversion Factor	((.087 .120	.173 .241	.260 .361	.346 .482	.433 .602	.519 .723	.606 .843	.692 .964	.779 .978	.866 .950	.991 .907	.957 .876	.935 .854	.899)) .822
27	Basic Premium Ratio	((.905 .866	.811 .733	.716 .599	.621 .465	.526 .332	.432 .198	.337 .065	.242 .000	.148 .000	.053)) .000	.000	.000	.000	.000
	Loss Conversion Factor	((.095 .134	.189 .267	.284 .401	.379 .535	.474 .668	.568 .802	.663 .935	.758 .985	.852 .953	.947 .927	.976 .889	.944 .861	.920 .841	.890)) .813
26	Basic Premium Ratio	((.895 .856	.791 .712	.686 .568	.582 .424	.477 .279	.373 .135	.268 .000	.164 .000	.059)) .000	.000	.000	.000	.000	.000

Maximum Premium Ratio:		1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00		
Size Group	Loss Conversion Factor	((.105 .209 .314 .418 .523 .627 .732 .836 .941 .990 .954 .925 .906 .880)) .144 .288 .432 .576 .721 .865 .995 .959 .929 .906 .871 .847 .828 .803															
	Basic Premium Ratio	((.887 .773 .660 .546 .433 .320 .206 .093)) .837 .673 .510 .347 .183 .020 .000 .000															
25	Loss Conversion Factor	((.113 .227 .340 .454 .567 .680 .794 .907 .994 .974 .933 .912 .895 .870)) .163 .327 .490 .653 .817 .980 .966 .933 .907 .887 .855 .832 .816 .794															
	Basic Premium Ratio	((.872 .744 .617 .489 .361 .233 .106)) .821 .641 .462 .283 .104 .000 .000															
24	Loss Conversion Factor	((.128 .256 .383 .511 .639 .767 .894 .989 .973 .951 .920 .898 .882 .862)) .179 .359 .538 .717 .896 .980 .942 .911 .888 .868 .839 .820 .805 .785															
	Basic Premium Ratio	((.859 .718 .576 .435 .294 .153 .011)) .801 .603 .404 .205 .007 .000 .000															
23	Loss Conversion Factor	((.141 .282 .424 .565 .706 .847 .989 .972 .949 .929 .901 .883 .870 .852)) .199 .397 .596 .795 .993 .954 .916 .889 .867 .851 .825 .808 .795 .778															
	Basic Premium Ratio	((.842 .684 .526 .369 .211 .053)) .777 .555 .332 .109 .000 .000															
22	Loss Conversion Factor	((.158 .316 .474 .631 .789 .947 .979 .955 .931 .915 .888 .872 .860 .843)) .223 .445 .668 .891 .974 .926 .895 .869 .849 .834 .812 .796 .785 .771															
	Basic Premium Ratio	((.821 .642 .463 .284 .106)) .763 .526 .289 .052 .000															
21	Loss Conversion Factor	((.179 .358 .537 .716 .894 .987 .953 .932 .912 .901 .876 .861 .853 .839)) .237 .474 .711 .948 .977 .903 .874 .852 .834 .821 .801 .787 .778 .766															
	Basic Premium Ratio	((.804 .607 .411 .215 .018)) .728 .456 .183 .000 .000															
20	Loss Conversion Factor	((.196 .393 .589 .785 .982 .969 .937 .916 .898 .888 .868 .856 .848 .834)) .272 .544 .817 .977 .919 .882 .855 .835 .821 .809 .793 .782 .773 .762															
	Basic Premium Ratio	((.782 .565 .347 .130)) .706 .412 .118 .000															
19	Loss Conversion Factor	((.218 .435 .653 .870 .977 .943 .921 .902 .884 .875 .859 .850 .843 .830)) .294 .588 .882 .946 .895 .861 .838 .821 .809 .799 .785 .774 .768 .759															
	Basic Premium Ratio	((.756 .512 .268 .024)) .650 .300 .000 .000															
18	Loss Conversion Factor	((.244 .488 .732 .976 .958 .926 .906 .887 .871 .862 .851 .842 .837 .826)) .350 .700 .995 .916 .872 .843 .824 .808 .798 .790 .777 .769 .763 .755															
	Basic Premium Ratio	((.722 .445 .167)) .613 .226 .000															
17	Loss Conversion Factor	((.278 .555 .833 .976 .932 .910 .884 .874 .865 .857 .842 .835 .833 .824)) .387 .774 .956 .889 .852 .826 .808 .797 .788 .780 .770 .764 .759 .752															
	Basic Premium Ratio	((.678 .356 .034)) .568 .135 .000															
16	Loss Conversion Factor	((.322 .644 .966 .947 .915 .887 .870 .861 .852 .845 .837 .829 .829 .821)) .432 .865 .923 .868 .834 .811 .797 .786 .778 .772 .764 .759 .755 .750															
	Basic Premium Ratio	((.617 .233)) .510 .020															
15	Loss Conversion Factor	((.383 .767 .975 .929 .890 .872 .862 .848 .840 .839 .831 .824 .821 .817)) .490 .980 .892 .846 .816 .798 .785 .776 .770 .764 .758 .753 .750 .746															
	Basic Premium Ratio	((.576 .153)) .332 .000															
14	Loss Conversion Factor	((.424 .847 .955 .903 .875 .858 .849 .841 .834 .827 .826 .820 .819 .813)) .668 .950 .868 .826 .802 .785 .775 .766 .761 .757 .752 .749 .747 .744															
	Basic Premium Ratio	((.463)) .183															
13	Loss Conversion Factor	((.537 .995 .926 .886 .860 .848 .836 .829 .828 .821 .816 .815 .814 .809)) .817 .909 .845 .810 .787 .774 .765 .759 .754 .750 .746 .744 .742 .741															
	Basic Premium Ratio	((.384)) .058															
12	Loss Conversion Factor	((.619 .963 .899 .870 .845 .837 .830 .823 .816 .816 .810 .810 .810 .809)) .942 .877 .822 .793 .775 .763 .755 .750 .747 .744 .742 .741 .739 .738															
	Basic Premium Ratio	((.268)) .000															
11	Loss Conversion Factor	((.732 .932 .882 .855 .839 .824 .817 .811 .811 .811 .805 .805 .805 .805)) .963 .852 .805 .779 .763 .754 .746 .743 .739 .738 .736 .735 .735 .735															
	Basic Premium Ratio	((.106)) .000															
10	Loss Conversion Factor	((.894 .903 .866 .840 .825 .818 .811 .811 .811 .805 .805 .805 .805 .805)) .919 .828 .789 .768 .756 .747 .743 .739 .738 .736 .736 .735 .735 .735															
	Basic Premium Ratio	((.961 .886 .849 .833 .818 .812 .811 .811 .805 .805 .805 .805 .805)) .878 .807 .776 .759 .749 .743 .739 .738 .736 .736 .735 .735 .735 .735															
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	((.961 .886 .849 .833 .818 .812 .811 .811 .805 .805 .805 .805 .805)) .878 .807 .776 .759 .749 .743 .739 .738 .736 .736 .735 .735 .735 .735															
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
7	Loss Conversion Factor	(.929	.860	.834	.823	.812	.812	.808	.805						
	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.899	.844	.827	.819	.812	.808	.805							
6	Loss Conversion Factor	.819	.774	.755	.745	.740	.738	.736	.736	.735	.735	.735	.735	.735	
	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.871	.836	.820	.812	.805									
	Loss Conversion Factor	.796	.761	.747	.740	.737	.736	.735	.735	.735	.735	.735	.735	.735	
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.850	.828	.812	.805										
	Loss Conversion Factor	.776	.750	.741	.737	.736	.735	.735	.735	.735	.735	.735	.735	.735	
4	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.829	.820	.805											
	Loss Conversion Factor	.761	.743	.738	.736	.735	.735	.735	.735	.735	.735	.735	.735	.735	
3	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.820	.812	.805											
	Loss Conversion Factor	.747	.738	.736	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	
2	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.809	.805												
	Loss Conversion Factor	.739	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	
1	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	
	Loss Conversion Factor	(.805	.805												
	Loss Conversion Factor	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	.735	

**WSR 82-05-020
ADOPTED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-182, Cause No. TR-1579—Filed February 10, 1982]

In the matter of amending WAC 480-62-090 relating to handling of hazardous materials by railroads.

This action is taken pursuant to Notice No. WSR 82-02-088 filed with the code reviser on January 6, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.44.065 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW) and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-02-088 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to February 5, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the February 10, 1982, meeting the commission considered the rule change proposal. No written or oral comments opposing the rule change were offered.

The amendment of WAC 480-62-090 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-62-090 should be amended to read as set forth in Appendix A attached hereto and by this reference made a part hereof. WAC 480-62-090 will update to January 1, 1982 current hazardous materials regulations to be consistent with recent changes in federal rules in this area, specifically to require number identification to be included on placards identifying that hazardous materials are being transported.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-62-090 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 10th day of February, 1982.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

Appendix A

AMENDATORY SECTION (Amending Order R-164, Cause No. TR-1458, filed 4/27/81)

WAC 480-62-090 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 171 through 174, and parts 178 and 179, as well as and including all appendices and amendments thereto, in effect on ~~((the effective date of this rule))~~ January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for purposes of carriage by rail, and to state the precautions that must be observed in storage packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying railroad cars and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all railroad companies operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every railroad company operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 82-05-021**ADOPTED RULES****UTILITIES AND TRANSPORTATION COMMISSION**

[Order R-183, Cause No. TG-1568—Filed February 10, 1982]

In the matter of amending WAC 480-70-400 relating to transportation of hazardous materials by garbage and/or refuse collection companies operating under chapter 81.77 RCW.

This action is taken pursuant to Notice No. WSR 82-02-087 filed with the code reviser on January 6, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and 81.77.030 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-02-087 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to February 5, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the February 10, 1982, meeting the commission considered the rule change proposal. No written or oral comments opposing the rule change were offered.

The amendment of WAC 480-12-195 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-70-400 should be amended to read as set forth in Appendix A attached hereto and by this reference made a part hereof. WAC 480-70-400 will update current hazardous materials regulations to be consistent with recent changes in federal rules in this area, specifically to require number identification to be included on placards identifying that hazardous materials are being transported.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-70-400 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 10th day of February, 1982.

Washington Utilities and Transportation Commission

Robert W. Bratton, Chairman

Robert C. Bailey, Commissioner

A. J. Benedetti, Commissioner

Appendix A

AMENDATORY SECTION (Amending Order R-176, Cause No. T6-1527, filed 9/10/81)

WAC 480-70-400 EQUIPMENT—SAFETY. (1) All motor vehicles operated under authority of chapter 81.77 RCW, as amended, shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives, inspection stations, or the state patrol, who shall have power to order out of service any vehicle which in their judgment is unsafe or not being operated in compliance with the state laws in regard to equipment or method.

(2) Failure of any certificate holder to obey and comply with all motor vehicle safety laws of the state of

Washington shall be grounds for cancellation of certificate.

(3) In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.77 RCW shall comply with the following:

(a) The rules and regulations governing motor carrier safety prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 392, excluding section 392.2 and paragraph (c) of section 392.1; part 393, excluding paragraph (b) of section 393.1, and sections 393.16, 393.17, 393.76, 393.100, 393.102, 393.104, 393.106; part 396, excluding paragraph (b) of section 396.1; part 397, excluding section 397.21 and paragraph (c) of section 397.1; as well as and including all appendices and amendments thereto in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(b) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on (~~July 29, 1981~~) January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW.

(c) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every garbage and/or refuse collection company operating under chapter 81.77 RCW who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(d) Qualifications of drivers. Adoption of United States department of transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States department of transportation in Title 49, Code of Federal Regulations, part 391, excluding paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b); as well as and including all appendices and amendments thereto, in effect on the effective date of this rule, are adopted and prescribed by the commission to be observed by all garbage and/or refuse collection companies operating under chapter 81.77 RCW except:

(i) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(ii) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall

be the period of time prior to the effective date of this rule.

(iii) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date the effective date of this rule.

(iv) Section 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver when operating under its own permit.

(e) Whenever the designations "director, bureau of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator", and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (3) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(f) Whenever the term "lightweight vehicle" is used in Title 49, Code of Federal Regulations, part 391 and part 395, adopted in this section, such term shall mean a motor vehicle that:

(i) Was manufactured on or after January 1, 1972, and has a manufacturer's gross vehicle weight rating of ten thousand pounds or less, in the case of a single vehicle, or a manufacturer's gross combination weight rating of ten thousand pounds or less, in the case of an articulated vehicle; or

(ii) Was manufactured before January 1, 1972, and has a gross weight, including its load and the gross weight of any vehicle being towed by the motor vehicle, of ten thousand pounds or less, except:

(iii) The term "lightweight vehicle" does not include a vehicle that is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-12-195.

WSR 82-05-022

ADOPTED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-181, Cause No. TV-1567—Filed February 10, 1982]

In the matter of amending WAC 480-12-195 relating to transportation of hazardous materials by common and contract carriers operating in the state of Washington.

This action is taken pursuant to Notice No. WSR 82-02-086 filed with the code reviser on January 6, 1982. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040, 81.80.211 and 81.80.290 and is intended administratively to implement these statutes.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), and the State Environmental Policy Act of 1971 (chapter 43.21C RCW).

Pursuant to Notice No. WSR 82-02-086 the above matter was scheduled for consideration at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington, before Chairman Robert W. Bratton and Commissioners Robert C. Bailey and A. J. Benedetti.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to February 5, 1982. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 8:00 a.m., Wednesday, February 10, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

At the February 10, 1982, meeting the commission considered the rule change proposal. No written or oral comments opposing the rule change were offered.

The amendment of WAC 480-12-195 affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-12-195 should be amended to read as set forth in Appendix A attached hereto and by this reference made a part hereof. WAC 480-12-195 will update current hazardous materials regulations to be consistent with recent changes in federal rules in this area, specifically to require number identification to be included on placards identifying that hazardous materials are being transported.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-195 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 10th day of February, 1982.

Washington Utilities and Transportation Commission
Robert W. Bratton, Chairman
Robert C. Bailey, Commissioner
A. J. Benedetti, Commissioner

Appendix A

AMENDATORY SECTION (Amending Order R-175, Cause No. TV-1365, filed 8/7/80)

WAC 480-12-195 HAZARDOUS MATERIALS REGULATIONS. (1) The rules and regulations governing hazardous materials prescribed by the United States department of transportation in Title 49, Code of

Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, in effect on (~~July 29, 1981~~) January 1, 1982, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common, contract, and registered carriers operating in this state.

(2) In addition to the shipping paper requirements identified in subsection (1) of this section, when a description of a hazardous material is required to be included on a bill of lading, manifest, receipt or other shipping document, and such document involves common or contract carriage in intrastate commerce, the driver's copy of such document shall be red in color or shall have a red border, said border to be no less than 1/8 inch wide.

(3) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common, contract, and registered carrier operating in this state who reports to the United States department of transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

WSR 82-05-023

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 81-33—Filed February 10, 1982]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to dangerous waste regulations, adopting chapter 173-303 WAC and hazardous waste regulation, repealing chapter 173-302 WAC.

This action is taken pursuant to Notice Nos. WSR 81-20-085, 82-01-024, 82-01-047 and 82-04-046 filed with the code reviser on October 7, 1981, December 10, 1981, December 16, 1981 and January 29, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 70.105 RCW and RCW 70.95.260 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 3, 1982.

By Donald W. Moos
Director

Chapter 173-303 WAC
DANGEROUS WASTE REGULATIONS

NEW SECTION

WAC 173-303-010 PURPOSE. This regulation implements chapter 70.105 RCW, The Hazardous Waste Disposal Act of 1976 as amended in 1980, and Subtitle C of Public Law 94-580, The Resource Conservation and Recovery Act, which the legislature has empowered the department to implement.

(1) The purposes of this regulation are to:

(a) Designate those solid wastes which are dangerous or extremely hazardous to the public health and environment;

(b) Provide for surveillance and monitoring of dangerous wastes until they are detoxified, reclaimed, neutralized, or disposed of safely;

(c) Provide the form and rules necessary to establish a manifest system for tracking, reporting, monitoring, recordkeeping, sampling, and labeling of dangerous wastes;

(d) Establish the siting, design, operation, closure, post-closure, financial, and monitoring requirements for dangerous waste transfer, treatment, storage, and disposal facilities;

(e) Establish design, operation, and monitoring requirements for managing the state's extremely hazardous waste disposal facility;

(f) Establish and administer a program for permitting dangerous waste management facilities; and

(g) Encourage recycling to the maximum extent possible.

(2) Nothing in chapter 173-303 WAC is intended to abridge or alter the rights of action, by the state or by any person, which may exist in equity, common law, or other statutes to abate pollution or to abate a nuisance.

Nothing in chapter 173-303 WAC is intended to create or form the basis for any liability on the part of the state, or its officers, agents, or employees, for any injury or damage which result:

(a) From the failure of any person to comply with the provisions of this chapter;

(b) From any action on the part of the Department of Ecology related to the enforcement of this chapter; or

(c) From any inspection, order, permit, or approval by the Department of Ecology.

(3) Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the authority granted under chapter 80.50 RCW to the Energy Facility Site Evaluation Council (EFSEC). Applications for siting, certifying, and permitting thermal power plants shall be processed in accordance with chapter 463-42 WAC.

NEW SECTION

WAC 173-303-020 APPLICABILITY. (1) This regulation shall apply to all persons who handle dangerous wastes including, but not limited to:

(a) Generators;

(b) Transporters;

(c) Owners and operators of dangerous waste transfer, storage, treatment, and disposal facilities; and

(d) The operator of the state's extremely hazardous waste management facility.

(2) Nothing in this regulation shall apply to radioactive wastes.

NEW SECTION

WAC 173-303-030 ABBREVIATIONS. The following abbreviations are used in this regulation.

(1) ASTM - American Society for Testing Materials

(2) APHA - American Public Health Association

(3) CDC - Center for Disease Control

(4) CFR - Code of Federal Regulations

(5) DOT - Department of Transportation

(6) °C - degrees Celsius

(7) DW - dangerous waste

(8) DWS - Drinking Water Standards of the Safe Drinking Water Act

(9) EHW - extremely hazardous waste

(10) EP - Extraction procedure

(11) EPA - Environmental Protection Agency

(12) °F - degrees Fahrenheit

(13) g - gram

(14) IARC - International Agency for Research on Cancer

(15) kg - kilogram (one thousand grams)

(16) L - liter

(17) lb - pound

(18) LC₅₀ - Lethal Concentration 50 percent kill

(19) LD₅₀ - Lethal Dose 50 percent kill

(20) \underline{M} - molar (gram molecular weights per liter of solution)

(21) mg - milligram (one thousandth of a gram)

(22) NFPA - National Fire Protection Association

(23) NIOSH - National Institute for Occupational Safety and Health

(24) pH - negative logarithm of the hydrogen ion concentration

(25) POTW - publicly owned treatment works

(26) ppm - parts per million (weight/weight)

(27) RCRA - Resource Conservation and Recovery Act

(28) RCW - Revised Code of Washington

(29) TLM₉₆ - Toxic limit median, 96 hours

(30) TSD facility - Treatment, storage disposal facility

(31) UBC - Uniform Building Code

(32) UFC - Uniform Fire Code

(33) USCG - United States Coast Guard

(34) USGS - United States Geological Survey

(35) WAC - Washington Administrative Code

(36) % - percent

(37) # - number

NEW SECTION

WAC 173-303-040 DEFINITIONS. When used in this regulation, the following terms have the meanings given below.

(1) "Active portion" means that portion of a facility where transfer, treatment, storage or disposal operations are being or have been conducted after the effective date

of WAC 173-303-070 and which is not a closed portion. (See also "closed portion" and "inactive portion").

(2) "Administrator" means the Administrator of the Environmental Protection Agency or his designee.

(3) "Aquatic LC₅₀" (same as TLM₉₆) means a concentration in mg/L (ppm) which kills in 96 hours half of a group of ten or more of a medium sensitivity warm water species of fish such as *Lepomis macrochirus* (bluegill) or *Pimephales promelas* (flathead minnow), or cold water species such as salmonidae, when using the testing method described in WAC 173-303-110.

(4) "Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of ground water to wells or springs.

(5) "Asbestos containing waste material" means any waste that contains more than one percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder when dry, by hand pressure.

(6) "Batch" means any waste which is generated less frequently than once a month.

(7) "Berm" the shoulder of a dike.

(8) "Carcinogenic" means a material known to contain greater than one percent of an IARC positive or suspected, human or animal carcinogen. For inorganic carcinogens with nonbioaccumulative chronic effects, only those wastes (e.g., asbestos) which are likely to pose a respiratory carcinogenic threat shall be designated as carcinogenic dangerous wastes.

(9) "Claims-made policy" means an insurance policy that provides coverage for an occurrence if a claim is filed during the term of the policy.

(10) "Closed portion" means that portion of a facility which an owner or operator has closed, in accordance with the approved facility closure plan and all applicable closure requirements.

(11) "Closure" means the requirements placed upon all transfer, storage, treatment or disposal facilities to ensure that all such facilities are closed in an acceptable manner (see also Post-closure definition).

(12) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980, or regulations issued under authority of state law, which seeks to require compliance, or which is in the nature of an enforcement action or an action to cure a violation. A compliance procedure includes a notice of intention to terminate a permit pursuant to WAC 173-303-830(5), or an application in the state superior court for appropriate relief under the Hazardous Waste Disposal Act. For purposes of this section, a compliance procedure is considered to be pending from the time a notice of intent to terminate is issued or judicial proceedings are begun, until the department notifies the owner or operator in writing that the violation has been corrected or that the procedure has been withdrawn or discontinued.

(13) "Constituent" or "dangerous waste constituent" means a chemically distinct component of a dangerous waste stream or mixture.

(14) "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

(15) "Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of dangerous waste which could threaten the public health or environment.

(16) "Contract" means the written agreement signed by the department and the state operator.

(17) "Corrosive" means the characteristic of substances which are chemically very acidic or very basic, or which tend to corrode metals, and is a Dangerous Waste Characteristic, WAC 173-303-090(6).

(18) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or

(b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(19) "Department" means the Department of Ecology.

(20) "Dermal LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight which, when dermally (skin) applied for 24 hours, within 14 days kills half of a group of ten rabbits each weighing between 2.0 and 3.0 kilograms.

(21) "Designated facility" means the facility designated by the generator on the manifest to receive a dangerous waste shipment.

(22) "Dike" means an embankment or ridge of natural or man-made materials used to prevent the movement of liquids, sludges, solids, or other substances.

(23) "Director" means the director of the Department of Ecology.

(24) "Discharge" or "dangerous waste discharge" means the accidental or intentional release of dangerous waste into the environment.

(25) "Disposal" means the discarding or abandoning of dangerous wastes or the treatment, decontamination, or recycling of such wastes once they have been discarded or abandoned. This includes the discharge of any dangerous wastes into or on any land or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue, modify, revoke and reissue, or terminate a permit. A notice of intent to terminate or deny a permit are types of draft permits. A denial of a request for modification, revocation and reissuance, or termination as discussed in WAC 173-303-830 is not a draft permit.

(27) "Elementary neutralization unit" means a device which:

(a) Is used for neutralizing wastes which are dangerous wastes only because they exhibit the corrosivity characteristics defined in WAC 173-303-090 or are listed in WAC 173-303-081, or in 173-303-082 only for this reason; and

(b) Meets the definition of tank container, transport vehicle, or vessel.

(28) "EPA/State Identification Number" or "EPA/State ID #" means the number assigned by EPA or by the Department of Ecology to each generator, transporter, and transfer, storage, treatment, or disposal facility.

(29) "EP toxicity" means those contaminants described in WAC 173-303-090(8), Dangerous Waste Characteristics, which would designate the waste as a dangerous or extremely hazardous waste, if found in the waste extract obtained by using the extraction procedure set forth in WAC 173-303-110(3)(a), Testing Methods.

(30) "Extremely hazardous waste" means any dangerous waste which

(a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form

(i) presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic make up of man or wildlife, and

(ii) is highly toxic to man or wildlife

(b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(31) "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land used for transferring, storing, treating, or disposing of dangerous waste. Unless otherwise specified in this chapter, the terms "facility," "treatment, storage, disposal facility," "dangerous waste facility" or "waste management facility" shall be used interchangeably.

(32) "Food chain crops" means tobacco, crops grown for human consumption, and crops grown to feed animals whose products are consumed by humans.

(33) "Freeboard" means the vertical distance between the top of a tank or surface impoundment dike, and the surface of the waste contained therein.

(34) "Fugitive emissions" means the emission of contaminants from sources other than the control system exit point. Material handling, storage piles, doors, windows and vents are typical sources of fugitive emissions.

(35) "Generator" means any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation.

(36) "Genetic properties" means those properties which cause or significantly contribute to mutagenic, teratogenic, or carcinogenic effects in man or wildlife.

(37) "Ground water" means water which fills voids below the land surface and in the earth's crust.

(38) "Halogenated hydrocarbons" (HH) means only those halogenated hydrocarbons which can be obtained using the testing method described in WAC 173-303-110, Testing Methods, and which are Persistent Dangerous Wastes.

(39) "Heavy metals" means only those metals which can be obtained using the Extraction Procedure (EP) described in WAC 173-303-110(3)(a), Testing Methods, and which are listed in WAC 173-303-090(8), Dangerous Waste Characteristics.

(40) "Ignitable" means the characteristic of a substance which ignites or burns readily and vigorously, and is a Dangerous Waste Characteristic, WAC 173-303-090(5).

(41) "Incinerator" means an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down dangerous waste.

(42) "Incompatible waste" means a dangerous waste which is unsuitable for placement in a particular device or facility because it may corrode or decay the containment materials, or is unsuitable for mixing with another waste or material because the mixture might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, fumes, mists, or gases, or flammable fumes or gases.

(43) "Infectious waste" means organisms or materials listed in WAC 173-303-083, Infectious Dangerous Wastes.

(44) "Inhalation LC₅₀" means a concentration in milligrams of substance per liter of air which, when administered to the respiratory tract for 4 hours, kills within 14 days half of a group of ten rats each weighing between 200 and 300 grams.

(45) "Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the waste or reagents used to treat the waste contained therein.

(46) "Interim status permit" means a temporary permit given to treatment, storage, and disposal facilities which qualify under WAC 173-303-805(5).

(47) "Landfill" means a disposal facility, or part of a facility, where dangerous waste is placed in or on land and which is not a land treatment facility, a surface impoundment, or an injection well.

(48) "Land treatment" means the practice of applying dangerous waste onto or incorporating dangerous waste into the soil surface so that it will degrade or decompose. If the waste has the quality of persistence, or will remain after the facility is closed, this practice is disposal.

(49) "Leachate" means any liquid, including any components suspended in the liquid, that has percolated through or drained from dangerous waste.

(50) "Legal defense costs" means any expenses that an insurer incurs in defending against claims of third parties brought under the terms and conditions of an insurance policy.

(51) "Letter of credit" means the letter authorizing one person to pay money or extend credit to another on the credit of the writer. For the purposes of this regulation a bank would be authorized by a facility to pay money to the department in case of failure to perform closure according to this chapter.

(52) "Liner" means a continuous layer of man-made or natural materials which restrict the escape of dangerous waste, dangerous waste constituents, or leachate through the sides, bottom, or top of a surface impoundment or landfill.

(53) "Major facility" means a facility or activity classified by the department as major.

(54) "Manifest" means the shipping document which is used to identify the quantity, composition, origin,

routing, and destination of a dangerous waste while it is being transported to a point of transfer, disposal, treatment, or storage.

(55) "NIOSH registry" means the Registry of Toxic Effects of Chemical Substances which is published by the National Institute for Occupational Safety and Health.

(56) "Nonsudden accident" means an unforeseen and unexpected occurrence which takes place over time and involves continuous or repeated exposure.

(57) "Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in bodily injury or property damage which the owner or operator neither expected nor intended to occur.

(58) "On-site" means the same or bordering property. Travel between two properties divided by a public right of way, and owned by the same person, shall be considered on-site travel if: (a) The travel crosses the right of way at a perpendicular intersection; or, (b) the right of way is controlled by the property owner and is inaccessible to the public.

(59) "Operator" means the person responsible for the overall operation of a facility. (See also state operator.)

(60) "Oral LD₅₀" means the single dosage in milligrams per kilogram (mg/kg) body weight, when orally administered, which, within 14 days, kills half a group of ten or more white rats each weighing between 200 and 300 grams.

(61) "Penal sums" means the sum agreed upon in a bond, to be forfeited if the condition of the bond is not fulfilled.

(62) "Permit" means an authorization by the department which allows a person to perform dangerous waste transfer, storage, treatment, or disposal operations, and which typically will include specific conditions for such facility operations.

(63) "Permit-by-rule" means a provision of this chapter stating that a facility or activity is deemed to have a dangerous waste permit if it meets the requirements of the provision.

(64) "Persistence" means the quality of a material which retains more than half of its initial activity after one year (365 days) in either a dark anaerobic or dark aerobic environment at ambient conditions.

(65) "Person" means any person, firm, association, county, public or municipal or private corporation, agency, or other entity whatsoever.

(66) "Pesticide" means but is not limited to: Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any insect, rodent, nematode, mollusk, fungus, weed, and any other form of plant or animal life, or virus (except virus on or in living man or other animal) which is normally considered to be a pest or which the Department of Agriculture may declare to be a pest; any substance or mixture of substances intended to be used as a plant regulator, defoliant, or desiccant; any substance or mixture of substances intended to be used as spray adjuvant; and, any other substance intended for such use as may be named by the Department of Agriculture by regulation.

(67) "Pile" means any noncontainerized accumulation of solid, nonflowing dangerous waste that is being treated or stored.

(68) "Point source" means any confined and discrete conveyance from which pollutants are or may be discharged. This term includes, but is not limited to, pipes, ditches, channels, tunnels, wells, cracks, containers, rolling stock, concentrated animal feeding operations, or watercraft, but does not include return flows from irrigated agriculture.

(69) "Polycyclic aromatic hydrocarbons" (PAH) means only those 4-, 5-, or 6-ring aromatic hydrocarbons which can be obtained using the testing method described in WAC 173-303-110 and which are Persistent Dangerous Wastes.

(70) "Post-closure" means the requirements placed upon disposal facilities (e.g., landfills, impoundments closed as disposal facilities, etc.) after closure to ensure their environmental safety for a number of years after closure. (See also Closure definition.)

(71) "Publicly owned treatment works" or "POTW" means any device or system, owned by the state or a municipality, which is used in the treatment, recycling, or reclamation of municipal sewage or liquid industrial wastes. This term includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW.

(72) "Reactive" means the characteristic of a substance which is unstable, easily undergoes chemical changes, or readily evolves vapors or gases, and is a Dangerous Waste Characteristic, WAC 173-303-090(7).

(73) "Representative sample" means a sample which can be expected to exhibit the average properties of the sample source.

(74) "Run-off" means any rainwater, leachate, or other liquid which drains over land from any part of a facility.

(75) "Run-on" means any rainwater, leachate, or other liquid which drains over land onto any part of a facility.

(76) "Schedule of compliance" means a schedule of remedial measure in a permit including an enforceable sequence leading to compliance with this regulation.

(77) "Sludge" means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility. This term does not include the treated effluent from a wastewater treatment plant.

(78) "Solid waste" means all putrescible and nonputrescible solid, semisolid, or liquid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, pressurized gaseous wastes in containers, and discarded commodities. (See also Waste.)

(79) "Spill" means the accidental or intentional release of any material into the environment.

(80) "State operator" means the person responsible for the overall operation of the state's extremely hazardous waste facility on the Hanford Reservation.

(81) "Standby trust fund" shall mean a trust fund which must be established by an owner or operator who

obtains a letter of credit or surety bond as specified in these regulations. The institution issuing the letter of credit or surety bond will deposit into the standby trust fund any drawings by the department on the credit or bond.

(82) "Storage" means the holding of dangerous waste for a temporary period, except that the accumulation of dangerous waste, by the generator on the site of generation, for less than ninety days from the date the dangerous waste was generated is not storage.

(83) "Sudden accident" means an unforeseen and unexpected occurrence which is not continuous or repeated in nature.

(84) "Surety bond" means the obligation of a guarantor to pay a second party upon default by a third party in the performance the third party owes to the second party. For purposes of this regulation the guarantor may be a bank, the second party the department and the third party a facility.

(85) "Surface impoundment" means a facility or part of a facility which is a natural topographic depression, man-made excavation, or diked area formed primarily of earthen or man-made materials, and which is designed to hold an accumulation of dangerous wastes. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(86) "Tank" means a stationary device designed to contain an accumulation of dangerous waste, and which is constructed primarily of nonearthen materials to provide structural support.

(87) "Thermal treatment" means the use of a device which uses primarily elevated temperatures to treat a dangerous waste.

(88) "TLM₉₆" means the same as "Aquatic LC₅₀".

(89) "Totally enclosed treatment facility" means a facility for treating dangerous waste which is directly connected to a production process and which prevents the release of dangerous waste into the environment during treatment.

(90) "Toxic" means having the properties to cause or to significantly contribute to death, injury, or illness of man or wildlife.

(91) "Transfer facility" or "collection facility" means a facility at which dangerous waste shipments are collected, consolidated, and stored for more than ten days before transfer to a storage, treatment, or disposal facility.

(92) "Transportation" means the movement of dangerous waste by air, rail, highway, or water.

(93) "Transporter" means a person engaged in the off-site transportation of dangerous waste.

(94) "Travel time" means the period of time necessary for a molecule of a dangerous waste constituent released to the soil (either by accident or intent) to enter the nearest well or surface water used for drinking purposes.

(95) "Treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nonhazardous or less hazardous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

(96) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160(2), Containers.

(97) "Trust fund" means the money or property set aside as a trust for the benefit of another and held by a trustee.

(98) "Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension.

(99) "Waste" means any discarded, abandoned, unwanted, or unrecoverable material.

(100) "Water or rail (bulk shipment)" means the bulk transportation of dangerous waste which is loaded or carried on board a vessel or railcar without containers or labels.

(101) "Waste water treatment unit" means a device which:

(a) Is part of a waste water treatment facility which is subject to regulation under either Section 402 or Section 307(b) of the Federal Clean Water Act; and

(b) Handles dangerous waste as defined in WAC 173-303-070 in either of the following manner:

(i) Receives and treats or stores an influent dangerous waste water; or

(ii) Generates and accumulates or treats or stores a dangerous waste water treatment sludge; and

(c) Meets the definition of tank in WAC 173-303-040.

(102) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before the effective date of this chapter. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local hazardous waste control statutes, regulations and ordinances and either:

(a) A continuous on-site, physical construction program has begun; or

(b) The owner or operator has entered into contractual obligation, which cannot be cancelled or modified without substantial loss, for physical construction of the facility to be completed within a reasonable time.

(103) "New TSD facility" means a facility which began operation or for which construction commenced after the effective date of this chapter.

Any terms used in this chapter which have not been defined in this section shall have either the same meaning as set forth in Title 40 CFR Part 260, or else shall have their standard, technical meaning.

As used in this chapter, words in the masculine gender also include the feminine and neuter genders, words in the singular include the plural, and words in the plural include the singular.

NEW SECTION

WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND CONSOLIDATED PERMIT REGULATIONS. (1) Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR Parts 260 through 267, or EPA's Consolidated Permit Regulations, including 40 CFR Parts 122 through 125, shall

include any federal rules or amendments to federal rules as published in the Federal Register on the following dates:

- (a) May 19, 1980;
- (b) July 16, 1980;
- (c) October 30, 1980;
- (d) November 10, 1980;
- (e) November 12, 1980;
- (f) November 17, 1980;
- (g) November 19, 1980;
- (h) November 25, 1980;
- (i) December 4, 1980;
- (j) December 31, 1980;
- (k) January 9, 1981;
- (l) January 12, 1981;
- (m) January 16, 1981;
- (n) January 23, 1981;
- (o) February 13, 1981;
- (p) February 20, 1981;
- (q) March 23, 1981;
- (r) May 18, 1981;
- (s) May 20, 1981;
- (t) June 3, 1981;
- (u) June 29, 1981;
- (v) July 7, 1981;
- (w) July 15, 1981; and
- (x) November 17, 1981.

(2) Copies of these publications can be obtained from the department.

NEW SECTION

WAC 173-303-050 **IMMINENT HAZARD.** Notwithstanding any provisions of this regulation, the director or his designee may take immediate action within his authority to avert an imminent and substantial danger to the public health or the environment caused by the improper management of any dangerous waste, regardless of quantity or concentration.

NEW SECTION

WAC 173-303-060 **NOTIFICATION AND IDENTIFICATION NUMBERS.** (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who operates a dangerous waste transfer, storage, treatment, or disposal facility shall have an EPA/State Identification Number (EPA/State ID #).

(2) Any person who offers a dangerous waste to a transporter, transfer station, or to a dangerous waste storage, treatment, or disposal facility which does not have an EPA/State ID # shall be in violation of this regulation.

(3) Every person who must have an EPA/State ID #, and who has not already received his ID #, must notify the department by obtaining and completing a Washington State Notification Form, and submitting the completed form to the department. The Notification Form and instructions for its completion may be obtained by contacting the department.

(4) The EPA/State ID # must be used in all records and reports required by the department.

NEW SECTION

WAC 173-303-070 **DESIGNATION OF DANGEROUS WASTE.** (1) Purpose. This section describes the procedures for determining whether or not a solid waste is a dangerous waste or an extremely hazardous waste.

(2) Applicability. The procedures in this section are applicable to any person who is required by chapter 173-303 WAC to determine whether or not his solid waste is designated as dangerous or extremely hazardous, or who desires an exemption for a designated dangerous waste. Any person who must determine whether or not his solid waste is designated under chapter 173-303 WAC shall perform such designation in the following general manner:

(a) He shall determine whether or not his waste is designated by the Dangerous Waste Lists, which include WAC 173-303-080 through 173-303-084, or by the Dangerous Waste Characteristics, WAC 173-303-090; or

(b) In lieu of subsection (2)(a), above, he shall determine whether or not his waste is designated by the Dangerous Waste Criteria, which include WAC 173-303-100 through 173-303-103.

Any person who wishes to seek an exemption for a waste which has been designated dangerous or extremely hazardous shall comply with the requirements of subsection (6), below.

(3) Designation procedures. To determine whether or not his waste is designated, a person must check certain sections of this regulation. These sections are set forth in subsection (3)(a) and (b), and the manner of their use is described. Any person who determines by these procedures that his waste is designated as dangerous or extremely hazardous shall be subject to all applicable requirements of chapter 173-303 WAC. The dangerous waste designation procedures are also illustrated in WAC 173-303-9901, Flowchart for Designating Dangerous Wastes, and WAC 173-303-9902, Narrative for Designating Dangerous Wastes.

(a) Except as provided in subsection (3)(b), below, a person shall check his waste against the following sections, and in the following order:

(i) First, Discarded Chemical Products, WAC 173-303-081;

(ii) Second, Dangerous Waste Sources, WAC 173-303-082;

(iii) Third, Infectious Dangerous Wastes, WAC 173-303-083;

(iv) Fourth, Dangerous Waste Mixtures, WAC 173-303-084; and

(v) Last, Dangerous Waste Characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated, he need not determine any other designations for his waste, except as required by subsection (5), below. If he has checked his waste against each section and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(b) In lieu of subsection (3)(a), above, a person shall check his waste against the following sections, and in the following order:

(i) First, Toxic Dangerous Waste, WAC 173-303-101;

(ii) Second, Persistent Dangerous Wastes, WAC 173-303-102;

(iii) Third, Carcinogenic Dangerous Wastes, WAC 173-303-103; and

(iv) Last, Dangerous Waste Characteristics, WAC 173-303-090.

A person shall check each section, in the order set forth, until he determines that his waste is designated. If he determines that his waste is designated as a dangerous waste (DW), then he must assure that it is not also an extremely hazardous waste (EHW) by checking it against the remaining sections. If he determines that his waste is designated as an EHW, then he need not check it against any remaining sections. If he has checked his waste against all of the sections and it is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

(4) Criteria designation required. The department may order any person to determine whether or not his waste is designated under the Dangerous Waste Criteria, as set forth in WAC 173-303-100, if the department has reason to believe that his waste would be designated dangerous or extremely hazardous by the Dangerous Waste Criteria. If a person, pursuant to an order issued under subsection (4), determines that his waste is a dangerous waste, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base its order on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be dangerous or extremely hazardous;

(b) Evidence that the person's waste is very similar to another person's already designated dangerous waste;

(c) Evidence that the person's waste has historically been a dangerous waste; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be dangerous or extremely hazardous.

(5) Special knowledge. If a generator has designated his waste under the Dangerous Waste Lists, as set forth in WAC 173-303-080, and has knowledge that his waste also exhibits any of the Dangerous Waste Characteristics, WAC 173-303-090, or that his waste also meets any of the Dangerous Waste Criteria set forth in WAC 173-303-100, or both, then he shall also designate his waste in accordance with those Dangerous Waste Characteristics, a Criteria, or both.

(6) Waste exemption. A generator whose waste has been designated as a dangerous or extremely hazardous waste under the Dangerous Waste Lists or the Dangerous Waste Characteristics may, at any time, check his waste against the Dangerous Waste Criteria, WAC 173-303-100, for the purposes of exempting or changing the designation of his waste. The generator shall then submit a petition to the department in accordance with WAC 173-303-910, Petitions, including all relevant data. The

department shall, by order, issue a final determination regarding the designation or exemption of the waste.

(7) Dangerous Waste Numbers. When a generator is reporting (e.g., Exception Reports, Annual Reports, etc.) or keeping records on a dangerous waste, he shall use all the Dangerous Waste Numbers (DW #s) which he knows are assignable to his waste from the Dangerous Waste Lists, Characteristics, or Criteria (e.g., if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the DW #s of D001 and WP01). This shall not be construed as requiring the generator to designate his waste beyond those designation requirements set forth in WAC 173-303-070(2), (3), (4), and (5), above.

NEW SECTION

WAC 173-303-071 EXCLUDED CATEGORIES OF WASTE. (1) Purpose. Certain categories of waste have been excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, because they generally are not hazardous, are regulated under other state and federal programs, or are recycled in ways which do not threaten public health or the environment. WAC 173-303-071 describes these excluded categories of waste.

(2) Petitions. Generators who believe that their wastes should be excluded may petition the department in accordance with the requirements of WAC 173-303-910, Petitions, including all relevant data.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050:

(a) Domestic sewage that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment;

(b) Industrial wastewater discharges that are point-source discharges subject to regulation under Section 402 of the Clean Water Act. This exclusion does not apply to the collection, storage, or treatment of industrial waste-waters prior to discharge, nor to sludges that are generated during industrial wastewater treatment;

(c) Radioactive wastes or byproducts;

(d) Household wastes;

(e) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(f) Waste tires from motor vehicles;

(g) Spent pickle liquor which is reused in wastewater treatment at a facility holding a National Pollutant Discharge Elimination System (NPDES) permit, or which is being accumulated, stored, or treated before such reuse;

(h) Roofing tars and shingles;

(i) Waste railroad ties;

(j) Waste telephone and utility poles and pole butts;

(k) Irrigation return flows;

(l) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(m) Mining overburden returned to the mining site; and

(n) Polychlorinated biphenyl (PCB) wastes regulated by EPA under 40 CFR Part 761 (Toxic Substances Control Act regulation).

(4) Temporary exclusions. The following wastes are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050, until January 1, 1984. The department will study data provided by industry on each of the wastes listed in WAC 173-303-071(4) to assess the need for permanent exclusions. Any waste which has not been permanently excluded (by addition to WAC 173-303-071(3), above) by January 1, 1984, shall become subject to the requirements of chapter 173-303 WAC:

(a) Drilling fluids, produced waters, and other wastes associated with the exploration, development and production of oil, gas, or geothermal energy;

(b) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels; and

(c) Cement kiln dust waste.

NEW SECTION

WAC 173-303-075 CERTIFICATION OF DESIGNATION. (1) Purpose and applicability.

(a) The purpose of WAC 173-303-075 is to establish procedures by which the generator of a solid waste may apply to the department for a review of his waste, and for a determination of the designation of his waste. When a final determination is made, the department shall issue a certificate of designation which shall describe the status of the generator's waste with respect to the designation requirements of this chapter 173-303 WAC.

(b) The provisions of this section are applicable to any person who produces a solid waste and who may be subject to the requirements of this chapter 173-303 WAC as the generator of a dangerous waste.

(2) Certification. Any person who produces a solid waste which could be a dangerous waste may apply to the department, in accordance with the guidelines published pursuant to WAC 173-303-075(4), for a certificate of designation for his waste.

(a) The certificate of designation will describe the status of the designation for a waste or wastes as follows:

(i) Either, the certificate will state that the waste or wastes listed in the certificate are designated dangerous waste; or

(ii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the designation procedures of WAC 173-303-080 through 173-303-090; or

(iii) The certificate will state that the waste or wastes listed in the certificate are not designated dangerous waste under the Dangerous Waste Criteria, WAC 173-303-100 through 173-303-103.

(b) The certificate of designation will, at a minimum, include the following information:

(i) The name, address, telephone number and, where applicable, the EPA/State Identification Number of the person to whom the certificate is issued;

(ii) A statement of the status of the designation of the waste or wastes listed in the certificate;

(iii) A listing of the waste or wastes for which the certificate has been issued;

(iv) The signature of the director or his designee;

(v) The date on which the certificate was issued; and

(vi) The period of time for which the certificate is valid.

(c) Once a certificate of designation has been issued to a person, that person is no longer subject to the designation procedures of WAC 173-303-080 through 173-303-103, unless the period of time for which the certificate is valid expires, or the department withdraws its certification of designation in accordance with WAC 173-303-075(5). If the certificate states that the waste or wastes listed in it are designated, then the person to whom the certificate is issued shall comply with all applicable requirements of this chapter 173-303 WAC. If the certificate states that the waste or wastes listed in it are not designated, then the person to whom the certificate is issued is not subject to the requirements of this chapter 173-303 WAC, unless the certificate becomes invalid or the department withdraws its certification.

(d) While an application for a certificate of designation is pending final action by the department, the person applying for certification must comply with all applicable requirements of this chapter 173-303 WAC.

(e) While a certificate of designation is being amended, in accordance with WAC 173-303-075(5), the certificate shall remain in effect except for those parts of the certificate which the department specifically suspends.

(3) Designation. Determination of the status of designation for a waste or wastes for which a certificate of designation is being sought shall follow the procedures set forth in this paragraph, WAC 173-303-075(3).

(a) A waste shall be certified as a dangerous waste if it is designated under any of the methods set forth in WAC 173-303-080 through 173-303-103.

(b) A waste shall be certified as not a dangerous waste if:

(i) It has only been checked against WAC 173-303-080 through 173-303-090 and it is not designated; or

(ii) It has been checked against the Dangerous Waste Criteria, WAC 173-303-100 through 173-303-103, and it is not designated.

(c) The final determination of the status of designation shall be stated in the certificate of designation, in accordance with WAC 173-303-075(2)(b)(ii), for the waste or wastes listed in the certificate.

(4) Application.

(a) Within one hundred twenty days of the effective date of the chapter 173-303 WAC, the department will publish guidelines describing how to apply for a certificate of designation. The guidelines can be obtained from the department after publication.

(b) The application guidelines, at a minimum, will prescribe:

(i) Basic requirements for information (e.g., the name, address and telephone number of the person making application, the waste or wastes for which the certificate of designation is sought, and such other general information as the department may require);

(ii) Data necessary for designating the waste or wastes (e.g., names and concentrations of chemical constituents in a waste, if known, results of any tests performed on a waste, information on the processes which produced a waste and any chemicals used in those processes, etc.);

(iii) Sampling and testing procedures, and the circumstances under which sampling and testing will be required;

(iv) Such other information and procedures as the department may deem necessary for the accurate designation of a waste;

(v) Procedures and forms for submitting applications;

(vi) Procedures which the department will follow in considering applications and determining the status of designation;

(vii) Procedures for issuing certificates of designation; and

(viii) Procedures for reviewing certification, pursuant to WAC 173-303-075(5), including procedures for amendment and withdrawal of certification.

(5) Review of certification.

(a) The department will periodically review each certificate of designation to insure that it is current and accurately states the proper designation for the waste or wastes listed on the certificate.

(b) The department may amend, or any person with a certificate of designation may request the department to amend, any certificate in the event that changes to the certificate are necessary to keep it current or maintain its accuracy. The person will obtain concurrence of the department if he wishes to amend his certificate to reflect changes in the information on the certificate (e.g., new wastes, changes in waste properties, changes of address, etc.).

(c) The department reserves the authority to withdraw any certificate of designation if there is reason to believe that the certificate results in a threat to public health or the environment. If a certificate is withdrawn, then the waste or wastes listed on the certificate shall be subject to all applicable requirements of this chapter 173-303 WAC.

NEW SECTION

WAC 173-303-080 DANGEROUS WASTE LISTS. The Dangerous Waste Lists include:

(1) WAC 173-303-081, Discarded Chemical Products;

(2) WAC 173-303-082, Dangerous Waste Sources;

(3) WAC 173-303-083, Infectious Dangerous Wastes; and

(4) WAC 173-303-084, Dangerous Waste Mixtures.

NEW SECTION

WAC 173-303-081 DISCARDED CHEMICAL PRODUCTS. (1) A waste shall be designated as a dangerous waste if it is discarded or intended to be discarded in amounts greater than the quantity exclusion limits of WAC 173-303-081(2), below, and if it is:

(a) A commercial chemical product or manufacturing chemical intermediate which if it had met specifications

would have the generic name listed in the Discarded Chemical Products List, WAC 173-303-9903;

(b) An off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the Discarded Chemical Products List, WAC 173-303-9903;

(c) Or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial or off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have the generic name listed in the Discarded Chemical Products List, WAC 173-303-9903.

(2) Quantity Exclusion Limits:

(a) A person with a waste or wastes identified in WAC 173-303-081(1), above, shall be a dangerous waste generator if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the Discarded Chemical Products List as extremely hazardous wastes (EHW) - 2.2 lbs. (1.0 kg) per month or per batch;

(ii) For chemicals designated on the Discarded Chemical Products List as dangerous wastes (DW) - 400 lbs. (181.8 kg) per month or per batch;

(iii) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the Discarded Chemical Products List as EHW - 220 lbs. (100 kg) per month or per batch.

(b) A person's total monthly waste quantity shall be the sum of all his wastes of a given type (e.g., the total quantity of all EHW Discarded Chemical Products, the total quantity of all liners contaminated by EHW Discarded Chemical Products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Mixtures. If a person mixes a solid waste with a waste that would be designated as a Discarded Chemical Product under this section, then the entire mixture shall be designated. The mixture designation shall be the same as the designation for the Discarded Chemical Product which was mixed with the solid waste. For example, a mixture containing 2.2 lbs. (1 kg) of Aldrin (Dangerous Waste Number P004; EHW designation) and 22 lbs. (10 kg) of a solid waste, would be designated as an EHW, and would have the Dangerous Waste Number P004.

(4) Discarded Chemical Products List. The Discarded Chemical Products List appears in WAC 173-303-9903. The generator shall determine the appropriate DW or EHW designation for his waste from the Discarded Chemical Products List, and shall comply with all applicable requirements for that designation.

NEW SECTION

WAC 173-303-082 DANGEROUS WASTE SOURCES. The Dangerous Waste Sources List appears in WAC 173-303-9904. Any waste which is listed on the Dangerous Waste Sources List, and which is generated in amounts which exceed 400 lbs. (181.8 kg) per month or per batch, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste

Number (DW #) which corresponds to the waste's listing. If a person mixes a solid waste with a waste that would be designated as a Dangerous Waste Source under this section, then the entire mixture shall be designated as a Dangerous Waste Source. The mixture shall be designated as a DW, and shall have the same Dangerous Waste Number as the Dangerous Waste Source which was mixed with the solid waste.

NEW SECTION

WAC 173-303-083 INFECTIOUS DANGEROUS WASTES. (Reserved.)

NEW SECTION

WAC 173-303-084 DANGEROUS WASTE MIXTURES. (1) Purpose. It is the purpose of this section to describe the means for designating a waste mixture containing dangerous wastes which are not listed in WAC 173-303-081 through 173-303-083.

(2) References. The 1981 publication of the National Institute for Occupational Safety and Health's (NIOSH) "Registry of Toxic Effects of Chemical Substances" (Registry) is adopted by reference. The table in the United States EPA's regulations 40 CFR Table 117.3 (Spill Table) is adopted by reference.

(3) Waste mixture defined. For the purposes of this section, a waste mixture shall be any waste about which some or all of its constituents and concentrations are known, and which has not been designated as:

(a) A Discarded Chemical Product under WAC 173-303-081;

(b) A Dangerous Waste Source under WAC 173-303-082; or

(c) An Infectious Dangerous Waste under WAC 173-303-083.

(4) A person who has a waste mixture shall use data which is available to him, and, when such data is inadequate for the purposes of this section, shall refer to the NIOSH Registry and/or to the EPA Spill Table to determine:

(a) Toxicity data or category for each known constituent in his waste;

(b) Whether or not each known constituent of his waste is a halogenated hydrocarbon or a polycyclic aromatic hydrocarbon; and,

(c) Whether or not each known constituent of his waste is an International Agency for Research on Cancer (IARC) human or animal, positive or suspected carcinogen.

(5) Toxicity.

(a) If a person has toxic constituents in his waste, he shall determine the toxic category for each known toxic constituent. The toxic category for each constituent may be determined directly from EPA'S Spill Table, or by obtaining data from the NIOSH Registry and checking this data against the Toxic Category Table, below. If data is available for more than one of the four toxicity criteria (Aquatic, Oral, Inhalation, or Dermal), then the data of severest toxicity shall be used, and the most

acutely toxic category shall be assigned to the constituent. If toxicity data for a constituent cannot be found in EPA'S Spill Table, NIOSH Registry, or other source reasonably available to a person, then he need not determine the toxic category for that constituent.

TOXIC CATEGORY TABLE

Category	TLM ₉₆ (Fish) or, Aquatic (Fish)		Inhalation (Rat)		Dermal (Rabbit)	
	LC ₅₀ (ppm)	LD ₅₀ (mg/kg)	LC ₅₀ (mg/L)	LD ₅₀ (mg/kg)	LC ₅₀ (mg/L)	LD ₅₀ (mg/kg)
X	<.1	<.5	<.02	<.2	<.2	<.2
A	.1 - 1	.5 - 5	.02 - .2	.2 - 2	2 - 20	20 - 200
B	1 - 10	5 - 50	.2 - 2	2 - 20	200 - 2000	2000 - 20,000
C	10 - 100	50 - 500	2 - 20	20 - 200	2000 - 20,000	20,000 - 200,000
D	100 - 1000	500 - 5000	20 - 200	200 - 2000	20000 - 200,000	200,000 - 2,000,000

(b) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

where Σ(X,A,B,C, or D) % is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste mixture contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

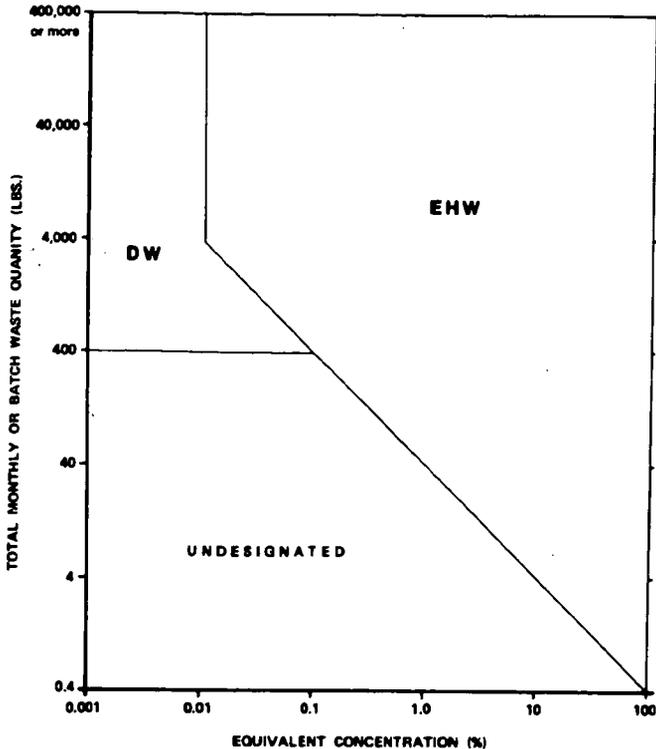
$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the Toxic Dangerous Waste Mixtures Graph, below, by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.

(d) If a person knows only some of the toxic constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated under WAC 173-303-084(5).

(e) Toxic Dangerous Waste Mixtures Graph. A larger version of this graph appears in WAC 173-303-9906.



the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total halogenated hydrocarbon concentration. If the plotted point is in the area marked dangerous waste (DW), then he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste.

(d) A person whose waste mixture contains four-, five-, or six-ring polycyclic aromatic hydrocarbons shall determine his designation from the Persistent Dangerous Waste Mixtures Graph, below, by finding the total polycyclic aromatic hydrocarbon concentration of his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste mixture quantity intersects the vertical line drawn from his waste mixture's total polycyclic aromatic hydrocarbon concentration. If the plotted point is in the area marked extremely hazardous waste (EHW), then he shall designate his waste as an extremely hazardous waste. If the plotted point is outside of the area marked EHW, then his waste is not designated as a dangerous waste.

(e) If a person knows only some of the persistent constituents in his waste mixture, or only some of the constituent concentrations, and if his waste is undesignated for those known constituents or concentrations, then his waste is not designated under WAC 173-303-084(6).

(f) Persistent Dangerous Waste Mixtures Graph. A larger version of this graph also appears in WAC 173-303-9907.

(6) Persistence.

(a) A person whose waste mixture contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of those halogenated hydrocarbons for which he knows the concentrations in his waste mixture.

Example 2. A person's waste mixture contains: carbon tetrachloride - .009%; DDT - .012%; 1,1,1-trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

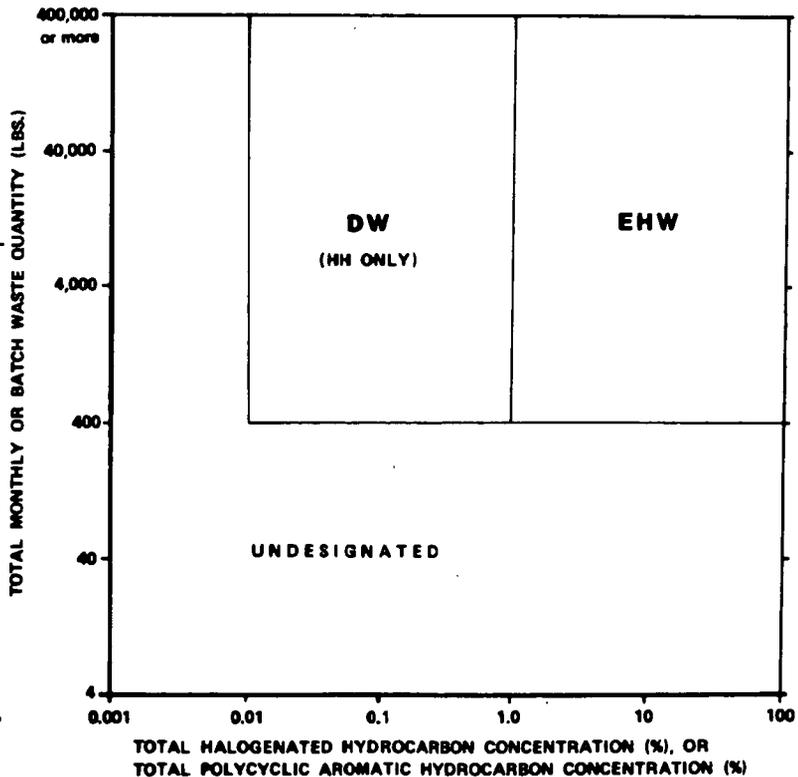
$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(b) A person whose waste mixture contains one or more four-, five-, or six-ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those four-, five-, or six-ring polycyclic aromatic hydrocarbons about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: chrysene - .08%; 3, 4-benzpyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the Persistent Dangerous Waste Mixtures Graph, below, by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture quantity along the ordinate, and plotting



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

- (a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and
- (b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

(8) Assigning Dangerous Waste Numbers. A person whose waste is a Dangerous Waste Mixture shall assign a Dangerous Waste Number (DW #) from the Generic Dangerous Waste Numbers Table in WAC 173-303-104, Generic Dangerous Waste Numbers. He shall assign the DW # from the table which corresponds to the designation for his dangerous waste.

NEW SECTION

WAC 173-303-090 DANGEROUS WASTE CHARACTERISTICS. (1) Purpose. The purpose of this section is to set forth characteristics which a solid waste might exhibit and which would cause that waste to be a dangerous waste.

(2) Representative samples. The department will consider a sample obtained using any of the applicable sampling methods described in WAC 173-303-110(2), Sampling and Testing Methods, to be a representative sample.

(3) Equivalent test methods. The testing methods specified in this section shall be the only acceptable methods, unless the department approves an equivalent test method in accordance with WAC 173-303-910, Petitions.

(4) Quantity exclusion limit. A solid waste which has been designated as a dangerous or extremely hazardous waste solely because it exhibits one or more of the Dangerous Waste Characteristics shall be subject to the requirements of chapter 173-303 WAC if its quantity exceeds 400 lbs. (181.8 kg.) per month or per batch.

(5) Characteristic of ignitability.

(a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

(i) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60 degrees C (140 degrees F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM Standard D-93-79 or D-93-80, or a Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3278-78;

(ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard;

(iii) It is an ignitable compressed gas as defined in 49 CFR 173.300 and as determined by the test methods described in that regulation; or,

(iv) It is an oxidizer as defined in 49 CFR 173.151.

(b) A solid waste that exhibits the characteristic of ignitability, but is not designated as a dangerous waste under any of the Dangerous Waste Lists, as set forth in

WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D001.

(6) Characteristic of corrosivity.

(a) A solid waste exhibits the characteristic of corrosivity if a representative sample of the waste has any of the following properties:

(i) It is aqueous, and has a pH less than or equal to 2, or greater than or equal to 12.5, as determined by a pH meter using the testing methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," available from the department; or

(ii) It is liquid, and corrodes steel (SAE 1020) at a rate greater than 0.250 inch (6.35 mm) per year at a test temperature of 55 degrees C (130 degrees F) as determined by the test method specified in NACE (National Association of Corrosion Engineers) Standard TM-01-69 as standardized in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods." The NACE Standard is available from the department.

(b) A solid waste that exhibits the characteristic of corrosivity, but is not designated as a dangerous waste under any of the Dangerous Waste Lists, as set forth in WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D002.

(7) Characteristic of reactivity.

(a) A solid waste exhibits the characteristic of reactivity if a representative sample of the waste has any of the following properties:

(i) It is normally unstable and readily undergoes violent change without detonating;

(ii) It reacts violently with water;

(iii) It forms potentially explosive mixtures with water;

(iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5 can generate toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment;

(vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement;

(vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure; or

(viii) It is a forbidden explosive as defined in 49 CFR 173.51, or a Class A explosive as defined in 49 CFR 173.53, or a Class B explosive as defined in 49 CFR 173.88.

(b) A solid waste that exhibits the characteristic of reactivity, but is not designated as a dangerous waste under any of the Dangerous Waste Lists, as set forth in WAC 173-303-080, shall be designated as a dangerous waste (DW), and shall be assigned the Dangerous Waste Number of D003.

(8) Characteristic of EP Toxicity.

(a) A solid waste exhibits the characteristic of EP Toxicity if, using "Extraction Procedure Test Methods - 1981" on file with the department, the extract from a representative sample of the waste contains any of the contaminants listed in the EP Toxicity List below, at concentrations equal to or greater than the respective value given in the list. When the waste contains less than 0.5 percent filterable solids, the waste itself, after filtering, is considered to be the extract for the purposes of this paragraph.

(b) A solid waste that exhibits the characteristic of EP Toxicity, but is not designated as a dangerous waste under any of the Dangerous Waste Lists, as set forth in WAC 173-303-080, has the Dangerous Waste Number specified in the list which corresponds to the toxic contaminant causing it to be dangerous.

(c) EP Toxicity List. Two levels of concentration are established for the contaminants listed. Any waste containing one or more contaminants with concentrations in the extremely hazardous waste (EHW) range shall cause that waste to be designated as extremely hazardous. Any waste containing contaminants all or some of which occur at concentrations in the dangerous waste (DW) range only (i.e., no EHW contaminants), shall be designated as dangerous waste.

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D004	Arsenic	> 500	5 - 500
D005	Barium	> 10,000	100 - 10,000
D006	Cadmium	> 100	1 - 100
D007	Chromium (VI)	> 500	5 - 500
D008	Lead	> 500	5 - 500
D009	Mercury	> 20	0.2 - 20
D010	Selenium	> 100	1 - 100
D011	Silver	> 500	5 - 500
D012	Endrin	> 2	0.02 - 2
D013	Lindane	> 40	0.4 - 40
D014	Methoxychlor	> 1,000	10 - 1,000
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

person shall use the Dangerous Waste Criteria to designate his waste pursuant to WAC 173-303-070(3)(b), or 173-303-070(4), or to exempt his waste pursuant to WAC 173-303-070(6), or to otherwise establish the risk which his waste presents to public health and the environment.

NEW SECTION

WAC 173-303-101 TOXIC DANGEROUS WASTES. (1) Purpose. This section describes methods for determining the toxicity of a waste and the criteria by which a toxic waste shall be designated as a dangerous or extremely hazardous waste.

(2) Categorization. (a) The following Toxic Category Table establishes categories (X, A, B, C, or D) for particular toxicity levels. The X category is the most toxic, and the D category is least toxic. Substances which have toxicity levels below the D category are generally considered to be nontoxic.

TOXIC CATEGORY TABLE

Category	TLM ₉₆ (Fish) or Aquatic (Fish)	Oral (Rat)	Inhalation (Rat)	Dermal (Rabbit)
	LC ₅₀ (ppm)	LD ₅₀ (mg/kg)	LC ₅₀ (mg/L)	LD ₅₀ (mg/kg)
X	<.1	<.5	<.02	< 2
A	.1 - 1	.5 - 5	.02 - .2	2 - 20
B	1 - 10	5 - 50	.2 - 2	20 - 200
C	10 - 100	50 - 500	2 - 20	200 - 2000
D	100 - 1000	500 - 5000	20 - 200	2000 - 20,000

(b) In order to determine the toxic categories for the constituents in his waste, a person must obtain toxicity data on the constituents either through knowledge he has about his waste, or by obtaining data from the two sources referenced in WAC 173-303-101(3)(a) and (b), below (EPA'S Spill Table and NIOSH Registry). If data obtained for a constituent is available for more than one of the toxicity criteria (Aquatic, Oral, Inhalation, or Dermal), then the data of severest toxicity shall be used to assign the most acutely toxic category to the waste constituent.

(3) Establishing waste toxicity. A person shall establish the toxicity of his waste or waste constituents by applying his knowledge about his waste, or by using the following information sources or testing methods, or both:

(a) The National Institute for Occupational Safety and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry);

(b) The United States EPA's regulation 40 CFR Table 117.3 (Spill Table); and

(c) The bioassay testing methods adopted under WAC 173-303-110(3).

(4) Book designation procedure.

(a) A person may use the Book Designation Procedure described in this paragraph only if:

(i) He knows the toxic categories (as set forth in WAC 173-303-101(2), above) for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

NEW SECTION

WAC 173-303-100 DANGEROUS WASTE CRITERIA. (1) The Dangerous Waste Criteria consist of:

(a) Toxic Dangerous Wastes, WAC 173-303-101;

(b) Persistent Dangerous Wastes, WAC 173-303-102;

(c) Carcinogenic Dangerous Wastes, WAC 173-303-103; and

(d) Dangerous Waste Characteristics, WAC 173-303-090.

(2) Applicability. Any person who has established that his waste meets any of the Dangerous Waste Criteria is a dangerous waste generator, and shall comply with the requirements set forth in this chapter for generators. A

(iii) He can demonstrate to the department beyond a reasonable doubt that any waste constituents about which he has limited or no knowledge do not significantly affect the toxicity of his waste.

(b) Equivalent concentration. A person who is book designating his waste shall determine the equivalent concentration (in percent) of the toxic constituents in his waste by using the following formula:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{10,000}$$

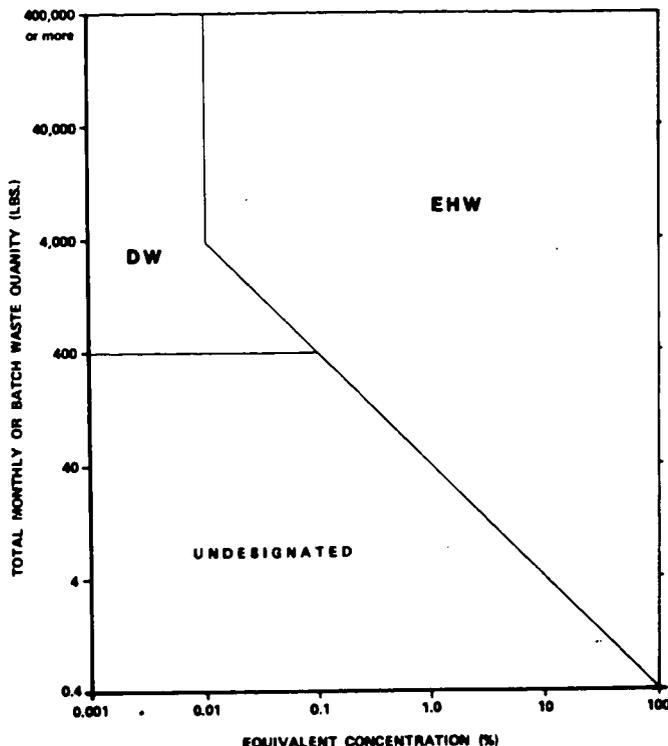
where $\Sigma(X,A,B,C, \text{ or } D)\%$ is the sum of all the concentration percentages for a particular toxic category.

Example 1. A person's waste contains: Aldrin (X Category) - .01%; Diuron (B Category) - 1%; Benzene (C Category) - 4%; Phenol (C Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01\%}{10} + \frac{0\%}{100} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

So his equivalent concentration equals .031%.

(c) Toxic dangerous waste graph. To book designate his waste, a person shall use the Toxic Dangerous Waste Mixtures Graph, below (also, a larger version of this graph appears in the appendix WAC 173-303-9906), by finding the equivalent concentration percentage for his waste along the abscissa, finding his total waste quantity along the ordinate, and plotting the point on the graph where the horizontal line drawn from his total waste quantity intersects the vertical line drawn from his waste mixture's equivalent concentration. If the plotted point is in the area marked dangerous waste (DW), he shall designate his waste as a dangerous waste; if the plotted point is in the area marked extremely hazardous waste (EHW), he shall designate his waste as an extremely hazardous waste.



(5) Designation from bioassay data. If a person has established the toxicity of his waste by means of the bioassay test methods adopted under WAC 173-303-110(3), Sampling and Testing Methods, and has determined his waste's toxicity range (C category or greater toxicity, or D category toxicity), then he shall designate his waste according to the Toxic Dangerous Waste Designation Table, below.

TOXIC DANGEROUS WASTE DESIGNATION TABLE

If your waste's toxic range falls in the . . .	And your monthly or batch waste quantity is . . .	Then your waste's designation is . . .
D Category	Greater than 400 lbs. (181.8 kg)	Dangerous Waste (DW)
X, A, B, or C Category	40 - 400 lbs. (18.2 - 181.8 kg)	DW
	Greater than 400 lbs. (181.8 kg)	Extremely Hazardous Waste (EHW)

NEW SECTION

WAC 173-303-102 PERSISTENT DANGEROUS WASTES. (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or four-, five-, and six-ring polycyclic aromatic hydrocarbons (PAH).

(2) Concentration determination. A person shall determine the concentration of HH and/or PAH in his waste by either testing his waste as specified in WAC 173-303-102(2)(a), below, or by the calculation procedures described in WAC 173-303-102(2)(b), below.

(a) Concentration tests. A person shall test his waste to determine its concentration level as follows:

(i) For HH - By using the testing methods specified in WAC 173-303-110(3)(b); and,

(ii) For PAH - By using the testing methods specified in WAC 173-303-110(3)(c).

(b) Concentration calculations. If a person knows the concentrations of the significant persistent constituents in his waste, and if he can demonstrate to the department beyond a reasonable doubt that any remaining persistent constituents for which he does not know the concentrations would not contribute significantly to the total persistent concentration, then he may calculate the concentration of persistent constituents in his waste as follows:

(i) A person whose waste contains one or more halogenated hydrocarbons for which the concentrations are known shall determine his total halogenated hydrocarbon concentration by summing the concentration percentages for all of his waste's significant halogenated hydrocarbons.

Example 1. A person's waste contains: carbon tetrachloride - .009%; DDT - .012%; 1,1,1 - trichloroethylene - .02%. His total halogenated hydrocarbon concentration would be:

$$\text{Total HH Concentration (\%)} = .009\% + .012\% + .02\% = .041\%$$

(ii) A person whose waste contains one or more four-, five-, or six-ring polycyclic aromatic hydrocarbons for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of his waste's significant four-, five-, or six-ring polycyclic aromatic hydrocarbons.

Example 2. A person's waste contains: chrysene - .08%; 3, 4 - benzpyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

(3) Designation criteria and quantity. A person whose waste contains persistent (HH or PAH) constituents shall designate his waste according to the Persistent Dangerous Waste Table, below, if his monthly or batch waste quantity exceeds 400 lbs. (181.8 kg.).

PERSISTENT DANGEROUS WASTE TABLE

If your waste contains . . .	At a concentration level of . . .	Then your waste's designation is . . .
Halogenated Hydrocarbons (HH)	0.01 to 1.0% greater than 1.0%	Dangerous Waste (DW) Extremely Hazardous Waste (EHW)
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW*

* No DW concentration level for PAH.

NEW SECTION

WAC 173-303-103 CARCINOGENIC DANGEROUS WASTES. (1) Criteria. A substance which is listed in the National Institute for Occupational Safety

and Health (NIOSH) document "Registry of Toxic Effects of Chemical Substances" (Registry), or any other documents, as an IARC (International Agency for Research on Cancer) human or animal, positive or suspected carcinogen, shall be a carcinogenic substance for the purposes of this section. Any IARC identified substance which is an inorganic, respiratory carcinogen shall be a carcinogenic substance only if it occurs in a friable format (i.e., if it is in a waste which easily crumbles and forms dust which can be inhaled).

(2) Designation. Any person whose waste contains one or more IARC carcinogen(s) shall designate his waste as a dangerous waste (DW) if:

(a) The total concentration of carcinogen(s) in his waste exceeds 1.0% of the waste quantity; and

(b) The monthly or batch waste quantity exceeds 400 lbs. (181.8 kg).

NEW SECTION

WAC 173-303-104 GENERIC DANGEROUS WASTE NUMBERS. (1) Purpose. This section sets forth the Dangerous Waste Number (DW #) for each of the Dangerous Waste Criteria designations.

(2) Characteristics. A waste which exhibits any of the Dangerous Waste Characteristics, WAC 173-303-090, shall be assigned the DW # corresponding to the characteristic(s) exhibited by the waste.

(3) Criteria. The following table shall be used for assigning DW #s to wastes designated by the Dangerous Waste Criteria.

GENERIC DANGEROUS WASTE NUMBERS TABLE

DW #	Dangerous Waste Criteria and Designation
WT01	Toxic Dangerous Wastes
WT02	EHW DW
WP01	Persistent Dangerous Wastes
WP02	Halogenated Hydrocarbons EHW DW
WP03	Polycyclic Aromatic Hydrocarbons EHW
WC01	Carcinogenic Dangerous Wastes DW

NEW SECTION

WAC 173-303-110 SAMPLING AND TESTING METHODS. (1) Purpose. This section describes the testing methods which may be used in the process of designating a dangerous waste.

(2) Representative samples.

(a) The methods and equipment used for obtaining representative samples of a waste will vary with the type and form of the waste. The department will consider samples collected using the sampling methods below, for wastes with properties similar to the indicated materials, to be representative samples of the wastes:

(i) Crushed or powdered material - ASTM Standard D346-75;

(ii) Extremely viscous liquid - ASTM Standard D140-70;

(iii) Fly Ash-like material – ASTM Standard D2234-76;

(iv) Soil-like material – ASTM Standard D1452-65;

(v) Soil or rock-like material – ASTM Standard D420-69;

(vi) Containerized liquid wastes – "COLIWASA" described in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods," and also in "Samplers and Sampling Procedures for Hazardous Waste Streams," EPA 600/2-80-18, January 1980; and,

(vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs – "Pond Sampler" described in the same documents referenced in WAC 173-303-110(2)(a)(vi), above.

(b) Copies of these representative sampling methods are available from the department.

(3) Test procedures. The following test procedures are on file with the department, and shall be used when testing a waste for the indicated purposes:

(a) Determining EP Toxicity – "Extraction Procedure Test Methods – 1981";

(b) Determining halogenated hydrocarbon concentrations – "Parr Bomb Test for Total Chlorine";

(c) Determining polycyclic aromatic hydrocarbon concentrations – "Analysis for Polynuclear Aromatic Hydrocarbons";

(d) Determining aquatic fish toxicity (TLM₉₆ or Aquatic LC₅₀) – "Static Acute Fish Toxicity Test" described in the document "Biological Testing Methods, Compliance with the Hazardous Waste Regulations," DOE 80-12, October, 1980; and,

(e) Determining oral rat toxicity (LD₅₀) – "Acute Oral Rat Toxicity Test" described in the document referenced in WAC 173-303-110(3)(d), above.

(4) Substantial changes to the testing methods described above shall be made only after the department has provided adequate opportunity for public review and comment on the proposed changes. The department may, at its discretion, schedule a public hearing on the proposed changes.

(5) Equivalent testing methods. Any person may request the department to approve an equivalent testing method by submitting a petition, prepared in accordance with WAC 173-303-910, Petitions, to the department.

NEW SECTION

WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES. (1) Purpose. It is the purpose of this section to set forth the conditions under which a dangerous waste shall be handled when it is being recycled, reclaimed, or recovered.

(2) Any dangerous waste which is designated only because it exhibits one or more of the Dangerous Waste Characteristics set forth under WAC 173-303-090 shall not be subject to the regulations of chapter 173-303 WAC if:

(a) It is being beneficially used or reused, or legitimately recycled, reclaimed, or recovered; or

(b) It is being accumulated, stored, or treated prior to beneficial use or reuse, or legitimate recycling, reclamation, or recovery.

(3) Any dangerous waste which is listed, or contains one or more dangerous wastes designated in the Dangerous Waste Lists set forth under WAC 173-303-080, and which is transported or stored prior to being used, reused, recycled, reclaimed, or recovered is subject to the following requirements:

(a) WAC 173-303-060, Notification and Identification Numbers;

(b) WAC 173-303-170 through 173-303-230 for generators;

(c) WAC 173-303-240 through 173-303-270 for transporters;

(d) WAC 173-303-280 through 173-303-395 for facility owners/operators;

(e) The storage requirements of WAC 173-303-400 through 173-303-520 for interim status facilities;

(f) The storage requirements of WAC 173-303-500 through 173-303-670 for final status facilities; and

(g) WAC 173-303-800 through 173-303-840 with respect to storage facility permits.

NEW SECTION

WAC 173-303-130 CONTAINMENT AND CONTROL OF INFECTIOUS WASTES. (Reserved.)

NEW SECTION

WAC 173-303-140 DISPOSAL OF EXTREMELY HAZARDOUS WASTE. No person shall dispose of designated extremely hazardous waste (EHW) at any land disposal facility in the state other than the facility established and approved by the department for such purpose under chapter 70.105 RCW. A person is not prohibited from reclaiming, recycling, recovering, treating, detoxifying, neutralizing, or otherwise processing EHW to remove or reduce its harmful properties or characteristics, provided that such processing is performed in accordance with the requirements of this chapter 173-303 WAC.

NEW SECTION

WAC 173-303-141 TREATMENT, STORAGE, OR DISPOSAL OF DANGEROUS WASTE. A person shall only offer a designated dangerous waste for treatment, storage, or disposal (TSD) to a facility which is operating under a permit issued pursuant to the requirements of WAC 173-303-800 through 173-303-845, unless otherwise authorized by the department.

NEW SECTION

WAC 173-303-145 SPILLS AND DISCHARGES INTO THE ENVIRONMENT. (1) Purpose and applicability. This section sets forth the requirements for any person responsible for a spill or discharge into the environment, except when such release is otherwise permitted under state or federal law. This section shall apply when any dangerous waste, or when any material having the properties of a dangerous waste, as described in WAC 173-303-080 through 173-303-103, is intentionally or accidentally spilled or discharged into the environment (unless otherwise permitted) such that public

health or the environment are threatened, regardless of the quantity of material or the quantity exclusion limits for dangerous waste.

(2) Notification. Any person who is responsible for a nonpermitted spill or discharge shall immediately notify the individuals and authorities described for the following situations:

(a) For spills or discharges onto the ground or into groundwater or surface water, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, notify the appropriate regional office of the Department of Ecology; and

(b) For spills or discharges which result in emissions to the air, notify all local authorities in accordance with the local emergency plan. If necessary, check with the local emergency service coordinator and the fire department to determine all notification responsibilities under the local emergency plan. Also, in western Washington notify the local air pollution control authority, or in eastern Washington notify the appropriate regional office of the Department of Ecology.

(3) Mitigation and control. The person responsible for a nonpermitted spill or discharge shall take appropriate immediate action to protect human health and the environment (e.g., diking to prevent contamination of state waters, shutting of open valves).

(a) In addition, the department may require the person responsible for a spill or discharge to:

(i) Clean up all released substances (dangerous wastes, or materials having the properties of dangerous waste), or to take such actions as may be required or approved by federal, state, or local officials acting within the scope of their official responsibilities. This may include complete or partial removal of released substances as may be justified by the nature of the released substances, the human and environmental circumstances of the incident, and protection required by the Water Pollution Control Act, chapter 90.48 RCW;

(ii) Designate and treat, store or dispose of all soils, waters, or other materials contaminated by the spill or discharge in accordance with this chapter 173-303 WAC, unless otherwise approved by the department. The department may require testing in order to determine the amount or extent of contaminated materials, and the appropriate designation, treatment, storage, or disposal for any substances resulting from clean-up; and

(iii) If the property on which the spill or discharge occurred is not owned or controlled by the person responsible for the incident, restore the area impacted by the spill or discharge, and replenish resources (e.g., fish, plants) in a manner acceptable to the department.

(b) Where immediate removal or temporary storage of spilled or discharged substances is necessary to protect human health or the environment, the department may direct that removal be accomplished without a manifest, by transporters who do not have EPA/State Identification Numbers, or that the substances be temporarily stored at facilities which do not have permits issued under this chapter 173-303 WAC.

(4) Nothing in WAC 173-303-145 shall eliminate any obligations to comply with reporting requirements which may exist in a permit or under other state or federal regulations.

NEW SECTION

WAC 173-303-150 DIVISION, DILUTION, AND ACCUMULATION. (1) Any action taken to evade the intent of this regulation by dividing or diluting wastes to change their designation shall be prohibited, except for the purposes of treating, neutralizing, or detoxifying such wastes.

(2) Separation of a homogeneous waste into heterogeneous phases (e.g., separation of a suspension into sludge and liquid phases, or of a solvent/water mixture into solvent and water phases, etc.) shall not be considered as division, provided that the person generating the waste either:

(a) Designates the homogeneous waste before separation, and handles the entire waste accordingly; or

(b) Designates each phase of the heterogeneous waste, in accordance with the dangerous waste designation requirements of this chapter, and handles each phase accordingly.

(3) For the purposes of designation, quantities of continuously generated wastes shall be summed monthly. All wastes generated less frequently than once a month shall be considered as batch or single event wastes.

NEW SECTION

WAC 173-303-160 CONTAINERS. (1) Waste quantity. Containers and inner liners shall not be considered as a part of the waste when measuring or calculating the quantity of a dangerous waste.

(2) A container or inner liner is empty when all wastes in it have been taken out that can be removed using practices commonly employed to remove materials from that type of container or inner liner (e.g., pouring, pumping, aspirating, etc.) and, either less than one inch of waste remains at the bottom of the container or inner liner, or the volume of waste remaining in the container or inner liner is equal to one percent or less of the container's or inner liner's capacity, whichever quantity is less. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure.

(3) A container or inner liner which held designated dangerous waste (DW) need not be designated if it is empty, as defined in WAC 173-303-160(2), above.

(4) A container or inner liner which held extremely hazardous waste (EHW), or pesticides bearing the Danger or Warning label, need not be designated if it is empty, as defined in WAC 173-303-160(2), above, and if it has been rinsed at least three times with an appropriate cleaner or solvent. The volume of cleaner or solvent used for each rinsing shall be ten percent or more of the container's or inner liner's capacity. In lieu of rinsing for containers that might be damaged or made unusable by rinsing with liquids (e.g., fiber or cardboard containers without inner liners), an empty container may be vacuum cleaned, struck three times (e.g., on the ground,

with a hammer or hand) to remove or loosen particles from the inner walls and corners, and vacuum cleaned again.

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners and which is a solid waste shall be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner, or in the case of a farmer, if the rinsate is a pesticide or herbicide residue then the rinsate shall be disposed or reused in a manner consistent with the instructions on the pesticide or herbicide label, or else the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-090) and, if designated, managed according to the requirements of this chapter 173-303 WAC.

A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910, Petitions.

NEW SECTION

WAC 173-303-170 REQUIREMENTS FOR GENERATORS OF DANGEROUS WASTE. (1) A person shall be a dangerous waste generator if his solid waste is designated by the requirements of WAC 173-303-070 through 173-303-090.

(a) The generator shall be responsible for designating his dangerous waste as extremely hazardous or dangerous waste.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-910, Petitions.

(2) A dangerous waste generator shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) The generator shall comply with the requirements of WAC 173-303-060, Notification and Identification Numbers.

(4) A person who triple rinses and disposes of his own containers shall comply with WAC 173-303-230(3), Special Conditions, and WAC 173-303-160, Containers.

(5) Any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the requirements of this chapter 173-303 WAC.

NEW SECTION

WAC 173-303-180 MANIFEST. Before transporting dangerous waste off the site of generation, the generator shall prepare a typed or printed manifest, containing the information required below, and shall follow all applicable procedures described below.

(1) Required information for manifests. The manifest shall contain at least the following information:

- (a) A manifest document number;
- (b) The generator's name, address, telephone number, and EPA/State Identification Number;
- (c) The name, address, telephone number, and EPA/State Identification Number of the origin of the dangerous waste, if the origin is different from the generator;

(d) The transporter's name, address, telephone number, and EPA/State Identification Number;

(e) The name, address, and EPA/State Identification Number of the designated receiving facility, and of one alternate facility;

(f) The total quantity of each dangerous waste, and the type and number of containers to be received by the transporter;

(g) The description of the waste(s) as required by United States Department of Transportation (DOT) regulations, 49 CFR 172.101, 172.202, and 172.203, and, when such information would be useful in the event of a spill or discharge during transport, the approximate percentages of each waste component;

(h) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEM-TREC phone number, 1-800-424-9300;

(i) Such other information as required by the department to implement chapter 70.105 RCW; and

(j) The following certification, or an equivalent certification, on the manifest:

"This is to certify that the above named materials are properly designated, described, packaged, marked, and labeled and are in proper condition for transportation according to the applicable regulations of the United States Department of Transportation and the Washington State Department of Ecology."

(2) The manifest shall consist of enough copies to provide the generator, transporter(s), and facility owner/operator with a copy, and a copy for return to the generator.

(3) Manifest procedures.

(a) The generator shall:

- (i) Sign and date the manifest certification by hand;
- (ii) Obtain the signature of the initial transporter and date of acceptance on the manifest; and
- (iii) Retain one copy in accordance with WAC 173-303-210, Generator Recordkeeping.

(b) The generator shall give the remaining manifest copies to the transporter.

(c) For shipments of dangerous waste within the United States solely by water (bulk shipments only), the generator must send three copies of the manifest dated and signed in accordance with this section to the owner or operator of the designated facility or the last water (bulk shipment) transporter to handle the waste in the United States if exported by water. Copies of the manifest are not required for each transporter.

(d) For rail shipments of dangerous waste within the United States which originate at the site of generation, the generator must send at least three copies of the manifest dated and signed in accordance with this section to:

- (i) The next nonrail transporter, if any; or
- (ii) The designated facility if transported solely by rail; or
- (iii) The last rail transporter to handle the waste in the United States if exported by rail.

(4) Special requirements for shipments to the Washington extremely hazardous waste (EHW) facility at Hanford.

(a) All generators planning to ship dangerous waste to the EHW facility at Hanford shall notify the facility in writing and by sending a copy of the prepared manifest prior to shipment.

(b) The generator shall not ship any dangerous waste without prior approval from the EHW facility. The state operator may exempt classes of waste from the requirements of WAC 173-303-180(4)(a) and (b) where small quantities or multiple shipments of a previously approved waste are involved, or there exists an emergency and potential threat to public health and safety.

NEW SECTION

WAC 173-303-190 PREPARING DANGEROUS WASTE FOR TRANSPORT. The generator shall fulfill the following requirements before transporting off-site or offering for off-site transport any dangerous waste.

(1) Packaging. The generator shall package all dangerous waste for transport in accordance with United States DOT regulations on packaging, 49 CFR Parts 173, 178, and 179, and with packaging requirements of the Washington State Utilities and Transportation Commission (UTC) and the Washington State Patrol.

(2) Labeling. The generator shall label each package in accordance with United States DOT regulations, 49 CFR Part 172.

(3) Marking. The generator shall:

(a) Mark each package of dangerous waste in accordance with United States DOT regulations, 49 CFR Part 172; and

(b) Mark each package containing one hundred ten gallons or less of dangerous waste with the following, or essentially equivalent, words and information, displayed in accordance with 49 CFR 172.304:

DANGEROUS WASTE - State and Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority, and the Washington State Department of Ecology or the United States Environmental Protection Agency.

Generator's Name and Address

.....
.....
.....

Manifest Document Number

.....

(4) Placarding. The generator shall placard, or offer to the initial transporter all appropriate placards in accordance with United States DOT regulations, 49 CFR Part 172, Subpart F.

NEW SECTION

WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE. A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(1) All such waste is shipped off-site to a designated facility or placed in an on-site facility which is permitted by the department under WAC 173-303-800 through 173-303-845 in ninety days or less;

(2) The waste is placed in containers which meet the standards of WAC 173-303-190(1), Packaging, and are managed in accordance with WAC 173-303-630 (6) and (8), Use and Management of Containers; or

(3) In tanks, provided the generator complies with the requirements set forth in WAC 173-303-400 for tanks except for waste analysis and trial tests (i.e., comply with Subpart J of 40 CFR Part 265 except 265.193);

(4) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(5) Each container is properly labeled and marked according to WAC 173-303-190(2), Labeling, and WAC 173-303-190(3), Marking; and

(6) The generator complies with the requirements for facility operators contained in WAC 173-303-340 through 173-303-360.

NEW SECTION

WAC 173-303-210 GENERATOR RECORD-KEEPING. (1) The generator shall keep a copy of each manifest signed by the initial transporter in accordance with WAC 173-303-180(3), Manifest Procedures, for three years, or until he receives a signed copy from the designated facility which received the waste. The signed facility copy shall be retained for at least three years from the date the waste was accepted by the initial transporter.

(2) The generator shall keep a copy of each Annual Report and Exception Report as required by WAC 173-303-220 for a period of at least three years from the due date of each report.

(3) The generator shall keep records of any test results, waste analyses, or other determinations made in accordance with WAC 173-303-170(1) for designating dangerous waste, for at least three years from the date that the waste was last transferred for on-site or off-site storage, treatment, or disposal.

(4) The periods of retention for any records described in this section shall be automatically extended:

(a) During the course of any unresolved enforcement action requiring those records; or

(b) Upon request by the director.

NEW SECTION

WAC 173-303-220 GENERATOR REPORTING. The generator shall submit the following reports to the department by the specified due date for each report, or within the time period allowed for each report.

(1) Annual reports.

(a) A generator who ships his dangerous waste off-site shall submit annual reports to the department, on the Generator Annual Report Form – Part A according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) Any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the reporting requirements of WAC 173-303-390, Facility Reporting.

(2) Exception reports.

(a) A generator who does not receive a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within thirty-five days of the date the waste was accepted by the initial transporter must contact the transporter(s) and/or facility to determine the status of the dangerous waste shipment.

(b) A generator must submit an exception report to the department if he has not received a copy of the manifest with the handwritten signature of the owner/operator of the designated facility within forty-five days of the date the waste was accepted by the initial transporter.

(c) The exception report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery; and

(ii) A cover letter signed by the generator or his representative explaining the efforts taken to locate the waste and the results of those efforts.

(d) The department may require a generator to submit exception reports in less than forty-five days if it finds that the generator frequently or persistently endangers public health or the environment through improper waste shipment practices.

(3) Additional reports. The director, as he deems necessary under chapter 70.105 RCW, may require a generator to furnish additional reports concerning the quantities and disposition of his dangerous waste.

NEW SECTION

WAC 173-303-230 SPECIAL CONDITIONS. (1) Exporting dangerous waste.

(a) The requirements of 40 CFR, Section 262.50(a), (b) and (c), International Shipments, are here adopted by reference.

(b) Copies of any exception reports submitted to the Administrator of United States EPA shall be submitted to the director of the department.

(2) Importing dangerous waste. When importing dangerous waste from a foreign country into Washington state, the United States importer shall comply with all the requirements of this chapter for generators, including the requirements of WAC 173-303-180(1), Required Information for Manifests, except that:

(a) In place of the generator's name, address and EPA/State Identification Number, the name and address of the foreign generator and the importer's name, address and EPA/State Identification Number shall be used; and

(b) In place of the generator's signature on the certification statement, the United States importer or his

agent shall sign and date the certification and obtain the signature of the initial transporter.

(3) Triple rinsing. For the purposes of this chapter, a person who stores, treats, disposes, transports, or offers for transport empty containers of dangerous waste that were for his own use shall not be treated as a generator or as a facility owner/operator, provided that:

(a) He triple rinses each emptied dangerous waste container in accordance with WAC 173-303-160, Containers; and

(b) The rinsate is not a dangerous waste under this chapter 173-303 WAC; or

(c) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide or herbicide residues, he reuses or disposes of the rinsate in a manner consistent with the instructions on the pesticide or herbicide label.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, 173-303 WAC, and according to chapter 90.48 RCW, Water Pollution Control.

NEW SECTION

WAC 173-303-240 REQUIREMENTS FOR TRANSPORTERS OF DANGEROUS WASTE. (1) Transporters shall comply with the requirements of WAC 173-303-060, Notification and Identification Numbers.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when:

(a) The dangerous waste has been manifested according to the requirements of WAC 173-303-180; and

(b) The dangerous waste is being delivered to the owner/operator of a transfer, storage, treatment or disposal facility, whether in-state or out-of-state.

(3) Any person who transports a dangerous waste shall also comply with the requirements of WAC 173-303-170 through 173-303-230 for generators, if he:

(a) Transports dangerous waste into the state from another country; or

(b) Mixes dangerous waste of different United States Department of Transportation (DOT) shipping descriptions by mixing them into a single container.

(4) These requirements shall not apply to on-site (as defined in WAC 173-303-040) transportation of dangerous waste by generators, or owners/operators of permitted storage, treatment, or disposal facilities.

NEW SECTION

WAC 173-303-250 DANGEROUS WASTE ACCEPTANCE, TRANSPORT, AND DELIVERY. (1) A transporter shall not accept dangerous waste from a generator unless it is accompanied by a manifest prepared by the generator in accordance with WAC 173-303-180, Manifest.

(2) Before transporting a dangerous waste shipment, the transporter shall sign and date the manifest, acknowledging acceptance of the dangerous waste. The

transporter shall return a signed copy to the generator before commencing transport.

(3) The transporter shall insure that the manifest accompanies the dangerous waste shipment.

(4) A transporter who delivers a dangerous waste to another transporter, or to the designated facility shall:

(a) Obtain the date of delivery and the handwritten signature of that transporter or designated facility owner/operator on the manifest;

(b) Retain one copy of the manifest in accordance with WAC 173-303-260, Transporter Recordkeeping; and

(c) Give the remaining copies of the manifest to the accepting transporter or designated facility.

(5) The transporter shall deliver the entire quantity of dangerous waste which he has accepted from a generator or a transporter to:

(a) The designated facility listed on the manifest; or

(b) The alternate designated facility, if the dangerous waste cannot be delivered to the designated facility; or

(c) The next designated transporter; or

(d) The place outside the United States designated by the generator.

(6) If the dangerous waste cannot be delivered in accordance with WAC 173-303-250(5), above, the transporter shall contact the generator for further directions, and shall revise the manifest according to the generator's instructions.

(7) The requirements of WAC 173-303-250 (3), (4), and (8) do not apply to water (bulk shipment) transporters if:

(a) The dangerous waste is delivered by water (bulk shipment) to the designated facility;

(b) A shipping paper containing all the information required on the manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) accompanies the dangerous waste;

(c) The delivering transporter obtains the date of delivery and handwritten signature of the owner or operator of the designated facility on either the manifest or the shipping paper;

(d) The person delivering the dangerous waste to the initial water (bulk shipment) transporter obtains the date of delivery and signature of the water (bulk shipment) transporter on the manifest and forwards it to the designated facility; and

(e) A copy of the shipping paper or manifest is retained by each water (bulk shipment) transporter in accordance with WAC 173-303-260(2), Transporter Recordkeeping.

(8) For shipments involving rail transportation, the requirements of WAC 173-303-250(3), (4), and (7) do not apply and the following requirements do apply.

(a) When accepting dangerous waste from a nonrail transporter, the initial rail transporter must:

(i) Sign and date the manifest acknowledging acceptance of the dangerous waste;

(ii) Return a signed copy of the manifest to the nonrail transporter;

(iii) Forward at least three copies of the manifest to:

(A) The next nonrail transporter, if any; or

(B) The designated facility, if the shipment is delivered to that facility by rail; or

(C) The last rail transporter designated to handle the waste in the United States;

(iv) Retain one copy of the manifest and rail shipping paper in accordance with WAC 173-303-260(2).

(b) Rail transporters must ensure that a shipping paper containing all the information required on the manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) accompanies the dangerous waste at all times.

(c) When delivering dangerous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with WAC 173-303-260(2).

(d) When delivering dangerous waste to a nonrail transporter a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next nonrail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with WAC 173-303-260(2).

(e) Before accepting dangerous waste from a rail transporter, a nonrail transporter must sign and date the manifest and provide a copy to the rail transporter.

(9) Transporters who transport dangerous waste out of the United States shall:

(a) Indicate on the manifest the date the dangerous waste left the United States;

(b) Sign the manifest and retain one copy in accordance with WAC 173-303-260(3), Transporter recordkeeping; and

(c) Return a signed copy of the manifest to the generator.

NEW SECTION

WAC 173-303-260 TRANSPORTER RECORD-KEEPING. (1) A transporter of dangerous waste shall keep a copy of the manifest signed by the generator, himself, and the next designated transporter or the owner or operator of the designated facility for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(2) For shipments delivered to the designated facility by rail or water (bulk shipment), each rail or water (bulk shipment) transporter shall retain a copy of a shipping paper containing all the information required on a manifest (excluding the EPA/State Identification Numbers, generator certification, and signatures) for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(3) A transporter who transports dangerous waste out of the United States shall keep a copy of the manifest, indicating that the dangerous waste left the United States, for a period of three years from the date the dangerous waste was accepted by the initial transporter.

(4) The periods of retention referred to in this section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the director.

NEW SECTION

WAC 173-303-270 DISCHARGES DURING TRANSPORT. In the event of a spill or discharge of dangerous waste during transportation, the transporter shall comply with the requirements of WAC 173-303-145, Spills And Discharges Into The Environment. In addition, the transporter shall provide the following notifications:

- (1) Give notice to the generator of the waste that a discharge has occurred;
- (2) Give notice to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15;
- (3) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington D.C., 20590; and,
- (4) For a water (bulk shipment) transporter, give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

NEW SECTION

WAC 173-303-275 TRANSFER FACILITIES (OR COLLECTION FACILITIES). (1) Applicability. An off-site facility which stores manifested shipments of dangerous waste for more than ten days shall be considered a transfer facility or a collection facility and must, at a minimum, comply with the storage requirements of this chapter 173-303 WAC.

- (2) Requirements. A transfer or collection facility shall meet the following requirements when applicable:
 - (a) WAC 173-303-170 through 173-303-230, Generator Requirements, whenever applicable;
 - (b) WAC 173-303-280 through 173-303-395, General Requirements for Dangerous Waste Management Facilities;
 - (c) WAC 173-303-400 through 173-303-520, Interim Status Facility Standards, Siting Standards, Performance Standards, and Buffer Monitoring Zones;
 - (d) WAC 173-303-600 through 173-303-660, Final Facility Standards, whenever applicable; and
 - (e) WAC 173-303-800 through 173-303-840, Permits.

NEW SECTION

WAC 173-303-280 GENERAL REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) Applicability. The requirements of WAC 173-303-280 through 173-303-395 apply to all owners and operators of facilities which store, treat, or dispose of dangerous wastes and which must be permitted under the requirements of this chapter 173-303 WAC, unless otherwise specified in this chapter. Owners and operators of transfer or collection facilities shall comply with WAC 173-303-275. Whenever a shipment of dangerous waste is initiated from a

facility, the owner or operator of that facility shall comply with the requirements for generators, WAC 173-303-170 through 173-303-230.

(2) Imminent hazard. Notwithstanding any provisions of this chapter, enforcement actions may be brought in the event that the management practices of a facility present an imminent and substantial hazard to the public health and the environment, regardless of the quantity or concentration of a dangerous waste.

(3) Identification numbers. Every facility owner or operator shall obtain an EPA/State Identification Number from the department.

NEW SECTION

WAC 173-303-290 REQUIRED NOTICES. (1) The facility owner or operator who is receiving dangerous waste from a foreign source shall comply with Title 40 CFR 265.12(a). The facility owner or operator shall also send a copy of the required notification to the department at least four weeks in advance of the date the waste is expected to arrive at the facility.

(2) Before transferring ownership or operation of a facility during its active life or post-closure care period, the owner or operator shall notify the new owner or operator in writing of the requirements of this chapter 173-303 WAC.

(3) The owner or operator of a facility that receives dangerous waste from an off-site source (except where the owner or operator is also the generator) must inform the generator in writing that he has the appropriate permit(s) for, and will accept, the waste the generator is shipping. The owner or operator must keep a copy of this written notice as part of the operating record required under WAC 173-303-380(1).

NEW SECTION

WAC 173-303-300 GENERAL WASTE ANALYSIS. (1) Purpose. This section requires the facility owner or operator to confirm his knowledge about a dangerous waste before he stores, treats, or disposes of it. The purpose for the analysis is to insure that a dangerous waste is managed properly.

(2) The owner or operator shall obtain a detailed chemical, physical, and/or biological analysis of a dangerous waste before he stores, treats, or disposes of it. This analysis must contain the information necessary to manage the waste in accordance with the requirements of this chapter 173-303 WAC. The analysis may include or consist of existing published or documented data on the dangerous waste, or on waste generated from similar processes, or data obtained by testing, if necessary.

(3) The owner or operator of an off-site facility shall confirm, by analysis if necessary, that each dangerous waste received at the facility matches the identity of the waste specified on the accompanying manifest or shipping paper.

(4) Analysis shall be repeated as necessary to ensure that it is accurate and current. At a minimum, analysis must be repeated:

- (a) When the process or operation generating the dangerous waste has significantly changed; and

(b) When a dangerous waste received at an off-site facility does not match the identity of the waste specified on the manifest or the shipping paper.

(5) Waste analysis plan. The owner or operator shall develop and follow a written waste analysis plan which describes the procedures he will use to comply with the waste analysis requirements of WAC 173-303-300(1), (2), (3), and (4). He must keep this plan at the facility, and the plan must contain at least:

(a) The parameters for which each dangerous waste will be analyzed, and the rationale for selecting these parameters;

(b) The methods of obtaining or testing for these parameters;

(c) The methods for obtaining representative samples of wastes for analysis (representative sampling methods are discussed in WAC 173-303-110);

(d) The frequency with which analysis of a waste will be reviewed or repeated to ensure that the analysis is accurate and current;

(e) The waste analyses which generators have agreed to supply;

(f) Where applicable, the methods for meeting the additional waste analysis requirements for specific waste management methods as specified in WAC 173-303-630 through 173-303-670; and

(g) For off-site facilities, the procedures for confirming that each dangerous waste received matches the identity of the waste specified on the accompanying manifest or shipping paper. This includes at least:

(i) The procedures for identifying each waste movement at the facility; and

(ii) The method for obtaining a representative sample of the waste to be identified, if the identification method includes sampling.

NEW SECTION

WAC 173-303-310 SECURITY. (1) The owner or operator shall comply with the requirements of this section, unless:

(a) Physical contact with wastes or equipment within the active portion of the facility will not injure persons or livestock; and

(b) Disturbance of the wastes or equipment by persons or livestock will not result in violations of this chapter 173-303 WAC.

(2) A facility must have:

(a) Signs posted at each entrance to the active portion, and at other locations, in sufficient numbers to be seen from any approach to the active portion. Signs must bear the legend, "Danger-Unauthorized Personnel Keep Out", or an equivalent legend, written in English, and must be legible from a distance of twenty-five feet or more; and either

(b) A 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility; or

(c) An artificial or natural barrier, or a combination of both, which completely surrounds the active portion of the facility, with a means to control access through gates or other entrances to the active portion of the facility at all times.

(3) In lieu of WAC 173-303-310(2), above, the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit (as defined in WAC 173-303-040) must prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock into or onto the totally enclosed treatment facility or the elementary neutralization or wastewater treatment unit.

NEW SECTION

WAC 173-303-320 GENERAL INSPECTION.

(1) The owner or operator shall inspect his facility to prevent malfunctions and deterioration, operator errors, and discharges which may cause or lead to the release of dangerous waste constituents to the environment, or a threat to human health. The owner or operator must conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

(2) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment that help prevent, detect, or respond to hazards to the public health or the environment. In addition:

(a) He must keep the schedule at the facility;

(b) The schedule must identify the types of problems which are to be looked for during inspections;

(c) The schedule shall indicate the frequency of inspection for specific items. The frequency should be based on the rate of possible deterioration of equipment, and the probability of an environmental or human health incident. Areas subject to spills must be inspected daily when in use. The inspection schedule shall also include the applicable items and frequencies required for the specific waste management methods described in WAC 173-303-630 through 173-303-670; and

(d) The owner or operator shall keep an inspection log or summary, including at least the date and time of the inspection, the printed name and the handwritten signature of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions taken. The log or summary must be kept at the facility for at least three years from the date of inspection.

(3) The owner or operator shall remedy any problems revealed by the inspection, on a schedule which prevents hazards to the public health and environment. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-303-330 PERSONNEL TRAINING.

(1) Training program. The facility owner or operator shall provide a program of classroom instruction or on-the-job training for facility personnel. This program must teach personnel to perform their duties in a way that ensures the facility's compliance with this chapter

173-303 WAC, and shall include those elements set forth in the training plan required in WAC 173-303-330(2), below. In addition:

(a) The training program shall be directed by a person knowledgeable in dangerous waste management procedures, and must include training relevant to the positions in which the facility personnel are employed;

(b) Facility personnel must participate in an annual review of the training provided in the training program;

(c) This program must be successfully completed by the facility personnel:

(i) Within six months after these regulations become effective; or

(ii) Within six months after their employment at or assignment to the facility, or to a new position at the facility, whichever is later.

Employees hired after the effective date of these regulations must be supervised until they complete the training program; and

(d) At a minimum, the training program shall familiarize facility personnel with emergency equipment and systems, and emergency procedures. The program shall include other parameters as set forth by the department, but at a minimum shall include, where applicable:

(i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment;

(ii) Key parameters for automatic waste feed cut-off systems;

(iii) Communications or alarm systems;

(iv) Response to fires or explosions;

(v) Response to ground-water contamination incidents; and

(vi) Shutdown of operations.

(2) Written training plan. The owner or operator shall develop a written training plan which must include the following documents and records:

(a) For each position related to dangerous waste management at the facility, the job title, the job description, and the name of the employee filling each job. The job description must include the requisite skills, education, other qualifications, and duties for each position;

(b) A written description of the type and amount of both introductory and continuing training required for each position; and

(c) Records documenting that facility personnel have received and completed the training required by WAC 173-303-330.

(3) Training records. Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.

NEW SECTION

WAC 173-303-340 PREPAREDNESS AND PREVENTION. Facilities shall be designed, constructed, maintained and operated to minimize the possibility of fire, explosion, or any unplanned release of dangerous waste to air, soil, or surface or ground water which could

threaten the public health or the environment. This section describes preparations and preventive measures which help avoid or mitigate such situations.

(1) Required equipment. All facilities must be equipped with the following, unless it can be demonstrated to the department that none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

(a) An internal communications or alarm system capable of providing immediate emergency instruction to facility personnel;

(b) A device, such as a telephone or a hand-held, two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams;

(c) Portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and

(d) Water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

(2) Access to communications or alarms. Personnel must have immediate access to the signalling devices described in the situations below:

(a) Whenever dangerous waste is being poured, mixed, spread, or otherwise handled, all personnel involved must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee, unless such a device is not required in WAC 173-303-340(1), above;

(b) If there is ever just one employee on the premises while the facility is operating, he must have immediate access to a device, such as a telephone or a hand-held, two-way radio, capable of summoning external emergency assistance, unless such a device is not required in WAC 173-303-340(1), above.

(3) Aisle space. The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless it can be demonstrated to the department that aisle space is not needed for any of these purposes.

(4) Arrangements with local authorities. The owner or operator shall attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations, unless the hazards posed by wastes handled at the facility would not require these arrangements:

(a) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of dangerous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes;

(b) Arrangements to familiarize local hospitals with the properties of dangerous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility;

(c) Agreements with state emergency response teams, emergency response contractors, and equipment suppliers; and

(d) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority.

(5) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

NEW SECTION

WAC 173-303-350 CONTINGENCY PLAN AND EMERGENCY PROCEDURES. (1) Purpose. The purpose of WAC 173-303-350 and 173-303-360 is to lessen the potential impact on the public health and the environment in the event of a fire, explosion, or unplanned release of dangerous waste to air, soil, surface water, or ground water by a facility. A contingency plan must be developed, and the plan shall be implemented immediately in such emergency circumstances.

(2) Contingency plan. Each owner or operator must have a contingency plan at his facility for use in emergencies which threaten the public health and the environment. If the owner or operator has already prepared a Spill Prevention Control and Countermeasures (SPCC) Plan in accordance with Part 112 of Title 40 CFR or Part 1510 of chapter V, or some other emergency or contingency plan, he need only amend that plan to incorporate dangerous waste management provisions that are sufficient to comply with the requirements of WAC 173-303-350 and 173-303-360.

(3) The contingency plan must contain the following:

(a) A description of the actions which facility personnel must take to comply with WAC 173-303-350 and 173-303-360;

(b) A description of the actions which shall be taken in the event that a dangerous waste shipment, which is damaged or otherwise presents a hazard to the public health and the environment, arrives at the facility, and is not acceptable to the owner or operator, but cannot be transported, pursuant to the requirements of WAC 173-303-370(5), Manifest system, reasons for not accepting dangerous waste shipments;

(c) A description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors, and state and local emergency response teams to coordinate emergency services;

(d) A current list of names, addresses, and phone numbers (office and home) of all persons qualified to act as the emergency coordinator required under WAC 173-303-360(1). Where more than one person is listed, one must be named as primary emergency coordinator, and others must be listed in the order in which they will assume responsibility as alternates;

(e) A list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and

(f) An evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

(4) Copies of contingency plan. A copy of the contingency plan and all revisions to the plan shall be:

(a) Maintained at the facility; and

(b) Submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services.

(5) Amendments. The owner or operator shall review and immediately amend the contingency plan, if necessary, whenever:

(a) Applicable regulations or the facility permit are revised;

(b) The plan fails in an emergency;

(c) The facility changes (in its design, construction, operation, maintenance, or other circumstances) in a way that materially increases the potential for fires, explosions, or releases of dangerous waste, or in a way that changes the response necessary in an emergency;

(d) The list of emergency coordinators changes; or

(e) The list of emergency equipment changes.

NEW SECTION

WAC 173-303-360 EMERGENCIES. (1) Emergency coordinator. At all times, there must be at least one employee either on the facility premises or on call with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, required by WAC 173-303-350(2), all operations and activities at the facility, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

(2) Emergency procedures. The following procedures shall be implemented in the event of an emergency.

(a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:

(i) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and

(ii) Notify appropriate state or local agencies with designated response roles if their help is needed.

(b) Whenever there is a release, fire, or explosion, the emergency coordinator must immediately identify the character, exact source, amount, and a real extent of any released materials.

(c) Concurrently, the emergency coordinator shall assess possible hazards to human health and the environment (considering direct, indirect, immediate, and long-term effects) that may result from the release, fire, or explosion.

(d) If the emergency coordinator determines that the facility has had a release, fire, or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:

(i) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and

(ii) He must immediately notify the department and either the government official designated as the on-scene coordinator, or the National Response Center (using their 24-hour toll free number (800) 424-8802).

(e) His assessment report must include:

(i) Name and telephone number of reporter;

(ii) Name and address of facility;

(iii) Time and type of incident (e.g., release, fire);

(iv) Name and quantity of material(s) involved, to the extent known;

(v) The extent of injuries, if any; and

(vi) The possible hazards to human health or the environment outside the facility.

(f) During an emergency, the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other dangerous waste at the facility.

(g) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

(h) Immediately after an emergency, the emergency coordinator must provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

(i) The emergency coordinator must ensure that, in the affected area(s) of the facility:

(i) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

(ii) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

(j) The owner or operator must notify the department, and appropriate local authorities, that the facility is in compliance with WAC 173-303-360(2)(i), above, before operations are resumed in the affected area(s) of the facility.

(k) The owner or operator must note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within fifteen days after the incident, he must submit a written report on the incident to the department. The report must include:

(i) Name, address, and telephone number of the owner or operator;

(ii) Name, address, and telephone number of the facility;

(iii) Date, time, and type of incident (e.g., fire, explosion);

(iv) Name and quantity of material(s) involved;

(v) The extent of injuries, if any;

(vi) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and

(vii) Estimated quantity and disposition of recovered material that resulted from the incident.

NEW SECTION

WAC 173-303-370 MANIFEST SYSTEM. (1) Applicability. The requirements of this section apply to owners and operators who receive dangerous waste from off-site sources.

(2) If a facility receives dangerous waste accompanied by a manifest, the owner or operator, or his agent, must:

(a) Sign and date each copy of the manifest to certify that the dangerous waste covered by the manifest was received;

(b) Note any significant discrepancies in the manifest, as described in WAC 173-303-370(4), on each copy of the manifest;

(c) Immediately give the transporter at least one copy of the signed manifest;

(d) Within thirty days after the delivery, send a copy of the manifest to the generator; and

(e) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) If a facility receives, from a rail or water (bulk shipment) transporter, dangerous waste which is accompanied by a shipping paper containing all the information required on the manifest (excluding the EPA/State Identification Numbers, generator's certification, and signatures), the owner or operator, or his agent, must:

(a) Sign and date each copy of the shipping paper to certify that the dangerous waste covered by the shipping paper was received;

(b) Note any significant discrepancies in the shipping paper, as described in WAC 173-303-370(4), on each copy of the shipping paper;

(c) Immediately give the rail or water (bulk shipment) transporter at least one copy of the shipping paper;

(d) Within thirty days after the delivery, send a copy of the shipping paper to the generator. However, if the manifest is received within thirty days after the delivery, the owner or operator, or his agent, must sign and date the manifest and return it to the generator in lieu of the shipping paper; and

(e) Retain at the facility a copy of each shipping paper and manifest for at least three years from the date of delivery.

(4) Manifest discrepancies.

(a) Manifest discrepancies are significant discrepancies between the quantity or type of dangerous waste designated on the manifest or shipping paper and the quantity or type of dangerous waste a facility actually receives. Significant discrepancies in quantity are variations greater than ten percent in weight, or variations in piece count. Significant discrepancies in type are obvious

physical or chemical differences which can be discovered by inspection or waste analysis (e.g., waste solvent substituted for waste acid).

(b) Upon discovering a significant discrepancy, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter. If the discrepancy is not resolved within fifteen days after receiving the waste, the owner or operator must immediately submit to the department a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(5) Reasons for not accepting dangerous waste shipments. The owner or operator may decide that a dangerous shipment should not be accepted by his facility.

(a) The following shall be acceptable reasons for denying receipt of a dangerous waste shipment:

(i) The facility is not capable of properly managing the type(s) of dangerous waste in the shipment;

(ii) There is a significant discrepancy (as described in WAC 173-303-370(4), above) between the shipment and the wastes listed on the manifest or shipping paper; or

(iii) The shipment has arrived in a condition which the owner or operator believes would present an unreasonable hazard to facility operations, or to facility personnel handling the dangerous waste(s) (including, but not limited to, leaking or damaged containers, and improperly labeled containers).

(b) The owner or operator may return the shipment to the generator, or send it on to the alternate facility designated on the manifest or shipping paper, unless, the containers are damaged to such an extent, or the dangerous waste is in such a condition as to present a hazard to the public health or the environment in the process of further transportation.

(c) If the dangerous waste shipment cannot leave the facility for the reasons described in WAC 173-303-370(5)(b), above, then the owner or operator shall take those actions described in the contingency plan, WAC 173-303-350(3)(b).

NEW SECTION

WAC 173-303-380 FACILITY RECORDKEEPING.

(1) Operating record. The owner or operator of a facility shall keep a written operating record at his facility. The following information shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility:

(a) A description of and the quantity of each dangerous waste received, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by WAC 173-303-380(2), Recordkeeping instructions;

(b) The location of each dangerous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each dangerous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

(c) Records and results of waste analyses required by WAC 173-303-300, General Waste Analysis;

(d) Summary reports and details of all incidents that require implementing the contingency plan, as specified in WAC 173-303-360(2)(k);

(e) Records and results of inspections as required by WAC 173-303-320(2)(d), General Inspection (except such information need be kept only for three years);

(f) Monitoring, testing, or analytical data where required by WAC 173-303-630 through 173-303-670;

(g) All closure and post-closure cost estimates required for the facility; and

(h) For off-site facilities, copies of notices to generators informing them that the facility has all appropriate permits, as required by WAC 173-303-290, Required Notices.

(2) Recordkeeping instructions. This paragraph provides instructions for recording the portions of the operating record which are related to describing the types, quantities, and management of dangerous wastes at the facility. This information shall be kept in the operating record, as follows:

(a) Each dangerous waste received shall be described by its common name and by its Dangerous Waste Number(s) from WAC 173-303-080 through 173-303-104. Where a dangerous waste contains more than one process waste or waste constituent the waste description must include all applicable Dangerous Waste Numbers. If the Dangerous Waste Number is not listed then the waste description shall include the process which generated the waste;

(b) The waste description shall include the waste's physical form (i.e., liquid, solid, sludge, or gas);

(c) The weight, or volume and density, of the dangerous waste shall be recorded, using one of the units of measure specified in Table 1, below;

TABLE 1

Unit of Measure	Symbol	Density
Pounds	P	
Short tons (2000 lbs)	T	
Gallons (U.S.)	G	P/G
Cubic yards	Y	T/Y
Kilograms	K	
Tonnes (1000 kg)	M	
Liters	L	K/L
Cubic meters	C	M/C

(d) And, the date(s) and method(s) of management for each dangerous waste received shall be recorded, using the handling code(s) specified in Table 2, below.

TABLE 2

1. Storage
 - S01 Container (barrel, drum, etc.)
 - S02 Tank
 - S03 Waste pile
 - S04 Surface impoundment
 - S05 Other (specify)
2. Treatment
 - (a) Thermal Treatment
 - T06 Liquid injection incinerator
 - T07 Rotary kiln incinerator
 - T08 Fluidized bed incinerator
 - T09 Multiple hearth incinerator

- T10 Infrared furnace incinerator
- T11 Molten salt destructor
- T12 Pyrolysis
- T13 Wet Air oxidation
- T14 Calcination
- T15 Microwave discharge
- T16 Cement kiln
- T17 Lime kiln
- T18 Other (specify)
 - (b) Chemical Treatment
- T19 Absorption Mound
- T20 Absorption field
- T21 Chemical fixation
- T22 Chemical oxidation
- T23 Chemical precipitation
- T24 Chemical reduction
- T25 Chlorination
- T26 Chlorinolysis
- T27 Cyanide destruction
- T28 Degradation
- T29 Detoxification
- T30 Ion exchange
- T31 Neutralization
- T32 Ozonation
- T33 Photolysis
- T34 Other (specify)
 - (c) Physical Treatment
 - (i) Separation of components
- T35 Centrifugation
- T36 Clarification
- T37 Coagulation
- T38 Decanting
- T39 Encapsulation
- T40 Filtration
- T41 Flocculation
- T42 Flotation
- T43 Foaming
- T44 Sedimentation
- T45 Thickening
- T46 Ultrafiltration
- T47 Other (specify)
 - (ii) Removal of Specific Components
- T48 Absorption-molecular sieve
- T49 Activated carbon
- T50 Blending
- T51 Catalysis
- T52 Crystallization
- T53 Dialysis
- T54 Distillation
- T55 Electrodialysis
- T56 Electrolysis
- T57 Evaporation
- T58 High gradient magnetic separation
- T59 Leaching
- T60 Liquid ion exchange
- T61 Liquid-liquid extraction
- T62 Reverse osmosis
- T63 Solvent recovery
- T64 Stripping
- T65 Sand filter
- T66 Other (specify)
 - (d) Biological Treatment

- T67 Activated sludge
- T68 Aerobic lagoon
- T69 Aerobic tank
- T70 Anaerobic lagoon
- T71 Composting
- T72 Septic tank
- T73 Spray irrigation
- T74 Thickening filter
- T75 Trickling filter
- T76 Waste stabilization pond
- T77 Other (specify)
- T78-79 [Reserved]

- 3. Disposal
 - D80 Underground injection
 - D81 Landfill
 - D82 Land treatment
 - D83 Ocean disposal
 - D84 Surface impoundment
 - (to be closed as a landfill)
 - D85 Other (specify)

(3) Availability, retention and disposition of records.

(a) All facility records required by this chapter must be furnished upon request, and made available at all reasonable times for inspection, by any officer, employee, or representative of the department who is designated by the director.

(b) The retention period for all facility records required under this chapter is extended automatically during the course of any unresolved enforcement action regarding the facility or as requested by the director.

(c) A copy of records of waste disposal locations and quantities under this section must be submitted to the United States EPA Regional Administrator, the department, and the local land use and planning authority upon closure of the facility.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-303-390 FACILITY REPORTING.
The owner or operator of a facility is responsible for preparing and submitting the reports described in this section.

(1) Unmanifested waste reports. If a facility accepts any dangerous waste from an off-site source without an accompanying manifest or shipping paper, and if the waste is not excluded from the manifest requirements of this chapter 173-303 WAC, then the owner or operator must prepare and submit a single copy of a report to the department within fifteen days after receiving the waste. The report form and instructions in Facilities Report Form - Part C (which may be obtained from the department) must be used for this report. The report must include the following information:

(a) The EPA/State Identification Number, name, and address of the facility;

(b) The date the facility received the waste;

(c) The EPA/State Identification Number, name, and address of the generator and the transporter, if available;

(d) A description and the quantity of each unmanifested dangerous waste the facility received;

(e) The method of management for each dangerous waste;

(f) The certification signed by the owner or operator of the facility or his authorized representative; and

(g) A brief explanation of why the waste was unmanifested, if known.

(2) Annual reports. The owner or operator shall prepare and submit a single copy of an annual report to the department by March 1 of each year. The report form and instructions in Facilities Report Form - Part B (which may be obtained from the department) must be used for this report. The Annual Report must cover facility activities during the previous calendar year and must include the following information:

(a) The EPA/State Identification Number, name, and address of the facility;

(b) The calendar year covered by the report;

(c) For off-site facilities, the EPA/State Identification Number of each dangerous waste generator from which the facility received a dangerous waste during the year. For imported shipments, the report must give the name and address of the foreign generator;

(d) A description and the quantity of each dangerous waste the facility received during the year. For off-site facilities, this information must be listed by EPA/State Identification Number of each generator;

(e) The method of treatment, storage, or disposal for each dangerous waste;

(f) The most recent closure cost estimate under WAC 173-303-620(3), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5); and

(g) The certification signed by the owner or operator of the facility or his authorized representative.

(3) Additional reports. The owner or operator shall also report to the department releases of dangerous wastes, fires, and explosions as specified in WAC 173-303-360(2)(k).

In addition, the owner or operator shall submit reports as required by the department.

NEW SECTION

WAC 173-303-395 OTHER GENERAL REQUIREMENTS. (1) Precautions for ignitable, reactive, or incompatible wastes.

(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

(b) Where specifically required by other sections of this chapter 173-303 WAC, the treatment, storage, or

disposal of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:

(i) Generate extreme heat or pressure, fire or explosion, or violent reaction;

(ii) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;

(iii) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;

(iv) Damage the structural integrity of the facility or device containing the waste; or

(v) Through other like means, threaten human health or the environment.

(c) When required to comply with WAC 173-303-395(1)(a) and (b), the owner or operator must document that compliance in the operating record required under WAC 173-303-380(1). This documentation may be based on references to published scientific or engineering literature, data from trial tests, waste analyses, or the results of the treatment of similar wastes by similar treatment processes and under similar operating conditions.

(d) At least yearly, the owner or operator shall inspect those areas of his facility where ignitable or reactive wastes are stored. This inspection shall be performed in the presence of a professional person who is familiar with the Uniform Fire Code, or in the presence of the local, state, or federal fire marshal. The owner or operator shall enter the following information in his inspection log or operating record as a result of this inspection:

(i) The date and time of the inspection;

(ii) The name of the professional inspector or fire marshal;

(iii) A notation of the observations made; and

(iv) Any remedial actions which were taken as a result of the inspection.

(2) Compliance with other environmental protection laws and regulations. In receiving, storing, handling, treating, processing, or disposing of dangerous wastes, the owner/operator shall design, maintain and operate his dangerous waste facility in compliance with all applicable federal, state and local laws and regulations (e.g., control of stormwater or sanitary water discharge, control of volatile air emissions, etc.).

(3) Asbestos dangerous waste disposal requirements. All asbestos containing waste material shall be disposed of at waste disposal sites which are operated in accordance with 40 CFR 61.25. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR 61.25.

NEW SECTION

WAC 173-303-400 INTERIM STATUS FACILITY STANDARDS. (1) Purpose. The purpose of WAC 173-303-400 is to establish standards which define the acceptable management of dangerous waste during the period of interim status.

(2) Applicability.

(a) The interim status standards apply to owners and operators of facilities which treat, store, transfer, and/or

dispose of dangerous waste. For purposes of this section, interim status shall apply to all facilities which comply fully with the requirements for interim status under Section 3005(e) of the Federal Resource Conservation and Recovery Act or WAC 173-303-815(2). Interim status shall end after final administrative disposition of the Part B permit application is completed.

(b) Interim status facilities must meet the interim status standards upon the effective date of these regulations. Interim status facilities handling state designated wastes (i.e., not identified by 40 CFR Part 261) or facilities which are subject to WAC 173-303-400(3)(c) (ii), (iii), and (v), must meet interim status standards 180 days after promulgation of this regulation.

(c) The requirements of the interim status standards do not apply to:

(i) Persons disposing of dangerous waste subject to a permit issued under the Marine Protection, Research and Sanctuaries Act;

(ii) Persons disposing of dangerous waste by underground injection which is permitted under the Safe Drinking Water Act;

(iii) The owner or operator of a POTW who treats, stores, or disposes of dangerous wastes;

(iv) The owner or operator of a totally enclosed treatment facility; and

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200(6) provides otherwise.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 of Subparts F through R which are incorporated by reference into this regulation, the General requirements for dangerous waste management facilities, WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC 173-303-500, Siting standards, WAC 173-303-510, Performance standards, and WAC 173-303-520, Buffer monitoring zones.

(b) For purposes of applying the interim status standards of 40 CFR Part 265 Subparts F through R to the state of Washington facilities, the federal terms shall have the following state of Washington meanings:

(i) "Regional administrator" shall mean the "department";

(ii) "Hazardous" shall mean "dangerous"; and

(iii) "Compliance procedure" shall have the meaning set forth in WAC 173-303-040, Definitions.

(c) In addition to the changes described in WAC 173-303-400(3)(b), the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "within one year after the effective date of these regulations" shall mean the effective date of 40 CFR Part 265.

(ii) "Subpart N - Landfills" shall have an additional section (9) added which reads: "An owner/operator shall not landfill an organic carcinogen designated in WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100, nor an extremely hazardous waste, as defined by WAC 173-303-080 to 173-303-100, except at the EHW facility at Hanford;"

(iii) "Subpart R - Underground injection" shall have an additional section (c) which reads: "Owners and operators of wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 to 173-303-100, or an organic carcinogen designated under WAC 173-303-081, 173-303-082, 173-303-084, or 173-303-100;"

(iv) "Subpart M - Land treatment," section 165.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080"; and

(v) "Subpart F - Ground-Water Monitoring," section 265.91(c) shall include the requirement that: "Ground-water monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. New groundwater monitoring wells shall have an inside diameter of not less than four inches (10 cm)."

NEW SECTION

WAC 173-303-500 SITING STANDARDS. (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-820 and 173-303-825, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) For dangerous waste facilities, active portions of new treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. Where dangerous wastes are in solid or semisolid form, engineering efforts, as approved by the department, may be substituted for the 200-foot buffer zone.

(b) For extremely hazardous waste facilities, active portions of new or existing treatment, storage, transfer, or disposal facilities will not be located within 200 feet of a fault which has had displacement in Holocene times. No engineering exceptions to this limit shall be permitted.

(c) As used in WAC 173-303-500(3)(a) and (b):

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quaternary period, extending from the end of the Pleistocene to the present.

Facilities which are located in political jurisdictions other than those listed in Appendix VI of 40 CFR 264 are assumed to be in compliance with this requirement.

(4) Floodplain criteria.

(a) For dangerous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a 100-year flood, unless the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to

be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters.

(b) For extremely hazardous waste facilities, a facility located in a 100-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any extremely hazardous waste by a 100-year flood. Contingency procedures for removal of extremely hazardous waste will not be deemed equivalent to engineered flood proofing.

(c) The location to which wastes are moved must be a facility which is permitted by this chapter 173-303 WAC.

As used in WAC 173-303-500(4)(a) and (b):

(i) "100-year floodplain" means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) "100-year flood" means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58.030(2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

NEW SECTION

WAC 173-303-510 PERFORMANCE STANDARDS. (1) Purpose. This section provides general performance standards for designing, constructing, operating, and maintaining dangerous waste facilities.

(2) Applicability. This section applies to all dangerous waste facilities permitted under WAC 173-303-800 through 173-303-845. These general performance standards shall be used to determine whether more stringent facility standards should be applied than those spelled out in WAC 173-303-280 through 173-303-400 and 173-303-600 through 173-303-670.

(3) Performance standards. Unless authorized by state, local, or federal laws, or unless otherwise authorized in this regulation, the owner/operator shall design,

construct, operate, or maintain a dangerous waste facility that to the maximum extent practical given the limits of technology prevents:

(a) Degradation of ground water quality;

(b) Degradation of air quality by open burning or other activities;

(c) Degradation of surface water quality;

(d) Destruction or impairment of flora and fauna outside the active portion of the facility;

(e) Excessive noise;

(f) Conditions that constitute a negative aesthetic impact for the public using rights of ways, or public lands, or for landowners of adjacent properties;

(g) Unstable hillsides or soils as a result of trenches, impoundments, excavations, etc.;

(h) The use of processes that do not treat, detoxify, recycle, reclaim, and recover waste material to the extent economically feasible;

(i) Endangerment of the health of employees, or the public near the facility.

NEW SECTION

WAC 173-303-520 BUFFER MONITORING ZONES. (1) Buffer zones.

(a) The owner/operator of a dangerous waste facility which treats or stores ignitable waste in covered tanks must treat or store his ignitable waste in a manner equivalent with the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of "The Flammable and Combustible Liquids Code-1981."

(b) The owner/operator of a dangerous waste facility which stores reactive waste must store his reactive waste in a manner equivalent with the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(c) Within the practical limits of the best available management technology, the owner/operator of a new dangerous waste impoundment, landfarm, or landfill should attempt to locate his facility so that the travel time (as defined in WAC 173-303-040) from the active portion of the facility to the nearest downstream well or surface water used for drinking purposes is at least:

(i) Three years, for dangerous wastes; and

(ii) Ten years, for extremely hazardous waste.

(2) Monitoring zones.

(a) The owner/operator of a new dangerous waste facility handling category X, A, B, C, or D dangerous waste, not designated as extremely hazardous waste, may provide a monitoring zone around lagoons, landfarms, and landfills as follows:

$$D = \frac{wv}{N} \text{ (ft)}$$

N

Where

D = the minimum width of the monitoring zone

w = 3, a constant

v = velocity of surface soil migration, ft/yr

N = number of times the surface soil is sampled at one spot in a year.

Samples shall be taken a distance of

$$S = \frac{D}{w} \text{ (ft) from the active portion of the facility}$$

Where

D = the monitoring zone width in feet and
w = 3.

(b) The same monitoring zone determinations may be made for facilities handling extremely hazardous waste (category X, A, B, or C), except that the value W = 10 shall be used.

(c) Additional information and assistance on choosing monitoring zones is available from the department.

NEW SECTION

WAC 173-303-575 TEMPORARY STANDARDS FOR NEW DANGEROUS WASTE LAND DISPOSAL FACILITIES. (1) Purpose, scope and applicability.

(a) The purpose of WAC 173-303-575 is to establish minimum standards that define the acceptable management of dangerous waste for new land disposal facilities. Extremely hazardous waste can only be disposed in accordance with WAC 173-303-140.

(b) The regulations in WAC 173-303-575 apply to owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and Class I underground injection wells that require individual permits under WAC 173-303-800.

(c) The requirements of this part do not apply to:

(i) A person disposing of dangerous waste by means of ocean disposal subject to a permit by rule issued under WAC 173-303-805;

(ii) A person disposing of dangerous waste by means of underground injection subject to a permit by WAC 173-303-805;

(iii) An owner or operator of a POTW subject to a permit by rule under WAC 173-303-805;

(iv) The owner or operator of a facility permitted, licensed, or registered by the state to manage municipal or industrial solid waste, if the only dangerous waste the facility treats, stores, or disposes of is under the quantity exclusion limits of WAC 173-303-070 to 173-303-103;

(v) The owner or operator of a facility which treats or stores dangerous waste that is recycled and not subject to regulation as set forth in WAC 173-303-120;

(vi) A generator accumulating waste on-site in compliance with WAC 173-303-200;

(vii) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in WAC 173-303-040; or

(viii) Persons who undertake activities to immediately contain or treat a spill of dangerous waste or material which, when spilled, becomes a dangerous waste.

(2) Applicability of final facility standards.

In addition to the standards contained in WAC 173-303-575 owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities and underground injection wells must comply with Siting Standards, WAC 173-303-500, Performance Standards, WAC 173-303-510, Buffer Monitoring Zones, WAC 173-303-520, and General Facility Requirements, WAC 173-303-280 through 173-303-395.

(3) Duration of Temporary Standards and their relationship to Final Permits.

(a) The regulations in WAC 173-303-575 are applicable, and will serve as a basis for issuing permits, to owners or operators of new dangerous waste landfills, surface impoundments, land treatment facilities, or underground injection facilities until final regulations for such facilities become effective.

(b) Only those owners and operators of new dangerous waste landfills, surface impoundments, land treatment facilities or underground injection wells who have applied for a permit, and for whom public notice of the preparation of a draft permit has been issued under WAC 173-303-840(3), by the date final facility standards for these facilities become effective may be issued permits under the regulations in WAC 173-303-575.

(4) Additional permit procedures applicable to WAC 173-303-575.

(a) The procedures for issuance, modification, revocation and reissuance, and termination of permits under WAC 173-303-830 are applicable to permits issued pursuant to WAC 173-303-575. In addition, the following procedures apply to permits for facilities regulated under WAC 173-303-575:

(i) Any facility for which a draft permit is prepared pursuant to WAC 173-303-575 may be a major dangerous waste management facility. If the department determines that a facility is major, then a fact sheet shall be prepared for each such facility in accordance with WAC 173-303-840; and

(ii) Instead of the "brief summary of the basis for the draft permit conditions" required by WAC 173-303-840(2)(c)(iii), the fact sheet shall include a detailed discussion of basis for the draft permit conditions. This shall include a demonstration that relevant factors listed by the Environmental Protection Agency in 40 CFR 267 Subparts B through G were considered and a showing of how the draft permit reflects these considerations.

(b) The provisions of WAC 173-303-800 through 173-303-815 and WAC 173-303-825 through 173-303-845 apply to permits for facilities regulated under WAC 173-303-575. In addition to the information required by WAC 173-303-815, the applications for permits under WAC 173-303-575 must include the following information:

(i) For a landfill, sufficient information to demonstrate compliance with Subparts C and F of 40 CFR 267;

(ii) For a surface impoundment, sufficient information to demonstrate compliance with Subparts D and F of 40 CFR 267;

(iii) For a land treatment facility, sufficient information to demonstrate compliance with Subparts E and F of 40 CFR 267; and

(iv) For an underground injection well, sufficient information to demonstrate compliance with Subpart G or 40 CFR 267.

(5) Definitions.

Unless otherwise specified, terms used in WAC 173-303-575 are defined in 40 CFR 260.10 and 122.3, or WAC 173-303-040. For the purposes of WAC 173-303-575, "Regional Administrator" shall mean the "department".

(6) Temporary standards.

Temporary standards for new dangerous waste land disposal facilities shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 267 Subparts B through F.

(7) An owner/operator shall not landfill dangerous waste containing greater than one percent IARC organic carcinogens, nor an extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103 except at the extremely hazardous waste facility at Hanford.

(8) Owners and operators of underground injection wells are prohibited from disposing of extremely hazardous waste as defined by WAC 173-303-080 through 173-303-103, or dangerous waste containing greater than one percent IARC organic carcinogens.

(9) Groundwater monitoring wells shall be designed, constructed and operated so as to prevent groundwater contamination in accordance with chapter 173-160 WAC. Monitoring wells shall be a minimum of 4 inches (10 centimeters) in diameter.

(10) Owners and operators of new dangerous waste land disposal facilities shall design, construct, and operate landfills to segregate and contain wastes, wherever practical, so as to enhance the retrievability of wastes.

NEW SECTION

WAC 173-303-600 FINAL FACILITY STANDARDS. Purpose, scope, and applicability.

(1) The purpose of WAC 173-303-600 through 173-303-670, is to establish minimum state-wide standards which all dangerous waste facilities must meet to obtain a permit under WAC 173-303-825.

(2) The final facility standards apply to owners and operators of all facilities which treat, store, or dispose of dangerous waste as defined in WAC 173-303-080 through 173-303-103. The final facility standards are to be used to determine whether a permit may be issued pursuant to the requirements set forth in WAC 173-303-800. In addition to WAC 173-303-600 through 173-303-670, the final facility standards include WAC 173-303-280 through 173-303-395, and WAC 173-303-500 through 173-303-520.

(3) The final facility standards do not apply to:

(a) Persons whose disposal activities are permitted under the Marine Protection, Research and Sanctuaries Act, except that storage, or treatment facilities where dangerous waste is loaded onto an ocean vessel for incineration or disposal at sea are subject to final facility standards;

(b) Persons whose disposal activities are permitted under the Underground Injection Control Program of the Safe Drinking Water Act, except that storage, or treatment facilities needed to handle dangerous wastes are subject to final facility standards;

(c) Owners or operators of POTWs which treat, store, or dispose of dangerous waste provided they follow the permit-by-rule requirement of WAC 173-303-805;

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a totally enclosed treatment facility; and

(f) The owner or operator of an elementary neutralization or a wastewater treatment unit.

NEW SECTION

WAC 173-303-610 CLOSURE AND POST CLOSURE. (1) Applicability.

(a) WAC 173-303-610(2) to (6) (which concern closure) apply to the owners and operators of all dangerous waste facilities; and

(b) WAC 173-303-610(7) to (10) (which concern post-closure care) apply to the owners and operators of all dangerous waste disposal facilities.

(2) Closure performance standard. The owner or operator must close the facility in a manner that:

(a) Minimizes the need for further maintenance; and

(b) Controls, minimizes or eliminates to the extent necessary to prevent threats to human health and the environment, post-closure escape of dangerous waste, dangerous waste constituents, leachate, contaminated rainfall, or waste decomposition products to the ground, surface water, or the atmosphere.

(c) Returns the land to the appearance and use of surrounding land areas to the degree possible given the nature of the previous dangerous waste activity.

(3) Closure plan; Amendment of plan.

(a) The owner or operator of a dangerous waste management facility must have a written closure plan. The plan must be submitted with the permit application, in accordance with WAC 173-303-815, and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved closure plan will become a condition of any permit. The department's decision must assure that the approved closure plan is consistent with WAC 173-303-610(2), (4), (5), (6), and the applicable requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9) and 173-303-670(8). A copy of the approved plan and all revisions to the plan must be kept at the facility until closure is completed and certified in accordance with WAC 173-303-610(6). The plan must identify steps necessary to completely or partially close the facility at any point during its intended operating life and to completely close the facility at the end of its intended operating life. The closure plan must include at least:

(i) A description of how and when the facility will be partially closed, if applicable, and finally closed. The description must identify the maximum extent of the operation which will be unclosed during the life of the facility and how the requirements of WAC 173-303-610(2) to (6), and the applicable closure requirements of WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9), and 173-303-670(8) will be met;

(ii) An estimate of the maximum inventory of wastes in storage and in treatment at any time during the life of the facility. (Any change in this estimate is a minor modification under WAC 173-303-830(4));

(iii) A description of the steps needed to decontaminate facility equipment during closure; and

(iv) An estimate of the expected year of closure and a schedule for final closure. The schedule must include, at a minimum, the total time required to close the facility

and the time required for intervening closure activities which will allow tracking of the progress of closure. (For example, in the case of a landfill, estimates of the time required to treat and dispose of all waste inventory and of the time required to place a final cover must be included.)

(b) The owner or operator may amend his closure plan at any time during the active life of the facility. (The active life of the facility is that period during which wastes are periodically received.) The owner or operator must amend the plan whenever changes in operating plans or facility design affect the closure plan, or whenever there is a change in the expected year of closure. When the owner or operator requests a permit modification to authorize a change in operating plans or facility design, he must request a modification of the closure plan at the same time (see WAC 173-303-840(10)). If a permit modification is not needed to authorize the change in operating plans or facility design, the request for modification of the closure plan must be made within sixty days after the change in plans or design occurs.

(c) The owner or operator must notify the department at least one hundred eighty days prior to the date he expects to begin closure.

(4) Closure; Time allowed for closure.

(a) Within ninety days after receiving the final volume of dangerous wastes, the owner or operator must treat, remove from the site, or dispose of on site, all dangerous wastes in accordance with the approved closure plan. The department may approve a longer period if the owner or operator demonstrates that:

(i)(A) The activities required to comply with this paragraph will, of necessity, take longer than ninety days to complete; or

(B)(I) The facility has the capacity to receive additional wastes:

(II) There is a reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(III) Closure of the facility would be incompatible with continued operation of the site; and

(ii) He has taken and will continue to take all steps to prevent threats to human health and the environment.

(b) The owner or operator must complete closure activities in accordance with the approved closure plan within one hundred eighty days after receiving the final volume of wastes. The department may approve a longer closure period if the owner or operator demonstrates that:

(i) The closure activities will, of necessity, take longer than one hundred eighty days to complete; or

(ii) (A) The facility has the capacity to receive additional wastes;

(B) There is reasonable likelihood that a person other than the owner or operator will recommence operation of the site; and

(C) Closure of the facility would be incompatible with continued operation of the site;

(iii) And he has taken and will continue to take all steps to prevent threats to human health and the environment from the unclosed but inactive facility.

(5) Disposal or decontamination of equipment. When closure is completed, all facility equipment and structures must have been properly disposed of, or decontaminated by removing all waste and residues.

(6) Certification of closure. When closure is completed, the owner or operator must submit to the department certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan.

(7) Post-closure care and use of property.

(a) Post-closure care must continue for thirty years after the date of completing closure and must consist of at least the following:

(i) Ground water monitoring and reporting as applicable; and

(ii) Maintenance of monitoring and waste containment systems as applicable.

(b) During the one hundred eighty-day period preceding closure (see WAC 173-303-610(3)(c)) or at any time thereafter, the department may reduce the post-closure care period to less than thirty years if it finds that the reduced period is sufficient to protect human health and the environment (e.g., leachate or ground water monitoring results, characteristics of the waste, application of advanced technology, or alternative disposal, treatment, or reuse techniques indicate that the facility is secure).

Prior to the time that the post-closure care period is due to expire the department may extend the post-closure care period if it finds that the extended period is necessary to protect human health and the environment (e.g., leachate or ground water monitoring results indicate a potential for migration of waste at levels which may be harmful to human health and the environment).

(c) The department may require, at closure, continuation of any of the security requirements of WAC 173-303-310 during part or all of the post-closure period after the date of completing closure when:

(i) Wastes may remain exposed after completion of closure; or

(ii) Access by the public or domestic livestock may pose a hazard to human health or may disturb the post-closure monitoring or waste containment systems.

(d) Post-closure use of property on or in which dangerous wastes remain after closure must never be allowed to disturb the integrity of the final cover, liner(s), or any other components of any containment system, or the function of the facility's monitoring systems, unless the department finds that the disturbance:

(i) Is necessary to the proposed use of the property, and will not increase the potential hazard to human health or the environment; or

(ii) Is necessary to reduce a threat to human health or the environment.

(e) All post-closure care activities must be in accordance with the provisions of the approved post-closure plan as specified in WAC 173-303-610(8).

(8) Post-closure plan; Amendment of plan.

(a) The owner or operator of a disposal facility must have a written post-closure plan. The plan must be submitted with the permit application in accordance with

WAC 173-303-815, and approved by the department as part of the permit issuance proceeding under WAC 173-303-840. The approved post-closure plan will become a condition of any permit issued. A copy of the approved plan and all revisions to the plan must be kept at the facility until the post-closure care period begins. This plan must identify the activities which will be carried on after closure and the frequency of these activities, and include at least:

(i) A description of the planned ground water monitoring activities and frequencies at which they will be performed;

(ii) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:

(A) The integrity of the cap and final cover or other containment structures where applicable; and

(B) The function of the facility monitoring equipment;

(iii) And the name, address, and phone number of the person or office to contact about the disposal facility during the post-closure period. This person or office must keep an updated post-closure plan during the post-closure period.

(b) The owner or operator may amend his post-closure plan at any time during the active life of the disposal facility or during the post-closure care period. The owner or operator must amend his plan whenever changes in operating plans or facility design, or events which occur during the active life of the facility or during the post-closure period, affect his post-closure plan. He must also amend his plan whenever there is a change in the expected year of closure.

(c) When a permit modification is requested during the active life of the facility to authorize a change in operating plans or facility design which affects the post-closure plan, modification of the post-closure plan must be requested at the same time (see WAC 173-303-840(10)). In all other cases the request for modification of the post-closure plan must be made within sixty days after the change in operating plans or facility design or the events which affect his post-closure plan occur.

(9) Notice to local land authority. Within ninety days after closure is completed, the owner or operator of a disposal facility must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department a survey plat indicating the location and dimensions of landfill cells or other disposal areas with respect to permanently surveyed benchmarks. This plat must be prepared and certified by a professional land surveyor. The plat filed with the local zoning authority or the authority with jurisdiction over local land use must contain a note, prominently displayed, which states the owner's or operator's obligation to restrict disturbance of the site as specified in WAC 173-303-610(7)(d). In addition, the owner or operator must submit to the local zoning authority or the authority with jurisdiction over local land use and to the department, a record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility. For wastes disposed of before these regulations were promulgated, the owner or operator must identify the type, location, and quantity of the wastes to

the best of his knowledge and in accordance with any records he has kept. Any changes in the type, location, or quantity of dangerous wastes disposed of within each cell or area of the facility that occur after the survey plat and record of wastes have been filed must be reported to the local zoning authority or the authority with jurisdiction over local land use and to the department.

(10) Notice in deed to property.

(a) The owner of the property on which a disposal facility is located must record, in accordance with state law, a notation on the deed to the facility property, or on some other instrument which is normally examined during title search, that will in perpetuity notify any potential purchaser of the property that:

(i) The land has been used to manage dangerous wastes;

(ii) Its use is restricted under WAC 173-303-610(7)(d); and

(iii) The survey plat and record of the type, location, and quantity of dangerous wastes disposed of within each cell or area of the facility required in WAC 173-303-610(9) have been filed with the local zoning authority, or the authority with jurisdiction over local land use, and with the department.

(b) If at any time the owner or operator or any subsequent owner of the land upon which a dangerous waste facility was located removes the waste and waste residues, the liner, if any, and all contaminated underlying and surrounding soil, he may remove the notation on the deed to the facility property or other instrument normally examined during title search, or he may add a notation to the deed or instrument indicating the removal of the waste.

NEW SECTION

WAC 173-303-620 FINANCIAL REQUIREMENTS. (1) Applicability.

(a) The requirements of WAC 173-303-620(3), (4), and (7), apply to owners and operators of all dangerous waste facilities, except as provided otherwise in WAC 173-303-620.

(b) The requirements of WAC 173-303-620(5) and (6) apply only to owners and operators of dangerous waste disposal facilities.

(c) States and the federal government are exempt from the requirements of WAC 173-303-620; however, operators of facilities who are under contract with the state or federal government must meet the financial requirements of this section.

(2) The definitions of WAC 173-303-040 pertaining to liability are the common meanings of the terms as they are generally used in the insurance industry and are not intended to limit the meanings in a way that conflicts with general usage.

(3) Cost estimate for facility closure.

(a) The owner or operator must have a written estimate of the cost of closing the facility in accordance with the requirements in WAC 173-303-610(2) through (6), and applicable closure requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(7), 173-303-660(9) and 173-303-670(8). The owner or operator must keep this estimate, and all subsequent estimates

required in WAC 173-303-620 at the facility. The estimate must equal the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan (see WAC 173-303-610(3)(a)).

(b) The owner or operator must prepare a new closure cost estimate whenever a change in the closure plan affects the cost of closure.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(3)(a), the owner or operator must adjust the latest closure cost estimate using an inflation factor derived from the annual Implicit Price Deflator for Gross National Product as published by the United States Department of Commerce in its Survey of Current Business. The inflation factor must be calculated by dividing the latest published annual deflator by the deflator for the previous year. The result is the inflation factor. The adjusted closure cost estimate must equal the latest closure cost estimate (see WAC 173-303-620(3)(b)) times the inflation factor.

(4) Financial assurance for facility closure. An owner or operator of each facility must establish financial assurance for closure of the facility. He must choose from among the following or equivalent options:

(a) Closure trust fund. The following procedures shall be used to establish a closure trust fund:

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing a closure trust fund which conforms to the requirements of WAC 173-303-620(4)(a) and by sending an originally signed duplicate of the trust agreement to the department by certified mail. An owner or operator of a new facility must send the originally signed duplicate of the trust agreement to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The trustee must be a bank or other financial institution which has the authority to act as a trustee and whose trust operations are regulated and examined by a federal or state agency.

(ii) The wording of the trust agreement must be identical to the wording specified in 40 CFR 264.151(a)(1) and the trust agreement must be accompanied by a formal certification of acknowledgement.

(iii) Payments to the trust fund must be made annually by the owner or operator over the term of the initial permit. The payments to the closure trust fund must be made as follows:

(A) For a new TSD facility, the first payment must be made when the trust fund is established. The first payment must be at least equal to the closure cost estimate (see WAC 173-303-620(3)), except as provided in WAC 173-303-620(4)(g), divided by the number of years in the term of the permit. Subsequent payments must be made no later than thirty days after each anniversary date of the first payment. The amount of each subsequent payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is adjusted closure cost estimate calculated under WAC 173-303-620(3)(c), CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit;

(B) If an owner or operator established a trust fund as specified in WAC 173-303-400, and the value of the trust fund does not equal the adjusted closure cost estimate when a permit is awarded for the facility, the amount of the adjusted closure cost estimate still to be paid into the trust fund must be paid in over the term of the permit. Payments must continue to be made no later than thirty days after each anniversary date of the first payment made pursuant to WAC 173-303-400. The amount of each payment must be determined by performing the following calculation:

$$\text{Next payment} = \frac{\text{ACE} - \text{CV}}{Y}$$

where ACE is the adjusted closure cost estimate, CV is the current value of the trust fund, and Y is the number of years remaining in the term of the permit.

(iv) The owner or operator may accelerate payments into the trust fund or he may deposit the full amount of the closure cost estimate at the time the fund is established. However, he must maintain the value of the fund at no less than the value the fund would have if annual payments were made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(v) If the owner or operator establishes a closure trust fund after having initially used one or more alternate mechanisms specified in WAC 173-303-620(4), his first payment must be at least the amount that the fund would have contained if the trust fund were established and annual payments made as specified in WAC 173-303-620(4)(a)(iii)(A) and (B).

(vi) After the term of the initial permit is completed, whenever the adjusted closure cost estimate changes, the owner or operator must compare the new estimate with the trustee's most recent annual valuation of the trust fund (as described in Section 10 of the trust agreement; see WAC 173-303-620(4)(a)(ii)).

(vii) If the value of the fund is less than the amount of the new estimate, the owner or operator must, within sixty days of the change in the cost estimate, deposit a sufficient amount into the fund so that its value after payment at least equals the amount of the new estimate, or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the difference.

(viii) If an owner or operator substitutes other financial assurance as specified in WAC 173-303-620(4) for all or part of the trust fund, he may submit a written request to the department for release of the amount in the trust fund which is greater than the amount required as a result of such substitution.

(ix) Within sixty days after receiving a request from the owner or operator for release of funds as specified in WAC 173-303-620(4)(a)(vii) or (a)(viii), the department will instruct the trustee to release to the owner or

operator such funds as the department specifies in writing.

(x) After beginning final closure, an owner or operator or any other person authorized to conduct closure may request reimbursement for closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the closure expenditures are in accordance with the closure plan or otherwise justified.

(xi) The department will agree to termination of the trust when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(b) Surety bond guaranteeing payment into a closure trust fund.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond which conforms to the requirements of WAC 173-303-620(4)(b) and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for transfer, treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 of the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(b).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4)(b) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a) except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required until the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(b).

(iv) The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond at least sixty days prior to the expected date of the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620 within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(b) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such notice the department will issue a compliance order, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternative financial assurance within thirty days after issuance of the compliance order, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(x) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xi) The department will notify the surety when the owner or operator funds the standby trust fund in the amount guaranteed by the surety bond or if he provides alternate financial assurance as specified in WAC 173-303-620(4).

(c) Surety bond guaranteeing performance of closure.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining a surety bond

which conforms to the requirements of this paragraph and by having the bond delivered to the department by certified mail. An owner or operator of a new facility must have the surety bond delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The surety bond must be effective before this initial receipt of dangerous waste. The surety company issuing the bond must, at a minimum, be among those listed as acceptable sureties on federal bonds in Circular 570 or the United States Department of the Treasury.

(ii) The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(c).

(iii) The owner or operator who uses a surety bond to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the bond is obtained. Under the terms of the surety bond, all payments made thereunder will be deposited directly into the standby trust fund. This trust fund must meet the requirements specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the surety bond; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(c).

(iv) The bond must guarantee that the owner or operator will:

(A) Perform final closure in accordance with the closure plan and other requirements in the permit for the facility; or

(B) Perform final closure in accordance with WAC 173-303-610 following an order to begin closure issued by a court, or following issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternative financial assurance as specified in WAC 173-303-620(4) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety.

(v) The surety will become liable on the bond obligation when the owner or operator fails to perform as guaranteed by the bond.

(vi) The penal sum of the bond must be in an amount at least equal to the amount of the adjusted closure cost estimate.

(vii) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the penal sum of the bond, the owner or operator must, within sixty days after the increase, cause the penal sum of the bond to be increased to an amount at least equal to the new estimate or obtain other financial assurance, as specified in WAC 173-303-620(4), to cover the increase. Whenever the adjusted closure cost estimate decreases, the penal sum may be reduced to the amount of

the adjusted closure cost estimate following written approval by the department. Notice of an increase or decrease in the penal sum must be sent to the department by certified mail within sixty days after the change.

(viii) The bond shall remain in force unless the surety sends written notice of cancellation by certified mail to the owner or operator and to the department. Cancellation cannot occur, however:

(A) During the ninety days beginning on the date of receipt of the notice of cancellation by the department as shown on the signed return receipt; or

(B) While a compliance procedure is pending, as defined in WAC 173-303-040.

(ix) Following a determination pursuant to chapter 173-303 WAC that the owner or operator has failed to perform final closure in accordance with the closure plan and other permit requirements or closure order, then as an alternative the surety may deposit the amount of the penal sum into the standby trust fund.

(x) The surety bond no longer satisfies the requirements of WAC 173-303-620(4)(c) subsequent to the receipt by the department of a notice of cancellation of the surety bond. Upon receipt of such cancellation notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days after issuance of the notice of violation, the department may direct the surety to place the penal sum of the bond in the standby trust fund.

(xi) The owner or operator may cancel the bond if the department has given prior written consent based on receipt of evidence of alternate financial assurance as specified in WAC 173-303-620(4).

(xii) The department will notify the surety if the owner or operator provides alternate financial assurance as specified in WAC 173-303-620(4).

(xiii) The surety will not be liable for deficiencies in the performance of closure by the owner or operator after the owner or operator has been notified by the department in accordance with WAC 173-303-620(4)(i), that it is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(d) Closure letter of credit.

(i) An owner or operator may satisfy the requirements of WAC 173-303-620(4) by obtaining an irrevocable standby letter of credit which conforms to the requirements of WAC 173-303-620(4)(d) and by having it delivered to the department by certified mail. An owner or operator of a new facility must have the letter of credit delivered to the department by certified mail at least sixty days before the date on which dangerous waste is first received for treatment, storage, or disposal. The letter of credit must be effective before the initial receipt of dangerous waste. The issuing institution must be a bank or other financial institution which has the authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency.

(ii) The wording of the letter of credit must be identical to the wording specified in 40 CFR 264.151(f).

(iii) An owner or operator who uses a letter of credit to satisfy the requirements of WAC 173-303-620(4) must also establish a standby trust fund by the time the letter of credit is obtained. Under the terms of the letter of credit, all amounts paid pursuant to a draft by the department will be deposited promptly and directly by the issuing institution into the standby trust fund. The standby trust fund must meet the requirements of the trust fund specified in WAC 173-303-620(4)(a), except that:

(A) An originally signed duplicate of the trust agreement must be delivered to the department with the letter of credit; and

(B) After a nominal initial payment agreed upon between the trustee and the owner or operator, payments as specified in WAC 173-303-620(4)(a) are not required unless the standby trust fund is funded pursuant to the requirements of WAC 173-303-620(4)(d).

(iv) The letter of credit must be irrevocable and issued for a period of at least one year. The letter of credit must provide that the expiration date will be automatically extended for a period of at least one year. If the issuing institution decides not to extend the letter of credit beyond the then current expiration date it must, at least ninety days before that date, notify both the owner or operator and the department by certified mail of that decision. The ninety-day period will begin on the date of receipt by the department as shown on the signed return receipt. Expiration cannot occur, however, while a compliance procedure is pending as defined in WAC 173-303-040.

(v) The letter of credit must be issued for at least the amount of the adjusted closure cost estimate except as provided in WAC 173-303-620(4)(g).

(vi) Whenever the adjusted closure cost estimate increases to an amount greater than the amount of the credit during the operating life of the facility, the owner or operator must, within sixty days of the increase, cause the amount of the credit to be increased to an amount at least equal to the new estimate or obtain other financial assurance as specified in WAC 173-303-620(4) to cover the increase. Whenever the adjusted closure cost estimate decreases during the operating life of the facility the letter of credit may be reduced to the amount of the new estimate following written approval by the department. Notice of an increase or decrease in the amount of the credit must be sent to the department by certified mail within sixty days of the change.

(vii) Following a notice pursuant to chapter 70.105 RCW that the owner or operator has failed to perform closure in accordance with the closure plan or other permit requirements, the department may draw on the letter of credit.

(viii) The letter of credit no longer satisfies the requirements of WAC 173-303-620(4)(d) subsequent to the receipt by the department of a notice from the issuing institution that it has decided not to extend the letter of credit beyond the then current expiration date. Upon receipt of such notice, the department will issue a notice of violation pursuant to chapter 70.105 RCW, unless the

owner or operator has demonstrated alternate financial assurance as specified in WAC 173-303-620(4). In the event the owner or operator does not correct the violation by demonstrating such alternate financial assurance within thirty days of issuance of the notice of violation, the department may draw on the letter of credit.

(ix) The department will return the original letter of credit to the issuing institution for termination when:

(A) The owner or operator substitutes alternate financial assurance for closure as specified in WAC 173-303-620(4); or

(B) The department notifies the owner or operator, in accordance with WAC 173-303-620(4)(i) that he is no longer required by WAC 173-303-620(4) to maintain financial assurance for closure of the facility.

(c) Reserved.

(f) Reserved.

(g) Use of multiple financial mechanisms. An owner or operator may satisfy the requirements of WAC 173-303-620(4) by establishing more than one financial mechanism. These mechanisms are limited to trust funds, surety bonds guaranteeing payment into a closure trust fund, and letters of credit. The mechanisms must be as specified in WAC 173-303-620(4)(a), (b), and (d) respectively, except that it is the combination of mechanisms, rather than each single mechanism, which must provide financial assurance for an amount at least equal to the adjusted closure cost estimate. If an owner or operator uses a trust fund in combination with a surety bond or letter of credit, he may use the trust fund as the standby trust fund for the bond or letter of credit. If the multiple mechanisms include only surety bonds and letters of credit, a single standby trust may be established for all these mechanisms. The department may invoke use of any or all of the mechanisms, in accordance with the requirements of WAC 173-303-620(4)(a), (b) and (d) to provide for closure of the facility.

(h) Use of a financial mechanism for multiple facilities. An owner or operator may use a financial assurance mechanism specified in WAC 173-303-620(4) to meet the requirements of WAC 173-303-620(4) for more than one facility of which he is the owner or operator. Evidence of financial assurance submitted to the department must include a list showing, for each facility, the EPA/State Identification Number, name, address, and the amount of funds for closure assured by the mechanism. If the list is changed by addition or subtraction of a facility or by an increase or decrease in the amount of funds assured for closure of one or more facilities, a corrected list must be sent to the department within sixty days of such change. The amount of funds available through the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for each facility.

(i) Release of the owner or operator from the requirements of WAC 173-303-620(4). Within sixty days after receiving certifications from the owner or operator and an independent registered professional engineer that closure has been accomplished in accordance with the closure plan (see WAC 173-303-610(6)), the department will notify the owner or operator in writing that he is no

longer required by this section to maintain financial assurance for closure of the particular facility, unless the department has reason to believe that closure has not been in accordance with the closure plan.

(5) Cost estimate for post-closure monitoring and maintenance.

(a) The owner or operator of a disposal facility must have a written estimate of the annual cost of post-closure monitoring and maintenance of the facility in accordance with the applicable post-closure regulations in WAC 173-303-610(7) through (10). The owner or operator must keep this estimate, and all subsequent estimates required in WAC 173-303-620(5), at the facility.

(b) The owner or operator must prepare a new annual post-closure cost estimate whenever a change in the post-closure plan affects the cost of post-closure care (see WAC 173-303-610(8)(b)). The latest post-closure cost estimate is calculated by multiplying the latest annual post-closure cost estimate by the number of years of post-closure care required in the latest post-closure plan approved for the facility by the department.

(c) On each anniversary of the date on which the first estimate was prepared as specified in WAC 173-303-620(5)(a), during the operating life of the facility, the owner or operator must adjust the latest post-closure cost estimate using the inflation factor calculated in accordance with WAC 173-303-620(3)(c). The adjusted post-closure cost estimate must equal the latest post-closure cost estimate (see WAC 173-303-620(5)(b)) times the inflation factor.

(6) Financial assurance for post-closure monitoring and maintenance. An owner or operator of each disposal facility must establish financial insurance for post-closure care in accordance with the approved post-closure plan for the facility. He must choose from among the following options:

(a) Post-closure trust fund. The post-closure trust fund requirements shall be identical to the closure trust fund requirements of WAC 173-303-620(4)(a) except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(a); and

(ii) The following requirement shall be used in place of WAC 173-303-620(4)(a) in order for facilities to meet the requirement of WAC 173-303-620(6)(a):

An owner or operator or any other person authorized to conduct post-closure may request reimbursement for post-closure expenditures by submitting itemized bills to the department. Within sixty days after receiving bills for post-closure activities, the department will instruct the trustee to make reimbursements in those amounts as the department specifies in writing, if the department determines that the post-closure expenditures are in accordance with the post-closure plan or otherwise justified.

(b) Surety bond guaranteeing payment into a post-closure trust fund. The surety bond guaranteeing payment into a post-closure trust fund shall be identical to the surety bond requirements of WAC 173-303-620(4)(b), except for the following:

(i) The word "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(b);

(ii) The words "treatment and storage" in WAC 173-303-620(4), shall not apply to the post-closure requirements of WAC 173-303-620(6)(b);

(iii) The following requirement shall be used in place of WAC 173-303-620(4) in order for facilities to meet the requirements of WAC 173-303-620(6)(b): The bond must guarantee that the owner or operator will:

(A) Fund the standby trust fund in an amount equal to the penal sum of the bond by the beginning of final closure of the facility; or

(B) Fund the standby trust fund in an amount equal to the penal sum within fifteen days after an order to begin closure is issued by a court, or within fifteen days after issuance of a notice of termination of the permit pursuant to WAC 173-303-840(10); or

(C) Provide alternate financial assurance as specified in WAC 173-303-620(6) within thirty days after receipt by the department of a notice of cancellation of the bond from the surety;

(iv) And, the wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(d).

(c) Surety bond guaranteeing performance of post-closure care. The surety bond guaranteeing performance of post-closure care shall be identical to the surety bond requirements of WAC 173-303-620(4)(c), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(c);

(ii) The words "treatment and storage" in WAC 173-303-620(4) shall not apply to the post-closure requirements of WAC 173-303-620(6)(c);

(iii) The following requirement shall be used in place of WAC 173-303-620(4)(c)(ii) in order for facilities to meet the requirements of WAC 173-303-620(6)(c):

The wording of the surety bond must be identical to the wording specified in 40 CFR 264.151(e);

(iv) WAC 173-303-620(4)(c) shall not apply to post-closure financial requirements of WAC 173-303-620(6)(c);

(v) The following requirement shall be added to WAC 173-303-620(4)(c):

During the period of post-closure care, the department may approve a decrease in the penal sum of the surety bond if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care;

(vi) And the words "or closure order" in WAC 173-303-620(4)(c)(ix) shall not apply to the requirements of WAC 173-303-620(6)(c).

(d) Post-closure letter of credit. The post-closure letter of credit requirements shall be identical to the letter of credit requirements of WAC 173-303-620(4)(d), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(d);

(ii) The words "treatment and storage" in WAC 173-303-620(4)(d)(i) shall not apply to the post-closure requirements of WAC 173-303-620(6)(d); and

(iii) The following requirement shall be added to WAC 173-303-620(4)(d):

During the period of post-closure care, the department may approve a decrease in the amount of the letter

of credit if the owner or operator demonstrates to the department that the amount exceeds the remaining cost of post-closure care.

(e) (Reserved.)

(f) (Reserved.)

(g) Use of multiple financial mechanisms. The use of multiple financial mechanisms shall be identical to the multiple financial mechanisms of WAC 173-303-620(4)(g), except that the words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(g).

(h) Use of a financial mechanism for multiple facilities. The use of a financial mechanism for multiple facilities shall be identical to the financial mechanism for multiple facilities of WAC 173-303-620(4)(h), except for the following:

(i) The words "post-closure" will be used wherever "closure" appears in WAC 173-303-620(4)(h); and

(ii) WAC 173-303-620(4)(h)(i) shall be deleted and replaced with the following requirements:

Release of the owner or operator from the requirements of WAC 173-303-620(6). When an owner or operator has completed, to the satisfaction of the department, all post-closure care requirements for the period of post-closure care specified in the permit for the facility or the period specified by the department after closure, whichever period is shorter, the department will, at the request of the owner or operator, notify him in writing that he is no longer required by WAC 173-303-620(6) to maintain financial assurance for post-closure care of the particular facility.

(7) Use of a mechanism for financial assurance of both closure and post-closure care. An owner or operator may use one of the following financial assurance mechanisms to provide financial assurance for both closure and post-closure care of one or more facilities of which he is the owner or operator:

(a) A trust fund that meets the specifications of both WAC 173-303-620(4)(a) and (6)(a); or

(b) A letter of credit that meets the specifications of both WAC 173-303-620(4)(d) and (6)(d). The amount of funds available under the mechanism must be no less than the sum of funds that would be available if a separate mechanism had been established and maintained for financial assurance of closure and of post-closure care of each facility.

(8) Liability requirements.

An owner or operator of a dangerous waste treatment, storage or disposal facility must maintain sufficient liability insurance in force in such amounts as determined by the department to be reasonably necessary to protect the environment and the health, safety and welfare of the people of the state.

(9) Incapacity of institutions issuing letters of credit, surety bonds, or insurance policies. An owner or operator who fulfills the requirements of WAC 173-303-620(4), (6), or (8) by obtaining a letter of credit, surety bond, or insurance policy will be deemed to be without the required financial assurance or liability coverage in the event of bankruptcy, insolvency, or a suspension or

revocation of the license or charter of the issuing institution. The owner or operator must establish other financial assurance or liability coverage within sixty days of such events.

NEW SECTION

WAC 173-303-630 USE AND MANAGEMENT OF CONTAINERS. (1) Applicability. The regulations in WAC 173-303-630 apply to owners and operators of all dangerous waste facilities that store containers of dangerous waste.

(2) Condition of containers. If a container holding dangerous waste is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the owner or operator must transfer the dangerous waste from the container to a container that is in good condition or manage the waste in some other way that complies with the requirements of chapter 173-303 WAC.

(3) Identification of containers. The owner or operator must mark and/or label containers in a manner which is equivalent to the procedures of 49 CFR Part 172 Subpart E, and shall mark each container with its accompanying manifest document number. The owner or operator must affix labels or properly mark containers upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels or markings from the emptied container. The owner or operator must ensure that labels or markings are not obscured, removed, or otherwise made unreadable in the course of inspection required under WAC 173-303-320.

(4) Compatibility of waste with containers. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the dangerous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(5) Management of containers.

(a) A container holding dangerous waste must always be closed, except when it is necessary to add or remove waste.

(b) A container holding dangerous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

(6) Inspections. At least weekly, the owner or operator must inspect areas where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion, deterioration, or other factors.

(7) Containment.

(a) Container storage areas must have a containment system that is capable of collecting and holding spills, leaks, and for uncovered storage areas the precipitation of a maximum 25 year storm of 24 hours duration. The containment system must:

(i) Have a base underlying the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated rainfall until the collected material is detected and removed;

(ii) Be designed for positive drainage control (such as a locked drainage valve) to prevent release of contaminated liquids; and so that uncontaminated precipitation can be drained promptly for convenience of operation; and

(iii) Have sufficient capacity to contain one hundred ten percent of the volume of the largest container.

(b) Run-on into the containment system must be prevented, unless the department waives this requirement in the permit after determining that the collection system has sufficient excess capacity in addition to that required in WAC 173-303-630(7)(a)(iii) to accommodate any run-on which might enter the system.

(c) Spilled or leaked waste and accumulated precipitation must be removed from the sump or collection area in as timely a manner as is necessary to prevent overflow of the collection system.

(d) Extremely hazardous wastes in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under WAC 173-303-630(6).

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste must be stored in a manner equivalent to the Uniform Fire Code's "American Table of Distances for Storage of Explosives," Table 77-201, 1979 Edition.

(b) The owner or operator shall design, operate, and maintain ignitable container storage in a manner equivalent with the Uniform Fire Code. Where no specific standard or requirements are specified in the Uniform Fire Code, or in existing state or local fire codes, applicable sections of the NFPA Pamphlet # 30, "Flammable and Combustible Liquids Code," shall be used. The owner/operator shall also comply with the requirements of WAC 173-303-395(1)(d) and 173-303-630(7).

(9) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same container, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed container that previously held an incompatible waste or material.

(c) A storage container holding a dangerous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device. Containment systems for incompatible wastes shall be separate.

(10) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the containment system. Remaining containers, liners, bases, and soil containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

NEW SECTION

WAC 173-303-640 TANKS. (1) Applicability.

(a) The regulations in WAC 173-303-640 apply to owners and operators of facilities that use tanks to treat

or store dangerous waste, except as WAC 173-303-640(1)(b) and (c) provides otherwise.

(b) The regulations in WAC 173-303-640 prohibit facilities that treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks can be externally inspected or they have secondary containment structures that allow for monitoring, containment and removal of leaks or such tanks can be tested for leakage using methods and testing frequencies approved by the department.

(c) The regulation in WAC 173-303-640 does not apply to owners and operators of an elementary neutralization unit or a waste water treatment unit, as defined in WAC 173-303-040.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure sufficient shell strength, pressure controls for closed tanks, earthquake resistance etc. The owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting minimum shell thickness, such as:

- (i) Underwriters Laboratories Inc. standards;
- (ii) American Petroleum Institute standards;
- (iii) American Concrete Institute standards; or
- (iv) American Society of Mechanical Engineers standards.

The statement shall be certified by an independent professional engineer.

(b) All tanks holding extremely hazardous waste which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air. New tanks holding extremely hazardous waste shall be constructed above ground and have an impervious base underlying the tanks in the storage area, unless state or local fire codes require otherwise.

The containment system shall have adequate capacity to contain 110 percent of the volume of the largest tank in the storage area and, for uncovered areas, have sufficient capacity to contain the precipitation of a maximum 25 year storm of 24 hours duration.

(c) All tanks holding dangerous or extremely hazardous waste shall be marked with labels or signs to identify the waste contained in the tank. The label or sign shall be legible at a distance of at least twenty-five feet, and shall bear a legend which identifies the waste in a manner consistent with United States Department of Transportation regulations 49 CFR 172. In lieu of this requirement, an owner/operator may demonstrate to the department that he uses an identification system for the tanks which adequately warns employees and the public of the hazards associated with the waste being stored or treated in the tanks.

(3) General operating requirements.

(a) Wastes and other materials (e.g., treatment reagents) which are incompatible with the material of construction of the tank must not be placed in the tank unless the tank is protected from accelerated corrosion, erosion, or abrasion through the use of:

(i) An inner liner or coating which is compatible with the waste or material and which is free of leaks, cracks, holes, or other deterioration; or

(ii) Alternative means of protection (e.g., cathodic protection or corrosion inhibitors).

(b) The owner or operator must use appropriate controls and practices to prevent overfilling. These must include:

(i) Controls to prevent overfilling (e.g., waste feed cut-off system or by-pass system to a standby tank); and

(ii) For uncovered tanks, maintenance of sufficient freeboard to prevent overtopping by wave or wind action or precipitation.

(4) Inspections.

(a) The owner or operator must inspect:

(i) Overfilling control equipment (e.g., waste feed cut-off systems and by-pass systems) at least once each operating day to ensure that it is in good working order;

(ii) Data gathered from monitoring equipment (e.g., pressure, level, volume, and temperature gauges) where present, at least once each operating day to ensure that the tank is being operated according to its design;

(iii) For uncovered tanks, the level of waste in the tank, at least once each operating day or before each filling to ensure compliance with WAC 173-303-640(3)(b);

(iv) The construction materials of the above-ground portions of the tank, at least weekly to detect corrosion or erosion and leaking of fixtures and seams; and

(v) The area immediately surrounding the tank, at least weekly, to detect obvious signs of leakage (e.g., wet spots or dead vegetation).

(b) As part of the inspection schedule required in WAC 173-303-320(2)(b), and the specific requirements of WAC 173-303-640(4)(a), the owner or operator must develop a schedule and procedure for assessing the condition of the tank. The schedule and procedure must be adequate to detect cracks, leaks, corrosion, or erosion which may lead to cracks or leaks, or wall thinning to less than the thickness specified in WAC 173-303-640(2). Procedures for emptying a tank to allow entry and inspection of the interior must be established when necessary to detect corrosion or erosion of the tank sides and bottom. The frequency of these assessments must be based on the material of construction of the tank, type of corrosion or erosion protection used, rate of corrosion or erosion observed during previous inspections, and the characteristics of the waste being treated or stored.

(c) As part of the contingency plan required under WAC 173-303-350, the owner or operator must specify the procedures he intends to use to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

(5) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from tanks, discharge control equipment, and discharge confinement structures.

(6) Special requirements for ignitable or reactive wastes.

(a) Ignitable or reactive waste must not be placed in a tank unless:

(i) The waste is treated, rendered, or mixed before or immediately after placement in the tank so that the resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090, and 173-303-395(1)(b) is complied with; or

(ii) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

(iii) The tank is used solely for emergencies.

(b) The owner or operator of a facility which treats or stores ignitable or reactive waste in covered tanks must locate the tanks in a manner equivalent to the National Fire Protection Association's buffer zone requirements for tanks, contained in Tables 2-1 through 2-6 of the "Flammable and Combustible Liquids Code - 1981", or as required by state and local fire codes.

(7) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials, must not be placed in the same tank, unless WAC 173-303-395(1)(b) is complied with.

(b) Dangerous waste must not be placed in an unwashed tank which previously held an incompatible waste or material, unless WAC 173-303-395(1)(b) is complied with.

NEW SECTION

WAC 173-303-650 SURFACE IMPOUNDMENTS. (1) Applicability. The regulations in WAC 173-303-650 apply to owners and operators of facilities that use surface impoundments to treat or store (but not dispose of) dangerous waste.

(2) General design requirements. A surface impoundment must be designed and built to provide at least the following:

(a) A surface impoundment must be designed to provide:

(i) At least sixty centimeters (two feet) of freeboard; or

(ii) An amount of freeboard less than sixty centimeters based on documentation, acceptable to the department, that the specified amount of freeboard will prevent overtopping including the protection from a maximum 24 hour duration, 25 year storm.

(b) A surface impoundment must be designed so that any flow of waste into the impoundment can be immediately shut off in the event of overtopping or liner failure.

(c) A surface impoundment must be designed to prevent discharge into the land and ground water, and to surface water (except discharges authorized by an NPDES permit) during the life of the impoundment by use of a containment system which complies with WAC 173-303-650(4).

(d) Dikes must be designed with sufficient structural integrity to prevent massive failure without dependence on any liner system included in the surface impoundment design.

(e) A leachate detection, collection, and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible and

to avoid unnecessary buildup of hydrostatic pressure in the system.

(f) Surface impoundments may be located so as to meet the buffer zone requirements of WAC 173-303-520.

(g) Surface impoundments must be designed to repel birds.

(3) General operating requirements.

(a) A surface impoundment must be operated to prevent any overtopping due to wind and wave action, overfilling, precipitation, or any combination thereof.

(b) A surface impoundment must be operated to maintain at least the amount of freeboard specified by the department in the permit.

(c) A leachate detection, collection, and removal system installed to comply with WAC 173-303-650(4)(b) must be operated so that leachate flows freely from the collection system and is removed as it accumulates or with sufficient frequency to prevent backwater within the collection system.

(d) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could displace the earthen materials upon which the structural integrity of the dike is dependent; and

(ii) Burrowing mammals which could remove earthen materials upon which the structural integrity of the dike is dependent or create leaks through burrows in the dike.

(e) Run-on must be diverted away from a surface impoundment.

(4) Containment systems.

(a) Earthen dikes must have a protective cover, such as grass, shale, or rock, to minimize wind and water erosion and to preserve the structural integrity of the dike.

(b) A liner system designed to prevent discharge into the land during the life of the surface impoundment must:

(i) Be constructed with a highly impermeable liner system in contact with the waste which will prevent discharge of the waste or leachate through the liner(s) during the life of the surface impoundment based on the liner(s) thickness, the saturated permeability of the liner(s) and the pressure head or waste or leachate to which the liner(s) will be exposed;

(ii) Be constructed with a leachate detection, collection, and removal system beneath the liner(s) in contact with the waste to detect, contain, collect, and remove any discharge from the liner system in contact with the waste; and

(iii) Be constructed above the water table to ensure the detection of any discharge of waste or leachate through the liner system in contact with the waste; prevent the discharge of ground water to the leachate detection, collection, and removal system; and to protect the structural integrity of the liner(s).

(c) A containment system must have a containment life equal to or greater than the life of the surface impoundment.

(d) Liner systems must be constructed:

(i) Of materials which have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure head, physical contact

with the waste or leachate to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and resistance to pressure head above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(e) For extremely hazardous wastes, the owner/operator shall submit a statement with his permit application specified in WAC 173-303-815, stating the basis for selecting the liner system required in WAC 173-303-650(4)(d)(i), and the statement shall be certified by an independent professional engineer.

(5) Inspections and testing.

(a) During construction or installation, liner systems must be inspected for uniformity, damage, and imperfections (e.g. holes, cracks, thin spots, and foreign materials). A static test using water may be run to check for leaks.

(b) Earth material liner systems must be tested for compaction density, moisture content, and permeability after placement.

(c) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(d) The owner or operator must inspect:

(i) A surface impoundment which contains free liquids at least once each operating day to ensure compliance with WAC 173-303-650(3)(a), (b), and (c), and to detect any leaks or other failures of the impoundment; and

(ii) Each surface impoundment, including dikes, berms, and vegetation surrounding the dike, at least once a week and after storms to detect any evidence of or potential for leaks from the impoundment, erosion of dikes, and to ensure compliance with WAC 173-303-650(3)(d).

(e) The structural integrity of any dike, including that portion of any dike which provides freeboard, must be certified against massive failure by a qualified engineer prior to the issuance or reissuance of a permit; or if the impoundment is not in service, prior to being placed in service after construction, or prior to being returned to service.

In certifying the structural integrity of the dike it must be established that the dike will withstand:

(i) The stress of the pressure head of liquids placed into the impoundment;

(ii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike without relying on any liner system; and

(iii) The weakening effect of earth materials being scoured due to leakage from the impoundment through and under the dike assuming leaks develop in the liner system.

(6) Containment system repairs; contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-650(6)(d). Indications of possible failure of the containment system include at least an unplanned

and nonsudden drop in liquid level in the impoundment, liquid detected in the leachate detection system, evidence of leakage or the potential for leakage in the dike, erosion of the dike, apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials, any mishandling of wastes placed in the impoundment, and foreign objects in the impoundment.

(b) Whenever there is indication of a failure of the containment system, the impoundment must be removed from service. Indications of failure of the containment system include an unplanned sudden drop in liquid level in the impoundment, waste detected in the leachate detection system, active leakage through the dike, or a breach (e.g., a hole, tear, crack, or separation) in the liner system.

(c) If the surface impoundment must be removed from service as required by WAC 173-303-650(6)(b), the owner or operator must:

(i) Immediately shut off the flow of or stop the addition of wastes into the impoundment;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, empty the impoundment to a secure facility, or manage the contained waste in a manner that eliminates the environmental impact of the leak, as approved by the department.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of WAC 173-303-650(6)(c); and

(ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the impoundment to be removed from service.

(e) No surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A surface impoundment that has been removed from service in accordance with WAC 173-303-650(6)(b) and that will not be repaired must be closed in accordance with WAC 173-303-650(7).

(7) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the impoundment. Any component of the containment system or any appurtenant structure or equipment (e.g., discharge platforms and pipes, and baffles, skimmers, aerators, or other equipment) containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

(8) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a surface impoundment, unless:

(a) The waste is treated, rendered, or mixed before or immediately after placement in the impoundment so that:

(i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under WAC 173-303-090; and

(ii) WAC 173-303-395(1)(b) is complied with; or

(b) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react; or

(c) The surface impoundment is used solely for emergencies.

(9) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395(1)(b) is complied with.

NEW SECTION

WAC 173-303-660 WASTE PILES. (1) Applicability. The regulations of WAC 173-303-660 apply to owners and operators of facilities that store or treat dangerous waste in piles.

(2) General design requirements.

(a) A waste pile must be designed to control dispersal of the waste by wind, where necessary, or by water erosion.

(b) A waste pile must be designed to prevent discharge into the land, surface water, or ground water during the life of the pile by use of a containment system which complies with WAC 173-300-660(4).

(c) All extremely hazardous and all respiratory carcinogens designated by WAC 173-303-103 stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(3) General operating requirements.

(a) The department shall specify control practices (e.g., cover or frequent wetting) where necessary to ensure that wind dispersal of dangerous waste from piles is controlled.

(b) Run-on must be diverted away from a waste pile.

(c) Leachate and run-off from a waste pile must be collected and controlled in accordance with chapter 173-303 WAC and chapter 90.48 RCW, The Water Pollution Control Act.

(4) Containment systems.

(a) A containment system must be designed, constructed, maintained, and operated to prevent discharge onto or into the land, surface water, or ground water during the life of the waste pile. The system must consist of:

(i) A leachate and run-off collection and control system; and either

(ii) A base underlying and in contact with the waste pile that is made of a liner (or liners) which will prevent discharge onto or into the land, surface water, or ground water during the life of the pile based on the liner(s) thickness, the permeability of the liner(s), and the characteristics of the waste or leachate to which the liner(s)

will be exposed. The liner(s) must be of sufficient strength and thickness to prevent failure due to puncture, cracking, tearing, or other physical damage from equipment used to place waste in or on the pile, or to clean and expose the liner surface for inspection; or

(iii) A base as in WAC 173-303-660(4)(a)(ii) (except that the liner(s) need not be of sufficient strength and thickness to prevent failure due to physical damage from equipment used to clean and expose the liner surface for inspection) and a leachate detection, collection, and removal system beneath the base to detect, contain, collect, and remove any discharge from the base. The leachate detection, collection, and removal system must be placed above the water table to ensure the detection of any discharge through the base; to prevent the discharge of ground water into the leachate detection, collection, and removal system; and to protect the structural integrity of the base.

(b) A waste pile base must be constructed:

(i) Of materials that have appropriate chemical properties and strength and of sufficient thickness to prevent failure due to pressure of and physical contact with the waste to which they are exposed, climatic conditions, and the stress of installation; and

(ii) On a foundation capable of providing support to the liner(s) and to loads placed or moving above the liner(s) to prevent failure of the liner(s) due to settlement or compression.

(c) A containment system must be protected from plant growth which could puncture any component of the system.

(d) A containment system must have a containment life equal to or greater than the life of the pile.

(e) For extremely hazardous waste, the owner or operator shall submit an engineering report with his permit application specified in WAC 173-303-815, stating the basis for selecting the containment system required in WAC 173-303-660(4)(b). The statement shall be certified by an independent professional engineer.

(5) Inspections and testing. During construction or installation of the waste pile base:

(a) Liner systems must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, and foreign materials); and

(b) Manufactured liner materials (e.g., membranes, sheets, and coatings) must be inspected to ensure tight seams and joints and the absence of tears or blisters.

(6) Containment system repairs; contingency plans.

(a) Whenever there is any indication of a possible failure of the containment system, that system must be inspected in accordance with the provisions of the containment system evaluation and repair plan required by WAC 173-303-660(6)(d). Indications of possible failure of the containment system include liquid detected in the leachate detection system (where applicable), evidence of leakage or the potential for leakage in the base, erosion of the base, or apparent or potential deterioration of the liner(s) based on observation or test samples of the liner materials.

(b) Whenever there is a positive indication of a failure of the containment system, the waste pile must be removed from service. Indications of positive failure of the

containment system include waste detected in the leachate detection system (where applicable), or a breach (e.g., a hole, tear, crack, or separation) in the base.

(c) If the waste pile must be removed from service as required by WAC 173-303-660(6)(d), the owner or operator must:

(i) Immediately stop adding wastes to the pile;

(ii) Immediately contain any leakage which has occurred or is occurring;

(iii) Immediately cause the leak to be stopped; and

(iv) If the leak cannot be stopped by any other means, remove the waste from the base.

(d) As part of the contingency plan required in WAC 173-303-350, the owner or operator must specify:

(i) A procedure for complying with the requirements of WAC 173-303-660(6)(c); and

(ii) A containment system evaluation and repair plan describing testing and monitoring techniques; procedures to be followed to evaluate the integrity of the containment system in the event of a possible failure; a schedule of actions to be taken in the event of a possible failure; and a description of the repair techniques to be used in the event of leakage due to containment system failure or deterioration which does not require the waste pile to be removed from service. For EHW waste piles, owner/operators must submit with their permit application a statement signed by an independent professional engineer of the basis on which the evaluation and repair plan has been established.

(e) No waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) may be restored to service unless:

(i) The containment system has been repaired; and

(ii) The containment system has been certified by a qualified engineer as meeting the design specifications approved in the permit.

(f) A waste pile that has been removed from service in accordance with WAC 173-303-660(6)(b) and will not be repaired, must be closed in accordance with WAC 173-303-660(9).

(7) Special requirements for ignitable or reactive waste.

(a) Ignitable or reactive waste must not be placed in a pile, unless:

(i) Addition of the waste to an existing pile results in the waste or mixture no longer meeting the definition of ignitable or reactive waste under WAC 173-303-090; and, complies with WAC 173-303-395(1)(b); or

(ii) The waste is managed in such a way that it is protected from any material or conditions which may cause it to ignite or react.

(8) Special requirements for incompatible wastes.

(a) Incompatible wastes, or incompatible wastes and materials must not be placed in the same pile, unless WAC 173-303-395(1)(b) is complied with.

(b) A pile of dangerous waste that is incompatible with any waste or other material stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials, or protected from them by means of a dike, berm, wall, or other device. Piles of incompatible wastes must not be served by

the same containment system required by WAC 173-303-660(4).

(c) Dangerous waste must not be piled on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to ensure compliance with WAC 173-303-395(1)(b).

(9) Closure. At closure, all dangerous waste and dangerous waste residues must be removed from the pile. Any component of the containment system containing or contaminated with dangerous waste or dangerous waste residues must be decontaminated or removed.

NEW SECTION

WAC 173-303-670 INCINERATORS. (1) Applicability.

(a) The regulations in WAC 173-303-670 apply to owners and operators of facilities that incinerate dangerous waste.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of WAC 173-303-670 except WAC 173-303-670(2), Waste analysis, and WAC 173-303-670(8), Closure, if the department finds, after an examination of the waste analysis included with Part B of the owner/operator's permit application, that the waste to be burned:

(i) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable (Hazard Code I) or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090;

(ii) That the waste analysis included with Part B of the permit application includes none of the dangerous constituents listed in the appendix WAC 173-303-9905 above concentration limits designated in WAC 173-303-084;

(iii) That the waste analysis included with Part B of the permit application includes no halogenated hydrocarbon above 0.01 percent and no polycyclic aromatic hydrocarbons above 1.0 percent; and

(iv) That the waste feed contains no toxic dangerous wastes designated according to WAC 173-303-084.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-805(3), Trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-805(3), or with Part B of his permit application, the owner or operator must have included an analysis of his waste feed sufficient to provide all information required by WAC 173-303-805(3)(b) or 173-303-815(8).

(b) Throughout normal operation the owner or operator must conduct sufficient waste analysis to verify that waste feed to the incinerator is within the physical and chemical composition limits specified in his permit (under WAC 173-303-670(6)(b)).

(3) Designation of principal organic hazardous constituents and hazardous combustion byproducts. Principal organic hazardous constituents (POHCs) and hazardous combustion byproducts must be treated to the extent required by the performance standards specified in WAC 173-303-670(4). For each waste feed to be

burned, one or more POHCs and hazardous combustion byproducts will be specified from among those constituents. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts, their concentration or mass, considering the results of waste analyses and trial burns or alternative data submitted with Part B of the facility's permit application. Organic constituents or byproducts which represent the greatest degree of difficulty of incineration will be those most likely to be designated as POHCs and hazardous combustion byproducts. Constituents are more likely to be designated as POHCs or hazardous combustion byproducts if they are present in large quantities or concentrations. Trial POHCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-805(3) for obtaining trial burn permits. Trial hazardous combustion byproducts may be designated under the same procedures.

(4) Performance standards. An incinerator burning dangerous waste must be designed, constructed, and maintained so that, when operated in accordance with operating requirements specified under WAC 173-303-670(6), it will meet the following performance standards:

(a) An incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each principal organic hazardous constituent (POHC) designated (under WAC 173-303-670(3)) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

$$DRE = \frac{(w_{in} - w_{out})}{w_{in}} \times 100\%$$

Where:
 w_{in} = Mass feed rate of one principal organic hazardous constituent (POHC) in the waste stream feeding the incinerator, and
 w_{out} = Mass emission rate of the same POHC present in exhaust emissions prior to release to the atmosphere.

(b) Incinerators burning dangerous waste must destroy hazardous combustion byproducts designated under WAC 173-303-670(3) so that the total mass emission rate of these byproducts emitted from the stack is no more than .01 percent of the total mass feed rate of POHCs fed into the incinerator.

(c) An incinerator burning dangerous waste containing more than 0.5 percent chlorine must remove 99 percent of the hydrogen chloride from the exhaust gas.

(d) An incinerator burning hazardous waste must not emit particulate matter exceeding 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for 12 percent CO₂ using the procedures presented in the Clean Air Act regulations, "Standards of Performance for Incinerators," 40 CFR 60.50, Subpart E. These particulate emission standards shall be met when no other standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous or extremely hazardous wastes shall comply with the applicable air pollution control authority's emission standards (including limits based on best available control technology).

(e) For purposes of permit enforcement, compliance with the operating requirements specified in the permit (under WAC 173-303-670(6)) will be regarded as compliance with WAC 173-303-670(4). However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of WAC 173-303-670(4) may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-840(10).

(5) New wastes: Trial burns or permit modifications.

(a) The owner or operator of a dangerous waste incinerator may burn only wastes specified in his permit and only under operating conditions specified for those wastes under WAC 173-303-670(6); except:

(i) In approved trial burns under WAC 173-303-805(3); or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) Other dangerous wastes may be burned only after operating conditions have been specified in a new permit or a permit modification as applicable. Operating requirements for new wastes may be based on either trial burn results or alternative data included with Part B of a permit application under WAC 173-303-815(8).

(6) Operating requirements.

(a) An incinerator must be operated in accordance with operating requirements specified in the permit. These will be specified on a case-by-case basis as those demonstrated (in a trial burn or in alternative data as specified in WAC 173-303-670(5)(b) and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of WAC 173-303-670(4).

(b) Each set of operating requirements will specify the composition of the waste feed (including acceptable variations in the physical or chemical properties of the waste feed which will not affect compliance with the performance requirement of WAC 173-303-670(4)) to which the operating requirements apply. For each such waste feed, the permit will specify acceptable operating limits including the following conditions:

(i) Carbon monoxide (CO) level in the stack exhaust gas;

(ii) Waste feed rate;

(iii) Combustion temperature;

(iv) Air feed rate to the combustion system;

(v) Allowable variations in incinerator system design or operating procedures; and

(vi) Such other operating requirements as are necessary to ensure that the performance standards of WAC 173-303-670(4) are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except ignitable waste exempted in accordance with WAC 173-303-670(1)) must not be fed into the incinerator unless the incinerator is operating within the conditions of operation (temperature, air feed rate, etc.) specified in the permit.

(d) Fugitive emissions from the combustion zone must be controlled by:

(i) Keeping the combustion zone totally sealed against fugitive emissions;

(ii) Maintaining a combustion zone pressure lower than atmospheric pressure; or

(iii) An alternate means of control demonstrated (with Part B of the permit application) to provide fugitive emissions control equivalent to maintenance of combustion zone pressure lower than atmospheric pressure.

(e) An incinerator must be operated with a functioning system to automatically cut off waste feed to the incinerator when operating conditions deviate from limits established under WAC 173-303-670(6)(a).

(f) An incinerator must cease operation when changes in waste feed, incinerator design, or operating conditions exceed limits designated in its permit.

(7) Monitoring and inspections.

(a) The owner or operator must conduct, as a minimum, the following monitoring while incinerating dangerous waste:

(i) Combustion temperature, waste feed rate, and air feed rate must be monitored on a continuous basis;

(ii) Carbon monoxide (CO) must be monitored on a continuous basis at a point in the incinerator downstream of the combustion zone and prior to release to the atmosphere; and

(iii) Upon request by the department, sampling and analysis of the waste and exhaust emissions must be conducted to verify that the operating requirements established in the permit achieve the performance standards of WAC 173-303-670(4).

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, and fugitive emissions. All emergency waste feed cutoff controls and system alarms must be checked daily to verify proper operation.

(c) This monitoring and inspection data must be recorded and the records must be placed in the operating log required by WAC 173-303-380(1).

(8) Closure. At closure the owner or operator must remove all dangerous waste and dangerous waste residues (including, but not limited to, ash, scrubber waters, and scrubber sludges) from the incinerator site.

NEW SECTION

WAC 173-303-700 REQUIREMENTS FOR THE WASHINGTON STATE EXTREMELY HAZARDOUS WASTE MANAGEMENT FACILITY AT HANFORD. (1) Purpose and applicability. The purpose of this section is to set forth the requirements for the Washington extremely hazardous waste management (EHWM) facility located at Hanford, Washington. It is the only facility within the state that is allowed under law to dispose of extremely hazardous waste (RCW 70.105.050).

(2) Waste acceptance at Hanford.

(a) The state operator shall accept extremely hazardous waste for treatment, storage, or disposal when:

(i) The waste has been specified in the state operator's permit as not requiring prior approval from the department and the state operator sends a copy of each written request for disposal of waste at the EHWM facility to the department, not later than one week after receiving the request; or

(ii) If the waste has not been specified in the state operator's permit, then the department provides written approval that the waste may be accepted at the EHWM facility. Notices of approval or disapproval shall be provided as soon as possible, but not later than 15 days, after the state operator has notified the department. Written approval from the department is not required in emergencies, as specified; and

(iii) The generator has obtained prior written approval for waste acceptance from the state operator;

(iv) The waste is accompanied by a manifest specified in the generator requirements of WAC 173-303-180, manifest; and

(v) Waste containers meet the labeling and container condition requirements of WAC 173-303-190.

(b) The state operator may accept dangerous waste, as defined in this regulation, for storage, treatment, or disposal when:

(i) All the conditions of extremely hazardous waste acceptance, WAC 173-303-700(2), are met;

(ii) The generator and/or operator shows that no other permitted treatment, storage, or disposal (TSD) facility in the state will handle such dangerous waste. The generator and/or operator shall refer to:

(A) County or municipal ordinances or solid waste permits forbidding dangerous waste disposal at nearby sites;

(B) The extremely hazardous waste site being the shortest economical haul distance where other remotely located, dangerous waste sites may be available; and

(C) Specific rejection or disapproval, in writing, by nearby dangerous waste site operators, public or private; and

(iii) The EHWM facility is designed to handle such a request or can be modified to the extent necessary to adequately dispose of the waste.

(c) The state operator, after consulting with the department, may refuse to accept any waste that does not meet the requirements of the extremely hazardous or dangerous waste acceptance procedures of WAC 173-303-700(2) until the facts are ascertained, including but not limited to:

(i) The requirement that samples of waste be taken and analyzed; or

(ii) The condition of the containers by physical inspection of the delivery load.

(d) The state operator may accept extremely hazardous or dangerous waste under emergency conditions if:

(i) An emergency and potential threat to the public health and safety exists;

(ii) the state operator notifies the department as soon as possible;

(iii) The state operator stores the waste upon delivery until the full manifest has been received and approved by the department; and

(iv) The generator is fully apprised that the waste remains his liability until approved under WAC 173-303-700(2)(d)(iii).

(3) Other applicable requirements. The EHWM facility at Hanford shall meet all other requirements of chapter 173-303 WAC, including specific requirements for storage, treatment, transfer and disposal of extremely

hazardous waste, and siting, performance, and operation of EHWM facilities. The EHWM facility shall also meet the following requirements:

(a) The state operator shall not remove any extremely hazardous waste from the facility without the department's approval;

(b) The state operator shall maintain facilities for telephone and radio contact with the Hanford Reservation Security Patrol, and include this information with the contingency plan required in WAC 173-303-350;

(c) As a minimum, the state operator shall provide personnel having knowledge and background in the following areas:

(i) Inspecting and checking manifests for completeness and accuracy;

(ii) Applied chemistry as it relates to reactivity, explosiveness, and flammability; and

(iii) Industrial hygiene and/or toxicology of industrial, commercial, and agricultural chemicals, and emergency procedures;

(d) The state operator shall ensure that new personnel have a complete physical examination and annual checkups thereafter. The physician should be alerted to the kinds of materials the employee has been handling, so that more specific analyses can be made. The medical records shall be made a part of the state operator's records as required in WAC 173-303-380(1); and

(e) The state operator shall submit copies of all fee schedules to the department for yearly review and approval. The state operator shall supply, and the department shall use, the following criteria to review such disposal fees:

(i) Their relationship to other fees charged for similar services;

(ii) Reasonable return on investment and profit for the operator; and

(iii) The cost of administration, development, operation, maintenance, and perpetual management of the EHWM facility, including administrative costs and perpetual management costs of the department.

(4) Department surveillance.

(a) In addition to the reports required under WAC 173-303-390, Facility Reports, the EHWM facility operator shall report the following to the department:

(i) Copies of all environmental sampling results during the previous quarter;

(ii) Telephone and written accounts of any accidents or emergencies requiring action under WAC 173-303-360; and

(iii) Complete financial reports during the previous year.

(b) The state operator shall admit the department's duly authorized representative to inspect the site at any reasonable hour of the day. Inspection may cover any of the following:

(i) The site and facilities;

(ii) The waste being delivered, stored, processed, or buried, including the taking of samples, a portion of each sample being given to the operator upon his request;

(iii) The environment, by the drilling of test wells and obtaining of samples; and

(iv) Any records, reports, information, or test results relating to the purpose of this regulation.

The inspection results will be written, filed with the department, and a copy made available to the state operator.

NEW SECTION

WAC 173-303-800 PERMIT REQUIREMENTS FOR DANGEROUS WASTE MANAGEMENT FACILITIES. (1) The purpose of WAC 173-303-800 through 173-303-845 is to prevent a dangerous waste facility from endangering the public health and the environment by requiring permits that allow construction and operation in compliance with chapter 173-303 WAC.

(2) All owners/operators of dangerous waste facilities that treat, store, or dispose (TSD) of dangerous waste or extremely hazardous waste shall obtain a permit in accordance with WAC 173-303-800 through 173-303-845.

(3) TSD facility permits will be granted only if the objectives of the siting and performance standards set forth in WAC 173-303-500 and 173-303-510 are met.

(4) Permits shall be issued according to the requirements of all applicable TSD facility standards.

(5) The owner/operator of a TSD facility is responsible for obtaining all other applicable federal, state, and local permits authorizing the development and operation of the TSD facility.

(6) The terms used in regard to permits which are not defined in WAC 173-303-040 shall have the same meanings as set forth in 40 CFR 122.3.

NEW SECTION

WAC 173-303-801 RELATIONSHIP OF THE DEPARTMENT TO PERMITS ISSUED BY THE ENERGY FACILITIES SITE EVALUATION COUNCIL (EFSEC). Permits applicable to energy facilities which are subject to chapter 80.50 RCW shall be issued by EFSEC. Nothing in chapter 173-303 WAC is intended to alter, amend, or supersede the provisions of chapter 80.50 RCW regarding the regulation, certification, construction, or operation of energy facilities as defined therein.

NEW SECTION

WAC 173-303-805 TYPES OF PERMITS AND REQUIREMENTS. (1) Permits by rule. This section provides for a permit by rule for facilities accepting dangerous wastes. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit. The following shall be deemed to have a dangerous waste permit by rule.

(a) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, if the owner or operator:

(i) Has a permit for ocean dumping issued under 40 CFR Part 220 (Ocean Dumping, authorized by the Marine Protection, Research, and Sanctuaries Act, as amended, 33 U.S.C. § 1420 et seq.);

(ii) Complies with the conditions of that permit; and
(iii) Complies with the following dangerous waste regulations:

(A) WAC 173-303-060, Notification and Identification Numbers;

(B) WAC 173-303-370, Manifest System;

(C) WAC 173-303-380(1)(a), Operating Record;

(D) WAC 173-303-390(2), Annual Report; and

(E) WAC 173-303-390(1), Unmanifested Waste Report.

(b) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection if the owner or operator has a UIC permit issued by the department under a federally approved program for underground injection control and complies with the conditions of the permit and requirements of 40 CFR 122.45. However, no permit by rule shall be granted to underground injection wells disposing of extremely hazardous waste.

(c) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, if the owner or operator:

(i) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(ii) Complies with the conditions of that permit;

(iii) Complies with the following regulations:

(A) WAC 173-303-060, Notification and Identification Numbers;

(B) WAC 173-303-370, Manifest System;

(C) WAC 173-303-380, Operating Record;

(D) WAC 173-303-390(2), Annual Report; and

(E) WAC 173-303-390(1), Unmanifested Waste Reports;

(iv) Meets all federal, state, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance; and

(v) Accepts no extremely hazardous waste for disposal at the POTW.

(d) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.

(i) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit, except as provided in WAC 173-303-805(1)(d)(ii), if he complies with:

(A) WAC 173-303-280 through 173-303-395, the general facility standards; and

(B) WAC 173-303-510, Performance standards.

(ii) The department may terminate the permit by rule, and require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit to apply for and obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845, if:

(A) The owner or operator violates the requirements of WAC 173-303-280 through 173-303-395 or WAC 173-303-510;

(B) The owner or operator is conducting other activities which require him to obtain a final status permit; or

(C) The department determines that the requirements of WAC 173-303-280 through 173-303-395 or 173-303-510 are not sufficient to protect public health or the

environment and that additional requirements under this chapter 173-303 WAC are necessary to provide such protection.

(2) State permits for UIC wells. The department may issue a state discharge permit to any UIC Class I well under the authority and regulations of chapter 90.45 RCW, Water Pollution Control Act.

(3) Trial burn permits. For the purposes of determining feasibility of compliance with the incinerator performance standard of WAC 173-303-670(4) and of determining adequate incinerator operating conditions under WAC 173-303-670(6), the department may issue a trial burn permit to a facility to allow short-term operation of a dangerous waste incinerator subject to the following conditions:

(a) The trial burn must be conducted in accordance with a trial burn plan prepared by the applicant and approved by the department. The trial burn plan will then become a condition of the permit and will include the following information:

(i) An analysis of each waste or mixture of wastes to be burned which includes:

(A) Heating value of the waste in the form and composition in which it will be burned;

(B) Viscosity (if applicable), or description of physical form of the waste;

(C) An analysis and identification of any hazardous organic constituents listed in WAC 173-303-9905 which are reasonably expected to be present in the waste to be burned. The constituents excluded from analysis must be identified and the basis for their exclusion stated. The waste analysis must rely on analytical techniques specified in WAC 173-303-110, or their equivalent;

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110; and

(E) A quantification of those hazardous constituents in the waste which may be designated as principle organic hazardous constituents (POHC) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standard in WAC 173-303-670(4);

(ii) A detailed engineering description of the incinerator for which the trial burn permit is sought including:

(A) Manufacturer's name and model number of incinerator (if available);

(B) Type of incinerator;

(C) Linear dimensions of the incinerator unit including the cross sectional area of the combustion chamber;

(D) Description of the auxiliary fuel system (type/feed);

(E) Capacity of the prime air mover;

(F) Description of automatic waste feed cut-off system(s);

(G) Stack gas monitoring and pollution control equipment;

(H) Nozzle and burner design;

(I) Construction materials; and

(J) Location and description of temperature, pressure, and flow indicating and control devices;

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis;

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration, quantity of waste to be burned, and other factors relevant to the department's decision under WAC 173-303-805(3)(d);

(v) A detailed test protocol, including, for each waste identified, the ranges of temperature, waste feed rate, air feed rate, use of auxiliary fuel, and any other relevant parameters that will be varied to affect the destruction and removal efficiency of the incinerator;

(vi) A description of, and planned operating conditions for, any emission control equipment which will be used;

(vii) Procedures for rapidly stopping waste feed, shutting down the incinerator, and controlling emissions in the event of an equipment malfunction; and

(viii) Such other information as the department reasonably finds necessary to determine whether to approve the trial burn plan in light of the purposes of WAC 173-303-805(3).

(b) The department, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of WAC 173-303-805(3).

(c) Based on the waste analysis data in the trial burn plan, the department will specify as trial Principal Organic Hazardous Constituents (trial POHC's) those constituents for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHC's will be specified by the department based on its estimate of the difficulty of incineration of the constituents identified in the waste analysis, the concentration or mass in the waste feed, and the dangerous waste constituent or constituents identified from WAC 173-303-9905.

(d) Approval of the plan. The department shall approve a trial burn plan if it finds that:

(i) The trial burn is likely to determine whether the incinerator performance standard required by WAC 173-303-670(4) can be met;

(ii) The trial burn itself will not present an imminent hazard to human health or the environment;

(iii) The trial burn will help the department to determine operating requirements to be specified under WAC 173-303-400 and 173-303-670(6); and

(iv) The information sought in WAC 173-303-805(3)(d)(i) and (iii) cannot reasonably be developed through other means.

(e) Trial burns. During each approved trial burn (or as soon after the burn as is practicable), the applicant must make the following determinations:

(i) A quantitative analysis of the trial POHC's in the waste feed to the incinerator;

(ii) A quantitative analysis of the exhaust gas for the concentration and mass emissions of the trial POHC's,

CO₂, O₂, and hazardous combustion byproducts, including the total mass emission rate of byproducts as a percent of the total mass feed rate of POHC's fed to the incinerator;

(iii) A quantitative analysis of the scrubber water (if any), ash residues, and other residues, for the trial POHC's;

(iv) A total mass balance of the trial POHC's in the waste;

(v) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in WAC 173-303-670(4)(a);

(vi) If the waste feed contains more than 0.5 percent chlorine, a computation of chlorine removal efficiency, in accordance with WAC 173-303-670(4)(c);

(vii) A computation of particulate emissions, in accordance with WAC 173-303-670(4)(d);

(viii) An identification of sources of fugitive emissions and their means of control;

(ix) A measurement of average, maximum, and minimum temperatures, and air feed rates;

(x) A continuous measurement of carbon monoxide in the exhaust gas; and

(xi) Such other information as the department may specify as necessary to ensure that the trial burn will determine compliance with the performance standard of WAC 173-303-670(4), and to establish the operating conditions required by WAC 173-303-670(6).

(f) The applicant shall submit to the department a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and to the extent possible, this submission shall be made within thirty days of the completion of the trial burn, or sooner if the department so requests.

(g) All data collected during any trial burn must be submitted to the department following the completion of the trial burn. The results of the trial burn must be included with Part B of the permit application, if a permit application is submitted.

(h) All submissions required under WAC 173-303-805(3) shall be certified on behalf of the applicant by the signature of a person authorized to sign a permit application.

(4) Emergency permit. In the event the department finds that an imminent and substantial endangerment to human health or the environment exists, the department may issue a temporary emergency permit to a facility to allow treatment, storage, or disposal (TSD) of dangerous waste at a nonpermitted facility, or at a facility covered by an effective permit that does not otherwise allow treatment, storage, or disposal of such dangerous waste. Notice of the issuance of an emergency permit shall be given to the fire marshal, police department, and other local emergency service agencies with jurisdiction near the location of the facility. The emergency permit:

(a) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(b) Shall not exceed ninety days in duration;

(c) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

(d) May be terminated by the department at any time without process if the department determines that termination is appropriate to protect human health and the environment;

(e) Shall be accompanied by a public notice that includes:

(i) The name and address of the department;

(ii) The name and location of the permitted TSD facility;

(iii) A brief description of the wastes involved;

(iv) A brief description of the action authorized and reasons for authorizing it; and

(v) The duration of the emergency permit.

(f) And shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

(5) Interim status permits. Any person who owns or operates an existing dangerous waste facility on the effective date of this chapter 173-303 WAC shall comply with WAC 173-303 815(2).

(6) Final permit. (a) An owner/operator can receive a final permit only after Part A and Part B of the permit application are completed and submitted to the department in compliance with WAC 173-303-815.

(b) Physical construction of a new TSD facility can only begin after the final permit is issued, except that new TSD facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction at the owner/operator's own risk while the department is reviewing the final permit application.

NEW SECTION

WAC 173-303-810 GENERAL PERMIT CONDITIONS. (1) Purpose and applicability. This section sets forth the general permit conditions that are applicable to all permits to assure compliance with chapter 70.105 RCW and chapter 173-303 WAC.

(2) Duty to comply. The permittee must comply with all conditions of his permit. Any permit noncompliance constitutes a violation and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. The permittee need not comply with the conditions of his permit to the extent and for the duration such noncompliance is authorized in an emergency permit.

(3) Duty to reapply. If the permittee wishes to continue an activity regulated by the permit after its expiration date, the permittee must apply for and obtain a new permit.

(4) Duty to halt or reduce activity. A permittee who has not complied with his permit, and who subsequently is subject to enforcement actions, may not argue that it would have been necessary to halt or reduce the permitted activities in order to maintain compliance with the conditions of the permit.

(5) Duty to mitigate. The permittee shall take all steps required by the department to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit.

(6) Proper operation and maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

(7) Permit actions. The permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, termination, notification of planned changes, or anticipated noncompliance, does not stay any permit condition.

(8) Effect of a permit. The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege. The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations.

(9) Duty to provide information. The permittee shall furnish to the department, within a reasonable time, any information which it may request to determine whether cause exists for modifying, revoking and reissuing, or terminating a permit, or to determine compliance with a permit. The permittee shall also furnish to the department, upon request, copies of records required to be kept by the permit.

(10) Inspection and entry. The permittee shall allow representatives of the department, upon the presentation of proper credentials, to:

(a) Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;

(b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and

(d) Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by chapter 173-303 WAC, any substances or parameters at any location.

(11) Monitoring and monitoring records. (a) All permits shall specify:

(i) Requirements concerning the proper use, maintenance, and installation, when appropriate, of monitoring equipment or methods; and

(ii) Required monitoring including type, intervals, and frequency sufficient to yield data which are representative of the monitored activity including, when appropriate, continuous monitoring.

(b) Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

(c) The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the department at any time.

(d) Records of monitoring information shall include:

(i) The date, exact place, and time of sampling or measurements;

(ii) The individual(s) who performed the sampling or measurements;

(iii) The date(s) analyses were performed;

(iv) The individual(s) who performed the analyses;

(v) The analytical techniques or methods used; and

(vi) The results of such analyses.

(e) The permittee shall maintain records from all ground monitoring wells and associated ground water surface elevations for the active life of the facility, and, for disposal facilities, for the post-closure period as well.

(12) Signatory requirement. All applications, reports, or information submitted to the department shall be signed and certified according to WAC 173-303-810(13). When a dangerous waste facility is owned by one person, but is operated by another person, it is the duty of the operator and owner to obtain and cosign the permit application. The permit application shall be signed as follows:

(a) For a corporation: By a principal executive officer of at least the level of vice president, or the chief corporate officer in charge of environmental policy if he is at least the level of vice president;

(b) For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

(c) For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official.

(13) Certification. Any person identified in WAC 173-303-810(12) as appropriate for signing the documents required for a permit application shall make the following certification:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

(14) Reporting. The following reports shall be provided:

(a) Planned changes. The permittee shall give notice to the department as soon as possible of any planned physical alterations or additions to the permitted facility. For a new TSD facility and for a facility being modified, the permittee may not treat, store, or dispose of dangerous waste in the new portion of the facility until:

(i) The permittee has submitted to the department by certified mail or hand delivery a letter signed by the permittee and a registered professional engineer stating that the facility has been constructed or modified in compliance with the permit; and

(ii) The department has inspected the modified or newly constructed facility and finds it is in compliance with the conditions of the permit; or

(iii) Within fifteen days of the date of submission of the letter, the permittee has not received notice from the department of its intent to inspect, prior inspection is waived and the permittee may commence treatment, storage, or disposal of dangerous waste.

(b) Anticipated noncompliance. The permittee shall give advance notice to the department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

(c) Transfers. The permit is not transferable to any person except after notice to the department. The department may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary.

(d) Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in the permit.

(e) Compliance schedules. Reports of permit compliance or noncompliance or any progress reports on interim and final permit requirements contained in any compliance schedule shall be submitted no later than fourteen days following each scheduled date.

(f) Immediate reporting. The permittee shall immediately report any noncompliance which may endanger health or the environment. Information shall be provided orally to the department as soon as the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances provided that the department may waive the written submission requirement in favor of a written report, to be submitted within fifteen days. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Information which must be reported immediately shall include:

(i) Release of dangerous waste that may cause an endangerment to drinking water supplies or ground or surface waters;

(ii) Any information of a release or discharge of dangerous waste, fire, or explosion from the permitted facility which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:

(A) Name, address, and telephone number of the owner or operator;

(B) Name, address, and telephone number of the facility;

(C) Date, time, and type of incident;

(D) Name and quantity of material(s) involved;

(E) The extent of injuries, if any;

(F) An assessment of actual or potential hazards to the environment and human health outside the facility, where this is applicable; and

(G) Estimated quantity and disposition of recovered material that resulted from the incident.

(iii) The department may waive the five-day written notice requirements in favor of a written report within fifteen days.

(g) Other noncompliance. The permittee shall report all instances of noncompliance not reported under WAC 173-303-810(14)(d), (e), and (f), at the time monitoring reports are submitted. The reports shall contain the information listed in WAC 173-303-810(14)(f).

(h) Other information. Where the permittee becomes aware that he failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the department, he shall promptly submit this information.

(i) Other reports. In addition, the following reports are required when appropriate:

(i) Manifest Discrepancy Report as required by WAC 173-303-370(5);

(ii) Unmanifested Waste Report as required by WAC 173-303-390(1); and

(iii) Annual Report as required by WAC 173-303-390(2).

(15) Confidentiality.

(a) Information submitted by the owner/operator of a facility identified as confidential will be treated in accordance with chapter 42.17 RCW and RCW 43.21A.160.

(b) Proprietary information can be held confidential if the owner/operator indicates to the department the degree of harm if the information is made to the public.

(c) Claims of confidentiality for permit application information must be substantiated at the time the application is submitted and in the manner prescribed in the application instructions.

(d) If a submitter does not provide substantiation, the department will notify the owner/operator by certified mail of the requirement to do so. If the department does not receive the substantiation within ten days after the submitter receives the notice, the department shall place the unsubstantiated information in the public file.

(e) The department will determine if the owner/operator's request meets the confidential information criteria.

NEW SECTION

WAC 173-303-815 APPLYING FOR A PERMIT. (1) Purpose and applicability. Any person who is required to have a permit (including new applicants and permittees with expiring permits) shall complete, sign, and submit an application to the department as described in WAC 173-303-815. Persons currently authorized with an interim status permit shall apply for a written permit when required by the department.

(2) Existing dangerous waste facilities.

(a) Interim status for facilities under RCRA interim status. Any existing facility operating under interim

status gained under section 3005 of RCRA shall be deemed to have an interim status permit under this chapter 173-303 WAC provided that the owner/operator complies with the requirements of WAC 173-303-400. Facilities receiving wastes designated under amendments to 40 CFR Part 261 adopted after November 19, 1980, and which have been incorporated into this chapter 173-303 WAC, must obtain a final status permit in accordance with WAC 173-303-800 through 173-303-845.

(b) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which is managing dangerous wastes which are designated under WAC 173-303-070 through 173-303-103, but which have not been designated by amendments to 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility:

(i) Has complied with the notification requirements of WAC 173-303-060 within ninety days of the promulgation of these regulations, and has submitted Part A of his permit application within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling; or

(ii) Has amended Part A of his permit application submitted under the Resource Conservation and Recovery Act to include the state designated dangerous wastes within one hundred eighty days of the promulgation of these regulations, or amendments to WAC 173-303-070 through 173-303-103 which newly designate wastes he is handling.

(c) Timely submission of both notification and submission of Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department makes a final determination of the merits of the completed application.

(d) The owner/operator of an existing TSD facility shall be required to submit Part B of the permit application within six months upon the written request from the department. The owner/operator may voluntarily submit Part B of an application at any time.

(3) New dangerous waste facilities.

(a) A person may begin physical construction of a new TSD facility after submitting Part A and Part B of the permit application and receiving a dangerous waste facility permit, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC may continue construction while the department is reviewing the permit application.

(b) An application for a permit for a new TSD facility may be filed with the department any time after promulgation of applicable final status standards of chapter 173-303 WAC.

(c) All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin, except that new facilities for which construction began prior to adoption of chapter 173-303 WAC shall submit a permit application to the department within ninety days of the adoption of chapter 173-303 WAC.

(4) Updating permit applications for facilities under interim status. Owners or operators of dangerous waste facilities with a filed Part A permit application shall file an amended Part A application to the department as necessary to comply with provisions of WAC 173-303-820(3) for changes during interim status.

(5) Reapplications. Any dangerous waste facility with an effective final permit shall submit a new application one hundred eighty days prior to the expiration date of the effective permit, unless the department grants a later date.

(6) Completeness. The department shall not issue a permit before receiving a complete application, except for permits by rule or emergency permits, or unless specifically approved by the department. An application for a permit is complete when the application form and any supplemental information has been completed to the department's satisfaction. The completeness of any application for a permit shall be judged independently of the status of any other permit application or permit for the same facility or activity.

(7) Recordkeeping. Applicants shall keep records of all data used to complete the permit applications, and any supplemental information submitted to the department for a period of at least three years from the date the application is signed.

(8) Part A permit form, and contents of Part B.

(a) The Part A permit form may be obtained from the department.

(b) Contents of Part B. Part B of the permit application shall include the following:

(i) A general description of the facility and an engineering report discussing the basis for the design of the facility and plans and specifications. All reports and plans and specifications shall be prepared under the direction of a registered professional engineer, except the department may waive the requirement upon request of the applicant for minor modifications or projects;

(ii) Chemical and physical analyses of the dangerous wastes to be treated, stored, or disposed at the facility as required under WAC 173-303-300, General Waste Analysis;

(iii) A copy of the waste analysis plan as required under WAC 173-303-300(5);

(iv) A description of the security procedures required under WAC 173-303-310;

(v) A copy of the general inspection schedule required under WAC 173-303-320;

(vi) A description of the preparedness and prevention measures required under WAC 173-303-340;

(vii) A copy of the contingency plan required under WAC 173-303-350;

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent uncontrolled reaction of incompatible wastes (for example, procedures to avoid fires, explosions, or toxic gases);

(B) Prevent hazards in unloading operations (for example, ramps, special forklifts);

(C) Prevent runoff from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

- (D) Prevent contamination of water supplies;
- (E) Mitigate effects of equipment failure and power outages; and
- (F) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing);
- (ix) Information sufficient for the department to determine that the facility has been sited in a manner which meets the requirements of WAC 173-303-500;
- (x) Traffic pattern, volume and control (for example, show turns across traffic lanes, and stacking lanes, if appropriate; provide access road surfacing and load bearing capacity; show traffic control signals; provide estimates of traffic volume (number, types of vehicles)); and
- (xi) Such other information, including that required under 40 CFR 122.25, as may be required by the department.

NEW SECTION

WAC 173-303-820 INTERIM STATUS PERMITS. (1) Applicability. This section applies to all treatment, storage and disposal (TSD) facilities meeting the requirements set forth in WAC 173-303-805(5).

(2) Facilities with an interim status permit. Facilities with an interim status permit shall not:

- (a) Treat, store, or dispose of dangerous waste not specified in Part A of the permit application;
- (b) Employ processes not specified in Part A of the permit application; or
- (c) Exceed the design capacities specified in Part A of the permit application.

(3) Changes during interim status.

(a) Newly regulated dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a permitted facility if the owner/operator submits to the department a revised Part A permit application within ninety days of the promulgation of the amendments which designate and/or regulate the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility may be made if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the department approves the change because of a lack of available treatment, storage, or disposal capacity at other permitted TSD facilities.

(c) Changes in the processes for the treatment, storage, or disposal of dangerous waste may be made at a facility, or additional processes may be added if the owner or operator submits a revised Part A permit application prior to such changes (along with a justification explaining the need for the change) and the department approves the change because:

- (i) It is necessary to prevent a threat to human health or the environment because of an emergency situation; or
- (ii) It is necessary to comply with state, local, and federal regulations.

(d) Changes in the ownership or operational control of a facility may be made if the new owner or operator submits a revised Part A permit application no later than ninety days prior to the scheduled change. When a

transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the financial requirements of WAC 173-303-620, until the new owner or operator has demonstrated to the department that he is complying with the financial requirements. All other interim status permit duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility. Upon demonstration to the department by the new owner or operator of compliance with WAC 173-303-620, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status permit requirements as of the date of demonstration.

(e) In no event shall changes be made to a TSD facility under the interim status permit which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new TSD facility.

(4) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a permit application is made;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the standards of chapter 173-303 WAC, it may notify the owner or operator that the application is deficient and that the owner or operator is therefore not entitled to the interim status permit. The owner or operator will then be subject to enforcement for operating without a permit; or

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application.

NEW SECTION

WAC 173-303-825 FINAL PERMITS. (1) Applicability. This section applies to all TSD facilities meeting the requirements set forth in WAC 173-303-805(6).

(2) Permit duration.

(a) Final permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final permit for a duration that is less than the full allowable term.

(c) The term of a final permit shall not be extended by modification beyond ten years, unless otherwise authorized under WAC 173-303-830(3).

(3) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final permit, the facility is allowed to continue operating under the expiring permit until the effective date of the new permit.

(b) If the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any or all of the following:

(i) Initiate enforcement action based upon the permit which has been continued;

(ii) Issue a notice of intent to deny the new permit. If the permit is denied, the owner or operator would then

be required to cease the activities authorized by the continued permit or be subject to enforcement action for operating without a permit;

(iii) Issue a new permit with appropriate conditions; or

(iv) Take other actions authorized by chapter 173-303 WAC.

(4) Grounds for termination. The following are causes for terminating a final permit during its term, or for denying a permit renewal application:

(a) Noncompliance by the permittee with any condition of the permit;

(b) The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; or

(c) A determination that the permitted activity endangers human health or the environment and the hazard can only be controlled by permit modification or termination.

NEW SECTION

WAC 173-303-830 PERMIT CHANGES. (1) Purpose and applicability. This section describes the types of permit changes that may be made to all permits issued by the department.

(2) Transfer of permits. A permit may be transferred by the permittee to a new owner or operator only if the permit has been modified or revoked and reissued under WAC 173-303-830(3), or a minor modification has been made to identify the new permittee and incorporate such other requirements as stipulated under WAC 173-303-830(4).

(3) Modification or revocation and reissuance of permits. When the department receives any information (for example, inspects the facility, receives information submitted by the permittee as required in the permit, receives a request for modification or revocation and reissuance, or conducts a review of the permit file), the department may determine whether or not one or more of the causes listed in WAC 173-303-830(3)(a) and (b) for modification or revocation and reissuance or both exist. If cause exists, the department may modify or revoke and reissue the permit accordingly and may request an updated application if necessary. When a permit is modified, only the conditions subject to modification are reopened. If a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term. If cause does not exist under WAC 173-303-830(3) or (4), the department shall not modify or revoke and reissue the permit. If a permit modification satisfies the criteria in WAC 173-303-830(4) for "minor modifications," the permit may be modified without a draft permit or public review. Otherwise, a draft permit must be prepared in accordance with WAC 173-303-840(1).

(a) Causes for modification. The following are causes for modification but not revocation and reissuance of permits, unless agreed to or requested by the permittee:

(i) Alterations. There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the

application of permit conditions that are different or absent in the existing permit;

(ii) Information. Permits may be modified during their terms if the department receives information that was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of different permit conditions at the time of issuance;

(iii) New regulations. The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. Permits may be modified during their terms for this cause only when:

(A) The permit condition requested to be modified was based on an effective regulation;

(B) The department has revised, withdrawn, or modified that portion of the regulation on which the permit condition was based; or

(C) A permittee requests modification within ninety days after notice of the action on which the request is based;

(iv) Compliance schedules. The department determines good cause exists for modification of a compliance schedule, such as an act of God, strike, flood, or materials shortage, or other events over which the permittee has little or no control and for which there is no reasonably available remedy;

(v) Closure plans. When modification of a closure plan is required under WAC 173-303-610(3) or 173-303-610(8);

(vi) Revocation of changes approved prior to notice of closure. After the department receives the notification of expected closure under WAC 173-303-610(3), the department may determine that previously approved changes are no longer warranted. These include:

(A) Extension of the ninety or eighty day periods under WAC 173-303-610(4);

(B) Modification of the thirty year post-closure period under WAC 173-303-610(7);

(C) Continuation of security requirements under WAC 173-303-610(7); or

(D) Permission to disturb the integrity of the containment system under WAC 173-303-610(7).

(b) Causes for modification or revocation and reissuance. The following are causes to modify, or alternatively, revoke and reissue a permit:

(i) Cause exists for termination under WAC 173-303-820(4) for interim status permits, or WAC 173-303-825(4) for final permits, and the department determines that modification or revocation and reissuance is appropriate; or

(ii) The department has received notification of a proposed transfer of the permit.

(c) Facility siting. Suitability of the facility location will not be considered at the time of permit modification or revocation and reissuance unless new information or standards indicate that a threat to human health or the environment exists which was unknown at the time of permit issuance.

(4) Minor modifications of permits. Unless the permittee indicates otherwise, the department may modify a permit to make the corrections or allowances for changes

in the permitted activity listed in this section without following the procedures of WAC 173-303-840. Any permit modification not processed as a minor modification under this section must be made for cause and with a draft permit and public notice as required in WAC 173-303-840. Minor modifications may only be made to:

- (a) Correct typographical errors;
 - (b) Require more frequent monitoring or reporting by the permittee;
 - (c) Change an interim compliance date in a schedule of compliance, provided the new date is not more than one hundred twenty days after the date specified in the existing permit and does not interfere with attainment of the final compliance date requirement;
 - (d) Allow for a change in ownership or operational control of a facility where the department determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittees has been submitted to the department;
 - (e) Change the lists of facility emergency coordinators or equipment in the permit's contingency plan; or
 - (f) Change the following:
 - (i) Estimates of maximum inventory under WAC 173-303-610(3)(a)(ii);
 - (ii) Estimates of expected year of closure or schedules for final closure under WAC 173-303-610(3)(a)(iv); or
 - (iii) Approve periods longer than ninety days or one hundred eighty days under WAC 173-303-610(4)(a) or (b).
- (5) Permit termination. The director shall follow the applicable procedures in WAC 173-303-840, Procedures for Decision Making, in terminating any permit.
- (6) Schedules of compliance.
- (a) General. The permit may, when appropriate, specify a schedule of compliance leading to compliance with chapter 173-303 WAC.
 - (b) Time for compliance. Any schedules of compliance under this section shall require compliance as soon as possible.
 - (c) Interim dates. If a permit establishes a schedule of compliance which exceeds one year from the date of permit issuance, the schedule shall set forth interim requirements and the dates for their achievement as follows:
 - (i) The time between interim dates shall not exceed one year; or
 - (ii) If the time necessary for completion of any interim requirement (such as the construction of a control facility) is more than one year and is not readily divisible into stages for completion, the permit shall specify interim dates for the submission of reports of progress toward completion of the interim requirements and indicate a projected completion date.
 - (d) Reporting. The permit shall be written to require that no later than fourteen days following each interim date and the final date of compliance, the permittee shall notify the department in writing of its compliance or noncompliance with the interim or final requirements.

NEW SECTION

WAC 173-303-840 PROCEDURES FOR DECISION MAKING. (1) Draft permits.

(a) A draft permit is a document prepared by the department indicating the tentative decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) When an application is completed, the department may tentatively decide whether to prepare a draft permit, or to deny the application.

(c) If the department decides to prepare a draft permit, it shall contain the following information:

(i) All conditions applicable to permits under WAC 173-303-810;

(ii) Applicable conditions under WAC 173-303-830; and

(iii) Other RCRA permits, applicable standards for storage, treatment and disposal, and other permit conditions.

(d) All draft permits must be accompanied by a fact sheet that is supported by administrative record and made available for public comment.

(2) Fact sheet.

(a) A fact sheet shall be prepared for every draft permit for a major dangerous waste management facility, and for every draft permit which the department finds is the subject of wide-spread public interest or raises major issues.

(b) The fact sheet shall briefly set forth the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit. The department shall send this fact sheet to the applicant and, on request, to any other person.

(c) The fact sheet shall include, when applicable:

(i) A brief description of the type of facility or activity which is the subject of the draft permit;

(ii) The type and quantity of wastes, fluids, or pollutants which are proposed to be or are being treated, stored, disposed, injected, emitted, or discharged;

(iii) A brief summary of the basis for the draft permit conditions including references to applicable statutory or regulatory provisions and appropriate supporting references;

(iv) Reasons why any requested variances or alternatives to required standards do or do not appear justified; and

(v) A description of the procedures for reaching a final decision on the draft permit including:

(A) The beginning and ending dates of the comment period and the address where comments will be received;

(B) Procedures for requesting a hearing and the nature of that hearing;

(C) Any other procedures by which the public may participate in the final decision; and

(D) Name and telephone number of a person to contact for additional information.

(3) Public notice and involvement.

(a) The department shall give public notice that the following actions have occurred:

(i) A draft permit has been prepared;

(ii) A hearing has been scheduled; or

(iii) An appeal has been filed with the pollution control hearings board.

(b) No public notice is required when a request for permit modification, revocation and reissuance, or termination is denied. A written notice of the denial shall be given to the owner/operator who requested the permit modification.

(c) The public notice may describe more than one permit or permit action.

(d) Public notice of the preparation of a draft permit, including a notice of intent to deny a permit application shall allow at least forty-five days for public comment. Public notice of a public hearing shall be given at least thirty days before the hearing.

(e) Public notice of activities described in this section shall be given by the following methods:

(i) By mailing a copy of a notice to the following persons (any person otherwise entitled to receive notice under this paragraph may waive his or her rights to receive notice for any classes and categories of permits):

(A) The applicant;

(B) Any other agency which the department knows has issued or is required to issue a permit for the same activity or facility;

(C) Federal and state agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the advisory council on historic preservation, state historic preservation officers, and other appropriate government authorities, including any affected states;

(D) Persons on the mailing list developed by:

(I) Those who request in writing to be on the list;

(II) Soliciting persons for an area list from participants in past permit proceedings in that area; and

(III) Notifying the public of the opportunity to be put on the mailing list through periodic publications in the public press and in appropriate publications of the department;

(ii) For major permits, by publication of a notice in a daily newspaper within the area affected by the facility; or

(iii) For major permits, by radio broadcast of the public notice; or

(iv) By any other method reasonably calculated to give notice of the action in question to the persons potentially affected by it, including press releases or any other forum or medium to elicit public participation.

(4) Contents of the public notice.

(a) All public notices issued shall contain the following minimum information:

(i) Name and address of the office processing the permit action for which notice is being given;

(ii) Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit;

(iii) A brief description of the business conducted at the facility or activity described in the permit application or the draft permit;

(iv) Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit, fact sheet, and the application;

(v) A brief description of the comment procedures required and the time and place of any hearing that will be held, including a statement of procedures to request a hearing (unless a hearing has already been scheduled) and other procedures by which the public may participate in the final permit decision;

(vi) Date, time, and place of the hearing;

(vii) Reference to the date of the previous public notice relating to the permit;

(viii) A brief description of the nature and purpose of the hearing including the applicable rules and procedures; and

(ix) In addition to the general public notice all persons identified in WAC 173-303-840(3)(e)(i)(B) and (C) shall be mailed a copy of the fact sheet, the permit application (if any), and the draft permit (if any).

(b) Public comments and request for public hearings. During the public comment period any interested person may submit written comments on the draft permit and may request a public hearing, if no hearing has already been scheduled. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. All comments shall be considered in making the final decision and shall be answered according to WAC 173-303-840(9).

(5) Public hearings.

(a) The department shall hold a public hearing whenever, on the basis of requests, there is a significant degree of public interest in a draft permit or there is written notice of opposition and the director receives a request for a hearing during the forty-five day comment period. The department also may hold a public hearing at its discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision. Public notice of the hearing shall be given as specified in WAC 173-303-840(3).

(b) Any person may submit oral or written statements and data concerning the draft permit. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required. The public comment period under WAC 173-303-840(3) shall automatically be extended to the close of any public hearing under this section. The hearing officer may also extend the comment period by so stating at the hearing.

(c) A tape recording or written transcript of the hearing may be made available to the public.

(6) Obligation to raise issues and provide information during the public comment period.

(a) All persons, including applicants, who believe any condition of a draft permit is inappropriate, or that the department's tentative decision to deny an application, terminate a permit, or prepare a draft permit is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments and factual grounds supporting their position, including all supporting material, by the close of the public comment period (including any public hearing) under WAC 173-303-840(3).

(b) All supporting materials shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in the same

proceeding, or consist of state or federal statutes and regulations, documents of general applicability, or other generally available reference materials. Commenters shall make supporting material not already included in the administrative record available to the department. A comment period longer than thirty days will often be necessary in complicated proceedings to give commenters a reasonable opportunity to comply with the requirements of this section. Commenters may request a longer comment period.

(7) Reopening of the public comment period. If any data, information, or arguments submitted during the public comment period, including information or arguments required, appear to raise substantial new questions concerning a permit, the director may take one or more of the following actions:

(a) Prepare a new draft permit, appropriately modified;

(b) Prepare a revised statement of basis, a fact sheet or revised fact sheet, and reopen the comment period; or

(c) Reopen or extend the comment period to give interested persons an opportunity to comment on the information or arguments submitted.

Comments filed during the reopened comment period shall be limited to the substantial new questions that caused its reopening. The public notice shall define the scope of the reopening.

(8) Issuance and effective date of permit.

(a) After the close of the public comment period under WAC 173-303-840(5) on a draft permit, the department shall issue a final permit decision. The department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. For purposes of this section, a final permit means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit.

(b) A final permit decision shall become effective thirty days after the service of notice of the decision, unless:

(i) A later effective date is specified in the decision; or

(ii) No comments requested a change in the draft permit, in which case the permit shall become effective immediately upon issuance.

(9) Response to comments.

(a) At the time that any final permit decision is issued, the department shall issue a response to comments. The department is required to issue a response to comments when a final permit is issued.

(b) This response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision and the reason for the change, and briefly describe and respond to all significant comments of the draft permit raised during the public comment period or during any hearing.

(c) The response to comments shall be available to the public.

(10) Decision-making procedure for modification, revocation and reissuance, or termination of permits.

(a) Permits may be modified, revoked and reissued, or terminated either at the request of any interested person

(including the permittee) or upon the department's initiative. However, permits may only be modified or revoked and reissued for the reasons specified in WAC 173-303-830(3) and (4), or terminated for the reasons specified in WAC 173-303-820(4) or 173-303-825(4). All requests shall be in writing and shall contain facts or reasons supporting the request.

(b) If the department tentatively decides to modify or revoke and reissue a permit under WAC 173-303-830(3), it shall prepare the draft permit under WAC 173-303-840(1), incorporating the proposed changes. The department may request additional information and, in the case of a modified permit, may require the submission of an updated permit application. In the case of revoked and reissued permits, the department shall require the submission of a new application.

(c) In a permit modification under this section, only those conditions to be modified shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the unmodified permit. When a permit is revoked and reissued under this section, the entire permit is reopened just as if the permit had expired and was being reissued. During any revocation and reissuance proceeding the permittee shall comply with all conditions of the existing permit until a new final permit is reissued.

(d) "Minor modifications" as defined in WAC 173-303-830(4) are not subject to the requirements of this section.

(e) If the department tentatively decides to terminate an interim status permit under WAC 173-303-820(4) or a final permit under WAC 173-303-825(4), it shall issue a notice of intent to terminate. A notice of intent to terminate is a type of draft permit which follows the same procedures as any draft permit prepared under WAC 173-303-840(1).

NEW SECTION

WAC 173-303-845 APPEAL OF DECISION.

Any person who is adversely affected by a decision of the department under chapter 173-303 WAC may appeal the decision to the pollution control hearings board pursuant to chapter 43.21B RCW.

NEW SECTION

WAC 173-303-900 PUBLIC INVOLVEMENT AND PARTICIPATION.

(1) Intent. Public involvement and participation plays a significant role in the decision making process. The department intends to foster public awareness, information and consultation, and to respond actively to public concerns. The department will inform the public of major issues, proposed projects, and regulatory changes, and will consult interested and affected segments of the public before making important decisions. The overall goal of the department is to provide knowledge to the public about dangerous waste issues that vitally affect the state, to encourage broader understanding of the public role in dangerous wastes and their proper management, and to promote an open dialogue between the public, industry, and government.

(2) Applicable requirements. In fulfilling the intent of public involvement and participation in the decision making process, the department will refer to and, where applicable, follow the requirements and guidance set forth in the following:

(a) Chapter 34.04 RCW, Administrative Procedure Act;

(b) Chapter 34.08 RCW, Washington State Register Act of 1977;

(c) Chapter 42.17 RCW, Public Records Act;

(d) Chapter 197-10 WAC, Guidelines Interpreting and Implementing the State Environmental Policy Act;

(e) 40 CFR Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act, The Safe Drinking Water Act, and the Clean Water Act; and

(f) The Washington State Solid Waste Management Plan, December 1980.

NEW SECTION

WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. WAC 173-303-910(1) sets forth general requirements which apply to all such petitions. The remaining paragraphs describe additional requirements for specific types of petitions.

(b) Each petition must be submitted to the department by certified mail and must include:

(i) The petitioner's name and address;

(ii) A statement of the petitioner's interest in the proposed action;

(iii) A description of the proposed action, including (where appropriate) suggested regulatory language; and

(iv) A statement of the need and justification for the proposed action, including any supporting tests, studies, or other information.

(c) Upon the written request of any interested person, the director may, at his discretion, hold a conference to consider oral comments on the action proposed in the petition. A person requesting a conference must state the issues to be raised and explain why written comments would not suffice to communicate the person's views. The director may in any case decide on his own motion to hold a conference.

(d) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and initiate rule-making proceedings in accordance with RCW 34.04.025.

(2) Petitions for equivalent testing or analytical methods.

(a) Any person seeking to add a testing or analytical method to WAC 173-303-110 may petition for a regulatory amendment under this section. To be successful, the person must demonstrate to the satisfaction of the department that the proposed method is equal to or superior to the corresponding method prescribed in WAC 173-303-110, in terms of its sensitivity, accuracy, and precision (i.e., reproducibility).

(b) Each petition must include, in addition to the information required by WAC 173-303-910(1), above:

(i) A full description of the proposed method, including all procedural steps and equipment used in the method;

(ii) A description of the types of wastes or waste matrices for which the proposed method may be used;

(iii) Comparative results obtained from using the proposed method with those obtained from using the relevant or corresponding methods prescribed in WAC 173-303-110;

(iv) An assessment of any factors which may interfere with, or limit the use of, the proposed method; and

(v) A description of the quality control procedures necessary to ensure the sensitivity, accuracy and precision of the proposed method.

(c) After receiving a petition for an equivalent testing or analytical method, the department may request any additional information on the proposed method which it may reasonably require to evaluate the proposal.

(d) If the department amends the regulations to permit use of a new testing method, the method will be incorporated in a document which will be available from the department.

(3) Petitions for exempting dangerous wastes from a particular generator.

(a) Any generator seeking to exempt his dangerous waste may petition the department for exemption from the requirements of WAC 173-303-070 through 173-303-090.

(b) To be successful, the generator must demonstrate to the satisfaction of the department that either:

(i) His waste would not be a designated dangerous waste under the Dangerous Waste Criteria, WAC 173-303-100, by obtaining representative samples from his waste and checking his samples against the Dangerous Waste Criteria; or

(ii) His waste does not otherwise pose a threat to public health or the environment, as verified by data provided by the generator. Such data shall be developed through consultation with the department, and shall establish beyond a reasonable doubt that the waste does not pose a threat.

(c) Representative samples must be taken over a period of time sufficient to reflect the variability (if any) or the uniformity of the waste.

(d) Each petition must include, in addition to the information required by WAC 173-303-910(1), above:

(i) The name and address of the laboratory facility performing the sampling or tests of the waste;

(ii) The names and qualifications of the persons sampling and testing the waste;

(iii) The dates of sampling and testing;

(iv) The location of the generating facility;

(v) A description of the manufacturing processes or other operations and feed materials producing the waste and an assessment of whether such processes, operations, or feed materials can or might produce a waste that is not covered by the demonstration;

(vi) A description of the waste and an estimate of the average and maximum weekly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in the respective Dangerous Waste Criteria, WAC 173-303-100;

(viii) A description of the methodologies and equipment used to obtain the representative samples;

(ix) A description of the sample handling and preparation techniques, including techniques used for extraction, containerization and preservation of the samples;

(x) A description of the tests performed (including results);

(xi) The names and model numbers of the instruments used in performing the tests and the date of the last calibration for instruments which must be calibrated according to manufacturer's instructions; and

(xii) The following statement signed by the generator of the waste or his authorized representative.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this demonstration and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

(e) After receiving a petition for a dangerous waste exclusion, the department may request any additional information which it may reasonably require to evaluate the petition.

(f) An exemption will only apply to the waste generated by the particular generator covered by the demonstration and will not apply to waste from any other generator.

(g) The department may exempt only part of the waste for which the demonstration is submitted where there is reason to believe that variability of the waste justifies a partial exemption.

(h) The department may (but shall not be required to) grant a temporary exemption before making a final decision under WAC 173-303-910(1), above, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of wastes under WAC 173-303-071, Excluded Categories of Waste, may petition the department for exclusion. To be successful, the generator must demonstrate to the satisfaction of the department that:

(i) The wastes would not pose a significant threat to public health or the environment as demonstrated by data provided by the generator;

(ii) The wastes are adequately regulated under other existing state or federal programs, and will not pose a significant threat to public health or the environment; or

(iii) The wastes are currently being recycled, reclaimed, or recovered in a manner which does not pose a significant threat to public health or the environment.

(b) In addition to the information required by WAC 173-303-910(1) and 173-303-910(3)(d), above, each petition must include:

(i) Data showing the results of testing the waste for which exclusion is sought against the Dangerous Waste Criteria, WAC 173-303-100 through 173-303-103;

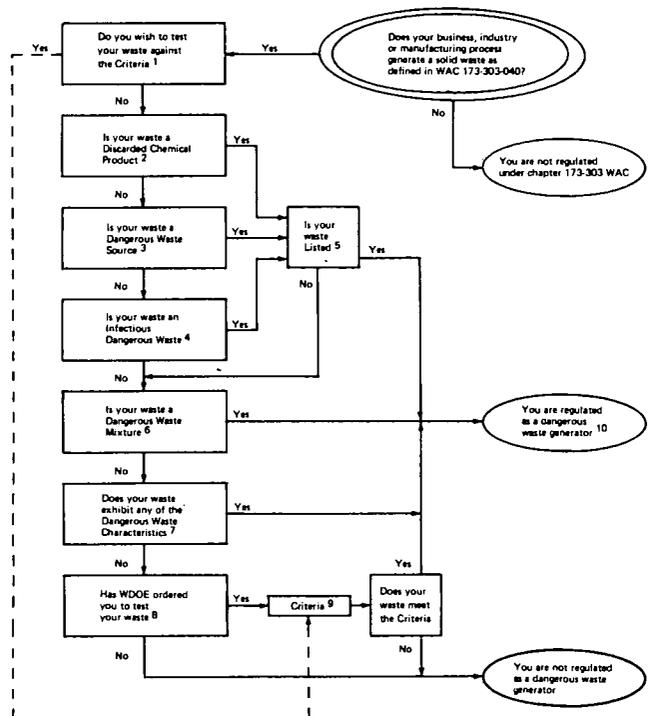
(ii) A description of the state or federal program which regulates the wastes and information supporting the claim that the program adequately protects public health and the environment, if applicable; or

(iii) A description of the current waste recycling, reclamation and recovery practices and information supporting the claim that the practices do not pose a significant threat to public health and the environment if applicable.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

NEW SECTION

WAC 173-303-9901 FLOW CHART FOR DESIGNATING DANGEROUS WASTES.



1. Voluntary testing, allowed under WAC 173-303-070(2)(b).
2. See WAC 173-303-081.
3. See WAC 173-303-082.
4. This section, WAC 173-303-083, is reserved, and is not applicable at the publication date of this chapter.
5. The Discarded Chemical Products List appears in WAC 173-303-1003, and the Dangerous Waste Sources List appears in WAC 173-303-1004.
6. See WAC 173-303-084.

7. See WAC 173-303-090. The Dangerous Waste Characteristics include the properties of Ignitability, Corrosivity, Reactivity, and EP Toxicity.
8. Washington Department of Ecology may order testing pursuant to WAC 173-303-070(4)(b).
9. See WAC 173-303-100.
10. As a dangerous waste generator you must comply with the requirements set forth under WAC 173-303-170.

NEW SECTION

WAC 173-303-9902 NARRATIVE FOR DESIGNATING DANGEROUS WASTES. The following question and answer narrative has been designed to help a generator determine if his waste is dangerous, and therefore regulated under chapter 173-303 WAC. This narrative will be most valuable when used in conjunction with the regulations, and with specific knowledge about an actual waste or waste stream.

You should begin with paragraph (1), answer the question for yourself, then follow the directions for the appropriate Yes or No response. Proceed through the narrative according to the questions and responses which are applicable to your waste.

If a given response is to Continue, this indicates that you should go on to the next paragraph. In some cases there are multiple questions. If your answer to all the questions is Yes, then follow the directions for the Yes response. If your answer to one or more of the questions is No, then follow the directions for the No response.

(1) Do you generate a solid waste, as defined in WAC 173-303-040?

No — You are not regulated under chapter 173-303 WAC.

Yes — Continue.

(2) Do you wish to voluntarily designate your waste through the Dangerous Waste Criteria set forth under WAC 173-303-100?

Yes — Go to (13) Dangerous Waste Criteria.

No — Continue.

(3) Discarded Chemical Product. Is your waste a Discarded Chemical Product as described under WAC 173-303-081(1)? Is your waste listed on the Discarded Chemical Products List, WAC 173-303-9903? Does your waste quantity exceed the Quantity Exclusion Limits described in WAC 173-303-081(2) for your waste type?

Yes — You are the generator of a Discarded Chemical Product. Assign the appropriate designation (EHW or DW) and the Dangerous Waste Number (DW#) which correspond to your listed waste. Go to (14) Generator.

No — Continue.

(4) Dangerous Waste Source. Is your waste and the process which generated it listed in the Dangerous Waste Sources List, WAC 173-303-9904? Does your waste quantity exceed 400 lbs. per month or per batch, as set forth in WAC 173-303-082(1)?

Yes — You are the generator of a Dangerous Waste Source. Designate your waste as a DW, and assign the

Dangerous Waste Number (DW#) which corresponds to your listed waste. Go to (14) Generator.

No — Continue.

(5) Infectious Dangerous Waste. (Reserved). The department has not promulgated regulations in this area. Continue to the next question.

(6) Dangerous Waste Mixtures. Is your waste a Dangerous Waste Mixture as defined under WAC 173-303-084(3)? Do you know any of the chemical constituents of your waste? Do you know the concentrations for these constituents in your waste?

No — Go to (11) Dangerous Waste Characteristics.

Yes — Continue.

(7) Toxic Dangerous Waste Mixtures. Can you obtain toxicity data for your waste constituents of known concentration? (You should check the NIOSH Registry and EPA Spill Table referenced in WAC 173-303-084(2).) Assign Toxic Categories to each known waste constituent in accordance with WAC 173-303-084(5)(a). Calculate the Equivalent Concentration (%) for your waste in accordance with WAC 173-303-084(5)(b). Plot your waste on the Toxic Dangerous Waste Mixtures Graph, WAC 173-303-084(5)(e) (a larger version of the TDWM Graph appears in WAC 173-303-9906), in accordance with the procedures of WAC 173-303-084(5)(c). Does the plotted point fall in either one of the regions marked DW or EHW?

Yes — You are the generator of a Toxic Dangerous Waste Mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the Dangerous Waste Number (DW #) WT01 if the toxic waste designation is EHW, or WT02 if it is DW. Go to (14) Generator.

No — Continue.

(8) Persistent (HH) Dangerous Waste Mixtures. Does your waste contain halogenated hydrocarbons (HH)? Sum all the known concentrations for the HH in your waste in accordance with WAC 173-303-084(6)(a). Plot your waste on the Persistent Dangerous Waste Mixtures Graph, WAC 173-303-084(6)(f) (a larger version of the PDWM Graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(c). Does the plotted point fall in either of the regions marked DW or EHW?

Yes — You are the generator of a Persistent Dangerous Waste Mixture. Assign the proper designation (DW or EHW) according to the region in which the plotted point fell, and assign the Dangerous Waste Number (DW #) WP01 if the HH waste designation is EHW, or WP02 if it is DW. Go to (14) Generator.

No — Continue.

(9) Persistent (PAH) Dangerous Waste Mixtures. Does your waste contain polycyclic aromatic hydrocarbons (PAH) as defined in WAC 173-303-040? Sum all the known concentrations for the PAH in your waste in accordance with WAC 173-303-084(6)(b). Plot your waste on the Persistent Dangerous Waste Mixtures Graph, WAC 173-303-084(6)(f) (a larger version of the PDWM Graph appears in WAC 173-303-9907), in accordance with the procedures of WAC 173-303-084(6)(d). Does the plotted point fall in the region

marked EHW (PAH are not designated at DW threshold levels)?

Yes — You are the generator of a persistent Dangerous Waste Mixture. Designate your waste as EHW, and assign the Dangerous Waste Number (DW #) WP03 to your waste. Go to (14) Generator.

No — Continue.

(10) Carcinogenic Dangerous Waste Mixtures. Does your waste contain constituents which are IARC (International Agency for Research on Cancer) positive or suspected, animal or human carcinogens? (Information on IARC carcinogens appears in the NIOSH Registry referenced in WAC 173-303-084(2).) Sum the concentrations of all IARC carcinogens in your waste. Does your waste contain more than one percent total IARC carcinogens, and does your waste quantity exceed 400 lbs. per month or per batch as set forth in WAC 173-303-084(7)?

Yes — You are the generator of a Carcinogenic Dangerous Waste Mixture. Designate your waste as DW, and assign the Dangerous Waste Number (DW #) WC01 to your waste. Go to (14) Generator.

No — Continue.

(11) Dangerous Waste Characteristics. Does your waste exhibit any of the Dangerous Waste Characteristics, WAC 173-303-090, including: Ignitability, 173-303-090(4); Corrosivity, 173-303-090(5); Reactivity, 173-303-090(6); or, EP Toxicity, 173-303-090(7)? Does your waste quantity exceed 400 lbs. per month or per batch?

Yes — You are a dangerous waste generator. Designate your waste (either DW or EHW) in accordance with the characteristic which it exhibits, and assign the Dangerous Waste Number (DW #) that corresponds to the characteristic exhibited by your waste. Go to (14) Generator.

No — Continue.

(12) Has the Washington Department of Ecology ordered you to test your waste against the Dangerous Waste Criteria, WAC 173-303-100, pursuant to the provisions of WAC 173-303-070(4)(b)?

No — Go to (15) Not Regulated.

Yes — Continue.

(13) Dangerous Waste Criteria. Check or test your waste against the Dangerous Waste Criteria set forth in WAC 173-303-100, including: Dangerous Waste Characteristics, WAC 173-303-090; Toxic Dangerous Wastes, WAC 173-303-101; Persistent Dangerous Wastes, WAC 173-303-102; and Carcinogenic Dangerous Wastes, WAC 173-303-103. Does your waste meet one or more of the Dangerous Waste Criteria?

Yes — You are a dangerous waste generator. Designate your waste in accordance with all applicable criteria, and assign all Dangerous Waste Numbers (DW #) corresponding to the criteria your waste needs. Go to (14) Generator.

No — Go to (15) Not Regulated.

(14) Generator. Because you are a generator of a dangerous waste (DW or EHW), you must comply with the requirements set forth under WAC 173-303-170. You may check your waste against the Dangerous

Waste Criteria, WAC 173-303-100, to change its designation in accordance with WAC 173-303-070(6)(a).

(15) Not Regulated. You do not generate a dangerous waste, and therefore are exempt from any other requirements of chapter 173-303 WAC.

NEW SECTION

WAC 173-303-9903 DISCARDED CHEMICAL PRODUCTS LIST.

DISCARDED CHEMICAL PRODUCTS LIST

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
ACUTELY DANGEROUS CHEMICAL PRODUCTS			
P023	Acetaldehyde, chloro-	EHW	B H
U001	Acetaldehyde	EHW	C
U034	Acetaldehyde, trichloro-	EHW	H
P002	Acetamide, N-(aminothioxomethyl)-	EHW	B
P057	Acetamide, 2-fluoro-	EHW	B H
P058	Acetic acid, fluoro-, sodium salt	EHW	A H
U144	Acetic acid, lead salt	EHW	D EP
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B
U003	Acetonitrile	EHW	C I
P001	3-(alpha-Acetyl-benzyl)-4-hydroxycoumarin and salts	EHW	A
P002	1-Acetyl-2-thiourea	EHW	B
U006	Acetyl chloride	EHW	C H O R
P003	Acrolein	EHW	X
U007	Acrylamide	EHW	C
U008	Acrylic acid	EHW	C O I
U009	Acrylonitrile	EHW	C + I
P070	Aldicarb	EHW	B
P004	Aldrin	EHW	X H
P005	Allyl alcohol	EHW	B I
P006	Aluminum phosphide	EHW	B R
P007	5-(Aminomethyl)-3-isoxazolol	EHW	B
P008	4-Aminopyridine	EHW	B
P009	Ammonium picrate	EHW	R
P119	Ammonium vanadate	EHW	B
U012	Aniline	EHW	C I
P010	Arsenic acid	EHW	B
P012	Arsenic (III) oxide	EHW	B +
P011	Arsenic (V) oxide	EHW	B
P011	Arsenic pentoxide	EHW	B
P012	Arsenic trioxide	EHW	B +
P038	Arsine, diethyl-	EHW	B
U015	Azaserine	EHW	C +
P054	Aziridine	EHW	B +
U010	Azirino(2',3':3,4)pyrrolo(1,2a)indole-4,7-dione, 6-amino-8[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-	EHW	B +
P013	Barium cyanide	EHW	A
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P
U017	Benzal chloride	EHW	D H
U018	Benz[a]anthracene	EHW	P +
U018	1,2-Benzanthracene	EHW	P +
U094	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P
U012	Benzenamine	EHW	C I
P024	Benzenamine, 4-chloro-	EHW	C H
U049	Benzenamine, 4-chloro-2-methyl-	EHW	H
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-	EHW	C +
U158	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H +
P077	Benzenamine, 4-nitro-	EHW	D ?
P028	Benzene, (chloromethyl)-	EHW	B H +
U019	Benzene	EHW	C + I
U038	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	EHW	H
U030	Benzene, 1-bromo-4-phenoxy-	EHW	H
U037	Benzene, chloro-	EHW	B H I
U190	1,2-Benzenedicarboxylic acid anhydride	EHW	C
U070	Benzene, 1,2-dichloro-	EHW	B H
U071	Benzene, 1,3-dichloro-	EHW	B H
U072	Benzene, 1,4-dichloro-	EHW	B H
U017	Benzene, (dichloromethyl)-	EHW	D H

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U223	Benzene, 1,3-diisocyanatomethyl-	EHW	B R	P029	Copper cyanides	EHW	B
U239	Benzene, dimethyl-	EHW	C I	U051	Cresote	EHW	B
U201	1,3-Benzenediol	EHW	C	U052	Cresols	EHW	B
U127	Benzene, hexachloro-	EHW	H	U052	Cresylic acid	EHW	B
U056	Benzene, hexahydro-	EHW	C I	U053	Crotonaldehyde	EHW	B I
U188	Benzene, hydroxy-	EHW	C	U055	Cummene	EHW	C I
U220	Benzene, methyl-	EHW	C I	P030	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
U105	Benzene, 1-methyl-1-2,4-dinitro	EHW	C	P031	Cyanogen	EHW	B I
U106	Benzene, 1-methyl-2,6-dinitro-	EHW	C	U246	Cyanogen bromide	EHW	C H
U055	Benzene, (1,methylethyl)-	EHW	C I	P033	Cyanogen chloride	EHW	A H
U169	Benzene, nitro-	EHW	C I	U197	1,4-Cyclohexadienedione	EHW	C
U183	Benzene, pentachloro	EHW	H	U056	Cyclohexane	EHW	C I
U185	Benzene, pentachloronitro-	EHW	D H +	U057	Cyclohexanone	EHW	C I
U020	Benzenesulfonic acid chloride	EHW	D H O R	U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexa- chloro-	EHW	X H
U020	Benzenesulfonyl chloride	EHW	D H O R	U058	Cyclophosphamide	EHW	C H +
U207	Benzene, 1,2,4,5-tetrachloro-	EHW	D H	U240	2,4-D, salts and esters	EHW	B H
U023	Benzene, (trichloromethyl)-	EHW	H O R	U060	DDD	EHW	C H +
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methyl- amino)ethyl]-	EHW	B	U061	DDT	EHW	X H +
P014	Benzenethiol	EHW	A	U142	Decachlorooctahydro-1,3,4-metheno-2H- cyclobuta [c,d]-pentalen-2-one	EHW	X H
U021	Benzenidine	EHW	B +	U062	Diallate	EHW	C H +
U022	Benzo[a]pyrene	EHW	P +	U133	Diamine	EHW	B + R
U022	3,4-Benzopyrene	EHW	P +	U063	Dibenz[a,h]anthracene	EHW	A
U197	p-Benzoquinone	EHW	C	U063	1,2,5,6-Dibenzanthracene	EHW	P +
U023	Benzo[trichloride	EHW	H O R	U064	1,2,7,8-Dibenzopyrene	EHW	P +
U050	1,2-Benzphenanthrene	EHW	P +	U064	Dibenz[a,i]pyrene	EHW	P +
P028	Benzyl chloride	EHW	B H +	U066	1,2-Dibromo-3-chloropropane	EHW	C H +
P015	Beryllium dust	EHW	C +	U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	EHW	C H +
U085	2,2'-Bioxirane	EHW	B I	U070	o-Dichlorobenzene	EHW	B H
U021	1,1'-Biphenyl-4,4'-diamine	EHW	B +	U071	m-Dichlorobenzene	EHW	B H
U073	(1,1'-Biphenyl-4,4'-diamine, 3,3'- dichloro-	EHW	H +	U072	p-Dichlorobenzene	EHW	B H
U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C +	U073	3,3'-Dichlorobenzidine	EHW	H +
U024	Bis(2-chloroethoxy) methane	EHW	C H	U074	1,4-Dichloro-2-butene	EHW	C H I
U027	Bis(2-chloroisopropyl) ether	EHW	C H O	U075	Dichlorodifluoromethane	EHW	H
P016	Bis(chloromethyl) ether	EHW	B H +	U060	Dichloro diphenyl dichloroethane	EHW	C H +
U246	Bromine cyanide	EHW	C H	U061	Dichloro diphenyl trichloroethane	EHW	X H +
P017	Bromoacetone	EHW	C H	U078	1,1-Dichloroethylene	EHW	C H +
U225	Bromoform	EHW	H	U079	1,2-Dichloroethylene	EHW	D H
U030	4-Bromophenyl phenyl ether	EHW	H	U025	Dichloroethyl ether	EHW	C H
P018	Brucine	EHW	A	U081	2,4-Dichlorophenol	EHW	D H
U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H	U082	2,6-Dichlorophenol	EHW	D H
U035	Butanoic acid, 4-[bis(2-chloroethyl) amino] benzene-	EHW	H +	U240	2,4-Dichlorophenoxyacetic acid, salts and esters	EHW	B H
U160	2-Butanone peroxide	EHW	B R	P036	Dichlorophenylarsine	EHW	B H
U053	2-Butenal	EHW	B I	U083	1,2-Dichloropropane	EHW	C H I
U074	2-Butene, 1,4-dichloro-	EHW	C H I	U084	1,3-Dichloropropane	EHW	C H
U032	Calcium chromate	EHW	C + EP	U037	Dieldrin	EHW	X H +
P021	Calcium cyanide	EHW	B	U085	1,2:3,4-Diepoxybutane	EHW	B I
P123	Camphene, octachloro-	EHW	X H	P038	Diethylarsine	EHW	B
U178	Carbamic acid, methylnitroso-, ethyl ester	EHW	C +	P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	EHW	A
U176	Carbamide, N-ethyl-N-nitroso-	EHW	C +	U087	O,O-Diethyl-S-methyl-dithiophosphate	EHW	B
U177	Carbamide, N-methyl-N-nitroso-	EHW	C +	P041	Diethyl-p-nitrophenyl phosphate	EHW	A
U219	Carbamide, thio-	EHW	C +	P040	O,O-Diethyl O-pyrazenyl phosphorothioate	EHW	A
P103	Carbamimidoseleonic acid	EHW	B	P043	Diisopropyl fluorophosphate	EHW	B H
U097	Carbamoyl chloride, dimethyl-	EHW	D H +	P044	Dimethoate	EHW	A
P022	Carbon bisulfide	EHW	D I ?	U092	Dimethylamine	EHW	C I
P022	Carbon disulfide	EHW	D I ?	U093	Dimethylaminoazobenzene	EHW	C +
U156	Carbonochloridic acid, methyl ester	EHW	B H I	U094	7,12-Dimethylbenz[a]anthracene	EHW	C P
U033	Carbon oxyfluoride	EHW	H R	U095	3,3'-Dimethylbenzidine	EHW	C +
U211	Carbon tetrachloride	EHW	C H +	U096	alpha, alpha-Dimethylbenzylhydroperoxide	EHW	C R
P095	Carbonyl chloride	EHW	B H	U097	Dimethylcarbamoyl chloride	EHW	D H +
U033	Carbonyl fluoride	EHW	B H R	U099	1,2-Dimethylhydrazine	EHW	C + I
U035	Chlorambucil	EHW	H +	P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime	EHW	B
U036	Chlordane, technical	EHW	X H	P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	EHW	A
P033	Chlorine cyanide	EHW	A H	P082	Dimethylnitrosamine	EHW	B +
U026	Chlornaphazine	EHW	H +	P046	alpha, alpha-Dimethylphenethylamine	EHW	C
P023	Chloroacetaldehyde	EHW	B H	U103	Dimethyl sulfate	EHW	C O +
P024	p-Chloroaniline	EHW	C H	P047	4,6-Dinitro-o-cresol and salts	EHW	B
U037	Chlorobenzene	EHW	B H I	P034	4,6-Dinitro-o-cyclohexylphenol	EHW	C
U039	4-Chloro-m-cresol	EHW	H	P048	2,4-Dinitrophenol	EHW	B
U041	1-Chloro-2,3-epoxypropane	EHW	C H + I	U105	2,4-Dinitrotoluene	EHW	C
U042	2-Chloroethyl vinyl ether	EHW	C H	U106	2,6-Dinitrotoluene	EHW	C
U044	Chloroform	EHW	C H +	P020	Dinoseb	EHW	B
U046	Chloromethyl methyl ether	EHW	D H + I	U109	1,2-Diphenylhydrazine	EHW	C
U047	beta-Chloronaphthalene	EHW	D H	P035	Diphosphoramide, octamethyl	EHW	? I
U048	o-Chlorophenol	EHW	D H	U110	Dipropylamine	EHW	C I
P026	1-(o-Chlorophenyl)thiourea	EHW	A H	U111	Di-n-propylnitrosamine	EHW	C +
P027	3-Chloropropionitrile	EHW	B H	P039	Disulfoton	EHW	A
U049	4-Chloro-o-toluidine, hydrochloride	EHW	H				
U032	Chromic acid, calcium salt	EHW	C H +				
U050	Chrysene	EHW	P +				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
P049	2,4-Dithiobiuret	EHW	A	U096	Hydroperoxide, 1-methyl-1-phenylethyl-	EHW	C R
P109	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A	U245	Indomethacin	EHW	B H
P050	Endosulfan	EHW	X H	P064	Isocyanic acid, methyl ester	EHW	I ?
P088	Endotball	EHW	B	P007	3(2H)-Isoxazolone, 5-(aminomethyl)-	EHW	B
P051	Endrin	EHW	X H	U142	Kepone	EHW	X H
P042	Epinephrine	EHW	B	U143	Lasiocarpine	EHW	C +
U001	Ethanal	EHW	C	U114	Lead acetate	EHW	D EP
U174	Ethanamine, N-ethyl-N-nitroso-	EHW	C +	U129	Lindane	EHW	H +
P046	Ethanamine, 1,1-dimethyl-2-phenyl-	EHW	C	U147	Maleic anhydride	EHW	C
U067	Ethane, 1,2-dibromo-	EHW	C H +	U149	Malononitrile	EHW	C
U076	Ethane, 1,1-dichloro-	EHW	D H	U151	Mercury	EHW	EP
U077	Ethane, 1,2-dichloro-	EHW	D H	P092	Mercury, (acetato-O)phenyl-	EHW	B
U114	1,2-Ethanediybiscarbamodithioic acid	EHW	B	P065	Mercury fulminate	EHW	R ?
U131	Ethane, 1,1,1,2,2,2-hexachloro-	EHW	H	U152	Methacrylonitrile	EHW	B I
U024	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro-	EHW	C H	U092	Methanamine, N-methyl-	EHW	C I
U247	Ethane, 1,1,1-trichloro-2,2-bis(b-methoxy phenyl)	EHW	D H	P016	Methane, oxybis(chloro)-	EHW	B H +
U003	Ethanenitrile	EHW	C	P112	Methane, tetranitro-	EHW	A R
U025	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H	U029	Methane, bromo-	EHW	H
U184	Ethane, pentachloro-	EHW	A H	U045	Methane, chloro-	EHW	H I
U208	Ethane, 1,1,1,2-tetrachloro-	EHW	H	U046	Methane, chloromethoxy-	EHW	D H + I
U209	Ethane, 1,1,2,2-Tetrachloro-	EHW	H	U068	Methane, dibromo-	EHW	C H +
U227	Ethane, 1,1,2-trichloro-	EHW	C H	U080	Methane, dichloro-	EHW	C H
P084	Ethenamine, N-methyl-N-nitroso	EHW	B +	U075	Methane, dichlorodifluoro-	EHW	H
U043	Ethene, chloro-	EHW	D H +	U138	Methane, iodo-	EHW	H +
U042	Ethane, 2-chloroethoxy-	EHW	C H	U211	Methane, tetrachloro-	EHW	C H +
U078	Ethene, 1,1-dichloro-	EHW	C H +	P118	Methanethiol, trichloro-	EHW	H
U079	Ethene, trans-1,2-dichloro-	EHW	D H	U153	Methanethiol	EHW	B I
U210	Ethene, 1,1,2,2-tetrachloro-	EHW	C H	U225	Methane, tribromo	EHW	H
U006	Ethanoyl chloride	EHW	C H O R	U121	Methane, trichlorofluoro-	EHW	H
P101	Ethyl cyanide	EHW	B	U044	Methane, trichloro-	EHW	C H +
U038	Ethyl 4,4'-dichlorobenzilate	EHW	D H	P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	EHW	X H +
U114	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B	U036	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octachloro-3a,4,7,7a-tetrahydro-	EHW	X H
U067	Ethylene dibromide	EHW	C H	P066	Methomyl	EHW	B
U077	Ethylene dichloride	EHW	D H	P067	2-Methylazindine	EHW	B + I
U115	Ethylene oxide	EHW	C I	P068	Methyl hydrazine	EHW	A I
P054	Ethylenimine	EHW	B +	P064	Methyl isocyanate	EHW	I ?
U076	Ethylidene dichloride	EHW	D H	P069	2-Methylactonitrile	EHW	A
P097	Famphur	EHW	A	P071	Methyl parathion	EHW	A
P056	Fluorine	EHW	B	U029	Methyl bromide	EHW	H
P057	Fluoroacetamide	EHW	B H	U045	Methyl chloride	EHW	H I
P058	Fluoroacetic acid, sodium salt	EHW	A H	U156	Methyl chlorocarbonate	EHW	B H I
U122	Formaldehyde	EHW	C	U226	Methylchloroform	EHW	C H
P065	Fulminic acid, mercury (II) salt	EHW	R ?	U157	3-Methylcholanthrene	EHW	H P
U125	2-Furancarboxaldehyde	EHW	C I	U158	4,4'-Methylenebis(2-chloroaniline)	EHW	H +
U147	2,5-Furandione	EHW	C	U132	2,2'-Methylenebis(3,4,6-trichlorophenol)	EHW	C H
U125	Furfural	EHW	C I	U068	Methylene bromide	EHW	C H +
U126	Glycidyaldehyde	EHW	C +	U080	Methylene chloride	EHW	C H
U163	Guanidine, N-nitroso-N-methyl-N'nitro-	EHW	C +	U122	Methylene oxide	EHW	C
P059	Heptachlor	EHW	X H +	U160	Methyl ethyl ketone peroxide	EHW	C R
U127	Hexachlorobenzene	EHW	H	U138	Methyl iodide	EHW	H +
U128	Hexachlorobutadiene	EHW	C H	U163	N-Methyl-N'-nitro-N-nitrosoguanidine	EHW	C +
U129	Hexachlorocyclohexane (gamma isomer)	EHW	H +	U010	Mitomycin C	EHW	B +
U130	Hexachlorocyclopentadiene	EHW	X H	U165	Naphthalene	EHW	B
P051	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, endo-1,4,5,8-dimethanophthalene	EHW	X H	U047	Naphthalene, 2-chloro-	EHW	D H
P037	1,2,3,4,10,10-Hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo, exo-1,4,5,8-dimethanonaphthalene	EHW	X H +	U166	1,4-Naphthalenedione	EHW	C
U131	Hexachloroethane	EHW	H	U236	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-(1,1'-biphenyl)-4,4'-diyl)]-bis(azo)bis(5-amino-4-hydroxy)-, tetrasodium salt	EHW	H +
P060	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, endo-dimethanonaphthalene	EHW	B H	U166	1,4-Naphthaquinone	EHW	C
P004	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exodimethanonaphthalene	EHW	B H	U167	1-Naphthylamine	EHW	B +
P060	Hexachlorohexahydro-endo, endo-dimethanonaphthalene	EHW	B H	U168	2-Naphthylamine	EHW	B +
U132	Hexachlorophene	EHW	C H	U167	alpha-Naphthylamine	EHW	B +
U243	Hexachloropropene	EHW	H	U168	beta-Naphthylamine	EHW	B +
P062	Hexaethyl tetraphosphate	EHW	B	U026	2-Naphthylamine, N,N'-bis(2-chloro-methyl)-	EHW	H +
U133	Hydrazine	EHW	B + R	P072	alpha-Naphthylthiourea	EHW	B
P116	Hydrazinecarbothioamide	EHW	B	P073	Nickel carbonyl	EHW	B
U099	Hydrazine, 1,2-dimethyl-	EHW	C + I	P074	Nickel cyanide	EHW	D R ?
U109	Hydrazine, 1,2-diphenyl-	EHW	C	P074	Nickel (II) cyanide	EHW	D R ?
P068	Hydrazine, methyl-	EHW	A I	P073	Nickel tetracarbonyl	EHW	B
P063	Hydrocyanic acid	EHW	A	P075	Nicotine and salts	EHW	B
P063	Hydrogen cyanide	EHW	A	P076	Nitric oxide	EHW	B
P096	Hydrogen phosphide	EHW	B I	P077	p-Nitroaniline	EHW	D ?
U135	Hydrogen sulfide	EHW	B I	U169	Nitrobenzene	EHW	C I
				P078	Nitrogen dioxide	EHW	A
				P076	Nitrogen (II) oxide	EHW	B
				P078	Nitrogen (IV) oxide	EHW	A
				P081	Nitroglycerin	EHW	R ?
				U170	p-Nitrophenol	EHW	C
				U171	2-Nitropropane	EHW	C I
				U174	N-Nitrosodiethylamine	EHW	C +

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
P082	N-Nitrosodimethylamine	EHW	B +	P102	Propargyl alcohol	EHW	X
U176	N-Nitroso-N-ethylurea	EHW	C +	P003	2-Propenal	EHW	X
U177	N-Nitroso-N-methylurea	EHW	C +	U007	2-Propenamide	EHW	C
U178	N-Nitroso-N-methylurethane	EHW	C +	U084	Propene, 1,3-dichloro-	EHW	C H
P084	N-Nitrosomethylvinylamine	EHW	B +	U243	1-Propene, 1,1,2,3,3,3-hexachloro-	EHW	H
U179	N-Nitrosopiperidine	EHW	C +	U009	2-Propenenitrile	EHW	C + I
U111	N-Nitroso-N-propylamine	EHW	C +	U152	2-Propenenitrile, 2-methyl-	EHW	B I
P050	5-Norbornene-2,3-dimethanol, 1,4,5,6,7,7-hexachloro, cyclic sulfite	EHW	X H	U008	2-Propenoic acid	EHW	C O I
P085	Octamethylpyrophosphoramide	EHW	A	P005	2-Propen-1-ol	EHW	B I
P087	Osmium oxide	EHW	B	U233	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	EHW	B H
P087	Osmium tetroxide	EHW	B	U194	n-Propylamine	EHW	C I
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	EHW	B	U083	Propylene dichloride	EHW	C H I
U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-	EHW	C H I	P067	1,2-Propylenimine	EHW	B + I
U115	Oxirane	EHW	C I	P102	2-Propyn-1-ol	EHW	X
U041	Oxirane, 2-(chloromethyl)-	EHW	C H + I	P008	4-Pyridinamine	EHW	B
P089	Parathion	EHW	X	P075	Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts	EHW	B
U183	Pentachlorobenzene	EHW	H	U196	Pyridine	EHW	C I
U184	Pentachloroethane	EHW	A H	U179	Pyridine, hexahydro-N-nitroso-	EHW	C +
U185	Pentachloronitrobenzene	EHW	D H +	U191	Pyridine, 2-methyl-	EHW	C
U242	Pentachlorophenol	EHW	A H	P111	Pyrophosphoric acid, tetraethyl ester	EHW	A
U188	Phenol	EHW	C	U201	Resorcinol	EHW	C
P034	Phenol, 2-cyclohexyl-4,6-dinitro-	EHW	C	P103	Selenourea	EHW	B
P048	Phenol, 2,4-dinitro-	EHW	B	U015	L-Serine, diazoacetate (ester)	EHW	C +
P047	Phenol, 2,4-dinitro-6-methyl-, and salts	EHW	B	P104	Silver cyanide	EHW	C
P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-	EHW	B	U233	Silvex	EHW	B H
P009	Phenol, 2,4,6-trinitro-, ammonium salt	EHW	R	P105	Sodium azide	EHW	A
U048	Phenol, 2-chloro-	EHW	D H	P106	Sodium cyanide	EHW	B
U039	Phenol, 4-chloro-3-methyl-	EHW	H	P107	Strontium sulfide	EHW	R
U081	Phenol, 2,4-dichloro-	EHW	D H	P108	Strychnidin-10-one, and salts	EHW	B
U082	Phenol, 2,6-dichloro-	EHW	D H	P018	Strychnidin-10-one, 2,3-dimethoxy-	EHW	A
U017	Phenol, 4-nitro-	EHW	C	P108	Strychnine and salts	EHW	B
U242	Phenol, pentachloro-	EHW	A H	U135	Sulfur hydride	EHW	B I
U212	Phenol, 2,3,4,6-tetrachloro-	EHW	C H	U103	Sulfuric acid, dimethyl ester	EHW	C O +
U230	Phenol, 2,4,5-trichloro-	EHW	A H	P115	Sulfuric acid, thallium (I) salt	EHW	B
U231	Phenol, 2,4,6-trichloro-	EHW	A H	U189	Sulfur phosphide	EHW	B I R
P036	Phenyl dichloroarsine	EHW	B H	U232	2,4,5-T	EHW	B H +
P092	Phenylmercuric acetate	EHW	B	U207	1,2,4,5-Tetrachlorobenzene	EHW	D H
P093	N-Phenylthiourea	EHW	A	U208	1,1,1,2-Tetrachloroethane	EHW	H
P094	Phorate	EHW	X	U209	1,1,2,2-Tetrachloroethane	EHW	H
P095	Phosgene	EHW	B H	U210	Tetrachloroethylene	EHW	C H
P096	Phosphine	EHW	B I	U212	2,3,4,6-Tetrachlorophenol	EHW	C H
P041	Phosphoric acid, diethyl p-nitrophenyl ester	EHW	A	P109	Tetraethylthiopyrophosphate	EHW	A
P044	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	EHW	A	P110	Tetraethyl lead	EHW	A
P043	Phosphorofluoridic acid, bis(1-methyl-ethyl)-ester	EHW	B H	P111	Tetraethylpyrophosphate	EHW	A
P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester	EHW	X	P112	Tetranitromethane	EHW	A R
P097	Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester	EHW	A	P062	Tetraphosphoric acid, hexaethyl ester	EHW	B
P089	Phosphorothioic acid, O,O-diethyl O-(p-ni-trophenyl)ester	EHW	X	P113	Thallic oxide	EHW	B
P040	Phosphorothioic acid, O,O-diethyl O-pyra-zinyl ester	EHW	A	P113	Thallium (III) oxide	EHW	B
U189	Phosphorous sulfide	EHW	B I R	P114	Thallium (I) selenide	EHW	C
U190	Phthalic anhydride	EHW	C	P115	Thallium (I) sulfate	EHW	B
U191	2-Picoline	EHW	C	P045	Thiofanox	EHW	B
P110	Plumbane, tetraethyl-	EHW	A	P049	Thioimidodicarbonic diamide	EHW	A
P098	Potassium cyanide	EHW	A	U153	Thiomethanol	EHW	B I
P099	Potassium silver cyanide	EHW	A	P014	Thiophenol	EHW	A
P070	Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime	EHW	B	P116	Thiosemicarbozide	EHW	B H +
U194	1-Propanamine	EHW	C I	U219	Thiourea	EHW	C +
U110	1-Propanamine, N-propyl-	EHW	C I	P026	Thiourea, (2-chlorophenyl)-	EHW	A H
U066	Propane, 1,2-dibromo-3-chloro-	EHW	C H +	P072	Thiourea, 1-naphthalenyl-	EHW	B
U149	Propanedinitrile	EHW	C	P093	Thiourea, phenyl-	EHW	A
P101	Propanenitrile	EHW	B	U220	Toluene	EHW	C I
P027	Propanenitrile, 3-chloro-	EHW	B H	U233	Toluene diisocyanate	EHW	B R
P079	Propanenitrile, 2-hydroxy-2-methyl-	EHW	A	P123	Toxaphene	EHW	X H
U171	Propane, 2-nitro-	EHW	C I	U226	1,1,1-Trichloroethane	EHW	C H
U027	Propane, 2,2'-oxybis[2-chloro-	EHW	C H O	U227	1,1,2-Trichloroethane	EHW	C H
P081	1,2,3-Propanetriol, trinitrate-	EHW	R ?	U228	Trichloroethene	EHW	C H +
U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)	EHW	D H	U228	Trichloroethylene	EHW	C H +
U126	1-Propanol, 2,3-epoxy-	EHW	C +	P118	Trichloromethanethiol	EHW	H
P017	2-Propanone, 1-bromo-	EHW	C H	U121	Trichloromonofluoromethane	EHW	H
				U230	2,4,5-Trichlorophenol	EHW	A H
				U231	2,4,6-Trichlorophenol	EHW	A H
				U232	2,4,5-Trichlorophenoxyacetic acid	EHW	B H +
				U235	Tris(2,3-disbromopropyl) phosphate	EHW	D H
				U236	Trypan blue	EHW	H +
				U237	Uracil, 5[bis(2-chloromethyl)amino]-	EHW	B H +
				U237	Uracil mustard	EHW	B H +
				P119	Vanadic acid, ammonium salt	EHW	B
				P120	Vanadium pentoxide	EHW	B
				P120	Vanadium (V) oxide	EHW	B
				U043	Vinyl chloride	EHW	D H +
				P001	Warfarin	EHW	A
				U239	Xylene	EHW	C I
				P121	Zinc cyanide	EHW	C

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
P122	Zinc phosphide	EHW	B R	U213	Furan, tetrahydro-	DW	I
				U124	Furfuran	DW	I
				U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	DW	+
				U086	Hydraxine, 1,2-diethyl-	DW	+
				U098	Hydrazine, 1,1-dimethyl-	DW	+ I
				U134	Hydrofluoric acid	DW	DO
				U134	Hydrogen fluoride	DW	DO
				U136	Hydroxydimethylarsine oxide	DW	D
				U116	2-Imidazolidinethione	DW	D +
				U137	Indeno[1,2,3-cd]pyrene	DW	+
				U139	Iron dextran	DW	+
				U140	Isobutyl alcohol	DW	D I
				U141	Isosafrole	DW	D +
				U145	Lead phosphate	DW	+
				U146	Lead subacetate	DW	+
				U148	Maleic hydrazide	DW	D
				U150	Melphalan	DW	+
				U119	Methanesulfonic acid, ethyl ester	DW	+
				U123	Methanoic acid	DW	DO
				U154	Methanol	DW	D I
				U155	Methapyrilene	DW	D
				U154	Methyl alcohol	DW	D I
				U186	1-Methylbutadiene	DW	D I
				U159	Methyl ethyl ketone	DW	D I
				U161	Methyl isobutyl ketone	DW	D I
				U162	Methyl methacrylate	DW	D I
				U161	4-Methyl-2-pentanone	DW	+
				U164	Methylthiouracil	DW	+
				U059	5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-hexopyranosyl)oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-	DW	+
				U172	N-Nitrosodi-n-butylamine	DW	D +
				U173	N-Nitrosodiethanolamine	DW	+
				U180	N-Nitrosopyrrolidine	DW	D +
				U181	5-Nitro-o-toluidine	DW	D
				U139	1,2-Oxathiolane, 2,2-dioxide	DW	+
				U182	Paraldehyde	DW	D I
				U186	1,3-Pentadiene	DW	D I
				U187	Phenacetin	DW	D +
				U101	Phenol, 2,4-dimethyl-	DW	D
				U137	1,10-(1,2-phenylene)pyrene	DW	+
				U145	Phosphoric acid, Lead salt	DW	+
				U087	Phosphorodithioic acid, O,O-diethyl-,S-methyl ester	DW	?
				U192	Pronamide	DW	?
				U193	1,3-Propane sultone	DW	+
				U140	1-Propanol, 2-methyl-	DW	D I
				U002	2-Propanone	DW	D I
				U113	2-Propenoic acid, ethyl ester	DW	D I
				U118	2-Propenoic acid, 2-methyl-, ethyl ester	DW	I
				U162	2-Propenoic acid, 2-methyl-, methyl ester	DW	D I
				U155	Pyridine, 2-[(2dimethylamino)-2-thenylamino]-	DW	D
				U164	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	DW	+
				U180	Pyrrrole, tetrahydro-N-nitroso-	DW	D +
				U200	Reserpine	DW	?
				U202	Saccharin and salts	DW	+
				U203	Safrole	DW	D +
				U204	Seleniousacid	DW	O
				U204	Selenium dioxide	DW	O
				U205	Selenium disulfide	DW	R
				U089	4,4'-Stilbenediol, alpha, alpha'-diethyl-	DW	+
				U206	Streptozotocin	DW	+
				U205	Sulfur selenide	DW	R
				U213	Tetrahydrofuran	DW	I
				U214	Thallium(1) acetate	DW	?
				U215	Thallium(1) carbonate	DW	?
				U216	Thallium(1) chloride	DW	?
				U217	Thallium(1) nitrate	DW	?
				U218	Thioacetamide	DW	+
				U244	Thiran	DW	D
				U221	Toluenediamine	DW	?
				U222	O-Toluidine hydrochloride	DW	D +
				U011	1H-1,2,4-Triazol-3-amine	DW	D +
				U234	sym-Trinitrobenzene	DW	D R
				U182	1,3,5-Trioxane, 2,4,5-trimethyl-	DW	D I
				U200	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxy-	DW	?
U187	Acetamide, N-(4-ethoxyphenyl)-	DW	D +				
U005	Acetamide, N-9H-fluoren-2-yl-	DW	?				
U112	Acetic acid, ethyl ester	DW	D I				
U214	Acetic acid, thallium(I) salt	DW	?				
U002	Acetone	DW	D I				
U004	Acetophenone	DW	D				
U005	2-Acetylaminofluorene	DW	?				
U150	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-	DW	+				
U011	Amitrole	DW	D +				
U014	Auramine	DW	+				
U016	Benz[c]acridine	DW	+				
U016	3,4-Benzacridine	DW	+				
U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-	DW	+				
U222	Benzenamine, 2-methyl-, hydrochloride	DW	D +				
U181	Benzenamine, 2-methyl-5-nitro	DW	D				
U028	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	DW	?				
U069	1,2-Benzenedicarboxylic acid, dibutyl ester	DW	D				
U088	1,2-Benzenedicarboxylic acid, diethyl ester	DW	?				
U102	1,2-Benzenedicarboxylic acid, dimethyl ester	DW	?				
U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester	DW	?				
U203	Benzene, 1,2-methylenedioxy-4-allyl-	DW	D +				
U141	Benzene, 1,2-methylenedioxy-4-propenyl-	DW	D +				
U090	Benzene, 1,2-methylenedioxy-4-propyl-	DW	D +				
U234	Benzene, 1,3,5-trinitro-	DW	D R				
U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	DW	+				
U120	Benzo[j,k]fluorene	DW	D				
U091	(1,1'-Biphenyl)-4'-diamine, 3,3'-dimethoxy-	DW	D +				
U244	Bis(dimethylthiocarbomoyl) disulfide	DW	D				
U028	Bis(2-ethoxy) phthalate	DW	?				
U172	1-Butanamine, N-butyl-N-nitroso-	DW	D +				
U031	1-Butanol	DW	D I				
U159	2-Butanone	DW	D I				
U031	n-Butyl alcohol	DW	D I				
U136	Cacodylic acid	DW	D				
U238	Carbamic acid, ethyl ester	DW	+				
U215	Carbonic acid, dithallium(I) salt	DW	?				
U034	Chloral	DW	?				
U059	Daunomycin	DW	+				
U221	Diaminotoluene	DW	?				
U069	Dibutyl phthalate	DW	D				
U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	DW	?				
U108	1,4-Diethylene dioxide	DW	D +				
U086	N,N-Diethylhydrazine	DW	+				
U088	Diethyl phthalate	DW	?				
U089	Diethylstilbestrol	DW	+				
U148	1,2-Dihydro-3-,6-pyridizinedione	DW	D				
U090	Dihydrosafrole	DW	D +				
U091	3,3'-Dimethoxybenzidine	DW	D +				
U098	1,1-Dimethylhydrazine	DW	+ I				
U101	2,4-Dimethylphenol	DW	D				
U102	Dimethyl phthalate	DW	?				
U107	Di-n-octyl phthalate	DW	?				
U108	1,4-Dioxane	DW	D +				
U117	Ethane, 1,1'-oxybis-	DW	D I				
U218	Ethanethioamide	DW	+				
U173	Ethanol, 2,2-(nitrosoimino)bis-	DW	+				
U004	Ethanone, 1-phenyl-	DW	D				
U112	Ethyl acetate	DW	D I				
U113	Ethyl acrylate	DW	D I				
U238	Ethyl carbamate (urethan)	DW	+				
U116	Ethylene thiourea	DW	D +				
U117	Ethyl ether	DW	DI				
U118	Ethyl methacrylate	DW	I				
U119	Ethyl methanesulfonate	DW	+				
U139	Ferric dextran	DW	+				
U120	Fluoranthene	DW	D				
U123	Formic Acid	DW	D O				
U124	Furan	DW	I				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
---------------------	-----------	-------------------------	-------------------------

benzoyloxy]-,methyl ester

- * EHW = Extremely Hazardous Waste
- DW = Dangerous Waste
- X = Toxic, Category X
- A = Toxic, Category A
- B = Toxic, Category B
- C = Toxic, Category C
- D = Toxic, Category D
- H = Persistent, Halogenated Hydrocarbon
- O = Corrosive
- P = Persistent, Polycyclic Aromatic Hydrocarbon
- + = ARC Positive or Suspended Carcinogen
- I = Ignitable
- R = Reactive
- EP = Extraction Procedure Toxicity

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 173-303-9904 DANGEROUS WASTE SOURCES LIST.

DANGEROUS WASTE SOURCES LIST

Dangerous Waste No.	Sources
---------------------	---------

Nonspecific Sources

Generic:

- F001 The following spent halogenated solvents used in degreasing: Tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and the chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.
- F002 The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,1,1-trifluoroethane, o-dichlorobenzene, trichlorofluoromethane; and the still bottoms from the recovery of these solvents.
- F003 The following spent nonhalogenated solvents: Xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.
- F004 The following spent nonhalogenated solvents: Cresols and cresylic acid, nitrobenzene, and the still bottoms from the recovery of these solvents.

Dangerous Waste No.	Sources
---------------------	---------

- F005 The following spent nonhalogenated solvents: Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine; and the still bottoms from the recovery of these solvents.
- F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.
- F019 Wastewater treatment sludges from the chemical conversion coating of aluminum.
- F007 Spent plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).
- F008 Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating bath sludges).
- F009 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).
- F010 Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).
- F011 Spent solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat-treating spent cyanide solutions from salt bath pot cleaning).
- F012 Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process (except for precious metals heat-treating quenching wastewater treatment sludges).

Specific Sources

Wood Preservation:

- K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.

Inorganic Pigments:

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K004	Wastewater treatment sludge from the production of zinc yellow pigments	K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.
K005	Wastewater treatment sludge from the production of chrome green pigments.	K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	K026	Stripping still tails from the production of methyl ethyl pyridines.
K007	Wastewater treatment sludge from the production of iron blue pigments.	K027	Centrifuge and distillation residues from toluene diisocyanate production.
K008	Oven residue from the production of chrome oxide green pigments.	K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.
Organic Chemicals:		K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	K095	Distillation bottoms from the production of 1,1,1-trichloroethane.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	K083	Distillation bottoms from aniline production
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	K103	Process residues from aniline extraction from the production of aniline
K015	Still bottoms from the distillation of benzyl chloride.	K104	Combined wastewater streams generated from nitrobenzene/aniline production
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	K085	Distillation of fractionation column bottoms from the production of chlorobenzenes
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes
K018	Heavy ends from fractionation in ethyl chloride production.	Explosives:	
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	K044	Wastewater treatment sludges from the manufacturing and processing of explosives.
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	K045	Spent carbon from the treatment of wastewater containing explosives.
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	K047	Pink/red water from TNT operations.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	Inorganic Chemicals:	
		K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used

Dangerous Waste No.	Sources
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production
K106	Wastewater treatment sludge from the mercury cell process in chlorine production
Petroleum Refining:	
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K049	Slop oil emulsion solids from the petroleum refining industry.
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K051	API separator sludge from the petroleum refining industry.
K052	Tank bottoms (leaded) from the petroleum refining industry.
Iron and Steel:	
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K062	Spent pickle liquor from steel finishing operations.
Pesticides:	
K031	By-product salts generated in the production of MSMA and cacodylic acid.
K032	Wastewater treatment sludge from the production of chlordane.
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.
K035	Wastewater treatment sludges generated in the production of creosote.
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
K037	Wastewater treatment sludges from the production of disulfoton.
K038	Wastewater from the washing and stripping of phorate production.
K039	Filter cake from the filtration of diethylphosphorodithioric acid in the production of phorate.

Dangerous Waste No.	Sources
K040	Wastewater treatment sludge from the production of phorate.
K041	Wastewater treatment sludge from the production of toxaphene.
K098	Untreated process wastewater from the production of toxaphene.
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.
K043	2,6-Dichlorophenol waste from the production of 2,4-D.
K099	Untreated wastewater from the production of 2,4-D.
Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.
Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
K102	Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds
Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead
Coking:	
K060	Ammonia still-lime sludge from coking operations
K087	Decanter tank tar sludge from coking operations

NEW SECTION

WAC 173-303-9905 DANGEROUS WASTE CONSTITUENTS LIST.

- Acetonitrile [Ethanenitrile]
 Acetophenone (Ethanone, 1-phenyl)
 3-(alpha-Acetylbenzyl)-4-hydroxycoumarin
 and salts (Warfarin)
 2-Acetylaminofluorene (Acetamide, N-9H-
 fluoren-2-yl)-)
 Acetyl chloride (Ethanoyl chloride)
 1-Acetyl-2-thiourea (Acetamide, N-
 (aminothioxomethyl)-)
 Acrolein (2-Propenal)
 Acrylamide (2-Propenamide)
 Acrylonitrile (2-Propenenitrile)
 Aflatoxins
 Aldrin (1,2,3,4,10,10-Hexachloro-
 1,4,4a,5,8,8a,8b-hexahydro-endo,exo-1,4:5,8-
 Dimethanonaphthalene)
 Allyl alcohol (2-Propen-1-ol)
 Aluminum phosphide
 4-Aminobiphenyl ([1,1'-Biphenyl]-4-amine)
 6-Amino-1,1a,2,8,8a,8b-hexahydro-8-
 (hydroxymethyl)-8a-methoxy-5-methyl-
 carbamate azirino[2',3':3,4]pyrrolo[1,2-
 a]indole-4,7-dione, (ester) (Mitomycin C)
 (Azirino[2'3':3,4]pyrrolo(1,2-a)indole-4,7-
 dione, 6-amino-8[((amino-
 carbonyl)oxy)methyl]-1,1a,2,8,8a,8b-
 hexahydro-8amethoxy-5-methyl-)
 5-(Aminomethyl)-3-isoxazolol (3(2H)-
 Isoxazolone, 5-(aminomethyl)-)-4
 Aminopyridine (4-Pyridinamine)¹
 Amitrole (1H-1,2,4-Triazol-3-amine)
 Aniline (Benzenamine)
 Antimony and compounds, N.O.S.*
 Aramite (Sulfurous acid, 2-chloroethyl- 2-[4-
 (1,1-dimethylethyl)phenoxy]-1-methylethyl
 ester)
 Arsenic and compounds, N.O.S.*
 Arsenic acid (Orthoarsenic acid)
 Arsenic pentoxide (Arsenic (V) oxide)
 Arsenic trioxide (Arsenic (III) oxide)
 Auramine (Benzenamine, 4,4-
 carbonimidoylbis[N,N-Dimethyl-
 monohydrochloride)
 Azaserine (L-Serine, diazoacetate (ester))
 Barium and compounds, N.O.S.*
 Barium cyanide
 Benz[c]acridine (3,4-Benzacridine)
 Benz[a]anthracene (1,2-Benzanthracene)
 Benzene (Cyclohexatriene)
 Benzenearsonic acid (Arsonic acid, phenyl-)
 Benzene, dichloromethyl- (Benzal chloride)
 Benzenethiol (Thiophenol)
 Benzidine ([1,1'-Biphenyl]-4,4'diamine)
 Benzo[b]fluoranthene (2,3-
 Benzofluoranthene)
 Benzo[j]fluoranthene (7,8-Benzofluoranthene)
 Benzo[a]pyrene (3,4-Benzopyrene)
 p Benzoquinone (1,4-Cyclohexadienedione)
 Benzotrichloride (Benzene, trichloromethyl-)
 Benzyl chloride (Benzene, (chloromethyl)-)
 Beryllium and compounds, N.O.S.*
 Bis(2-chloroethoxy)methane (Ethane, 1,1'-
 [methylenebis(oxy)]bis[2-chloro-])
 Bis(2-chloroethyl) ether (Ethane, 1,1'-
 oxybis[2-chloro-])
 N,N-Bis(2-chloroethyl)-2-naphthylamine
 (Chlornaphazine)
 Bis(2-chloroisopropyl) ether (Propane, 2,2'-
 oxybis[2-chloro-])
 Bis(chloromethyl) ether (Methane,
 oxybis[chloro-])
 Bis(2-ethylhexyl) phthalate (1,2-
 Benzenedicarboxylic acid, bis(2-
 ethylhexyl) ester)
 Bromoacetone (2-Propanone, 1-bromo-)
 Bromomethane (Methyl bromide)
 4-Bromophenyl phenyl ether (Benzene, 1-
 bromo-4-phenoxy-)
 Brucine (Strychnidin-10-one, 2,3-dimethoxy-)
 2-Butanone peroxide (Methyl ethyl ketone,
 peroxide)
 Butyl benzyl phthalate (1,2-
 Benzenedicarboxylic acid, butyl
 phenylmethyl ester)
 2-sec-Butyl-4,6-dinitrophenol (DNBP) (Phenol,
 2,4-dinitro-6-(1-methylpropyl)-)
 Cadmium and compounds, N.O.S.*
 Calcium chromate (Chromic acid, calcium
 salt)
 Calcium cyanide
 Carbon disulfide (Carbon bisulfide)
 Carbon oxyfluoride (Carbonyl fluoride)
 Chloral (Acetaldehyde, trichloro-)
 Chlorambucil (Butanoic acid, 4-[bis(2-
 chloroethyl)amino]benzene-)
 Chlordane (alpha and gamma isomers) (4,7-
 Methanoindan, 1,2,4,5,6,7,8,8-octachloro-
 3,4,7,7a-tetrahydro-) (alpha and gamma
 isomers)
 Chlorinated benzenes, N.O.S.*
 Chlorinated ethane, N.O.S.*
 Chlorinated fluorocarbons, N.O.S.*
 Chlorinated naphthalene, N.O.S.*
 Chlorinated phenol, N.O.S.*
 Chloroacetaldehyde (Acetaldehyde, chloro-)
 Chloroalkyl ethers, N.O.S.*
 p-Chloroaniline (Benzenamine, 4-chloro-)
 Chlorobenzene (Benzene, chloro-)
 Chlorobenzilate (Benzeneacetic acid, 4-
 chloro-alpha-(4-chlorophenyl)-alpha-
 hydroxy-,ethyl ester)
 p-Chloro-m-cresol (Phenol, 4-Chloro-3-methyl)
 1-Chloro-2,3-epoxypropane (Oxirane, 2-
 (chloromethyl)-)
 2-Chloroethyl vinyl ether (Ethene, (2-
 chloroethoxy)-)
 Chloroform (Methane, trichloro-)
 Chloromethane (Methyl chloride)
 Chloromethyl methyl ether (Methane,
 chloromethoxy-)
 2-Chloronaphthalene (Naphthalene, beta-
 chloro-)
 2-Chlorophenol (Phenol, o-chloro-)
 1-(o-Chlorophenyl)thiourea (Thiourea, (2-

- chlorophenyl)-)
- 3-Chloropropionitrile (Propanenitrile, 3-chloro-)
- Chromium and compounds, N.O.S.*
- Chrysene (1,2-Benzphenanthrene)
- Citrus red No. 2 (2-Naphthol, 1-[(2,5-dimethoxyphenyl)azo]-)
- Coal tars
- Copper cyanide
- Creosote (Creosote, wood)
- Cresols (Cresylic acid) (Phenol, methyl-)
- Crotonaldehyde (2-Butenal)
- Cyanides (soluble salts and complexes), N.O.S.*
- Cyanogen (Ethanedinitrile)
- Cyanogen bromide (Bromine cyanide)
- Cyanogen chloride (Chlorine cyanide)
- Cycasin (beta-D-Glucopyranoside, (methyl-ONN-azoxy)methyl-)
- 2-Cyclohexyl-4,6-dinitrophenol (Phenol, 2-cyclohexyl-4,6-dinitro-)
- Cyclophosphamide (2H-1,3,2-Oxazaphosphorine, [bis(2-chloroethyl)amino]-tetrahydro-, 2-oxide)
- Daunomycin (5,12-Naphthacenedione, (8S-cis)-8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexopyranosyl]oxy]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-)
- DDD (Dichlorodiphenyldichloroethane) (Ethane, 1,1-dichloro-2,2-bis(p-chlorophenyl)-)
- DDE (Ethylene, 1,1-dichloro-2,2-bis(4-chlorophenyl)-)
- DDT (Dichlorodiphenyltrichloroethane) (Ethane, 1,1,1-trichloro-2,2-bis(p-chlorophenyl)-)
- Diallate (S-(2,3-dichloroallyl) diisopropylthiocarbamate)
- Dibenz[a,h]acridine (1,2,5,6-Dibenzacridine)
- Dibenz[a,j]acridine (1,2,7,8-Dibenzacridine)
- Dibenz[a,h]anthracene (1,2,5,6-Dibenzanthracene)
- 7H-Dibenzo[c,g]carbazole (3,4,5,6-Dibenzcarbazole)
- Dibenzo[a,e]pyrene (1,2,4,5-Dibenzpyrene)
- Dibenzo[a,h]pyrene (1,2,5,6-Dibenzpyrene)
- Dibenzo[a,i]pyrene (1,2,7,8-Dibenzpyrene)
- 1,2-Dibromo-3-chloropropane (Propane, 1,2-dibromo-3-chloro-)
- 1,2-Dibromoethane (Ethylene dibromide)
- Dibromomethane (Methylene bromide)
- Di-n-butyl phthalate (1,2-Benzenedicarboxylic acid, dibutyl ester)
- o-Dichlorobenzene (Benzene, 1,2-dichloro-)
- m-Dichlorobenzene (Benzene, 1,3-dichloro-)
- p-Dichlorobenzene (Benzene, 1,4-dichloro-)
- Dichlorobenzene, N.O.S.* (Benzene, dichloro-, N.O.S.*)
- 3,3'-Dichlorobenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-)
- 1,4-Dichloro-2-butene (2-Butene, 1,4-Butene, 1,4-dichloro-)
- Dichlorodifluoromethane (Methane, dichlorodifluoro-)
- 1,1-Dichloroethane (Ethylidene dichloride)
- 1,2-Dichloroethane (Ethylene dichloride)
- trans-1,2-Dichloroethene (1,2-Dichloroethylene)
- Dichloroethylene, N.O.S.* (Ethene, dichloro-, N.O.S.*)
- 1,1-Dichloroethylene (Ethene, 1,1-dichloro-)
- Dichloromethane (Methylene chloride)
- 2,4-Dichlorophenol (Phenol, 2,4-dichloro-)
- 2,6-Dichlorophenol (Phenol, 2,6-dichloro-)
- 2,4-Dichlorophenoxyacetic acid (2,4-D), salts and esters (Acetic acid, 2,4-dichlorophenoxy-, salts and esters)
- Dichlorophenylarsine (Phenyl dichloroarsine)
- Dichloropropane, N.O.S.* (Propane, dichloro-, N.O.S.*)
- 1,2-Dichloropropane (Propylene dichloride)
- Dichloropropanol, N.O.S.* (Propanol, dichloro-, N.O.S.*)
- Dichloropropene, N.O.S.* (Propene, dichloro-, N.O.S.*)
- 1,3-Dichloropropene, (1-Propene, 1,3-dichloro-)
- Dieldrin (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octa-hydro-endo, exo-1,4:5,8-Dimethanonaphthalene)
- 1,2:3,4-Diepoxybutane (2,2'-Bioxirane)
- Diethylarsine (Arsine, diethyl-)
- N,N-Diethylhydrazine (Hydrazine, 1,2-diethyl)
- O,O-Diethyl S-methyl ester of phosphorodithioic acid (Phosphorodithioic acid, O,O-diethyl S-methyl ester)
- O,O-Diethylphosphoric acid, O-p-nitrophenyl ester (Phosphoric acid, diethyl p-nitrophenyl ester)
- Diethyl phthalate (1,2-Benzenedicarboxylic acid, diethyl ester)
- O,O-Diethyl O-2-pyrazinyl phosphorothioate (Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester)
- Diethylstilbesterol (4,4'-Stilbenediol, alpha,alpha-diethyl, bis(dihydrogen phosphate, (E)-)
- Dihydrosafrole (Benzene, 1,2-methylenedioxy-4-propyl-)
- 3,4-Dihydroxy-alpha-(methylamino)methyl benzyl alcohol (1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-)
- Diisopropylfluorophosphate (DFP) (Phosphorofluoridic acid, bis(1-methylethyl) ester)
- Dimethoate (Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester)
- 3,3'-Dimethoxybenzidine ([1,1'-Biphenyl]-4,4'diamine, 3-3'dimethoxy-)
- p-Dimethylaminoazobenzene (Benzenamine, N,N-dimethyl-4-(phenylazo)-)
- 7,12-Dimethylbenz[a]anthracene (1,2-Benzanthracene, 7,12-dimethyl-)

- 3,3'-Dimethylbenzidine ([1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-)
- Dimethylcarbamoyl chloride (Carbamoyl chloride, dimethyl-)
- 1,1-Dimethylhydrazine (Hydrazine, 1,1-dimethyl-)
- 1,2-Dimethylhydrazine (Hydrazine, 1,2-dimethyl-)
- 3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino) carbonyl]oxime (Thiofanox)
- alpha,alpha-Dimethylphenethylamine (Ethanamine, 1,1-dimethyl-2-phenyl)
- 2,4-Dimethylphenol (Phenol, 2,4-dimethyl-)
- Dimethyl phthalate (1,2-Benzenedicarboxylic acid, dimethyl ester)
- Dimethyl sulfate (Sulfuric acid, dimethyl ester)
- Dinitrobenzene, N.O.S.* (Benzene, dinitro-, N.O.S.*)
- 4,6-Dinitro-o-cresol and salts (Phenol, 2,4-dinitro-6-methyl-, and salts)
- 2,4-Dinitrophenol (Phenol, 2,4-dinitro-)
- 2,4-Dinitrotoluene (Benzene, 1-methyl-2,4-dinitro-)
- 2,6-Dinitrotoluene (Benzene, 1-methyl-2,6-dinitro-)
- Di-n-octyl phthalate (1,2-Benzenedicarboxylic acid, dioctyl ester)
- 1,4-Dioxane (1,4-Diethylene oxide)
- Diphenylamine (Benzenamine, N-Phenyl-)
- 1,2-Diphenylhydrazine (Hydrazine, 1,2-diphenyl-)
- Di-n-propylmitrosamine (N-Nitroso-di-n-propylamine)
- Disulfoton (O,O-diethyl S-[2-(ethylthio)ethyl] phosphorodithioate)
- 2,4-Dithiobiuret (Thioimidodicarbonic diamide)
- Endosulfan (5-Norbornene, 2,3-dimethanol, 1,4,5,6,7,7-hexachloro-, cyclic sulfite)
- Endrin and metabolites (1,2,3,4,10,10-hexachloro-6,7-epoxy-1,4,4a,5,6,7,8,8a-octahydro-endo,endo-1,4:5,8-dimethanonaphthalene, and metabolites)
- Ethyl carbamate (Urethan) (Carbamic acid, ethyl ester)
- Ethyl cyanide (propanenitrile)
- Ethylenebisdithiocarbamic acid, salts and esters (1,2-Ethanediybiscarbamodithioic acid, salts and esters.)
- Ethyleneimine (Aziridine)
- Ethylene oxide (Oxirane)
- Ethylenethiourea (2-Imidazolidinethione)
- Ethylmethacrylate (2-Propenoic acid, 2-methyl-, ethyl ester)
- Ethyl methanesulfonate (Methanesulfonic acid, ethyl ester)
- Fluoranthene (Benzo[j,k]fluorene)
- Fluorine
- 2-Fluoroacetamide (Acetamide, 2-fluoro-)
- Fluoroacetic acid, sodium salt (Acetic acid, fluoro-, sodium salt)
- Formaldehyde (Methylene, oxide)
- Formic acid (Methanoic acid)
- Glycidylaldehyde (1-Propanol-2-3-epoxy)
- Halomethane, N.O.S.*
- Heptachlor (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-)
- Heptachlor epoxide (alpha, beta, and gamma isomers) (4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-2,3-epoxy-3a,4,7,7-tetrahydro-, alpha, beta and gamma isomers)
- Hexachlorobenzene (Benzene, hexachloro-)
- Hexachlorobutadiene (1,3-Butadiene, 1,1,2,3,4,4-hexachloro-)
- Hexachlorocyclohexane (all isomers) (Lindane and isomers)
- Hexachlorocyclopentadiene (1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-)
- Hexachloroethane (Ethane, 1,1,1,2,2,2-hexachloro-)
- 1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4:5,8-endo,endo-dimethanonphthalene (Hexachlorohexahydro-endo,endo-dimethanonaphthalene)
- Hexachlorophene (2,2'-Methylenebis(3,4,6-trichlorophenol))
- Hexachloropropene (1-Propene, 1,1,2,3,3,3-hexachloro-)
- Hexaethyl tetraphosphate (Tetraphosphoric acid, hexaethyl ester)
- Hydrazine (Diamine)
- Hydrocyanic acid (Hydrogen cyanide)
- Hydrofluoric acid (Hydrogen fluoride)
- Hydrogen sulfide (Sulfur hydride)
- Hydroxydimethylarsine oxide (Cacodylic acid)
- Indeno(1,2,3-cd)pyrene (1,10-(1,2-phenylene)pyrene)
- Iodomethane (Methyl iodide)
- Iron Dextran (Ferric dextran)
- Isocyanic acid, methyl ester (Methyl isocyanate)
- Isobutyl alcohol (1-Propanol, 2-methyl-)
- Isosafrole (Benzene, 1,2-methylenedioxy-4-allyl-)
- Kapone (Decachlorooctahydro-1,3,4-Methano-2H-cyclobuta[cd]pentalen-2-one)
- Lasiocarpine (2-Butenoic acid, 2-methyl-, 7-[(2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester)
- Lead and compounds, N.O.S.*
- Lead acetate (Acetic acid, lead salt)
- Lead phosphate (Phosphoric acid, lead salt)
- Lead subacetate (Lead, bis(acetato-O)tetrahydroxytri-)
- Maleic anhydride (2,5-Furandione)
- Maleic hydrazide (1,2-Dihydro-3,6-pyridazinedione)

- Malononitrile (Propanedinitrile)
 Melphalan (Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-,L-)
 Mercury Fulminate (Fulminic acid, mercury salt)
 Mercury and compounds, N.O.S.*
 Methacrylonitrile (2-Propenenitrile, 2-methyl-)
 Methanethiol (Thiomethanol)
 Methapyrilene (Pyridine, 2-[(2-dimethylamino)ethyl]-2-thenylamino-)
 Metholonyl (Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-,methyl ester)
 Methoxychlor (Ethane, 1,1,1-trichloro-2,2'-bis(p-methoxyphenyl)-)
 2-Methylaziridine (1,2-Propylenimine)
 3-Methylcholanthrene (Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-)
 Methyl chlorocarbonate (Carbonochloridic acid, methyl ester)
 4,4'-Methylenebis(2-chloroaniline) (Benzenamine, 4,4'-methylenebis-(2-chloro-))
 Methyl ethyl ketone (MEK) (2-Butanone)
 Methyl hydrazin (Hydrazine, methyl-)
 2-Methylactonitrile (Propanenitrile, 2-hydroxy-2-methyl-)
 Methyl methacrylate (2-Propenoic acid, 2-methyl-, methyl ester)
 Methyl methanesulfonate (Methanesulfonic acid, methyl ester)
 2-Methyl-2-(methylthio)propionaldehyde-o-(methylcarbonyl) oxime (Propanal,2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime)
 N-Methyl-N'-nitro-N-nitrosoguanidine (Guanidine, N-nitros-N-methyl-N'nitro-)
 Methyl parathion (O,O-dimethyl O-(4-nitrophenyl) phosphorothioate)
 Methylthiouracil (4-1H-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-)
 Mustard gas (Sulfide, bis(2-chloroethyl)-)
 Naphthalene
 1,4-Naphthoquinone (1,4-Naphthalenedione)
 1-Naphthylamine (alpha-Naphthylamine)
 2-Naphthylamine (beta-Naphthylamine)
 1-Naphthyl-2-thiourea (Thiourea, 1-naphthalenyl-)
 Nickel and compounds, N.O.S.*
 Nickel carbonyl (Nickel tetracarbonyl)
 Nickel cyanide (nickel (II) cyanide)
 Nicotine and salts, Pyridine, (S)-3-(1-methyl-2-pyrrolidinyl)-, and salts)
 Nitric oxide (Nitrogen (II) oxide)
 p-Nitroaniline (Benzenamine, 4-nitro-)
 Nitrobenzine (Benzene, nitro-)
 Nitrogen dioxide (Nitrogen (IV) oxide)
 Nitrogen mustard and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
 Nitrogen mustard N-Oxide and hydrochloride salt (Ethanamine, 2-chloro-, N-(2-chloroethyl)-N-methyl-, and hydrochloride salt)
 Nitroglycerine (1,2,3-Propanetriol, trinitrate)
 4-Nitrophenol (Phenol, 4-nitro-)
 4-Nitroquinoline-1-oxide (Quinoline, 4-nitro-1-oxide-)
 Nitrosamine, N.O.S.*
 N-Nitrosodi-n-butylamine (1-Butanamine, N-butyl-N-nitroso-)
 N-Nitrosodiethanolamine (Ethanol, 2,2'-(nitrosoimino)bis-)
 N-Nitrosodiethylamine (Ethanamine, N-Ethyl-N-nitroso-)
 N-Nitrosodimethylamine (Dimethylnitrosamine)
 N-Nitroso-N-ethylurea (Carbamide, N-ethyl-N-nitroso-)
 N-Nitrosomethylethylamine (Ethanamine, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurea (Carbamide, N-methyl-N-nitroso-)
 N-Nitroso-N-methylurethane (Carbamic acid, methylnitroso-, ethyl ester)
 N-Nitrosomethylvinylamine (Ethenamine, N-methyl-N-nitroso-)
 N-Nitrosomorpholine (Morpholine, N-nitroso-)
 N-Nitrosornicotine (Nornicotine, N-nitroso-)
 N-Nitrosopiperidine (Pyridine, hexahydro-, N-nitroso-)
 Nitrosopyrrolidine (pyrrole, tetrahydro-, N-nitroso-)
 N-Nitrososarcosine (Sarcosine, N-nitroso-)
 5-Nitro-o-toluidine (Benzenamine, 2-methyl-5-nitro-)
 Octamethylpyrophosphoramidate (Diphosphoramidate, octamethyl-)
 Osmium tetroxide (Osmium (VIII) oxide)
 7-Ocabcyclo[2.2.1]heptane-2,3-dicarboxylic acid (Endothal)
 Paraldehyde (1,3,5-Trioxane, 2,4,6-trinethyl-)
 Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)
 Pentachlorobenzene (Benzene, pentachloro-)
 Pentachloroethane (Ethane, pentachloro-)
 Pentachloronitrobenzene (PCNB) (Benzene, pentachloronitro-)
 Pentachlorophenol (Phenol, pentachloro-)
 Phenacetin (Acetamide, N-(4-ethoxyphenyl)-)
 Phenol (Benzene, hydroxy-)
 Phenylenediamine (Benzenediamine)
 Phenylmercury acetate (Mercury, acetatophenyl-)
 N-Phenylthiourea (Thiourea, phenyl-)
 Phosgene (Carbonyl chloride)
 Phosphine (Hydrogen phosphide)
 Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester (Phorate)
 Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)sulfonyl)phenyl] ester (Famphur)
 Phthalic acid esters, N.O.S.* (Benzene, 1,2-dicarboxylic acid, esters, N.O.S.*
 Phthalic anhydride (1,2-Benzenedicarboxylic

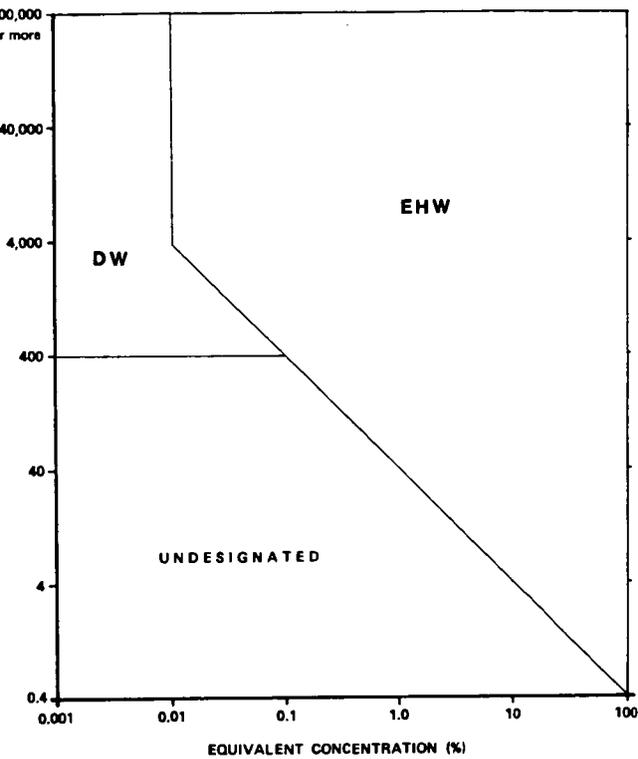
- acid anhydride)
 2-Picoline (Pyridine, 2-methyl-)
 Polychlorinated biphenyl, N.O.S.*
 Potassium cyanide
 Potassium silver cyanide (Argentate(1-), dicyano-, potassium)
 Pronamide (3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide)
 1,3-Propanesultone (1,2-Oxathiolane, 2,2-dioxide)
 n-Propylamine (1-Propane)
 Propylthiouracil (Undecamethylenediamine, N,N'-bis(2-chlorobenzyl)-, dihydrochloride)
 2-Propyn-1-ol (Propargyl alcohol)
 Pyridine
 Reserpine (Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester)
 Resorcinol (1,3-Benzenediol)
 Saccharin and salts (1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts)
 Safrol (Benzene, 1,2-methylenedioxy-4-allyl-)
 Selenious acid (Selenium dioxide)
 Selenium and compounds, N.O.S.*
 Selenium sulfide (Sulfur selenide)
 Selenourea (Carbamimidoseleonic acid)
 Silver and compounds, N.O.S.*
 Silver cyanide
 Sodium cyanide
 Streptozotocin (D-Glucopyranose, 2-deoxy-2-(3-methyl-3-nitrosoureido)-)
 Strontium sulfide
 Strychnine and salts (Strychnidin-10-one, and salts)
 1,2,4,5-Tetrachlorobenzene (Benzene, 1,2,4,5-tetrachloro-)
 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD) Dibenzo-p-dioxin, 2,3,7,8-tetrachloro-)
 Tetrachloroethane, N.O.S.* (Ethane, tetrachloro-, N.O.S.*)
 1,1,1,2-Tetrachlorethane (Ethane, 1,1,1,2-tetrachloro-)
 1,1,2,2-Tetrachlorethane (Ethane, 1,1,2,2-tetrachloro-)
 Tetrachlorethylene (Ethane, 1,1,2,2-tetrachloro-)¹
 Tetrachloromethane (Carbon tetrachloride)
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)
 Tetraethyldithiopyrophosphate (Dithiopyrophosphoric acid, tetraethyl-ester)
 Tetraethyl lead (Plumbane, tetraethyl-)
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)
 Tetranitromethane (Methane, tetranitro-)
 Thallium and compounds, N.O.S.*
 Thallic oxide (Thallium (III) oxide)
 Thallium (I) acetate (Acetic acid, thallium (I) salt)
 Thallium (I) carbonate (Carbonic acid, dithallium (I) salt)
 Thallium (I) chloride
 Thallium (I) nitrate (Nitric acid, thallium (I) salt)
 Thallium selenite
 Thallium (I) sulfate (Sulfuric acid, thallium (I) salt)
 Thioacetamide (Ethanethioamide)
 Thiosemicarbazide (Hydrazinecarbothioamide)
 Thiourea (Carbamide thio-)
 Thiuram (Bis(dimethylthioucarbonyl) disulfide)
 Toluene (Benzene, methyl-)
 Toluenediamine (Diaminotoluene)
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)
 Tolyene diisocyanate (Benzene, 1,3-diisocyanatomethyl-)
 Toxaphene (Camphene, octachloro-)
 Tribromomethane (Bromoform)
 1,2,4-Trichlorobenzene (Benzene, 1,2,4-trichloro-)
 1,1,1-Trichloroethane (Methyl chloroform)
 1,1,2-Trichloroethane (Ethane, 1,1,2-trichloro-)
 Trichloroethene (Trichloroethylene)
 Trichloromethanethiol (Methanethiol, trichloro-)
 Trichloromonofluoromethane (Methane, trichlorofluoro-)
 2,4,5-Trichlorophenol (Phenol, 2,4,5-trichloro-)
 2,4,6-Trichlorophenol (Phenol, 2,4,6-trichloro-)
 2,4,5-Trichlorophenoxyacetic acid (2,4,5-T) (Acetic acid, 2,4,5-trichlorophenoxy-)
 2,4,5-Trichlorophenoxypropionic acid (2,4,5-TP) (Silvex) (Propionic acid, 2-(2,4,5-trichlorophenoxy)-)
 Trichloropropane, N.O.S.* (Propane, trichloro-, N.O.S.*)
 1,2,3-Trichloropropane (Propane, 1,2,3-trichloro-)
 O,O,O-Triethyl phosphorothioate (Phosphorothioic acid, O,O,O-triethyl ester)
 sym-Trinitrobenzene (Benzene, 1,3,5-trinitro-)
 Tris(1-aziridinyl) phosphine sulfide (Phosphine sulfide, tris(1-aziridinyl-))
 Tris(2,3-dibromopropyl) phosphate (1-Propanol, 2,3-dibromo-, phosphate)
 Trypan blue (2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl(1,1'-biphenyl)-4,4'-diyl)bis(azo)]bis(5-amino-4-hydroxy-, tetrasodium salt)
 Uracil mustard (Uracil 5-[bis(2-chlorethyl)amino]-)
 Vanadic acid, ammonium salt (ammonium vanadate)
 Vanadium pentoxide (Vanadium (V) oxide)
 Vinyl chloride (Ethane, chloro-)
 Zinc cyanide
 Zinc phosphide

*The abbreviation N.O.S. signifies those members of the general class "not otherwise specified" by name in this listing.

Reviser's Note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

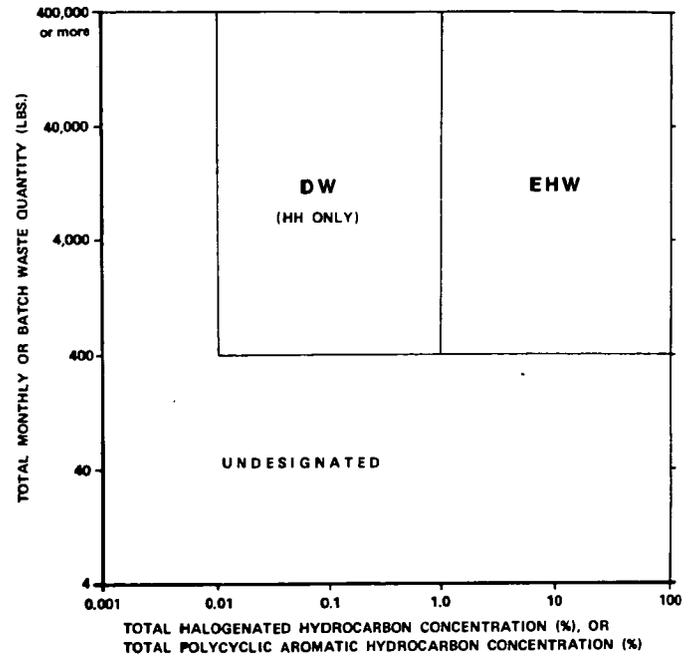
NEW SECTION

WAC 173-303-9906 TOXIC DANGEROUS WASTE MIXTURES GRAPH.



NEW SECTION

WAC 173-303-9907 PERSISTENT DANGEROUS WASTE MIXTURES GRAPH.



REPEALER

Chapter 173-302 of the Washington Administrative Code is repealed as follows:

- (1) WAC 173-302-010 PURPOSE.
- (2) WAC 173-302-020 APPLICABILITY.
- (3) WAC 173-302-030 ABBREVIATIONS.
- (4) WAC 173-302-040 DEFINITIONS.
- (5) WAC 173-302-050 CONFERENCE.
- (6) WAC 173-302-060 IMMINENT HAZARD.
- (7) WAC 173-302-070 DESIGNATION OF EHW.
- (8) WAC 173-302-080 CATEGORIZATION.
- (9) WAC 173-302-090 CRITERIA FOR DANGEROUS WASTES (DW).
- (10) WAC 173-302-100 CRITERIA FOR EXTREMELY HAZARDOUS WASTE (EHW).
- (11) WAC 173-302-110 HAZARDOUS DUE TO TOXICITY TO MAN AND WILDLIFE.
- (12) WAC 173-302-120 HAZARDOUS DUE TO QUANTITY.
- (13) WAC 173-302-130 HAZARDOUS DUE TO PERSISTENCE AND POTENTIAL HAZARD.
- (14) WAC 173-302-140 CONTAINERS.
- (15) WAC 173-302-150 DIVISION, DILUTION, AND ACCUMULATION.
- (16) WAC 173-302-160 APPEAL OF DESIGNATION.
- (17) WAC 173-302-165 DISPOSAL PROHIBITED.

- (18) WAC 173-302-170 REQUIREMENTS FOR GENERATORS.
- (19) WAC 173-302-180 MANIFEST PROCEDURES.
- (20) WAC 173-302-190 MANIFEST FORM.
- (21) WAC 173-302-200 WASTE TRANSPORT-ER REQUIREMENTS.
- (22) WAC 173-302-210 TRANSPORTER APPLICABILITY.
- (23) WAC 173-302-220 WASTE ACCEPTANCE.
- (24) WAC 173-302-230 TRANSPORTATION.
- (25) WAC 173-302-240 OPERATOR REQUIREMENTS.
- (26) WAC 173-302-250 YEARLY OPERATING PLAN.
- (27) WAC 173-302-260 HAZARDOUS WASTE ACCEPTANCE.
- (28) WAC 173-302-270 EHW HANDLING AT THE DISPOSAL SITE.
- (29) WAC 173-302-280 ENVIRONMENTAL REQUIREMENTS.
- (30) WAC 173-302-290 SECURITY REQUIREMENTS.
- (31) WAC 173-302-300 SAFETY REQUIREMENTS.
- (32) WAC 173-302-310 EMERGENCY REQUIREMENTS.
- (33) WAC 173-302-320 PERSONNEL REQUIREMENTS.
- (34) WAC 173-302-330 DEPARTMENT SURVEILLANCE.
- (35) WAC 173-302-340 FINANCIAL REQUIREMENTS.
- (36) WAC 173-302-350 TREATER REQUIREMENTS.
- (37) WAC 173-302-360 TREATER APPLICABILITY.
- (38) WAC 173-302-370 EHW ACCEPTANCE.
- (39) WAC 173-302-380 TREATMENT CRITERIA.
- (40) WAC 173-302-390 COMPLIANCE.

WSR 82-05-024
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed February 11, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025 that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Voluntary admission—Involuntary commitment—Treatment and/or evaluation of mentally ill persons, amending chapter 275-55 WAC.

A public hearing regarding these proposed rules was held on January 27. The purpose of this notice is to

postpone adoption to give the secretary additional time to consider public testimony.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Monday, March 1, 1982, in the Office of Administrative Regulations, William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 71.05.560.

This notice is connected to and continues the matter in Notice No. WSR 81-24-060 filed with the code reviser's office on December 1, 1981.

Dated: February 10, 1982
 By: David A. Hogan
 Director, Division of Administration

WSR 82-05-025
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 82-3—Filed February 11, 1982—Effective April 6, 1982]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to determination of excess general fund levy capacity attributable to basic education allocation, WAC 392-139-021.

This action is taken pursuant to Notice No. WSR 82-02-089 filed with the code reviser on January 6, 1982. Such rules shall take effect at a later date, such date being April 6, 1982.

This rule is promulgated pursuant to RCW 84.52-.0531 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 10, 1982.
 By Frank B. Brouillet
 Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 80-38, filed 11/26/80)

WAC 392-139-021 DETERMINATION OF EXCESS GENERAL FUND LEVY CAPACITY ATTRIBUTABLE TO BASIC EDUCATION ALLOCATION. The dollar amount of each school district's general fund excess levy authorized for the next tax collection year shall be determined by multiplying the prior school year's basic education allocation converted to one hundred percent of formula as of August 31 by ten percent.

WSR 82-05-026
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed February 11, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning purpose, WAC 392-139-005;

that such agency will at 10:00 a.m., Tuesday, March 23, 1982, in the State Modular Building, Conference Room C, 7510 Armstrong Street S.W., Tumwater, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 4:00 p.m., Tuesday, March 23, 1982, in the Executive Services Conference Room, State Modular Building, 7510 Armstrong Street S.W., Tumwater, WA.

The authority under which these rules are proposed is RCW 84.52.0531.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 10:00 a.m., Tuesday, March 23, 1982, State Modular Building, Conference Room C, 7510 Armstrong Street S.W., Tumwater, WA.

Dated: February 10, 1982

By: Frank B. Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-139 WAC Finance—Maintenance and operation levy limits.

Rule Section(s): WAC 392-139-005.

Statutory Authority: RCW 84.52.0531.

Purpose of the Rule(s): To establish basis for calculating special levy lid.

Summary of the New Rule(s) and/or Amendments: To incorporate WAC 392-139-037 and 392-139-038 within purpose section.

Reasons Which Support the Proposed Action(s): To correct error in previous adoption procedure.

Person or Organization Proposing the Rule(s): Superintendent of Public Instruction, Government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI Building, Room 1500, 753-2298; Implementation: Perry G. Keithley, SPI Building, Room 1000, 753-1717; and Enforcement: Chas. A. McNurlin, SPI Building, Room 1000, 753-6742.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): [No information supplied by agency]

AMENDATORY SECTION (Amending Order 81-31, filed 9/29/81)

WAC 392-139-005 PURPOSE. The purpose of WAC 392-139-010 through ((392-139-038)(392-139-036)) 392-139-038 is to establish the exclusive means for fixing the maximum dollar amount of taxes which may be levied on property and collected on behalf of any

school district in a given tax year for general fund maintenance and operation purposes pursuant to RCW 84.52.053 and 84.52.0531. These rules shall be effective for calculation of taxes collected in calendar years 1982 and 1983.

WSR 82-05-027
NOTICE OF PUBLIC MEETINGS
BOARD FOR
VOLUNTEER FIREMEN
 [Memorandum—February 10, 1982]

This is to inform you that the State Board for Volunteer Firemen has changed its calendar as follows:

The meetings originally scheduled for April 16, 1982 has been rescheduled for March 23, 1982 at approximately 4:00 p.m. at the King County FPD #2 fire station at 15100 8th Avenue S.W., Seattle, Washington.

If you have any questions, please contact us at 753-7318.

WSR 82-05-028
NOTICE OF PUBLIC MEETINGS
SENTENCING GUIDELINES COMMISSION
 [Memorandum—February 9, 1982]

Notice is hereby given that the Sentencing Guidelines Commission will meet the first Monday of each month in the Green Room of the Seattle-Tacoma Airport. Note: July and September meetings are the second Monday. The following is a list of the dates of the meetings for 1982:

March 1, 1982
 April 5, 1982
 May 3, 1982
 June 7, 1982
 July 12, 1982
 August 2, 1982
 September 13, 1982
 October 4, 1982
 November 1, 1982
 December 6, 1982

All meetings are from 10:00 a.m. to 4:00 p.m.

WSR 82-05-029
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed February 11, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Revenue intends to adopt, amend, or repeal rules concerning:

Amd WAC 458-53-070 Sales studies.
 Amd WAC 458-53-100 Use of county sales studies.
 Amd WAC 458-53-150 Indicated real property ratio—Computation;

that such agency will at 10:00 a.m., Tuesday, March 30, 1982, in the Evergreen Plaza Building, Room 301,

711 South Capital Way, Olympia, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Tuesday, April 6, 1982, in the Evergreen Plaza Building, Room 301, 711 South Capital Way, Olympia, WA.

The authority under which these rules are proposed is RCW 84.48.075.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 6, 1982, and/or orally at 10:00 a.m., Tuesday, March 30, 1982, Evergreen Plaza Building, Room 301, 711 South Capital Way, Olympia, WA.

Dated: February 11, 1982

By: Trevor W. Thompson
Assistant Director

STATEMENT OF PURPOSE

Title: Amendatory sections WAC 458-53-070 Sales studies; 458-53-100 Use of county sales studies; and 458-53-150 Indicated real property ratio—Computation.

Purpose: To establish a procedure for selecting which sales will be used in the ratio study.

Statutory Authority: RCW 84.48.075 requires the Department of Revenue to establish rules and regulations pertinent to the determination of the indicated county ratio.

Summary and Reasons for the Rule: These amendatory rules identify the parameters of what sales will be used in the sales study and how they will be weighted into the final calculation.

Drafter of the Rule, Rule Implementation and Enforcement: Trevor W. Thompson, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-5503.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-070 SALES STUDIES. Real property sales data obtained from the real estate excise tax sales affidavits will form the basis of the sales study in each county. Validation of these sales as arms-length transactions will follow department criteria as provided in WAC 458-53-080.

The department's sales study generally will be used as the basis for the real property ratios. In addition, the department will supplement the sales study results with appraisals in any assessed value stratum or land use code classification where sales are judged to be insufficient to represent all properties in that stratum or land use class according to criteria set out in these rules.

Five percent will be deducted from the sales price shown on the affidavit on all valid real property sales as an adjustment for values transferred that are not assessable as real property.

~~((Those sales in the study with ratios of less than twenty-five percent or greater than one hundred seventy-five percent will be deleted from the sales study and from ratio computations. Other))~~ Sales not deemed representative for use in the study, as defined by the deletion list in WAC 458-53-080 will ~~((also))~~ be eliminated from consideration in ratio computation. Sales used in the study will include only those which occurred over an eight month period between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-100 USE OF COUNTY SALES STUDIES. (1) If agreed upon by the department and the assessor, the department will use a county sales study, providing it is made according to the standards specified in these rules. Any such agreement shall provide that counties generating their own sales studies will use all or an agreed upon percentage of sales validated by department standards, and that the county shall furnish the department with data from sales deemed invalid as well as those deemed valid and give the reason for deeming invalid any particular sale. All such county studies shall be subject to department audit.

(2) Generally, the county-generated study will include the following:

(a) All agreed to real property transactions occurring in a county shall be used in the study and shall be for a period of eight consecutive months. Sales transactions used will include only those which occur between August 1 preceding January 1 of the assessment year and March 31 of the assessment year.

(b) Sales of properties identified on the published department of revenue deletion list (WAC 458-53-080) will be removed from the sales analysis study and separately will be produced on a data processing machine listing. This listing will display for each deleted sale an appropriate parcel identification, the sales price, the assessed value, and a numerical code or narrative designation of the reason for deletion of the property from the study. The numerical code used should coincide with the department of revenue published deletion list (WAC 458-53-080). Any numerical code 25 (miscellaneous) should be accompanied by a narrative reason for deletion.

~~(c) ((Individual valid sales having a resultant assessment-sales ratio under twenty-five percent or over one hundred seventy-five percent will be excluded from consideration in the study.~~

~~((d))~~ Sales remaining in the sales analysis study will be stratified and printed by assessed value strata. Necessary data for each sale property remaining in the study will be:

(i) Excise tax sales affidavit number, parcel number, or other file identification number.

(ii) The sales price of the transaction, lowered five percent to ninety-five percent of its original value. Further adjustment of any individual sale may be made only if personal property is identified and its value is in excess of five percent of the sale price.

(iii) The current assessed value on the assessors' rolls for the property described on the sales affidavit.

(iv) A computed ratio based on the percent that the assessed valuation is to the adjusted sales price figure.

(3) As soon as practicable following the close of the assessors' rolls on May 31st, and prior to July 1st, the county sales-assessment ratio study should be submitted to the department of revenue. This will allow time for departmental analysis, field review, and insertion of appraisal data, where appropriate, for final ratio determination by the last week of July, and ultimate ratio certification back to the assessor by August 1.

AMENDATORY SECTION (Amending Order PT 79-3, filed 10/11/79)

WAC 458-53-150 INDICATED REAL PROPERTY RATIO—COMPUTATION. (1) For each real property value or land use stratum within a county average sample assessed value and average sample true and fair value will be determined from the results of selected sales and appraisal studies. Average sample assessed value and average sample true and fair value for each stratum will be multiplied by the total number of real property parcels in each corresponding stratum to derive an estimated total assessed value and a total estimated true and fair value for each stratum. Stratum estimated totals will be added to derive county estimated total assessed value and county estimated total true and fair value. When the ratio relationship between these two estimated values is applied to the actual county assessed value, as provided by the assessor in his current Assessors' Certificate of Assessment Rolls to the County Board of Equalization, and forest land and current use values are added to the actual assessed value and ratio-related market value, the totals will represent the county real property indicated ratio.

(2) Valid arms-length sales occurring in each county will be the basis for determining individual stratum ratios unless a representative number of samples for any one stratum requires the addition of department appraisals. In all strata where both sales and appraisal

samples are present, assessment and market values for all valid appraisal samples will be combined with assessment and market values for all valid sales samples to derive a stratum ratio.

(3) Present county forest land assessed values (chapter 84.33 RCW) will be included in determination of the indicated real property ratios for each county. Current use assessed values (chapter 84.34 RCW) will be included in determination of the indicated real property ratios for counties whose current use land values are five percent or greater in proportion to the total county land value outside of cities and towns. Counties with less than five percent of total land value outside of cities and towns in current use property values may request inclusion of current use values in determination of their real property ratio: PROVIDED, That in order for current use values to be used, the request, in writing, must be submitted to the department prior to October 1 of each ratio study period for which current use consideration is desired (~~and: PROVIDED, FURTHER, That for the 1981 ratio study year, the request must be submitted, in writing, prior to January 31, 1981~~). Department current use appraisals will be the basis for the assessment-to-appraisal values from which current use ratios are determined.

(4) Values from each county's Assessor's Certificate of Assessment Rolls to County Board of Equalization will be used in the computation

of each county's indicated real property ratio except as provided in subsection (6) of this section.

(a) The county preliminary real property ratio, calculated from estimated totals of county sales and appraisal study results, will be applied to each county's certificate listing of total real property assessed value (excluding forest land and current use assessed values) to determine an estimated true and fair value which relates to the actual assessed real property value of a county.

(b) To the actual real property assessed value and ratio-related true and fair value totals for a county are added certificate forest land and current use assessed values (as provided in subsection (2) of this section), and related true and fair values calculated by the ratio relationships determined for forest lands and current use properties.

(c) The sum of the total real property assessed and true and fair values, forest land assessed and true and fair values, and current use assessed and true and fair values (as provided in subsection (2) of this section) shall be the basis for a county's indicated real property ratio. The sum total of assessed values will be divided by the sum total of true and fair values to derive the ratio.

(5) The following illustration, using simulated values, indicates simplified ratio study computation procedures for real property.

Step 1 - Determination of Average Sample Values

Stratum	(1) Number of Samples	(2) Total Assessed Value of Samples	(3) Average Assessed of Samples (Col. 2 ÷ Col. 1)	(4) Total Market Value of Samples	(5) Average Market Value of Samples (Col. 4 ÷ Col. 1)
\$ 0 - 9,999	10	\$ 60,000	\$ 6,000	\$ 80,000	\$ 8,000
10,000 - 15,999	20	260,000	13,000	300,000	15,000
Over 15,999	5	200,000	40,000	250,000	50,000

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are determined in the same manner.

Step 2 - Weighting of Average Sample Values

Stratum	(1) Total Property Listings	(2) Average Sample Assessed Value	(3) Total Estimated Assessed Value (Col. 2 × Col. 1)	(4) Average Sample Market Value	(5) Total Estimated Market Value (Col. 4 × Col. 1)	(6) Ratio (Col. 3 ÷ Col. 5)
\$ 0 - 9,999	105	\$ 6,000	\$ 630,000	\$ 8,000	\$ 840,000	.7500
10,000 - 15,999	211	13,000	2,743,000	15,000	3,165,000	.8667
Over 15,999	51	40,000	2,040,000	50,000	2,550,000	.8000
			5,413,000		6,555,000	.8258

Sample study weighted ratio (82.58%)

Average values for real property sales samples, average real property appraisal samples, and average personal property audit samples all are weighted in the same manner.

Step 3
Application of Sample Weighted Relationship to Actual Real
Property Assessed Value and addition of timber and forest
land values and open space values.

	(1)	(2)	(3)
	Actual County Real Property Assessed Value (From Assessor's Certificate)	Determined Assessment To Market Ratio	County Real Property Market Value Related To Actual Assessed Value (Col. 1 ÷ Col. 2)
	\$ 6,544,000 (Simulated Value)	.8258 (82.58%) (from Step 2)	\$ 7,924,437
Add: Timber and Forest Land	1,520,000 (Simulated Value)	1.0000 (100.00%)	1,520,000
Open Space (Where Applicable)	400,000 (Simulated Value)	.9000 (90.00%) (Simulated Ratio)	444,444
Open Space Ratios Determined By Open Space Appraisals	<hr style="width: 100%; border: 0.5px solid black;"/>	+	<hr style="width: 100%; border: 0.5px solid black;"/>
	\$ 8,464,000		\$ 9,888,881 = .8559 85.59%

County Indicated Real Property Ratio

(6) If a copy of the certification of current values is not received from an assessor in a timely manner for inclusion in ratio computation, the Assessors Abstract of Assessed Values from the previous year will be used as the information source for ratio computation.

(7) A copy of each county's certification of values to the County Board of Equalization will be filed with the department on or before the second Monday in July. The certification will show the total taxable assessed value of the real property roll (indicating separately the total value of forest land assessed pursuant to chapter 84.33 RCW and land classified under chapter 84.34 RCW - current use) and the total taxable assessed value of the personal property roll.

(8) Valid ratio study individual assessed or true and fair values which either exceed or fall below the mean assessed or true and fair value by more than ((five)) three times the average deviation of other values in a stratum, will be classified as "outriders" and shall be considered separately in average sample computation. Outriders are so treated to prevent the application of excess weight by nontypical sample values in determining average sample values and resulting total estimated assessed and total estimated true and fair values.

(9) The department may consider the relationship between the market value trends of real property and the assessed value increases or decreases made by the assessor during the year in each county as validity checks of the result of the sales and appraisal studies. The director may authorize modification of the results of the sales and appraisal study where there is a demonstrable showing to the director that the sales and appraisal study is inconclusive or does not result in a reasonable and factual determination of the relationship of assessed values to true and fair value such that a significant variation results from the rates of the previous year not deemed by the director comparable with general trends in property values. Such modification shall be made only after notice to all assessors that information other than the sales and appraisal studies are being considered, and opportunity for a meeting has been made available for the director (or the director of property tax) and a representative committee authorized and appointed by the assessors to review the results of the sales and appraisal study and the proposal to modify the study results.

WSR 82-05-030
ADOPTED RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Order 53—Filed February 11, 1982]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at House Office Building, Room 105, Olympia, Washington, the annexed rules relating electronic deposit of salaries and state funded benefits, chapter 82-20 WAC.

This action is taken pursuant to Notice No. WSR 82-02-074 filed with the code reviser on January 6, 1982. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.08.085 and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 11, 1982.
By Joe Taller
Director

CHAPTER 82-20

ELECTRONIC DEPOSIT OF SALARIES AND
STATE FUNDED BENEFITS

- WAC 82-20-010 Purpose.
- WAC 82-20-020 Payroll System Requirements.
- WAC 82-20-030 Agency Requirements.
- WAC 82-20-040 Recipient Requirements.
- WAC 82-20-050 Financial Institution Requirements.
- WAC 82-20-060 Subsequent Transactions.

WAC 82-20-070 Failure to Comply.

NEW SECTION

WAC 82-20-010 PURPOSE. (1) RCW 43.08.085, as amended, makes provisions for the electronic deposit of salaries and state funded benefit payments into financial institutions subject to regulations adopted by the Office of Financial Management.

(2) The policies and procedures contained in Chapter 82-20 WAC for the deposit of salaries are consistent with the statutory authority cited in WAC 82-20-010(1).

(3) The term "recipient" means any state employee or any person to whom state funded public employees' retirement benefits, industrial insurance benefits, or state public assistance benefits are being paid.

NEW SECTION

WAC 82-20-020 PAYROLL SYSTEM REQUIREMENTS. Before any electronic fund transfer program may be implemented by a payroll system, the program is to be approved by the Office of Financial Management. The payroll system is to develop a standard procedure to be followed by its using agencies. Such procedures are to include a provision for "Notice of Deposit" in lieu of warrant to be delivered to the affected recipient which is to contain at least:

- (1) The name of the institution receiving the deposit;
- (2) The recipient's account number;
- (3) The recipient's name; and
- (4) The amount of deposit.

NEW SECTION

WAC 82-20-030 AGENCY REQUIREMENTS. (1) The agency is to establish controls to prevent loss of state funds. Controls are to include a positive system of validating the amounts to be transferred and verifying that the amounts to be transferred for a recipient are actually due for work performed or benefits due.

(2) The agency is to limit approval for participation to those recipients who meet the requirements defined in WAC 82-20-040.

NEW SECTION

WAC 82-20-040 RECIPIENT REQUIREMENTS. To be eligible for participation in the program, a recipient must be an individual who:

- (1) Is paid through a payroll system which is participating in an approved program;
- (2) Is a recipient who is paid on a regularly scheduled payroll;
- (3) Has completed the appropriate portion of the standard authorization form SF 6952, "Electronic Funds Transfer of Salary Authorization," or other form approved by the Office of Financial Management;
- (4) Has an account at a financial institution which is a member of an automated clearing house; and
- (5) Will not create an unnecessary risk to the state.

NEW SECTION

WAC 82-20-050 FINANCIAL INSTITUTION REQUIREMENTS. (1) Each participating financial institution must be a member of an automated clearinghouse, and observe all automated clearinghouse rules and regulations.

(2) Each participating Financial institution must observe the requirements of regulation E of the Federal Reserve System.

(3) Each participating financial institution must provide, when requested by the participating payroll system, positive confirmations on all pre-notification requests transmitted for verification of a recipient's account number. If a positive means of confirmation is not required, the financial institution must provide a means by which the payroll system is notified of discrepancies on a timely basis. Deposits are not to be processed without a valid account number.

(4) Each participating financial institution is to complete the lower portion of the standard authorization form SF 6952, "Electronic Funds Transfer of Salary Authorization," or other form approved by the Office of Financial Management when presented by a recipient. The form is to be returned to the recipient or agency payroll office upon completion.

(5) If a financial institution is presented an SF 6952 "Electronic Funds Transfer of Salary Authorization," or other form approved by the Office of Financial Management by a recipient for processing, and the institution is not a member of an automated clearinghouse or is otherwise ineligible to participate in this program, it is the responsibility of the financial institution to notify the recipient of this fact.

(6) Subject to the approval of the Office of Financial Management, a financial institution may reproduce form SF 6952, "Electronic Funds Transfer of Salary Authorization" for the sole purpose of pre-printing the institution's name, address, and transit routing indicator. Any other alterations to the format or content of the form are not allowed and will not be honored by state agencies.

(7) Each participating financial institution is responsible for adherence to the applicable federal and state statutes and regulations regarding the electronic transfer of funds.

(8) Financial institutions serving as a "payable through" bank will be considered the receiving institution for electronic fund transfers of the recipient's salaries or benefits if their American Bankers Association-Transit Routing Indicator is used as part of the recipient's account code.

(9) Financial institutions are to provide each participating recipient with a notice of initial disclosure as required by Regulation E. This notice is to include the mechanism to be used by the recipient for verification that the deposit by electronic funds transfer has been made.

NEW SECTION

WAC 82-20-060 SUBSEQUENT TRANSACTIONS. The state assumes no responsibility for transfers made subsequent to the deposit of the recipient's net

pay at the receiving institution designated on the authorization form SF 6952 "Electronic Funds Transfer of Salary Authorization," or other form approved by the Office of Financial Management.

NEW SECTION

WAC 82-20-070 FAILURE TO COMPLY. The state reserves the right to exclude or discontinue any financial institution from participation in the program if a history of chronic failure to comply with the requirements of this chapter, automated clearinghouse rules and regulations, or the requirements of Regulation E of the Federal Reserve Bank is present.

**WSR 82-05-031
PROPOSED RULES
STATE BOARD FOR
COMMUNITY COLLEGE EDUCATION
[Filed February 16, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board for Community College Education intends to adopt, amend, or repeal rules concerning the method of calculating eligibility for supplemental benefits for participants in the TIAA/CREF retirement annuity program, clarifying use of the term "surviving spouse" for that purpose, and removing a restriction on the manner in which a retiree may receive pension benefits;

that such agency will at 10:00 a.m., Wednesday, March 31, 1982, in the Yakima Valley College, 16th and Nob Hill Boulevard, Yakima, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Wednesday, March 31, 1982, in the Yakima Valley College, 16th and Nob Hill Boulevard, Yakima, WA.

The authority under which these rules are proposed is RCW 28B.10.400(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 31, 1982, and/or orally at 10:00 a.m., Wednesday, March 31, 1982, Yakima Valley College, 16th and Nob Hill Boulevard, Yakima, WA.

This notice is connected to and continues the matter in Notice No. WSR 81-24-065 filed with the code reviser's office on December 2, 1981.

Dated: February 16, 1982
By: Gilbert J. Carbone
Assistant Director

WSR 82-05-032

ADOPTED RULES

**DEPARTMENT OF GAME
(Game Commission)**

[Order 178—Filed February 16, 1982]

Be it resolved by the Game Commission, state of Washington, acting at Moses Lake, Washington, that it does promulgate and adopt the annexed rules relating to 1982 early hunting seasons and fall opening dates, WAC 232-28-704.

This action is taken pursuant to Notice Nos. WSR 81-22-067 and 81-24-062 filed with the code reviser on November 4, 1981 and December 2, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Game Commission as authorized in RCW 77.12.040.

The undersigned hereby declare that they have complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW) or the Administrative Procedure Act (chapter 34.04 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

This order, after being first recorded in the order register of this governing body, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED January 4, 1982.

By Archie U. Mills
Chairman, Game Commission

NEW SECTION

**WAC 232-28-704 1982 HUNTING SEASONS
AND FALL OPENING DATES.**

Reviser's Note: The text and accompanying pamphlet comprising the 1982 Hunting Seasons and Fall Opening Dates adopted by the Department of Game have been omitted from publication in the Register under the authority of RCW 34.04.050(3) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Game, 600 North Capitol Way, Olympia, Washington 98504, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 232-28-703 1981 EARLY HUNTING SEASONS
AND FALL OPENING DATES**

WSR 82-05-033

PROPOSED RULES

**DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning Positions—Reallocation upward, incumbents, amending WAC 356-10-050;

that such agency will at 10:00 a.m., Thursday, March 11, 1982, in the Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 41.06.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 9, 1982, and/or orally at 10:00 a.m., Thursday, March 11, 1982, Board Hearing Room, Department of Personnel, 600 South Franklin, Olympia, WA.

This notice is connected to and continues the matter in Notice No. WSR 82-03-029 filed with the code reviser's office on January 18, 1982.

Dated: February 11, 1982

By: Leonard Nord
Secretary

WSR 82-05-034
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 167—Filed February 16, 1982]

Be it resolved by the State Personnel Board, acting at 600 South Franklin, Olympia, WA 98504, that it does promulgate and adopt the annexed rules relating to work period designations, amending WAC 356-15-020.

This action is taken pursuant to Notice No. WSR 82-02-019 filed with the code reviser on December 29, 1981. Such rules shall take effect pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.06.150(17) and is intended to administratively implement that statute.

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED February 11, 1982.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-15-020 WORK PERIOD DESIGNATIONS. The Personnel Board shall assign a specific work period designation to each classification. The Personnel Board may authorize a work period designation which differs from the class-wide designation for specific positions having atypical working conditions. When two or more designations are indicated for a job classification, the first designation listed shall constitute the class-

wide designation. Each position shall be assigned only one designation.

(1) Scheduled (S):

(a) Standard: Full time positions with conditions of employment which may be completed within five consecutive work days, each having the same starting time and lasting not more than eight working hours, and occurring within the same workweek.

(b) Alternate: Full time positions with conditions of employment which may be completed within:

(i) Five work days lasting not more than eight working hours within the same workweek but which, because of operational necessity, cannot be scheduled with the same daily starting time or with consecutive days off; or

(ii) Four work days lasting not more than ten working hours each within the same workweek; or

(iii) Ten consecutive work days with four consecutive days off; or

(iv) Ten work days lasting not more than eight working hours and occurring within a scheduled fourteen consecutive day period. Positions are restricted to employees in the Registered Nurse class series who work in an institutional hospital primarily engaged in the care of residents.

(v) Continuous five work-days-per-week shifts which rotate each 28 days to a different schedule of regular days and hours per week. The rotation involves extended or shortened time off between the ending shift of one schedule and the beginning shift of the next, but does not require more than eight hours work in any one 24-hour period within a schedule, nor more than 52 40-hour workweeks per year. Positions are limited to Communications Officers and scheduled Weight Control Officers of the State Patrol.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-05-035
PROPOSED RULES
BOARD OF
PILOTAGE COMMISSIONERS
[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pilotage Commissioners intends to adopt, amend, or repeal rules concerning tariffs, and pilotage rates for the Grays Harbor pilotage district, WAC 296-116-185;

that such agency will at 9:00 a.m., Thursday, March 11, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Thursday, March 11, 1982, in the Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

The authority under which these rules are proposed is RCW 88.16.035(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 10, 1982, and/or orally at 9:00 a.m., Thursday, March 11, 1982, Washington State Ferries Conference Room, Pier 52, Seattle, Washington 98104.

This notice is connected to and continues the matter in Notice No. WSR 82-02-068 filed with the code reviser's office on January 6, 1982.

Dated: February 16, 1982

By: Judith L. Weigand
Assistant Attorney General

WSR 82-05-036
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning Eligibility—AFDC, amending WAC 388-24-125.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by March 9, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, March 23, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 31, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 10:00 a.m., Wednesday, March 23, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: February 11, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amend WAC 388-24-125.

The purpose of the rule change is to make children enrolled in Indian boarding schools eligible for medical coverage and a personal and incidental allowance if their families are receiving AFDC.

Statutory Authority: RCW 74.08.090.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Gerry Nelson, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7137.

These rules are not necessary as a result of federal law, federal court decision or state court decision.

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. (1) Relationship of child to relative:

(a) A dependent child to be eligible for AFDC must be living with one or more of the following relatives in a place of residence the relative(s) maintains as his or her own home:

(i) Blood relatives (including those of half-blood); father, mother, brother, sister, uncle, aunt, first cousin, nephew or niece. Relationships to persons of preceding generations as denoted by the prefixes of grand, great, or great-great are within this definition.

(ii) Stepfather, stepmother, stepbrother, and stepsister. Adoption of a child by a stepparent changes the relationship from stepparent to adoptive parent.

(iii) Persons who legally adopt a child. Relatives of persons who adopt children are included within the definition of "relative" as defined in this section.

(iv) Spouse of any persons named in this section are within the scope of this provision, although the marriage is terminated by death or divorce.

(b) A child eligible for AFDC-FC must live in a licensed family foster home, nonprofit group home, or nonprofit child care institution.

(c) The unborn child is considered to be living with the mother.

(2) Verification of relationships - relative to child and parents to each other.

All relationships shall be verified in accordance with WAC 388-38-200.

(3) Other considerations in determining when child is living in home of relative of specified degree.

(a) "Living in home of relative" means that the child is an accepted member of a family unit, and therefore, has a close and direct relationship with a specified relative who has assumed parental responsibility for the care, guidance, and control of the child.

(b) The "home" is a family setting which is maintained or is in the process of being established for the benefit of the family group. A home exists as long as the responsible relative exercises responsibility for the care and control of the child, even though circumstances may require the temporary absence of either the child or the responsible relative from the customary family setting. Such temporary separations include:

(i) Temporary care of the child or the responsible relative in a hospital or public or private institution when the illness is such that a return to the family can be expected and parental responsibility continues. If the temporary care exceeds ninety days the monthly grant standard shall be as specified in WAC 388-29-125.

(ii) Attendance of a child in school when the purpose is primarily for obtaining an education or vocational training, the responsible relative retains full responsibility for the child and the child returns home during a year's period, at least for summer vacation. The monthly grant standard for a child attending school away from home shall be as specified in WAC 388-29-145. However, even temporary absence of a child from his home for this purpose makes a child ineligible for AFDC unless the attendance at the school is due to:

(A) Need for specialized education and training not available in the child's home community, and such specialized education is recommended by local school authorities, or

(B) Isolation of the child's home making it necessary for him to be away from home to attend school.

(C) Enrollment on or after September 1, 1981, in an Indian boarding school administered through the Bureau of Indian Affairs.

(iii) Visits in which the child or responsible relative is away from home for ninety days or less, including visits of a child to a parent residing away from the child's customary family home. If the responsible relative or child leaves the home for more than ninety days, eligibility is redetermined in accordance with the new circumstances.

(iv) Attendance in a vocational training program when it is necessary for a responsible relative to reside temporarily apart from his or her family to secure the training. Absence is considered temporary for the period of time required to complete the training program, if the responsible relative retains parental responsibility for the child during the absence and plans to return to the home upon completion of training.

(A) CSO approval is required for the training plan. (See WAC 388-57-028(2)).

(B) A separate assistance unit shall be established for the responsible relative in training away from home.

(v) Temporary placement of the child in foster care while the parent is temporarily receiving care in a residential treatment facility, where such absences do not exceed thirty days.

(c) An AFDC payment can be made for a child who is a ward of the juvenile court, or other agency to whom the court has delegated authority, if all other eligibility factors have been met and the relative of specified degree actually carries out the everyday care, control, and supervision of the child.

(d) An AFDC payment cannot be made if the court, or other agency to whom the court has delegated authority, has physical custody of the child and carries out the actual day-to-day care, control, and supervision of the child.

(e) An AFDC payment can be made to the caretaker relative in behalf of a child even if the child is in foster care. The caretaker relative can apply for and receive AFDC for himself/herself and the child for thirty days, even though the child is not physically in the custody of the relative if:

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of that thirty day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in that same thirty day period.

WSR 82-05-037**ATTORNEY GENERAL OPINION****Cite as: AGLO 1982 No. 3**

[February 11, 1982]

**OFFICES AND OFFICERS—STATE—JAIL COMMISSION—
JAILS—STATE FUNDING OF LOCAL JAIL IMPROVEMENTS**

The State Jail Commission may not suspend or withhold funding from a city or county for new jail construction or remodeling on the basis that the Commission has ordered closure of the existing jail facility of such city or county for failure to comply with mandatory state custodial care standards.

Requested by:

Honorable George Edensword-Breck
Director, State Jail Commission
110 East Fifth, Room 223
Olympia, Washington 98504

WSR 82-05-038**PROPOSED RULES****WESTERN WASHINGTON UNIVERSITY**

[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Western Washington University intends to adopt, amend, or repeal rules concerning student rights and responsibilities, repealing chapter 516-20 WAC and adopting chapter 516-22 WAC;

that such institution will at 12:00 noon, Wednesday, April 7, 1982, in the Presentation Room, Wilson Library, Western Washington University Campus, Bellingham, Washington, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, May 6, 1982, in the Old Main 340, Western Washington University Campus, Bellingham, Washington.

The authority under which these rules are proposed is RCW 28B.35.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 7, 1982, and/or orally at 12 noon, Wednesday, April 7, 1982, Wilson Library Presentation Room, Western Washington University Campus, Bellingham, Washington.

Dated: February 12, 1982

By: James L. Talbot

Vice President/Provost

STATEMENT OF PURPOSE

Title: Student rights and responsibilities code.

Purpose: This code advises students of their rights and responsibilities while enrolled at Western Washington University.

Statutory Authority: RCW 28B.35.120(11).

Summary of Rule: This code describes Western Washington University students' obligation to fulfill their responsibilities as citizens and members of the academic community. The code outlines university policies and the judicial procedures which are followed when alleged violations of the policies occur. Student rights and due process are outlined.

Agency Personnel Responsible for Drafting and Implementation: Timothy B. Douglas, Dean of Students, Old Main 380, Western Washington University, Bellingham, WA 98225; and the Committee on University Rights and Responsibilities, same address.

Agency Personnel Responsible for Enforcement: Dr. Thomas Quinlan, Vice President for Student Affairs, Old Main 380, Western Washington University, Bellingham, WA 98225.

Organization Proposing Rule: Western Washington University, a public institution of higher education.

Agency Comments or Recommendations: Not applicable.

This rule is not required as the result of federal or state court action, to the best of our knowledge.

Chapter 516-22 WAC
STUDENT RIGHTS AND RESPONSIBILITIES CODE

NEW SECTION

WAC 516-22-005 PREAMBLE. Western Washington University students have an obligation to fulfill the responsibilities incumbent upon all citizens, as well as the responsibilities of their particular roles within the academic community. The student is expected to respect university rules and federal, state and local laws. Those who violate these codes and rules can anticipate increasingly serious sanctions, including suspension or expulsion from the university.

At the same time, students enjoy the basic rights of all members of society. This chapter advises students of their rights and responsibilities while enrolled at Western Washington University.

NEW SECTION

WAC 516-22-010 DISRUPTIVE BEHAVIOR. The educational mission of Western Washington University requires the freedom to teach, conduct research and administer the university. A student shall be subject to disciplinary action if he/she engages in any behavior which interferes with the rights of others or which materially or substantially obstructs or disrupts teaching, research or administrative functions.

Sanctions available to the university through its judicial structure are disciplinary probation, disciplinary suspension or disciplinary expulsion.

NEW SECTION

WAC 516-22-015 REPEATED INCIDENTS OF ACADEMIC DISHONESTY. Maintaining academic honesty is the joint responsibility of students and the faculty. Two or more incidents of academic dishonesty reported to the Office of the Provost (ref. "Academic Dishonesty Policy") shall make the student subject to disciplinary action.

Sanctions for repeated incidents of academic dishonesty are disciplinary probation, disciplinary suspension or disciplinary expulsion.

NEW SECTION

WAC 516-22-020 FORGERY, ALTERATION OR DESTRUCTION OF DOCUMENTS. Maintaining accurate and credible records and documents is necessary for the university to fulfill its educational mission and to assure the welfare of its students. Any student who alters, forges or destroys any official university document or record shall be subject to disciplinary action.

Sanctions available to the university through its judicial structure are disciplinary probation, disciplinary suspension or disciplinary expulsion.

NEW SECTION

WAC 516-22-025 FRAUDULENT ADMISSIONS CREDENTIALS. The integrity of Western Washington University's admissions process requires receipt of full, honest documents as requested by the Admissions Office. Submission of fraudulent admissions or residency credentials shall subject a student to disciplinary action at any time such act is discovered.

A student violating this section may not be granted transfer credits earned at a former institution if at the time of application to Western Washington University he/she did not provide official transcripts of all work at such institutions. Additional sanctions available through the university judicial structure are disciplinary probation, disciplinary suspension or disciplinary expulsion.

NEW SECTION

WAC 516-22-030 INTERFERENCE WITH FREEDOM OF EXPRESSION. The rights of freedom of speech, petition and assembly are fundamental to the democratic process. The United States Constitution guarantees these freedoms to all members of the Western Washington University community.

The university recognizes its obligation to protect students' freedom of expression while at the same time minimizing the impact of visual pollution and physical damage to university property. The university shall provide sufficient bulletin boards and shall permit other methods for disseminating information such as leaflets, handbills, posters and banners according to guidelines available through the Viking Union

administrative office. All printed material may be subject to removal if the content is libelous or primarily commercial in nature.

Any person may speak on the Western Washington University campus when invited to do so by a member of the university community. The appearance of an invited speaker does not constitute an endorsement of the speaker's views by the university's faculty, administration, students or Board of Trustees. Public address or audio amplification equipment normally may be used only in the Viking Union Plaza and athletic fields. Use of such equipment in other areas of the campus must be authorized by the Vice President for Student Affairs or the vice president's designee. The essence of the right to speak is the freedom of the speaker to make his statement. Both the speaker and the audience are entitled to proceed without being subjected to physical interference or violence.

Students deliberately engaging in acts of violence, threats of violence or in other conduct which interferes with the rights of others or which materially or substantially disrupts the exchange of ideas on campus are subject to disciplinary action or prosecution under law. Sanctions available through the university judicial structure are disciplinary probation, disciplinary suspension or disciplinary expulsion.

NEW SECTION

WAC 516-22-100 JUDICIAL STRUCTURE. The Vice President for Student Affairs is responsible for administration of this code. The vice president shall assure that the University Judicial Board appointment process is initiated annually and shall assure that allegations of code violations and appeals are properly referred.

A Conduct Officer, who shall have authority to adjudicate and administer sanctions for violations of this code, shall be appointed from the Student Affairs division by the Vice President for Student Affairs.

A six member University Judicial Board shall be appointed prior to fall quarter: Two faculty (appointed by the Vice President for Academic Affairs), three students (appointed by the Associated Students President) and one member of the Student Affairs staff (appointed by the Vice President for Student Affairs). An alternate for each position shall be appointed at the same time by the same authority. All appointments shall be for one academic year. The Judicial Board shall have authority to adjudicate and administer sanctions for violations of this code.

Should the need arise during Summer Session, an ad hoc Judicial Board shall be appointed subject to the same make-up and procedures as the academic year Judicial Board.

NEW SECTION

WAC 516-22-120 INITIATION OF INFORMAL PROCEEDINGS. Any student, faculty or staff member of the university alleging a violation of this code shall deliver to the Office of the Vice President for Student Affairs a written statement of the charges against the student. The Vice President shall ask the Conduct Officer to investigate the probity of the charge.

If in the Conduct Officer's judgment there is sufficient basis to consider the charge, the Conduct Officer shall meet with the student and those bringing the charges and shall weigh appropriate evidence. Within a reasonable time, the Conduct Officer shall notify the student in writing of his/her decision, including the sanction if a violation is judged to have occurred. Written notification shall include a statement of the student's right to appeal to the University Judicial Board.

NEW SECTION

WAC 516-22-124 APPEAL TO THE JUDICIAL BOARD. An accused student may appeal an adverse decision of the Conduct Officer to the University Judicial Board. The appeal must be made in writing to the Vice President for Student Affairs within five school days of receiving the Conduct Officer's written decision. The appeal letter must state the basis for the appeal. The vice president shall notify the Judicial Board Chairman of the appeal. No sanction may be invoked while an appeal is pending, except as provided in "Interim suspension permitted," WAC 516-22-150.

NEW SECTION

WAC 516-22-130 APPEAL HEARING PROCEDURES. The Judicial Board Chairman shall establish a hearing date and shall request the student making the appeal to appear.

- (1) Notification of the hearing shall include:
 - (a) Time, date and location of hearing

(b) Provision of the "Student Rights and Responsibilities Code" which the student is alleged to have violated

(c) Nature and date of the alleged violation

(d) Copy of the code and name(s) of university resource(s) whose procedural advice can be sought

(e) Statement of the student's right to be accompanied by a non-lawyer advocate of his/her choice, to call witnesses and to speak on his/her own behalf

(f) Statement of the student's right to review written evidence prior to the hearing.

(2) Hearings shall be conducted in a manner which is informal and at the same time assures fundamental fairness of procedure. Hearings shall be open to the public unless the accused student requests a closed hearing.

(a) No student who is charged with an offense shall be asked to give information or to answer questions concerning an alleged violation of this code unless the student has received notification of a hearing in accordance with the notification provision above.

(b) The student may bring witnesses, speak in his/her own behalf and may be represented by a non-lawyer advocate of his/her own choice.

(c) An accused student has the right to know who has alleged the violation of this code, to review the written evidence, and to ask questions directly of the person(s) making the allegation and those who present testimony.

(d) The Judicial Board Chairman and the accused student may call any person to speak concerning the alleged violation. The board chairman may limit or exclude evidence which is irrelevant, immaterial or repetitious.

(e) Five members shall constitute a quorum of the Judicial Board. Actions by the board require support by a majority of those members present at the time of the hearing and during presentation of the testimony. A board member may be excused from listening to part of the testimony with the board's approval if the testimony is preserved by tape recording and the absence is due to extenuating circumstances. Any member of the board who considers himself/herself unable to render an impartial decision in a particular case shall excuse himself/herself from the board's deliberations in advance and may be replaced by an alternate.

(3) The Judicial Board Chairman shall notify the accused student in writing of the disposition of the case.

NEW SECTION

WAC 516-22-134 DISRUPTION OF THE JUDICIAL PROCESS. Student rights and responsibilities contained within this code are assured through the orderly functioning of the judicial process. The failure of a student formally charged with a violation of this code to appear before the Conduct Officer after receiving notice of a hearing shall make the student subject to disciplinary action. A student formally charged with a violation of this code may not excuse himself from judicial proceedings by withdrawing from the university and shall be prohibited from enrolling for subsequent quarters until such time as he/she does appear for a hearing.

NEW SECTION

WAC 516-22-138 CERTAIN SANCTIONS DEFINED. Among those sanctions which the Conduct Officer or Judicial Board may invoke are:

(1) Disciplinary probation – an official warning which is maintained in the student's conduct file for seven years. Should the student be found in violation of the code again, the disciplinary probation status may result in a more serious sanction for the second violation.

(2) Disciplinary suspension – termination of a student's enrollment for a period of time or until certain specified conditions have been met.

(3) Disciplinary expulsion – permanent termination of a student's enrollment with no option for later re-enrollment.

NEW SECTION

WAC 516-22-142 RECORD OF PROCEEDINGS. Records prepared by the Conduct Officer or Judicial Board shall be maintained in a conduct file in the Office of the Vice President for Student Affairs for seven years. If an accused student has been found not in violation of this code, no record of either the charges or the proceedings will be entered into the conduct file.

The university shall not make the records of judicial proceedings or sanctions available to any member of the public except upon written consent of the student involved. Certain exceptions are authorized under the "Student records policy," chapter 516-26 WAC.

NEW SECTION

WAC 516-22-146 RIGHT TO FORMAL HEARING. Upon notification of the Judicial Board's decision, the accused student has a right to a formal hearing pursuant to RCW 28B.19.110 and chapter 516-08 WAC.

NEW SECTION

WAC 516-22-150 INTERIM SUSPENSION PERMITTED. In order to prevent danger to individuals, substantial destruction of property or significant disruption of teaching, research or administrative functions, the Vice President for Student Affairs or his designee may temporarily suspend a student for stated cause subject to such limitation as the vice president shall deem appropriate.

In all cases, the student is entitled to a hearing before the appropriate Conduct Officer or board as soon as such hearing can be held, but not to exceed five school days after the beginning date of interim suspension unless the student should request an extension. During the interim suspension period, the student shall be allowed on university property only to the extent deemed permissible by the Vice President for Student Affairs.

NEW SECTION

WAC 516-22-200 ALTERNATIVE JUDICIAL PROCEEDING. In cases where a clear or present danger does not exist but where repeated behavior which interferes with the rights of others or which materially or substantially obstructs or disrupts teaching, research or administrative functions has occurred, and/or where there is a question as to whether the student's mental health is such that he/she can profit from a particular university experience, the case will be referred by the Dean of Students to the Vice President for Student Affairs.

(1) Prior to such referral, the Dean of Students shall have attempted to assist the student through counseling or referral to other agencies. There should be written indication that such attempts at assistance have been offered and that other students or faculty or the educational mission of the university has been adversely affected by the individual's behavior.

(2) The vice president will confer with the student to determine whether there has been such repeated disruptive behavior, and to determine an appropriate course of action. A student may bring a non-lawyer advocate to speak in his/her behalf to the meeting with the vice president. In the absence of such an advocate, the vice president may appoint a person to assist the student before and during the meetings with the vice president.

(3) If in the vice president's judgment there has been such repeated disruptive behavior and/or there is a question as to the student's mental health and his/her ability to profit from a particular university experience, the vice president shall decide upon an appropriate action based upon one or a combination of the following:

(a) Continued enrollment

(b) Treatment to be determined by the student with the vice president's concurrence

(c) Change of living environment

(d) Required medical leave of absence for a specified period. In the event of this action, the vice president may require that the student provide reasonable evidence of readiness to cope with the university environment before he/she can be readmitted.

(4) The alternative judicial procedure set forth here is an informal proceeding, and a student has a right to an appeal through a request for a formal hearing in accord with RCW 28B.19.110 and chapter 516-08 WAC.

NEW SECTION

WAC 516-22-210 COMMITTEE ON STUDENT RIGHTS AND RESPONSIBILITIES. There is established a Committee on Student Rights and Responsibilities to be composed of four students: One appointed by Inter-Hall Council, one appointed by the President of the Associated Students, one appointed by the Associated Students' Governing Board, and one selected at large from the student body; one member of the Student Affairs staff appointed by the Vice President

for Student Affairs; one faculty member appointed by the Faculty Senate; the Dean of Students and the Director of Safety and Security.

(1) The primary purpose of the Committee on Student Rights and Responsibilities shall be to evaluate the university's "Student Rights and Responsibilities Code." The committee may provide interpretations or may recommend changes in policy concerning student rights and responsibilities.

(2) The committee shall act as appellate group for decisions by the Vice President for Student Affairs to withhold certain records from students; shall act as appellate group in accordance with WAC 516-26-060 if informal proceedings fail to resolve complaints of students; and shall provide the review and revision mechanism for recommending changes in the "Student records policy," chapter 516-26 WAC.

NEW SECTION

WAC 516-22-250 FAIRHAVEN COLLEGE JURISDICTION. Fairhaven College shall have jurisdiction over all violations which occur within the college classrooms. It shall establish and maintain a judicial process which shall be published annually for Fairhaven College students. Violations of university policies by Fairhaven College students while on the main campus of Western Washington University shall be handled under the jurisdiction of the university judicial structure.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

- | | |
|----------------------------|--|
| (1) <u>WAC 516-20-005</u> | PREAMBLE. |
| (2) <u>WAC 516-20-010</u> | THE ACADEMIC CODE. |
| (3) <u>WAC 516-20-011</u> | ACADEMIC CODE VIOLATIONS DEFINED. |
| (4) <u>WAC 516-20-015</u> | PENALTIES FOR VIOLATION OF THE ACADEMIC CODE. |
| (5) <u>WAC 516-20-020</u> | FREEDOM OF EXPRESSION. |
| (6) <u>WAC 516-20-030</u> | SPEAKERS. |
| (7) <u>WAC 516-20-040</u> | PRINTED MATERIAL. |
| (8) <u>WAC 516-20-050</u> | PLACEMENT. |
| (9) <u>WAC 516-20-120</u> | IDENTIFICATION OF PERSONS ON THE CAMPUS. |
| (10) <u>WAC 516-20-137</u> | JUDICIAL STRUCTURE. |
| (11) <u>WAC 516-20-140</u> | UNIVERSITY JUDICIAL BOARD. |
| (12) <u>WAC 516-20-150</u> | SUMMER QUARTER JUDICIAL BOARD. |
| (13) <u>WAC 516-20-152</u> | UNIVERSITY CONDUCT HEARING OFFICER. |
| (14) <u>WAC 516-20-156</u> | JUDICIAL PROCEEDINGS. |
| (15) <u>WAC 516-20-160</u> | INITIATION OF JUDICIAL PROCEEDINGS. |
| (16) <u>WAC 516-20-165</u> | NOTICE OF HEARING. |
| (17) <u>WAC 516-20-170</u> | FAILURE TO APPEAR BEFORE A JUDICIAL OFFICER OR JUDICIAL BOARD. |
| (18) <u>WAC 516-20-172</u> | WITHDRAWAL OF STUDENT PRIOR TO COMPLETION OF PROCEEDINGS. |
| (19) <u>WAC 516-20-175</u> | PROCEEDINGS TO BE OPEN OR CLOSED. |
| (20) <u>WAC 516-20-180</u> | RIGHTS OF THE ACCUSED STUDENT. |
| (21) <u>WAC 516-20-181</u> | ALTERNATIVE TO JUDICIAL PROCEDURES. |
| (22) <u>WAC 516-20-182</u> | INTERIM SUSPENSION PERMITTED. |
| (23) <u>WAC 516-20-185</u> | DECISION BASED SOLELY ON EVIDENCE. |
| (24) <u>WAC 516-20-190</u> | NOTIFICATION OF DECISION. |
| (25) <u>WAC 516-20-195</u> | RECORDS OF PROCEEDINGS. |
| (26) <u>WAC 516-20-200</u> | APPEALS. |
| (26) <u>WAC 516-20-210</u> | COMMITTEE ON STUDENT RIGHTS AND RESPONSIBILITIES. |
| (27) <u>WAC 516-20-215</u> | FAIRHAVEN COLLEGE. |

WSR 82-05-039

PROPOSED RULES

EDMONDS COMMUNITY COLLEGE DISTRICT 23

[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Edmonds Community College District 23 intends to adopt, amend, or repeal rules concerning student discipline, chapter 132Y-125 WAC;

that such institution will at 1:30 p.m., Thursday, April 15, 1982, in Lynnwood Hall, Room 424, Lynnwood, Washington 98036, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, April 15, 1982, in Lynnwood Hall, Room 424, Lynnwood, Washington 98036.

The authority under which these rules are proposed is RCW 28B.19.020.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 15, 1982, and/or orally at 1:30 p.m., Thursday, April 15, 1982, Lynnwood Hall, Room 424, Lynnwood, Washington 98036.

Dated: February 12, 1982

By: Jennis J. Bapst

V.P. for Administrative Services

STATEMENT OF PURPOSE

A rule to establish standards for student conduct; procedures for disciplinary sanctions to enforce these standards; and procedures for disciplinary hearings and appeals at Edmonds Community College as required by RCW 28B.50.140(13) and WAC 131-12-050.

The purpose of the rule is to assure each student attending Edmonds Community College that the substantive and procedural due process of the law shall be followed in the administration of student discipline. The rule defines standards for student conduct, establishes a series of increasingly severe administrative sanctions to enforce these standards, establishes procedures by which these sanctions are to be applied, and establishes procedures by which students may appeal the application of the administrative sanctions.

The College Officials Responsible for Drafting These Rules are: Jean Floten, Dean of Student Personnel Services, Scan 241-0280; Ivan Gorne, Director of Student Programs, Scan 241-0280; and Jennis Bapst, V.P. for Administrative Services, Scan 241-0280. Responsible for Enforcing the Rules: Jean Floten, Dean of Student Personnel Services, Scan 241-0280.

These rules are being proposed by and for Edmonds Community College, Washington State Community College District 23.

Chapter 132Y-125

STUDENT DISCIPLINE

WAC

132Y-125-004 Disciplinary Procedures.

NEW SECTION

WAC 132Y-125-004 DISCIPLINARY PROCEDURES. The administration of discipline at Edmonds Community College is intended to be educational, not punitive. The procedure includes serious and thorough deliberation with the rights and freedoms of the student, as well as the interests of the College and community, being paramount.

Most disciplinary proceedings will be conducted informally between the student and the Dean of Student Personnel Services or the Dean's designee. In some cases, at the discretion of the Dean or the student, formal procedures may be invoked.

(1) **Responsibility.** The Dean of Student Personnel Services is the executive officer of the College with regard to student affairs, including discipline. S/he is responsible for assembling facts on cases referred to her/his office, making provisions for suitable hearings, convening a student-faculty-classified-administration discipline committee when it is requested, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases.

(2) **Guidelines for Student Conduct.** The following are guidelines for acceptable student conduct. A student enrolling in the College assumes a responsibility to conduct himself in a manner compatible with the College's function as an educational institution. Although Edmonds Community College is dedicated to an open, free society, there are some actions incompatible with an institution of higher education.

Grounds for disciplinary action shall include, but not be limited to, the following:

(a) Dishonesty, including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the College.

(b) Forgery, alteration, or misuse of college documents, records, or identification.

(c) Obstruction or disruption of teaching, institutional or instructional research, administration of the College, disciplinary procedures, or other college activities, including but not limited to, meetings of the Board of Trustees, community service functions, or other authorized activities on college premises.

(d) Physical abuse of any person on college-owned or controlled property or at college-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person.

(e) Theft of or damage to property of the College or of a member of the college community or of a visitor to the campus.

(f) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas.

(g) Unauthorized use of college supplies or equipment.

(h) Violation of college policies or of campus regulations, including, but not limited to, campus regulations concerning student organizations, the use of college facilities, or the time, place and manner of public expression.

(i) Illegal use, possession, or distribution of drugs on campus or at any college-sponsored event, or appearance on campus or at any college-sponsored event while under the influence of illegally used drugs.

(j) Use, possession or distribution of alcoholic beverages on college property or appearance on campus or any college-sponsored event while under the influence of alcohol. Use or possession of alcoholic beverages at any college-sponsored event is restricted to students of legal age and to those times when the event is not formally in session.

(k) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of the peace; or aiding, abetting, or procuring another to breach the peace on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Failure to comply with directions of college officials acting in the performance of their duties.

(m) Possession or use of firearms, explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college or college-owned or controlled property or at college-sponsored or supervised functions without written authorization.

(o) Hazing, whether it is physical or verbal, which interferes with the personal liberty of a fellow student, faculty member, or employee of the college.

(3) **Measures to Enforce Standards of Student Conduct.** The following represents the disciplinary measures available to enforce standards of student conduct:

(a) **Reprimand.** A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that

this serves as a warning that continued conduct of the type described in the reprimand may result in formal action against the student. He is further informed that records of reprimands are confidential property of Edmonds Community College and are destroyed two years after the last entry has been made concerning any disciplinary action against an individual student, and that such records are not considered part of a student's permanent records at the college.

(b) **Summary Suspension.** Although not necessarily considered disciplinary action against a student, summary suspension is a technique to protect the school from the immediate possibility of disorder or threat to safety of students or staff. A suspended student is not to occupy any portion of the campus and is denied all college privileges including class attendance. Summary suspension shall be limited only to that period of time necessary to insure that the purposes of the summary suspension are accomplished, and in any case, no more than a maximum of ten (10) instructional days.

(i) The President, Dean of Student Personnel Services or other staff members previously designated by the President as their representatives may summarily suspend a student or students when s/he deems it necessary for the safety and welfare of the College.

(ii) A summary suspension is for: purposes of investigation, relieving the tension of the student body due to a serious infraction of student behavior standards, or removing a threat to the well-being of the students and/or the good order of the College which would prevent the continued normal conduct of the academic community.

(iii) The reason or reasons for the suspension and notification of further action which is expected of the student and/or his or her parents, if the student is under eighteen years of age, shall be mailed to the official college address of the student within twenty-four (24) hours (or one instructional day) of the suspension.

(c) **Disciplinary Probation.** The Dean of Student Personnel Services, after close evaluation of the individual case, may restrict the college-related activities of students or groups of students as s/he deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period of not to exceed one year. Repetition during the probationary period of conduct resulting in disciplinary probation may be cause for suspension or other disciplinary action.

(d) **Disciplinary Suspension.** Disciplinary suspension serves as a penalty against the student as a result of his conduct failing to meet standards expected at the College. A suspended student is not to occupy any portion of the campus and is denied all college privileges including class attendance. Disciplinary suspension requires the approval of the Board of Trustees.

(e) **Expulsion.** An expelled student is denied all further college privileges. Students may be expelled only with the approval of the Board of Trustees.

(4) **The Committee on Student Conduct.** (a) A committee shall be established to conduct hearings when requested by a student regarding disciplinary actions recommended by the Dean of Student Personnel Services.

(b) The chairperson shall be elected by the committee.

(c) The committee shall include:

(i) Three (3) students designated by the President of the Associated Students.

(ii) One (1) administrator of the College designated by the College President, not to be the Dean of Student Personnel Services.

(iii) Two (2) persons representing the faculty, designated by the Faculty Association President.

(iv) One (1) person designated by the President of the Classified Association.

(d) A quorum shall consist of four members.

(e) all committee members shall have voting rights.

(f) The committee shall make its own rules for conducting hearings.

(5) **Disciplinary and Hearing Procedures.** (a) Allegations of misconduct shall be filed in the Dean of Student Personnel Services' Office in writing. Upon investigation, the Dean of Student Personnel Services shall initiate appropriate action.

(b) Students alleged to have conduct themselves inappropriately shall be provided with written notice to meet with the Dean of Student Personnel Services or her/his designee for a preliminary conference regarding the basis for possible disciplinary action. The notice must be given at least twenty-four (24) hours (one instructional day) prior to the scheduled appointment, and shall contain a statement of the allegations.

(c) If after the preliminary conference and investigation, the Dean of Student Personal Services determines that the student's conduct has

NOT been in violation of College standards, the Dean will dismiss proceedings and exonerate the student.

(d) If after the student's preliminary conference, the recommendation of the Dean of Student Personnel Services is for disciplinary action, the student shall receive the following in writing:

(i) Notification of the findings of the investigation by the Dean of Student Personnel Services and her/his conclusions.

(ii) Notification of the disciplinary action which is to be recommended.

(iii) Notification that the student may either accept the disciplinary action or, within forty-eight (48) hours (2 instructional days) following receipt of this notification, file at the office of the President of the College, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

(e) If the student does not request a hearing, the President shall review the recommendation of the Dean of Student Personnel Services and within twenty-four (24) hours (one instructional day) announce her/his decision with regard to the disciplinary action to be taken.

(f) If the student decides to request a hearing, s/he shall file at the office of the President a written notice of this intent as specified above. Within twenty-four (24) hours (1 instructional day) of requesting the hearing the student shall file at the office of the President a specific written response to each of the charges.

(g) A meeting of the committee on student conduct shall be convened not earlier than twenty-four (24) hours (or one instructional day) nor later than forty-eight (48) hours (or two instructional days) after submission of the student's response to the charges to give her/him a hearing and to make a recommendation in the case to the President.

(i) Hearing Procedure (A) A record of the proceedings before the committee on student conduct shall be kept.

(B) The chairperson, with the concurrence of the President, shall designate some member of the classified staff to collect and preserve all exhibits in evidence.

(C) The committee on student conduct shall conclude its hearing and present a recommendation as expeditiously as possible, both for the sake of the student and for the sake of the College.

(D) The Dean of Student Personnel Services or her/his designee shall make her/his presentation first. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct examination and cross-examination of the witness have been completed.

(E) Upon completion of the presentation by the Dean of Student Personnel Services, the student may make his presentation and may present any witness desired. Again, direct examination and cross examination will be followed by questions from the committee.

(F) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask any questions. The hearing will then be closed and the committee will retire to executive session for deliberation. When a recommendation has been reached, the committee will reconvene and announce its recommendation. The meeting will then be adjourned.

(ii) Evidence. (A) The committee may, upon agreement by both parties, receive sworn written statements in lieu of sworn oral testimony at the hearing.

(B) The committee has the right to control:

(B.1) Relevance

(B.2) Materiality

(B.3) Competency

(B.4) Number and conduct of witnesses

(iii) Recommendations of the Committee. (A) Members of the committee shall draw upon their own knowledge of acceptable standards of conduct and good taste in the college community. The committee may base its recommendation upon these standards but is not empowered to evaluate their constitutionality.

(B) Recommendations shall include:

(B.1) Findings of fact;

(B.2) Conclusions;

(B.3) A recommendation.

(C) In making a recommendation, the committee shall consider the following issues:

(C.1) Does the alleged act constitute a violation of acceptable standards of student conduct?

(C.2) Did the student involved commit the acts with which s/he was charged?

(C.3) Were there any mitigating circumstances?

(C.4) What sanctions have been imposed in previous cases?

(D) The record of the hearing, the findings, and the recommendations of the committee on student conduct shall be reviewed by the Dean of Student Personnel Services and the President. The President shall announce the decision within a reasonable time after receipt of said record, findings and recommendations.

WSR 82-05-040

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed February 16, 1982]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Bellevue Community College, Community College District VIII, intends to adopt, amend, or repeal rules concerning the amending of bylaws and standing orders of governing boards;

that such institution will at 1:30 p.m., Thursday, April 1, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, conduct a public hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:30 p.m., Thursday, April 1, 1982, in the Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

The authority under which these rules are proposed is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution prior to April 1, 1982, and/or orally at 1:30 p.m., Thursday, April 1, 1982, Board Room, Bellevue Campus, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

Dated: February 1, 1982

By: Paul N. Thompson

Secretary, Board of Trustees

STATEMENT OF PURPOSE

Community College District VIII, chapter 132H-105 WAC.

Description of Purpose: Amendment to bylaws and standing orders of governing boards is necessary for the purpose of clarifying the agenda for board of trustees meetings.

Statutory Authority: RCW 28B.50.140.

Summary of Rule: The bylaws and standing orders of governing boards amendment speaks to a new format for the agenda for board of trustees meetings.

Reasons for Supporting Proposed Action: The reason for amending this section of bylaws and standing orders of governing boards is to provide a more efficient format for meetings of the board of trustees.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul N. Thompson, President, Bellevue Community College, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 641-2301, Scan 334-2301.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Board of Trustees, Bellevue Community College.

Institution Comments or Recommendations, if any: None.

Rule Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order No. 65, filed 10/17/79)

WAC 132H-105-040 AGENDA. (1) Preparation of information. Information and materials pertinent to the agenda of all regular meetings of the Board should when possible be sent to Trustees prior to each meeting. Persons wishing to recommend items for the agenda or present any matters of business or correspondence shall notify the Secretary of the Board, in writing, by 12 noon, five working days prior to the meeting at which they desire to have the item considered. The Chairman shall determine whether or not an item is placed on the agenda. The Chairman will notify all other Board members if he/she rejects an item suggested to be placed on the agenda. The Chairman or Secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in his/her judgment the matter is of importance.

Reports to the Board will include provision for reports by students, faculty and classified employees.

All materials to be considered by the Board must be submitted in sufficient quantities to provide each member of the Board and the Secretary with appropriate copies.

(2) Order of the Agenda. The order of the agenda governing all regular meetings of the Board of Trustees of Community College District VIII shall be as follows: ((~~a~~)) ~~Roll Call~~

(b) ~~Approval of previous minutes~~

(c) ~~Executive session~~

(d) ~~Recommendations for action of the board~~

(e) ~~Future action items~~

(f) ~~Reports to the board~~

(g) ~~Information items~~

(h) ~~Other business~~

(i) ~~Adjournment~~)

(a) 1. REPORT AND/OR TOUR

(b) 2. ROLL CALL

(c) 3. APPROVAL OF MINUTES

(d) 4. ADMINISTRATIVE SERVICES

(e) 5. INSTRUCTION

(f) 6. STUDENT SERVICES

(g) 7. GENERAL ADMINISTRATION

(h) 8. REPORTS TO THE BOARD

(i) 9. EXECUTIVE SESSION

(j) 10. OTHER BUSINESS

(k) 11. ADJOURNMENT

The order of the agenda may be changed by the Chairman with the consent of a majority of the Board members present.

The Chairman shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation. The Chairman shall have the right to limit the length of time used by speakers for the discussion of any subject.

Reviser's Note: RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

WSR 82-05-041

NOTICE OF PUBLIC MEETINGS

LEGISLATIVE BUDGET COMMITTEE

[Memorandum—February 16, 1982]

A special meeting of the Legislative Budget Committee has been scheduled for Monday, February 22, 1982, at 5:00 p.m., in Room 301, Public Lands Building, Olympia, Washington.

WSR 82-05-042

EMERGENCY RULES

JAIL COMMISSION

[Order 23—Filed February 17, 1982]

Be it resolved by the Washington State Jail Commission, acting at Hyatt Hotel, Seattle, Washington, that it does promulgate and adopt the annexed rules relating to an amendment to those provisions of the physical plant standards for detention and correctional facilities relating to fire safety, adopted specifically pursuant to section 4, chapter 12, Laws of 1981 2nd ex. sess.

We, the Washington State Jail Commission, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the state legislature recognized the immediate impact of a failure to address the issue in terms of specific jail plans and construction costs by placing an emergency clause on chapter 12, Laws of 1981 2nd ex. sess. The rule is adopted on an emergency basis to become immediately applicable to jail projects now under bid and still subject to construction document addenda and change orders.

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Washington State Jail Commission as authorized in RCW 70.48.050(5) and 70.48.070(4).

The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

APPROVED AND ADOPTED January 29, 1982.

By George Edensword-Breck
Director

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-12-030 NEW FACILITIES. (1) *Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:*

(a) *Obtaining the participation of the community and surrounding governing units in site selection and planning; and*

(b) *Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.*

(2) *Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)*

(a) *Functional areas.*

(i) *Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff.*

(A) Single occupancy cells shall be seventy-two square feet or larger with not less than eight foot ceilings. In no event shall a single occupancy cell contain less than fifty square feet of clear floor space.

(B) Day room areas shall have a minimum of thirty-five square feet per prisoner, but in no instance shall the day room space be less than one hundred forty-four square feet.

(C) Dormitories, when included, shall have a minimum and maximum capacity of eight to ten males or four to ten females and shall allow sixty square feet of floor space per prisoner in semi-private sleeping areas, shall include day room space, and shall have not less than ten foot ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

(B) Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

(A) Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

(vi) Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled

laundry and for the sorting, folding and storage of clean laundry.

(vii) Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

(ix) Booking and reception areas. The booking area(s) shall include, but not be limited to, restroom facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone, and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

(b) Structural criteria.

(i) Building codes. All standards contained in the current Washington State Building Code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and nontoxic.

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

(iv) Windows and/or skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum Environmental Noise Levels).

(c) Utilities.

(i) Prisoner living areas, inspection corridors, and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

(ii) Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and

evening illumination shall be sufficient to permit prisoners to read in their cells (thirty foot candles at thirty inches minimum, one hundred foot candles at thirty inches for medical examining areas, fifty foot candles at thirty inches for work areas).

(iii) *Water supply.* There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

(iv) *Plumbing—Toilets, lavatories, showers and floor drains.*

(A) There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ten prisoners.

(C) Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

(v) *Heating, ventilation and air conditioning.*

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

(B) The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

(d) *Support systems.*

(i) *Fire detection and suppression.* All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cell or adjacent dayrooms to which prisoners have continuing access and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) *Emergency power.* All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

(3) *Minimum security facilities.* Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) *Holding facilities.* Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

(5) *Work release.* Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security.

WSR 82-05-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd	WAC 388-33-377	Grant continuation pending fair hearing.
Amd	WAC 388-33-382	Notification of suspension or termination or reduction of grant—Effect on eligibility and grant.

Correspondence concerning this notice and proposed rules attached should be addressed to:

David A. Hogan, Director
Division of Administration
Department of Social and Health Services
Mailstop OB-33C
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact William B. Pope, Chief, Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Washington, Phone (206) 753-7015, by March 9, 1982. The meeting site is in a location which is barrier free;

that such agency will at 10:00 a.m., Tuesday, March 23, 1982, in the Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Wednesday, March 31, 1982, in William B. Pope's Office, 3rd Floor, Office Building #2, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 10:00 a.m., Tuesday, March 23, 1982, Auditorium, Office Building #2, 12th and Franklin, Olympia, Washington.

Dated: February 17, 1982

By: David A. Hogan
Director, Division of Administration

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amend WAC 388-33-377 and 388-33-382.

The purpose of the rule change is to comply with federal requirements relating to overpayments.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Overpayments which result from aid paid during a 10-day advance notice period or pending a hearing decision must be recovered.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule is: Joan Gross, Program Manager, Division of Income Assistance, Mailstop: OB-31C, Phone: 3-7317.

These rules are necessary as a result of federal law, section 402(a)(4) of the Social Security Act, 45 CFR 205.10(a)(6)(i) and 233.20(a)(13).

WSR 82-05-044
PROPOSED RULES
HORSE RACING COMMISSION
 [Filed February 17, 1982]

AMENDATORY SECTION (Amending Order 1695, filed 8/19/81)

WAC 388-33-377 GRANT CONTINUATION PENDING FAIR HEARING. (1) When a recipient of medical benefits, AFDC, refugee assistance, general assistance continuing and/or services files a request for fair hearing according to chapter 388-08 WAC within the advance notice period, assistance shall not be suspended, reduced, or terminated; except assistance shall not be continued when the sole issue is one of state or federal law requiring automatic grant adjustments for classes of recipients, unless the reason for an individual appeal is incorrect grant, benefit, or service computation. Assistance will also not be continued if an automatic grant adjustment required either by state or federal law results in termination of a program.

(2) When a recipient requests a fair hearing within the advance notice period to appeal the department's planned action to reduce, suspend, or terminate assistance, which is not an automatic grant adjustment required by either state or federal law, the determination of whether the issue is one of policy or is an issue of fact or judgment will be determined at the fair hearing by the hearing examiner.

(a) If there is an issue of fact or judgment including the correctness of application of the department's rules and policy, assistance will then continue through the month in which a fair hearing decision is rendered.

(b) If the issue is one of policy, assistance is discontinued at the end of the month in which the hearing is held. The department shall promptly inform the client in writing if assistance will not be continued, based on the determination that the issue is one of policy.

(3) Assistance shall be reinstated in any case where the notice to reduce, suspend or terminate does not require advance notice, if the recipient requests a fair hearing within ten days of the mailing of the notice of action. Subsections (1) and (2) of this section apply.

(4) Assistance shall not be continued under the provisions in this section if the appellant requests in writing that assistance not be continued, or if the request is withdrawn in writing by the claimant or abandoned.

(5) When the appellant requests a delay in the hearing, the hearings examiner shall determine the reasonableness of the request and whether assistance will be continued during the extended period. Assistance shall be discontinued if the hearings examiner determines that the hearing has been unreasonably delayed by the appellant.

(6) Any assistance received pending a fair hearing or hearing decision is considered to be an overpayment when the fair hearing decision subsequently finds against the client.

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-382 NOTIFICATION OF SUSPENSION OR TERMINATION OR REDUCTION OF GRANT—EFFECT ON ELIGIBILITY AND GRANT. (1) Rules governing the effective dates of eligibility resulting from changes in circumstances are not altered by rules on notification.

(2) Compliance with a required advance notice period may in some instances necessitate issuing assistance on a partial month basis.

(a) When a proposed action cannot be effected on the date specified by rules on eligibility and grant changes, assistance shall be continued unchanged until the end of the advance notice period. Monthly payment shall be prorated for the number of days needed.

(b) Assistance granted during a required advance notice period is (not) considered to be an overpayment when the client is ineligible for payment or when payment is received because the required advance notice period extends into the following month during which the recipient is not eligible.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 260-44-060 weighing out procedures, 260-70-200 relating to bandages, adopting 260-70-290 relating to receiving barns and repealing chapter 260-997 WAC the index to Title 260 WAC;

and the adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, March 26, 1982, in the Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

The authority under which these rules are proposed is RCW 67.16.020 and 67.16.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 19, 1982, and/or orally at 10:00 a.m., Friday, March 26, 1982, Marriott Hotel Sea-Tac, 3201 South 176th, Seattle, WA.

Dated: February 17, 1982

By: Betty L. Thorpe

Agency Accounts Officer

STATEMENT OF PURPOSE

In the matter of amending WAC 260-44-060 and 260-70-200, adopting 260-70-290 and repealing chapter 260-997 WAC relating to the rules of horse racing.

WAC 260-44-060 and 260-70-200 are proposed for amendment, 260-70-290 is proposed for adoption and chapter 260-997 WAC is proposed to be repealed, all as indicated in the notice of intention to amend and adopt rules filed this date with the code reviser.

These rule amendments are proposed pursuant to RCW 67.16.020 and 67.16.040 under the general rule-making authority of the Washington Horse Racing Commission.

The proposed amendment to WAC 260-44-060 is intended to delete a reference to another rule, which is no longer applicable, relating to protective helmets. The proposed amendment to WAC 260-70-200 is intended to expressly give the state veterinarian authority to direct the removal of bandages from a horse before a race. WAC 260-70-290 is proposed for adoption to give the stewards the authority to direct the use of a receiving barn when trifecta races are to be conducted. It is proposed that chapter 260-997 WAC be repealed as it is unnecessary to codify the index to Title 260 WAC in rule form.

George McIvor, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, phone: (206) 753-3741, and members of his staff were responsible for the drafting of the proposed rule changes and are to be responsible for implementation and enforcement of the rules.

The proponent of these rule changes is the Washington Horse Racing Commission.

There are no comments or recommendations being submitted inasmuch as these rules are being proposed for change pursuant to existing statutory authority.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

AMENDATORY SECTION (Amending Rules of racing, filed 4/21/61)

WAC 260-44-060 WEIGHING OUT—EQUIPMENT NOT INCLUDED. None of the following items should be included in a jockey's weight: Whip, or a substitute for a whip, head number, bridle, bit, reins, number cloth, blinkers or protective helmet.

((NOTES:

~~Protective helmet not included in jockey's weight. WAC 260-32-110.))~~

AMENDATORY SECTION (Amending Order 78-1, filed 5/4/78)

WAC 260-70-200 BANDAGES. Only bandages authorized or approved by the paddock judge may be used on a horse during a race(=and). All other bandages or leg coverings shall be removed fifteen minutes prior to post time, or upon request by the paddock judge or state veterinarian.

NEW SECTION

WAC 260-70-290 REPORTING TO RECEIVING BARN. The stewards may, prior to a trifecta race, request a horse to report to the receiving barn at a designated time, at which time the horse is subject to inspection by the state veterinarian. The trainer shall be responsible for the horse reporting to the receiving barn on time.

WSR 82-05-045
PROPOSED RULES
JAIL COMMISSION
[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning a rule establishing maximum capacities for all city and county detention and correctional facilities within the state of Washington in accordance with WAC 289-15-220(3);

that such agency will at 2:00 p.m., Thursday, March 25, 1982, in the Chelan County Courthouse Annex, Wenatchee, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.48.050(1)(a) and 70.48.070(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1982, and/or orally at 2:00 p.m., Thursday, March 25, 1982, Chelan County Courthouse Annex, Wenatchee, Washington.

Dated: February 16, 1982
By: George Edensword-Breck
Director

STATEMENT OF PURPOSE

Title: A rule establishing maximum capacities for all city and county detention and correctional facilities within the state of Washington in accordance with WAC 289-15-220(3).

WAC 289-15-225 would implement the provisions of WAC 289-15-220 by establishing a maximum capacity for each detention and correctional facility within the state.

Under the supervision of the State Jail Commission, its Director, George Edensword-Breck, is responsible for the drafting, implementation, and enforcement of chapter 289-15 WAC; his office and telephone number is 110 East 15th, Room 223, MS/GB-12, Olympia, Washington 98504, (206) 753-5790.

This rule is being proposed by the Standards Committee of the State Jail Commission, Larry V. Erickson, Chairman.

This rule and WAC 289-15-220 would be implemented in accordance with Washington State Jail Commission Policy Statement No. 6A, adopted December 17, 1981.

No specific court action although the case law referenced at the public meeting at which WAC 289-15-220 was adopted on December 17, 1981, supports the need for both sections.

NEW SECTION

WAC 289-15-225 MAXIMUM CAPACITIES. Pursuant to WAC 289-15-220(3), the maximum capacity of each detention and correctional facility within the State of Washington is established at the figure indicated below.

Detention Facilities

Adams County (22)
Auburn (26)
Bremerton (23)
Forks (11)
Issaquah (6)
Olympia (temporary) (19)
Pend Oreille County (18)
Richland (23)

Correctional Facilities

Benton County (36)
Chelan County (60)
Clallam County (107)
Clark County (148)
Cowlitz County (91)
Franklin County (78)
Grant County (65)
Grays Harbor County (54)
Island County (29)
Jefferson County (22)
Kent (20)
King County (1229)
Kitsap County (101)
Kittitas County (52)
Klickitat County (36)
Lewis County (68)
Lincoln County (14)
Mason County (37)
Okanogan County (55)
Pacific County (14)
Pierce County (263)
Skagit County (40)
Skamania County (17)
Snohomish County (140)
Spokane County (352)

Thurston County (110)
 Walla Walla County (24)
 Whatcom County (92)
 Whitman County (21)
 Yakima County (235)

WSR 82-05-046
PROPOSED RULES
JAIL COMMISSION
 [Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Jail Commission intends to adopt, amend, or repeal rules concerning an amendment to those provisions of the physical plant standards for detention and correctional facilities relating to fire safety, adopted specifically pursuant to section 4, chapter 12, Laws of 1981 2nd ex. sess.;

that such agency will at 2:00 p.m., Thursday, March 25, 1982, in the Chelan County Courthouse Annex, Wenatchee, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 70.48.050(5) and 70.48.070(4).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 18, 1982, and/or orally at 2:00 p.m., Thursday, March 25, 1982, Chelan County Courthouse Annex, Wenatchee, Washington.

Dated: February 16, 1982

By: George Edensword-Breck
 Director

STATEMENT OF PURPOSE

Title: An amendment to those provisions of the physical plant standards for detention and correctional facilities (adopted pursuant to RCW 70.48.050(5)), relating to fire safety, adopted specifically pursuant to chapter 12, Laws of 1981 2nd ex. sess.

The rule preempts conflicting local code provisions requiring sprinklers in jail cell and dayroom areas and is adopted in response to the direction of section 4, chapter 12, Laws of 1981 2nd ex. sess.

Under the supervision of the State Jail Commission, its Director, George Edensword-Breck, is responsible for the drafting, implementation, and enforcement of chapter 289-12 WAC, his office and telephone number is: 110 East 5th, Room 223, MS/GB-12, Olympia, Washington 98504, (206) 753-5790.

Amendment to chapter 289-12 WAC was proposed to the State Jail Commission by its director in response to chapter 12, Laws of 1981 2nd ex. sess.

At this time, the commission has no comments or recommendations regarding this amendment.

This revision has no federal law or court action requirement.

AMENDATORY SECTION (Amending Order 2, filed 6/27/79)

WAC 289-12-030 NEW FACILITIES. (1) Initial planning for new facilities. The design planning of all new detention and correctional facilities shall include:

(a) Obtaining the participation of the community and surrounding governing units in site selection and planning; and

(b) Analyzing the present and future qualitative function and quantitative workload of the proposed facility, giving optimum consideration to alternatives to confinement.

(2) Specific physical plant standards. (Detention and correctional facilities except as otherwise noted.)

(a) Functional areas.

(i) Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance and protection for prisoners and staff.

(A) Single occupancy cells shall be seventy-two square feet or larger with not less than eight foot ceilings. In no event shall a single occupancy cell contain less than fifty square feet of clear floor space.

(B) Day room areas shall have a minimum of thirty-five square feet per prisoner, but in no instance shall the day room space be less than one hundred forty-four square feet.

(C) Dormitories, when included, shall have a minimum and maximum capacity of eight to ten males or four to ten females and shall allow sixty square feet of floor space per prisoner in semi-private sleeping areas, shall include day room space, and shall have not less than ten foot ceilings if double bunks are used.

(ii) Program, recreation and exercise areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area with toilet facilities.

(iii) Kitchen and dining facilities.

(A) When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day and shall meet the requirements of chapter 248-84 WAC.

(B) Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

(iv) Examining room, infirmary and medical isolation.

(A) Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a handwashing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam, or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

(B) When an infirmary is located within the facility, infirmary space shall allow a minimum of three feet between the perimeter of each bed and walls, beds, and any fixed obstruction: PROVIDED, That this three foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

(C) If medical isolation facilities are located within the jail such facilities shall conform to applicable standards of WAC 248-18-530 and 248-18-718.

(v) Visitation and confidential consultation.

(A) Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

(B) Detention and correctional facilities shall provide adequate facilities for confidential consultation(s).

(vi) Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

(vii) Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

(viii) Supervisory stations.

(A) Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from any unauthorized access and it shall be capable of controlling access to the facility by the general public.

(B) Sight and sound surveillance equipment, where used, shall be monitored in the control room and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

(ix) Booking and reception areas. The booking area(s) shall include, but not be limited to, restroom facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone, and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

(b) Structural criteria.

(i) Building codes. All standards contained in the current Washington State Building Code established by RCW 19.27.030, the electrical wiring provisions of chapter 19.28 RCW, and more restrictive local standards shall be followed in all new jail construction.

(ii) Materials for walls, floors and ceilings. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire resistant and nontoxic.

(iii) Entrances and exits.

(A) Detention and correctional facilities shall have two secure vestibules for ingress and egress.

(B) Elevators shall have no less than six feet by eight feet inside dimensions.

(C) A secure area shall be provided for loading and unloading prisoners.

(iv) Windows and/or skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.

(v) Noise level. Noise level shall conform to the requirements of chapter 173-60 WAC (Maximum Environmental Noise Levels).

(c) Utilities.

(i) Prisoner living areas, inspection corridors, and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.

(ii) Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (thirty foot candles at thirty inches minimum, one hundred foot candles at thirty inches for medical examining areas, fifty foot candles at thirty inches for work areas).

(iii) Water supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.

(iv) Plumbing—Toilets, lavatories, showers and floor drains.

(A) There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.

(B) A minimum of one shower head shall be provided for every ten prisoners.

(C) Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.

(v) Heating, ventilation and air conditioning.

(A) The systems shall maintain mean temperatures between sixty-five and eighty-five degrees F.

(B) The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.

(d) Support systems.

(i) Fire detection and suppression. All jails shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within cell or adjacent dayrooms to which prisoners have continuing access and conflicting requirements of local code provisions are pre-empted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

(ii) Emergency power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter and for the preparation of a light meal.

(3) Minimum security facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas.

(4) Holding facilities. Holding facilities shall be secure. Such facilities shall have adequate lighting, heat, ventilation and fire detection and suppression equipment. Each holding facility cell shall be equipped with a bed, toilet, lavatory and a drinking fountain. A telephone shall be accessible.

(5) Work release. Work release facilities shall provide safe, healthful, reasonably comfortable living conditions with necessary ancillary services and the required security.

WSR 82-05-047

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 480-80-125 relating to notice by utilities to customers concerning hearing. The proposed amendatory section is shown below as Appendix A, Cause No. U-82-03. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

The formal adoption, amendment, or repeal of such rules will take place at 8:00 a.m., Wednesday, March 24, 1982, in the Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

The authority under which these rules are proposed is RCW 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by his agency prior to March 19, 1982, and/or orally at 8:00 a.m., Wednesday, March 24, 1982, Commission's Conference Room, Seventh Floor, Highways-Licenses Building, Olympia, Washington.

Dated: February 17, 1982

By: Barry M. Mar
Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-80-125 relating to notice by utilities to customers concerning hearings.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which direct that the commission has authority to implement the provisions of chapter 81.80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to provide more effective notice of the pending of utility rate increase proposals by requiring that notices be in clear and commonly understood language, and that increases be identified in dollar amounts as well as percentages.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, phone: (206) 753-6512, and members of his staff were responsible for

the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040.

The rule changes proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate, three copies to the Chief Clerk of the House of Representatives, and three copies to the Joint Administrative Rules Review Committee.

Appendix A

AMENDATORY SECTION (Amending Order R-128, Cause No. U-79-29, filed 8/1/79)

WAC 480-80-125 NOTICE BY UTILITY TO CUSTOMERS CONCERNING HEARING. (1) Whenever any utility proposes to increase any rate or charge for the service or commodities furnished by it, and the commission has issued an order instituting investigation concerning such increase, the utility shall supply a statement to such customers or classes of customers designated in the order instituting investigation that a hearing will be held by the commission at which members of the public will be afforded an opportunity to testify. The statement shall also set forth the date of the utility's filing with the commission, the amount of the proposed increase expressed in ((both)) (1) total dollars and average percentage terms, and (2) the high and low of the range of increases together with the average monthly increases that customers in each category or subcategory of service might reasonably expect. Categories or subcategories of service shall be identified in tariff terms, and if those terms are different from those commonly used by the utility or understood by customers, the notice shall incorporate that commonly used or understood terminology. The notice shall further contain the information that a public counsel will be appointed to represent the public and the mailing address of the commission to which any customer inquiries to the commission or to the public counsel relative to the public hearing date may be directed. The statement shall accompany, as a separate document, regular bills mailed by the utility to its customers((:)), starting with the first billing cycle reasonably available following issuance of the commission's order instituting investigation and continuing throughout the utility's billing cycle covering customers of the utility as of the date of the commission's order instituting investigation((:)). As an alternative the utility may make a separate first class mailing of the statement within thirty days following the date of the issuance of the order instituting investigation. Whether disseminated as part of a regular billing or as a separate mailing, the envelope containing the notice shall display prominently the words "IMPORTANT NOTICE OF RATE INCREASE PROPOSAL ENCLOSED", and if disseminated as part of a regular billing, the notice shall be prepared in such a manner as to attract attention to it and to distinguish it from other enclosures. A copy of such statement shall also be mailed or delivered to at least one newspaper of general circulation, and at least one radio station and at least one television station, in the area or each of the areas affected. The utility shall promptly file a copy of the statement with the commission and certify it has complied with or is in the process of complying with these mailing and delivery requirements.

(2) The statement required by WAC 480-80-125(1) shall be in form and content substantially as follows:

((BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

Cause No. ...

(Name of company) filed with the Washington Utilities and Transportation Commission (date) tariffs designed to increase its gross

revenue in the approximate amount of \$ on an annual basis. The percentage increase in annual gross revenue approximates %. (In instances in which the filed tariffs pertain to a single general category or subcategory of service, the dollar and percentage amounts shall relate to that category of service and the category of service shall be identified.) The commission has suspended the operation of the filed tariffs and will hold public hearings on the matter:

The commission has directed that this notice be given stating:

(1) Specially designated hearing or hearings will be held by the commission in order to accommodate members of the public who may wish to testify.

(2) A public counsel will be appointed to represent the public. The address of the commission may be used for inquiries of the public counsel:

(3) Any member of the public wishing to be notified by the commission as to the date or dates that such specially designated hearing or hearings will be held should advise the commission in writing of that fact and state his or her mailing address. The commission, when such date or dates are set, will see that a notice of such hearing or hearings is mailed to each person who makes such request.

The mailing address of the commission is Washington Utilities and Transportation Commission, Highways-Licenses Building, Olympia, Washington 98504.

(Name of company)
(Name of individual)
(Title of individual))

IMPORTANT NOTICE

(Company) is Requesting

A Rate Increase

Washington Utilities and Transportation Commission

Cause No. U-.....

(Name of Company) has asked the Washington Utilities and Transportation Commission for permission to raise its rates by about \$..... a year, or about percent, over present levels. A summary of the increases asked, and the kinds of service affected, (is attached) (appears below). The commission has suspended the increase and has ordered its staff to investigate the company's request. Formal hearings will be held for the company, commission staff and others to give evidence about the proposal.

The commission has ordered the company to send you this notice to tell you:

(1) One or more hearing sessions will be held just to hear members of the public who want to testify, in addition to hearings for technical or expert evidence.

(2) If you ask, the commission will send you a notice of the time and place for hearings when they are scheduled so you can attend. To get notices or for more information, call the office of Barry Mar, Secretary of the Commission, in Olympia at (206) 753-6420 or write to his office at:

Washington Utilities and Transportation Commission
Highways-Licenses Building
Olympia, WA 98504.

If you write, include your name and mailing address, the name of the company, and Cause No. U-.....

(3) A lawyer (has been) (will be) appointed to represent the public. You can reach this "public counsel" by calling or writing the commission at the address above or directly by calling or writing _____

(4) The rates shown here are only a request by the company. After the hearings are over, the commission will consider the evidence. It can deny all of the request, grant it all, or grant some of it. The commission also has the authority to set rates that are different from the company's request—higher or lower—for each kind of service.

Name of Company Official
Title of Company Official
Name of Company

SUMMARY OF REQUESTED RATE INCREASES

Table with 3 columns: Type of Service, Range of Requested Increases (Low to High—Monthly Effect, Figures in Dollars), Percentage Increases (In Average Bill)

(Identify the tariff category, including, as needed for public understanding, the tariff category title, the term commonly used by the company, and the term commonly used by customers to describe the type of service affected. Set out the information on a monthly basis. If

the company's billing cycle is not monthly, clearly explain the effect, by footnote or otherwise, per billing cycle. If the rates vary by season or time, specify the range and basis for variation.)

(The following shall be added, if applicable:)

NOTE: The figures shown here are ranges and averages. It is not possible to set out every service or every variation in this brief notice.

If you want to know exactly how the company's proposal will affect you if the commission adopts it totally, call or write (name, telephone number and address of officer or office where customers can receive a prompt, accurate answer).

(3) The requirements of WAC 480-80-125 shall be in addition to such other requirements as are imposed or may be imposed by statute or rule pertaining to notice to the public of proposed tariff changes.

(4) Upon determination by the commission that the due and timely exercise of its functions requires the hearing for receipt of evidence from the public to be held at a time which makes it impracticable for the utility to comply with the requirements of WAC 480-80-125(1), it may by letter to the utility dispense with all or part of such requirement.

(5) Failure to accomplish substantial compliance with the requirements of this rule will subject the utility to imposition of penalties in accordance with the provisions of RCW 80.04.405.

WSR 82-05-048
PROPOSED RULES
DEPARTMENT OF LICENSING
(Cosmetology Examining Committee)
[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director of the Department of Licensing and the Cosmetology Examining Committee intends to adopt, amend, or repeal rules concerning catalog or brochure requirements; minimum cancellation and refund policies; enrollment agreements; and surety bond requirements pertaining to licensed cosmetology schools and colleges;

that such agency will at 9:00 a.m., Monday, March 29, 1982, in the 3rd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.18.020 and 18.18.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 22, 1982, and/or orally at 9:00 a.m., Monday, March 29, 1982, 3rd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington.

Dated: February 17, 1982

By: Christine A. Fomin
Assistant Administrator

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing and Cosmetology Examining Committee.

Purpose: The purpose of the proposed rules is to implement ESSB 3315 and to provide guidelines on catalogs, refunds, surety bonds and contracts for licensed barber schools.

Statutory Authority: RCW 18.18.020 and 18.18.070.

Summary of the Rules: New WAC 308-24-510 establishes minimum requirements for catalogs and brochures; 308-24-520 creates minimum standards on cancellations and refunds; 308-24-530 provides a checklist for enrollment agreements or contracts; and 308-24-540 clarifies the requirement for surety bonds and provides for alternative methods of establishing financial responsibility.

Reason Proposed: The new regulations are necessary to implement the amendments to the cosmetology licensing laws made by ESSB 3315 and to clarify the new requirements for licensed schools.

In addition to the members of the examining committee, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Christine Fomin, Assistant Administrator, Professional Licensing, 753-1150; and Delores Spice, Executive Secretary, Cosmetology Committee, Professional Licensing, 753-3834.

Proponents: These amendments were proposed by the Cosmetology Examining Committee and the Department of Licensing.

Agency Comments: [No information supplied by agency]

NEW SECTION

WAC 308-24-510 CATALOG OR BROCHURE. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

- (1) The date of publication and year(s) for which the catalog or brochure is effective;
- (2) The name and address of the school;
- (3) The names of the owner(s) or governing body;
- (4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;
- (5) The school's normal hours of operation and instruction;
- (6) The school's policy on enrollments and the specific criteria or requirements for admission;
- (7) The school's policy on attendance, tardiness and student conduct;
- (8) The school's grading systems and policies;
- (9) The educational objectives of the program, along with a summary of the requirements for licensure as a cosmetology operator and a statement that a license is required to practice this occupation;
- (10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;
- (11) A description of the available space, facilities and equipment at the school and the class size;
- (12) A detailed schedule of all fees, charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;
- (13) A copy of the school's refund policy which must at a minimum comply with WAC 308-24-520;
- (14) A clear statement that the school does not guarantee employment and an accurate description of any placement or job counseling services offered by the school;
- (15) An explanation of any scholarship or tuition waiver policies;
- (16) Any other material facts concerning the school which are likely to affect the student's decision to enroll.

NEW SECTION

WAC 308-24-520 MINIMUM CANCELLATION AND REFUND POLICY. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students

and schools. An individual school, however, may wish to adopt a more liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the Commission for Vocational Education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreements.

(1) Enrollment Agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination Date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund Policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within three days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars;

(b) Any applicant who requests a refund more than three days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition;

(c) Any student termination training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid based on the number of hours the student was enrolled in the program as set forth in the following table:

NO. HOURS ENROLLED	% TUITION TO BE REFUNDED BY SCHOOL
1-99	80%
100-199	70%
200-299	60%
300-499	50%
500-999	30%
1000-2000	0%

(d) Any student disabled by prolonged illness or accident after completing 1000 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract upon proper certification by the student's attending physician.

Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

Any monies due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and financial sponsor is notified of such sale or assignment.

NEW SECTION

WAC 308-24-530 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Required Elements. These Elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and any other necessary supporting documents detailing the services outlined in the agreement.

(a) Title. Identified as a contract or agreement.

(b) School. Name and address of the school to be attended.

(c) Course of Program. Course or program title is identified in the catalog.

(d) Time required. Number of clock hours and number of weeks or months normally required for completion.

(e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e. g., quarter, semester, etc.), and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and Supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charges.

(iii) Other Costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Method and terms of payment. Must comply with federal truth-in-lending and state retail installment sales contract requirements.

(f) Starting date. Scheduled class starting date.

(g) Class Schedule. All day, morning, afternoon, evening, split or other time of class attendance.

(h) Termination by School. Grounds for termination by the school prior to completion (such as insufficient progress, non-payment, failure to comply with rules, etc.).

(i) Cancellation or Termination by Student. How to cancel or voluntarily terminate the agreement.

(j) Refund Policy. Details of the school's refund policy with the cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308-24-520.

(k) Employment or Tuition Assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student must be shown.

(l) Effective Date. Not binding until signed by the student or guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract.

(m) Acknowledgement. Acknowledgement that signers have read, and received a copy of the contract must appear on the contract in 8 pt boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School Signature. Acceptance date and signature of appropriate official at the school if not otherwise accepted in writing (by letter, etc.).

(p) Other Elements. Other elements required by other state, local or federal governmental bodies.

(q) Conditional Elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school.

NEW SECTION

WAC 308-24-540 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director.

WSR 82-05-049**PROPOSED RULES****DEPARTMENT OF LICENSING****(Barber Examining Committee)**

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Director of the Department of Licensing and the Barber Examining Committee intends to adopt, amend, or repeal rules concerning catalog or brochure requirements; minimum cancellation and refund policies; enrollment agreements; and surety bond requirements pertaining to licensed barber schools and colleges;

that such agency will at 8:00 a.m., Monday, March 29, 1982, in the 3rd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The adoption, amendment, or repeal of such rules will take place immediately following such hearing.

The authority under which these rules are proposed is RCW 18.15.056 and 18.15.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 22, 1982, and/or orally at 8:00 a.m., Monday, March 29, 1982, 3rd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington.

Dated: February 17, 1982

By: Christine A. Fomin
Assistant Administrator

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing and Barber Examining Committee.

Purpose: The purpose of the proposed rules is to implement ESSB 3315 and to provide guidelines on catalogs, refunds, surety bonds and contracts for licensed barber schools.

Statutory Authority: RCW 18.15.056 and 18.15.090.

Summary of the Rules: New WAC 308-16-440 establishes minimum requirements for catalogs and brochures; 308-16-450 creates minimum standards on cancellations and refunds; 308-16-460 provides a checklist for enrollment agreements or contracts; and 308-16-470 clarifies the requirement for surety bonds and provides for alternative methods of establishing financial responsibility.

Reason Proposed: The new regulations are necessary to implement the amendments to the barber licensing laws made by ESSB 3315 and to clarify the new requirements for licensed schools.

In addition to the members of the examining committee, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Christine Fomin, Assistant Administrator, Professional Licensing, 753-1150; and Irving Adatto, Executive Secretary, Barber Board, Professional Licensing, 753-2364.

Proponents: These amendments were proposed by the Barber Examining Committee and the Department of Licensing.

Agency Comments: [No information supplied by agency]

NEW SECTION

WAC 308-16-440 CATALOG OR BROCHURE. Each school must provide a catalog or brochure to all prospective students and every person currently enrolled in the program. The catalog or brochure should contain sufficient information to enable a prospective student to make an informed decision about enrolling and should avoid inaccurate, false, misleading or exaggerated statements. At a minimum, each catalog or brochure must include the following information:

(1) The date of publication and year(s) for which the catalog or brochure is effective;

(2) The name and address of the school;

(3) The names of the owner(s) or governing body;

(4) A calendar of the school year showing legal holidays, beginning and ending dates of each quarter, term or semester where applicable;

(5) The school's normal hours of operation and instruction;

(6) The school's policy on enrollments and the specific criteria or requirements for admission;

(7) The school's policy on attendance, tardiness and student conduct;

(8) The school's grading system and policies;

(9) The educational objectives of the program, along with a summary of the requirements for licensure as a barber and a statement that a license is required to practice this occupation;

(10) An outline showing the subject or units in the program, the type of work or skill to be learned and the number of clock hours to be spent on each subject or unit;

(11) A description of the available space, facilities and equipment at the school and the class size;

(12) A detailed schedule of all fees, charges for tuition, books, supplies, tools, rentals or deposits and the methods or terms of payment accepted by the school;

(13) A copy of the school's refund policy which must at a minimum comply with WAC 308-16-450;

(14) A clear statement that the school does NOT guarantee employment and an accurate description of any placement or job counseling services offered by the school;

(15) An explanation of any scholarship or tuition waiver policies;

(16) Any other material facts concerning the school which are likely to affect the student's decision to enroll.

NEW SECTION

WAC 308-16-450 MINIMUM CANCELLATION AND REFUND POLICY. The intent of this section is to establish minimum cancellation and refund standards for the protection of both students and schools. An individual school, however, may wish to adopt a more

liberal standard and the department encourages such practices. This policy shall not apply to any school accredited by an accrediting association recognized by the Commission for Vocational Education pursuant to RCW 28B.05.040(5).

The school must state its policy and schedule of refunds in clear language that can be easily understood. The policy shall apply to all terminations, for any reason, by either party and must be set forth both in the catalog or brochure and in the student enrollment agreement.

(1) Enrollment Agreements. The enrollment agreement form must clearly outline the obligations of both the school and the student, and provide details of the cancellation and refund policy of the school. A copy of the enrollment agreement and other data covering student costs must be furnished the applicant before any payment is made. No enrollment agreement is binding until it has been accepted in writing by an appropriate official at the school and signed by the student or the student's legal guardian.

(2) Catalog. The school's refund policy must also be printed in the school catalog.

(3) Termination Date. The school may require notice of cancellation or withdrawal to be given by certified mail provided this requirement is stated in the enrollment agreement. The school may also require that notice be made by parent or guardian if the student is below legal age. The termination date for refund computation purposes shall in all cases be the last date of actual attendance by the student, unless a student fails, without timely written explanation to proper school authorities, to attend classes for a period of ten days during which classes are in session, the school may officially terminate the student from the program or course of instruction, and shall compute any refund due the student using the last date of actual attendance plus 10 days.

(4) Refund Policy. Every refund policy for cancellations and terminations must, as a minimum, comply with the following requirements:

(a) Any applicant who is rejected by the school, or who requests a refund within 3 days of signing an enrollment agreement or making an initial payment, shall be entitled to a refund of all monies paid, less any standard application fee, not to exceed twenty-five dollars.

(b) Any applicant who requests a refund more than 3 days after signing an enrollment agreement or making an initial payment, but before entering school and starting the course, shall be entitled to refund of all monies paid, minus a fee of ten percent of the tuition.

(c) Any student terminating training after entering the school and beginning the program shall be entitled to a refund of a percentage of the tuition paid on the number of hours the student was enrolled in the program as set forth in the following table:

No. Hours Enrolled	% Tuition to be Refunded by the School
1-156	80%
157-312	60%
313-624	40%
625-936	20%
937-1248	0%

(d) Any student disabled by prolonged illness or accident after completing 937 hours shall be permitted to withdraw from the school for a period of up to 90 days and resume training without additional charge above the original contract price upon proper certification by the student's attending physician.

(5) Any student enrolled in a school who subsequently withdraws, cancels or transfers shall be provided with a written statement of all charges assessed and paid as well as with a copy of the student's final monthly report showing the number of hours completed.

(6) Any moneys due the applicant or student shall be refunded within thirty days after the student's cancellation or termination.

(7) Items of extra expense to the student, such as instructional supplies or equipment, tools, student activities, laboratory fees, service charges, rentals, deposits, and all other extra charges for which the student has contracted or paid in advance need not be considered in tuition refund computations provided they are separately shown on the enrollment agreement, catalog, or in other published data furnished to the student before enrollment, and provided further that the student received the complete materials or services during the period the student was actually enrolled. When items of major extra expense are separately shown for this purpose the school must also state its policy for reasonable settlement of such charges in the event of early termination of the student and in no event shall the charges be more than the actual value of the materials or services used by the student.

(8) No promissory notes or contracts for tuition may be sold, assigned or discounted to third parties, unless the student, the student's guardian and financial sponsor is notified of such sale or assignment.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-16-460 ENROLLMENT AGREEMENT (CONTRACT) CHECKLIST. A contractual relationship exists between a school and its applicant or student. The terms of such agreements are considered to be of substantial importance and should be clearly understood by all concerned parties, including unsophisticated applicants and parents. Therefore, a school is required to utilize a written enrollment agreement clearly outlining the obligations of the school and the student, including details of the school's refund policy, and to provide a copy of the agreement to the applicant before any payment is made. It is not necessary for the various elements to be stated in any special phraseology or listed in any particular sequence, so long as the overall document conveys the terms of the agreement in a manner that can be easily understood by the average person.

(1) Requirement elements. These elements must be included in each enrollment agreement. A copy of the agreement must be furnished to the applicant before any payment is made. Since each applicant should be fully informed as to the nature of the obligation, responsibilities and rights under the contract before signing it, the applicant should also have a copy of the school's catalog and other necessary supporting documents detailing the services outlined in the agreement.

- (a) Title. Identified as a contract or agreement.
- (b) School. Name and address of the school to be attended.
- (c) Course or program. Course or program title as identified in the catalog.
- (d) Time required. Number of clock hours and number of weeks or months normally required for completion.
- (e) Tuition and costs:

(i) Total tuition for the course. If subject to change, the tuition for the period which the agreement covers (e.g., quarter, semester, etc.) and the number and length of such periods required for completion must be clearly disclosed.

(ii) Books and supplies. May be estimated if necessary. A separate listing must be provided the applicant if these costs are included in the tuition charge.

(iii) Other costs. Specify other costs and charges made by the school. If the course requires purchase of items or services from outside sources, this fact must also be specified.

(iv) Payment. Methods and terms of payment. Must comply with Federal Truth-In-Lending and state retail installment sale requirements.

- (f) Starting date. Scheduled class starting date.
- (g) Class schedule. All day, morning, afternoon, evening, split or other time of class attendance.
- (h) Termination by school. Grounds for termination by the school prior to completion (such as insufficient progress, nonpayment, failure to comply with rules, etc.).

(i) Cancellation or termination by student. How to cancel or voluntarily terminate the agreement.

(j) Refund policy. Details of the school's refund policy for cancellations and terminations which, as a minimum, complies with the cancellation and refund policy stated in WAC 308-16-450.

(k) Employment or tuition assistance. Employment guarantee disclaimer. Amount of any scholarship or tuition assistance to be furnished to the student.

(l) Effective date. Not binding until signed by the student or his guardian and accepted in writing by the designated school official authorized in writing and policy to accept such contracts and agreements and that the effective date of the contract shall not precede the date upon which all parties have signed the contract

(m) Acknowledgments. Acknowledgment that signers have read and received a copy of the contract must appear on the contract in 8 pt. boldface type.

(n) Signatures. Date and signature of applicant (and parent or other sponsor if applicant is below legal age).

(o) School signature. Acceptance date and signature of appropriate official at the school if not otherwise accepted in writing (by letter, etc.).

(p) Other elements. Other elements required by other state, local or federal governmental bodies.

(i) Conditional elements. The contract must also disclose and outline any other conditions, circumstances, or qualifications imposed by the school.

NEW SECTION

WAC 308-16-470 BONDING. (1) The amount of the bond shall be ten percent of the preceding year's gross tuition charges derived from students receiving educational services in Washington, but not in excess of seventy-five thousand dollars. Schools not having been in operation prior to the date of their initial licensure shall base their bond amount upon their estimated receipts.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow amount which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and would not release the same to the owner of the school unless the department advises for a release.

(c) Irrevocable letter of credit from a bank, made payable to the department and deposited with the agency as would a bond.

(d) Any other negotiable security acceptable to the director.

WSR 82-05-050

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 17, 1982]

Notice is hereby given in accordance with the provision of RCW 34.04.025, that the Washington State Department of Agriculture intends to amend rules concerning chapter 16-536 WAC dry peas and lentils, by increasing the assessment on dry peas, lentils, and Austrian winter peas by two cents; by adding all commercial wrinkled peas raised for seed at an assessment rate of five cents per hundred weight; and by adding one additional board member;

that such agency will at 1:30 p.m., Friday, March 26, 1982, in the Whitman County Public Service Building, No. 310 Main Street, Colfax, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Friday, June 18, 1982, in the Office of the Director of Agriculture, Olympia, Washington.

The authority under which these rules are proposed is chapter 15.65 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 26, 1982, and/or orally at 1:30 p.m., Friday, March 26, 1982, Whitman County Public Service Building, No. 310 Main Street, Colfax, WA.

Dated: February 17, 1982

By: G. David Kile
Assistant Director

STATEMENT OF PURPOSE

Title: Amend chapter 16-536 WAC.

Description of Purpose: Increase the assessment on dry peas, lentils, and Austrian winter peas by two cents; and all commercial wrinkled peas raised for seed at an assessment rate of five cents per hundredweight; and add one additional board member, subject to approval of the wrinkled pea seed producers.

Statutory Authority: Chapter 15.65 RCW.

Summary of Rule: Rule sets new assessment rates on Austrian winter peas at six cents per cwt., dry peas and chick peas at seven cents, and lentils at eight cents per cwt. It will also include commercial wrinkled peas raised for seed, setting an assessment rate of five cents per cwt., and establishes one additional position on the board for a seed producer; provided that the inclusion of the wrinkled peas raised for seed and the addition of a board member will not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

Reasons Supporting Proposed Act: New assessments would assist the commission in carrying out its aims and purposes under the pressures of inflation.

Agency Personnel Responsible for Drafting: Roger L. Roberts, Special Programs Administrator, Agricultural Development Division, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, (206) 753-5046; Implementation and Enforcement: Washington Dry Pea and Lentil Commission, P.O. Box 8566, Moscow, ID 83843, (208) 882-3023.

Persons Proposing Rule: Washington dry pea and lentil producers by petition to the Director of Agriculture as provided for in RCW 15.65.050.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Marketing Order Article I § A, filed 3/26/65)

WAC 16-536-010 DEFINITIONS OF TERMS. For the purpose of this marketing order:

(1) "Director" means the director of agriculture of the state of Washington or his duly appointed representative.

(2) "Department" means the department of agriculture of the state of Washington.

(3) "Act" means the Washington state agriculture enabling act of 1961 or chapter 15.65 RCW.

(4) "Person" means any person, firm, association or corporation.

(5) "Affected producer" means any person who produces, or causes to be produced, in commercial quantities, dry peas and/or lentils in the state of Washington.

(6) "Commercial quantity" means all the dry peas and/or lentils produced for market in any calendar year by any producer.

(7) "Affected handler" means any person who acts as principal or agent or otherwise in processing, selling, marketing or distributing dry peas and/or lentils not produced by him.

(8) "Dry pea and lentil commodity board" hereinafter referred to as "board" means the dry pea and lentil commodity board formed under the provisions of WAC 16-536-020.

(9) "Dry peas" means and includes all kinds and varieties of dry peas grown in the state of Washington, including chick peas and commercially grown wrinkled peas raised for seed: PROVIDED, That it shall not include dry peas used by the producer thereof for feed, seed and personal consumption ((or dry peas used for seed or seed stock in the production of green peas for fresh market, garden purposes, canning and/or freezing)); PROVIDED FURTHER, That the inclusion

of commercially grown wrinkled peas raised for seed will not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.

(10) "Lentils" means and includes all kinds and varieties of lentils grown in the state of Washington: PROVIDED, That it shall not include lentils used by producers thereof on his premises for feed, seed, and personal consumption.

(11) "Marketing season" or "fiscal year" means the twelve month period beginning with July 1 of any year and ending with the last day of June, both dates being inclusive.

(12) "Producer-handler" means any person who acts both as a producer and as a handler with respect to dry peas and/or lentils. A producer-handler shall be deemed to be a producer with respect to the dry peas and/or lentils which he produces, and a handler with respect to the dry peas and/or lentils which he handles, including those produced by himself.

(13) "Affected area" means that portion of the state of Washington located east of the summit of the Cascade Mountains.

(14) "Sell" includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(15) "Affected unit" means one hundred pounds of cleaned dry peas and/or lentils.

AMENDATORY SECTION (Amending Marketing Order II, §§ A through K, filed 3/26/65)

WAC 16-536-020 THE DRY PEA AND LENTIL BOARD. (1) Administration. The provisions of this order and the applicable provisions of the act shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of ~~((nine))~~ ten members. ~~((Seven))~~ Eight members shall be affected producers elected as provided in this article. One member shall be an affected handler elected as provided in this article. The director shall appoint one member of the board who is neither an affected producer nor an affected handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area of the state of Washington shall be divided into four representative districts as follows:

(i) District I shall have three board members, being positions 1, 2 and 3 and shall include the county of Whitman.

(ii) District II shall have two board members, being positions 4 and 5 and shall include the county of Spokane.

(iii) District III shall have one board member being position 6 and shall include the counties of Walla Walla, Garfield, Columbia and Asotin.

(iv) District IV shall have ~~((one))~~ two board members, being positions 7 and 8 shall include all other counties of the state of Washington located east of the summit of the Cascade Mountains: **PROVIDED, That the addition of another member, being position 8, shall not become effective until approved by a referendum vote of the affected commercial wrinkled pea seed producers.**

(3) Board membership qualifications.

(a) The affected producer members of the board shall be practical producers of dry peas and/or lentils in the district in and for which they are nominated and elected and shall be citizens and residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing dry peas and/or lentils within the state of Washington for a period of five years and has during that time derived a substantial portion of his income therefrom and who is not engaged in business, directly or indirectly, as a handler or other dealer.

(b) The affected handler member of the board shall be a practical handler of dry peas and/or lentils and shall be a citizen and resident of the state of Washington, over the age of twenty-five years and who is and has been, either individually or as an officer or an employee of a corporation, firm, partnership association or cooperative actually engaged in handling dry peas and/or lentils within the state of Washington for a period of five years and has during that period derived a substantial portion of his income therefrom.

(c) The qualifications of members of the board must continue during their term of office.

(4) Term of office.

(a) The term of office for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through seven, the affected handler shall have position eight and the member appointed by the director position nine.

(c) The term of office for the initial board members shall be as follows:

Positions one, two and three – one year

Positions four, five and six – two years

Positions seven, eight ~~((and))~~, nine, and ten – three years

No elected member of the board may serve more than two full consecutive three-year terms.

(5) Nomination and election of board members.

(a) For the purpose of nominating candidates for election to board membership the director shall call separate meetings of affected producers and affected handlers.

(b) Each year the director shall call for nomination meetings in those districts whose board members term is about to expire. Such meetings shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in newspapers of general circulation within the affected district not less than ten days in advance of the date of such meeting and in addition, written notice of every such meeting shall be given to all affected producers within such affected district and handlers according to the list maintained by the director pursuant to RCW 15.65.200 of the act. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer or handler may be nominated orally for membership on the board at such nomination meetings. Nominations may also be made within five days after any such meeting by written petition filed with the director signed by not less than five affected producers or affected handlers.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of May under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers within the affected district. Each affected producer shall be entitled to one vote. The affected handler member of the board shall be elected by a majority of votes cast by the affected handlers. Each affected handler shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot a runoff election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the affected district not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer and affected handler entitled to vote whose name appears upon the list of such affected producers and affected handlers maintained by the director in accordance with RCW 15.65.200. Any other affected producer or affected handler entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by an affected producer or affected handler shall not invalidate the election of any board member.

(7) Vacancies prior to election. In the event of a vacancy on the board, the remaining members shall select a qualified person to fill the unexpired term.

(8) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) Board compensation. No member of the board shall receive any salary or other compensation, but each member shall receive ten dollars for each day in actual attendance on or traveling to and from meetings of the board or on special assignment for the board, together with subsistence and traveling expense at the rate allowed by law to state employees: PROVIDED, That the method of determining whether per diem rates or actual subsistence and lodging shall be allowed shall be determined by resolution or rule of the board in advance of the incurrence of such expenses by a board member.

(10) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel, including attorneys engaged in the private practice of law subject to the approval and supervision of the attorney general, as the board determines are necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay only from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration and enforcement of the order. Such expenses and costs may be paid by check, draft or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited money with the director in order to defray the costs of formulating the order: **PROVIDED**, That the total reimbursement to all applicants shall not exceed two thousand dollars.

(f) To establish a "Dry pea and lentil board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day or as often during the day as advisable.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, collections, receipts, deposits, withdrawals, disbursements, paid outs, moneys and other financial transactions made and done pursuant to this order. Such records, books and accounts shall be audited at least annually subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year of the state of Washington. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act.)

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon him by the act or order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least quarterly, with the time and date thereof to be fixed by resolution of the board.

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting through regular wire news services and radio-television press.

(c) The board shall establish by resolution, the time, place and manner of calling special meetings with reasonable notice to the members: **PROVIDED**, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

AMENDATORY SECTION (Amending Order 1533, filed 6/8/77)

WAC 16-536-040 ASSESSMENTS AND COLLECTIONS. (1) Assessments.

(a) The fixed annual assessment on all varieties of dry peas and dry lentils subject to this marketing order shall be as follows:

(i) Austrian and all other winter varieties - (~~four~~) six cents per affected unit cleaned.

(ii) All other dry peas, including chick peas - (~~five~~) seven cents per affected unit cleaned, except commercial wrinkled pea seed, which shall be five cents per affected unit cleaned: PROVIDED, That such assessment on commercial wrinkled pea seed shall not become effective unless approved by a referendum vote of the affected wrinkled pea seed producers.

(iii) All varieties of dry lentils - (~~six~~) eight cents per affected unit cleaned.

(b) Such assessments shall not be payable on any such dry peas and/or lentils used by the producer thereof on his premises for feed, seed and personal consumption (~~or on dry peas used for seed or seed stock in the production of green peas for fresh market, garden purposes, canning and/or freezing~~).

(c) Handlers shall collect producer assessments from producers whose production they handle and remit the same to the board in accordance with procedures adopted by the board.

(2) Collections. Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received, or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) Penalties. Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

WSR 82-05-051

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning listing agreement-statement of negotiability of compensation, WAC 308-124D-015;

that such agency will at 10:00 a.m., Monday, March 29, 1982, in the OB-2 Auditorium, Social and Health Services, Olympia, Washington conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 10:00 a.m., Monday, March 29, 1982, in the OB-2 Auditorium, Social and Health Services, Olympia, Washington.

The authority under which these rules are proposed is RCW 18.85.040, 18.85.230(26) and 18.85.230(5).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 29, 1982, and/or orally at 10:00

a.m., Monday, March 29, 1982, OB-2 Auditorium, Social and Health Services, Olympia, Washington.

Dated: February 17, 1982

By: Richard A. Finnigan
for John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing.

Purpose of Rule: To protect the public and increase price competition among real estate brokers by disclosing that real estate commissions are negotiable.

Statutory Authority: RCW 18.85.040, 18.85.230(26) and 18.85.230(5).

Summary of Rule: WAC 308-124D-015 Listing agreements—statement of negotiability of fees. The rule, as proposed, would require any printed form or agreement which initially establishes or is intended to establish a rate to compensation to be paid to a real estate broker for negotiating the sale, purchase or exchange of residential real property to contain a statement in bold-face type that real estate commissions are not fixed by law but may be negotiated between broker and client.

Reasons for Proposed Rule: WAC 308-124D-015, this proposed rule is intended to clarify and emphasize the concept that the commission between a broker and a consumer is negotiable by requiring a broker to disclose that fact to each and every consumer who wishes to enter into a listing agreement or otherwise establish a compensation rate.

The Real Estate Division of the Department of Licensing has the responsibility for drafting, implementing and enforcing these rules. Specifically, the Director of the Department of Licensing is John Gonzalez, 4th Floor, Highways-Licenses Building, Olympia, Washington 98504, telephone (206) 753-6915, the Assistant Director for Business and Professions is Joan Baird, 6th Floor, Highways-Licenses Building, Olympia, Washington 98504, telephone (206) 753-1369, and the Administrator of the Real Estate Division is Bob Salerno, 6th Floor, Highways-Licenses Building, Olympia, Washington 98504, telephone (206) 753-6681.

Proponents of the Proposed Rule: This rule was proposed by the Washington State Real Estate Commission and Consumers Union, Inc. and Seattle Consumer Action Network.

Agency Comments: None.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as a result of federal law or federal or state court action.

NEW SECTION

WAC 308-124D-015 LISTING AGREEMENT-STATEMENT OF NEGOTIABILITY OF COMPENSATION. (1) Any printed form or agreement which initially establishes, or is intended to establish, a right to compensation to be paid to a real estate broker for negotiating the sale, purchase or exchange of residential real property containing not more than four residential units, including a mobile home together with the land on which it is situated, shall contain the following statement in boldface type of a size no smaller than the other printed forms:

NOTICE: The amount or rate of real estate commissions is not fixed by law, but may be negotiable between the broker and each client.

(2) The amount of rate of compensation or commission shall not be printed in any such form or agreement but shall be entered at time of execution of the agreement.

WSR 82-05-052

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the adding of new chapter 308-34 WAC; WAC 308-34-010 definition; 308-34-020 scope and purpose; 308-34-030 provisional approval; 308-34-040 full approval; 308-34-050 eligibility; 308-34-060 application procedure; 308-34-070 standards; and 308-34-080 review procedures;

that such agency will at 9:00 a.m., Tuesday, March 23, 1982, in the Fourth Floor Conference Room A, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 9:00 a.m., Tuesday, March 23, 1982, in the Fourth Floor Conference Room A, Highways-Licenses Building, 12th and Franklin, Olympia, Washington.

The authority under which these rules are proposed is chapter 18.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 9:00 a.m., Tuesday, March 23, 1982, Fourth Floor Conference Room A, Highways-Licenses Building, Olympia, Washington.

Dated: February 17, 1982

By: Richard A. Finnigan
for John Gonzalez
Director

STATEMENT OF PURPOSE

Title: New sections WAC 308-34-010 definitions; 308-34-020 scope and purpose; 308-34-030 provisional approval; 308-34-040 full approval; 308-34-050 eligibility; 308-34-060 application procedure; 308-34-070 standards; and 308-34-080 review procedures.

Description of Purpose: The overall purpose of these new proposed rules is to establish standards by which drugless schools may obtain approval by the Director of the Department of Licensing as chartered drugless schools. New section WAC 308-34-010, the purpose of this proposed new section is to set forth the definitions to be used in the rules of the terms "director" and "chartered drugless school"; new section WAC 308-34-020, the purpose of this proposed new rule is to set forth the scope and purpose of new chapter 308-34 WAC; new section WAC 308-34-030, the purpose of this proposed new rule is to set forth the standards under which the director may grant provisional approval for a naturopathic school or college; new section WAC 308-34-040,

the purpose of this proposed new rule is to set forth the conditions under which the director may grant full approval and the requirements for maintaining full approval; new section WAC 308-34-050, the purpose of this proposed new rule is to set forth the eligibility standards which must be met in order for a naturopathic school or college to apply for approval; new section WAC 308-34-060, the purpose of this rule is to set forth the application procedure for a naturopathic school or college to apply for approval; new section WAC 308-34-070, the purpose of this proposed new rule is to set forth the standards which a naturopathic school or college must meet in order to obtain approval from the director; and new section WAC 308-34-080, the purpose of this proposed new rule is to set forth the procedure under which the director may review an institution which has requested the rule.

Statutory Authority: The statutory authority for each of the proposed new rules is chapter 18.36 RCW.

Summary of Proposed Rules and Reasons Supporting Action: New section WAC 308-34-010, this proposed new rule defines the terms "director" and "chartered drugless school". The purpose in enacting these definitions is to be sure that these terms are used consistently throughout chapter 308-34 WAC and relate to those terms as they are used in chapter 18.36 RCW; new section WAC 308-34-020, this section points out that in order to be licensed to practice drugless therapeutics in Washington a person must have graduated from a naturopathic school or college approved by the director and that the purpose of the rules is to provide a set of standards and procedures by which naturopathic schools or colleges may obtain such approval. This rule, as well as all the others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; new section WAC 308-34-030, this proposed new section allows the director to grant provisional approval to a naturopathic school or college which has been in continuous operation for at least one year. It sets forth the standards under which provisional approval will be granted and notes that it shall not exceed a period of two and one-half years and may not be renewed or extended. This rule, as well as all of the others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; new section WAC 308-34-040, this proposed new rule sets forth the standards under which the director may grant full approval and states that after approval by the director periodic reports may be required and notes that failure to conform or maintain established standards may result in loss of approval. The rule limits the length of approval to a period of five years and sets forth the mechanism for renewal of that approval. The rule also sets forth the grounds on which the director may suspend or revoke approval and authorizes the director to inspect or audit a

school or college at any time. This rule, as well as all of the others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; new section WAC 308-34-050, this rule provides that in order to apply for provisional approval a naturopathic school or college must have been in continuous operation for at least one year and in order to apply for full approval such a school or college must have been in continuous operation for a period of not less than three years. In addition, it requires that to apply for provisional full approval an institution must have met the provisions of chapter 28B.05 RCW or the equivalent standards in the state in which the school is located. This rule, as well as all the others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; new section WAC 308-34-060, this proposed new rule sets forth the requirement that naturopathic schools or colleges seeking approval apply to the director on a form or in a manner prescribed by the director. This rule, as well as all others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; and new section WAC 308-34-070, this proposed new rule is rather lengthy and sets forth the standard which the director uses to determine whether a school or college will be granted approval. It requires that the objectives of the institution be clearly stated and address the preparation of the drugless physician to practice patient care. It requires that the institution be organized in such a manner that no more than one-third of the directors demonstrate collective responsibility in their knowledge of and policy decisions consistent with the articles of incorporation, by-laws and objectives of the college and support the college programs in active participation in college governance and in the selection and oversight of a chief administrative officer; Requires that the education experience of directors, administrators, supervisors, and instructors be sufficient to insure that the student will receive the educational services consistent with the institutional objectives; Requires that the institution must accompany its application with an explanation of how the institution is to be organized and managed; Requires that the institution demonstrate its financial stability; Requires that the institution maintain an adequately detailed system of records for each student; Details the educational credentials which must be available to the student who receives a degree from the institution including the records which must be supplied in support to a student upon request; Details the content which must go into an institutional catalog; Prohibits an institution from denying admission

on the basis of sex, race, color, religion, physical handicap or ethnic origin; Requires the institution to have an attendance policy; Sets forth the curriculum that the institution must present. It must include at least 4,000 hours of classroom and present an outline of the subjects that the instruction must cover; Requires that the institution have clearly defined set standards of competence; Requires that faculty members be duly qualified before they instruct a particular class; Prohibits discrimination on the basis of sex, race, age, color, religion, physical handicap or national or ethnic origin in the recruitment and hiring of faculty; Requires that the institution have policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeal procedures; Requires that each institution have an adequate library; Requires that each institution offer sufficient clinical facilities as set forth in the rule; Requires that the institution have sufficient buildings and equipment to undertake its course of instruction; and Finally, the institution must maintain a fair and equitable policy on the subject of the refunds of unused portions of tuition and fees. This rule, as well as all others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules; and new section WAC 308-34-080, this proposed new rule sets forth the authority of the director to send an evaluation committee to inspect any institution requesting approval and makes the evaluation committee part of the application process. This rule, as well as all others, is needed to establish a mechanism through which approval of schools can occur and persons can become eligible to sit to take an examination for licensure as a practitioner of drugless therapeutics in this state. This is the reason which supports the adoption of each and every one of these new rules.

The Director of the Department of Licensing and subsequently the Division of Professional Licensing have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is: Yvonne Braeme, P.O. 9649, Olympia, WA 98504, telephone number (206) 234-3576 Scan, (206) 753-3576 Comm.

Proponents and Opponents: These proposed new rules are proposed by the staff of the Washington State Department of Licensing.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of a federal law or federal or state court action.

CHAPTER 308-34 WAC

DRUGLESS THERAPEUTICS

WAC

- 308-34-010 DEFINITIONS.
- 308-34-020 SCOPE AND PURPOSE.
- 308-34-030 PROVISIONAL APPROVAL.
- 308-34-040 FULL APPROVAL.
- 308-34-050 ELIGIBILITY.
- 308-34-060 APPLICATION PROCEDURE.
- 308-34-070 STANDARDS.
- 308-34-080 REVIEW PROCEDURES.

NEW SECTION

WAC 308-34-010 DEFINITIONS. (1) Director. As used in these rules, Director means the Director of the Department of Licensing.

(2) Chartered drugless school. As used in chapter 18.36 RCW, chartered drugless school means a naturopathic school or college approved by the Director under this chapter.

NEW SECTION

WAC 308-34-020 SCOPE AND PURPOSE. (1) The minimum educational requirements for licensure to practice drugless therapeutics in Washington is graduation from a naturopathic school or college approved by the Director which teaches adequate courses in all subjects necessary to the practice of drugless therapeutics.

(2) The purpose of these rules is to provide a set of standards and procedure by which naturopathic schools or colleges may obtain approval by the Director in order that graduates of those schools may be permitted to take examinations for license.

Reviser's Note: The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-34-030 PROVISIONAL APPROVAL. The Director may grant provisional approval to a naturopathic school or college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall not imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic school or college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36 RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for approval in this chapter.

NEW SECTION

WAC 308-34-040 FULL APPROVAL. (1) The Director may grant full approval to a naturopathic school or college which has demonstrated that it complies with the standards contained in this chapter and chapter 18.36 RCW.

(2) After approval by the Director, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No school or college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the school or college must apply to the Director for renewal of approval. The Director shall review the application and make a final decision of approval or disapproval in not more than eleven months.

(3) If a naturopathic school or college fails to maintain the required standards or fails to report significant institutional changes within ninety days of the change including changes in location, the Director may revoke or suspend approval. The Director may contact a naturopathic school or college at any time, either through a representative or evaluation committee, to audit, inspect or gather information concerning the operating of the school or college.

NEW SECTION

WAC 308-34-050 ELIGIBILITY. (1) In order to apply for provisional approval, a naturopathic school or college must have been in continuous operation for a period of at least one year.

(2) In order to apply for full approval, a naturopathic school or college must have been in continuous operation for a period of at least three years.

(3) In order to apply for either provisional or full approval, a naturopathic school or college must have met the provisions of the Educational Service Registration Act chapter 28B.05 RCW or equivalent standards of the state in which the school is located.

NEW SECTION

WAC 308-34-060 APPLICATION PROCEDURE. Naturopathic schools or colleges seeking approval shall apply to the Director on a form or in a manner prescribed by the Director.

NEW SECTION

WAC 308-34-070 STANDARDS. The following standards shall be used by the Director in considering a naturopathic school's or college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the drugless physician to provide patient care. The implementation for the objectives should be apparent in the administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of drugless physicians and others. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the Articles of Incorporation or Charter, By-Laws, and objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;
- (c) Faculty pay scale and policies;
- (d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;
- (e) Admissions policies including procedures used to solicit students;
- (f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;
- (g) Curriculum requirements;
- (h) Tuition and fee policies; and
- (i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational Credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript that specified all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer, or examination.

(c) Upon request, all student records and transcripts shall be made available to the Director.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

- (a) Name and address of the school;
- (b) Date of publication;
- (c) Admission requirements and procedures;
- (d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;
- (e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;

(f) Objectives of the institution;

(g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;

(h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and re-entry, if any;

(i) A description of each course indicating the number of hours and course content, and its place in the total program;

(j) A description of facilities and major equipment, including library laboratory and clinical training facilities;

(k) Statements on the nature and availability of a student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of drugless physicians; and

(m) Any other material facts concerning the institution which is reasonably likely to affect the decision of the potential student.

(8) Admission Policies and Procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have stated policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the statutory requirements of length and content. Each student shall attend a minimum of 4000 hours of classroom instructions, including clinical training. The following standards are intended not as an exact description of an institution's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each institution will be prepared by the academic departments of the institution to meet the needs of their students and will exceed the outline present here. The policy has been adopted to preserve the autonomy and uniqueness of each institution, and to encourage innovative and experimental programs enhancing the quality of drugless therapeutics education.

(a) Basic Science

Anatomy (includes histology and embryology)

Physiology

Pathology

Biochemistry

Public Health (includes public health, genetics, microbiology, immunology)

Naturopathic Philosophy

Pharmacology

(b) Clinical Sciences

(i) Diagnostic Courses

Physical diagnosis

Clinical diagnosis

Laboratory diagnosis

Radiological diagnosis

(ii) Therapeutic Courses

Materia medica (botanical medicine)

Homeotherapeutics

Nutrition

Physical Medicine

(Includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)

Psychological medicine

(iii) Specialty Courses

Organ systems (cardiology, dermatology, endocrinology,

EENT, gastroenterology)

Human development (Gynecology, obstetrics, pediatrics, geriatrics)

Jurisprudence

Medical emergencies

Office procedures

(iv) Clinical Externship/Preceptorship

(11) Academic Standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty

should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the Director for each faculty member a resume which includes the following information.

- (a) Academic rank or title;
 - (b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;
 - (c) Other qualifying training or experience;
 - (d) Name and course number of each course taught;
 - (e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and
 - (f) The length of time associated with the institution.
- (13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical Training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of drugless therapeutics diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment. A licensed and adequately experienced drugless physician must be present in the clinic at all times which the clinic is open and in direct supervision of and have final decision in the diagnosis and treatment of patients by students.

(15) Physical Plant, Materials and Equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities for the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and Refund Policy. The institution shall maintain a fair and equitable policy in reference to refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs required by the Director.

Reviser's Note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 308-34-080 REVIEW PROCEDURES. The Director may send a representative or an examining or evaluation committee to inspect any institution requesting approval. Such inspections may be at any reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the Director's action on the institution's application.

WSR 82-05-053

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning restricted use herbicides in

Kittitas County, adding new sections to chapter 16-23 WAC;

that such agency will at 7:30 p.m., Tuesday, March 23, 1982, in the Commissioner's Meeting Room, Kittitas County Courthouse, Ellensburg, Washington, conduct hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Thursday, March 25, 1982, in the Director's Office.

The authority under which these rules are proposed is RCW 17.21.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to March 23, 1982, and/or orally at 7:30 p.m., Tuesday, March 23, 1982, Commissioner's Meeting Room, Kittitas County Courthouse, Ellensburg, Washington.

Dated: February 17, 1982

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-232-300 Area under order; 16-232-305 Restricted use herbicides; 16-232-310 Area 1; 16-232-315 Wind conditions; and 16-232-320 Distribution, use and application.

Description of Purpose: To restrict the use of restricted use herbicides.

Statutory Purpose: RCW 17.21.030.

Summary of Rule: Adding new sections to further control the use of restricted use herbicides in Kittitas County.

Reasons for Supporting Proposed Action: During the 1980 and 1981 application season, orchards received damage from the use of restricted use herbicides.

Drafting, Implementation and Enforcement: F. Clarke Brown, Department of Agriculture, 2015 South 1st Street, Yakima, Washington 98903, phone (509) 575-2746.

Person or Organization Proposing Rule: Area fruit growers: Dee Eberhart; Ben Kerns; Derward Tozer; John E. Carr; and Department of Agriculture.

No agency comments.

Whether Rule is Necessary as Result of Federal Law or Action: No.

NEW SECTION

WAC 16-232-300 AREA UNDER ORDER: All lands lying within the boundaries of Kittitas County.

NEW SECTION

WAC 16-232-305 RESTRICTED USE HERBICIDES: All formulations of Dicamba (Banvel) and all formulations of phenoxy hormone-type herbicides including 2,4-D, 2,4,5-T and MCPA are by this order declared to be restricted use herbicides.

NEW SECTION

WAC 16-232-310 AREA 1. (1) Area 1 description. An area starting at the intersection of Canyon Road and Thrall Road on the south line of Section 30, T17N, R19E, thence east along Thrall Road three and one-half miles more or less to Billeter Road; thence south approximately one-half mile; thence east approximately one and one-half miles to Wilson Road; thence south on Wilson Road for one-half mile to intersection of Fourth Parallel Road; thence east on Fourth

Parallel Road for approximately three-fourths mile to Anderson Road; thence south on Anderson Road for one-half mile more or less to E. Kern Road; thence east on E. Kern Road for approximately one-half mile; thence south approximately one and one-half miles to the north boundary of Section 18, T16, R20; thence west for two and one-half miles to intersection of I82; thence northwest for approximately three miles to the northeast corner of Section 5, T16, R19; thence west for two miles more or less to the Canyon Road; thence north for one mile more or less on the Canyon Road to the point of beginning.

(2) Area 1 restrictions.

(a) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using Danger Area Restrictions (see WAC 16-230-675). On and after April 15 through October 31, aircraft applications are prohibited within 500 feet of all orchards: PROVIDED, That aircraft applications may be allowed when written permission is received from the owner of the orchard.

(b) The use or application of low volatile formulations of restricted use herbicides is prohibited on and after April 15 through October 31 of each year on all lands within 500 feet of all orchards: PROVIDED, That low volatile ester formulations may be used when written permission is received from the owner of the orchard.

(c) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches on all lands within 500 feet of all orchards.

NEW SECTION

WAC 16-232-315 WIND CONDITIONS. The use or application of restricted use herbicides shall be prohibited in Area 1 when the mean sustained win velocity is over twelve miles on and after April 15 through October 31: PROVIDED, That applications of allowable restricted use herbicides shall be exempt from these wind restrictions when applying fifty gallons or more per acre.

NEW SECTION

WAC 16-232-320 DISTRIBUTION, USE AND APPLICATION. The distribution, use and application of restricted use herbicides in counties east of the crest of the Cascade Mountains shall comply with the restrictions in WAC 16-230-600 through WAC 16-230-675 and WAC 16-228-165(1)(o).

WSR 82-05-054

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF ECOLOGY
(Ecological Commission)**

[Memorandum—February 17, 1982]

RCW 43.21A.170 requires that designated state agency heads and the public be given notice of meetings of the Washington State Ecological Commission, and the public be given full opportunity to examine and be heard on all proposed orders, regulations or recommendations.

This notice is to inform you that the first quarterly meeting of the Washington State Ecological Commission will be held on March 18, 1982 in Redmond, Washington at the Department of Ecology Northwest Regional Office, 4350 150th Avenue N.E. The meeting will begin at 9:00 a.m.

For further information, please contact Susan Pratt, Washington State Ecological Commission, MS PV-11, Olympia, Washington 98504, (206) 459-6170.

**WSR 82-05-055
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 17, 1982]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning certification of operators of wastewater treatment plants, amending chapter 173-230 WAC;

that such agency will at 2:00 p.m., Tuesday, March 30, 1982, in the Conference Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Wednesday, April 14, 1982, in the Conference Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

The authority under which these rules are proposed is chapter 70.95B RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 2, 1982, and/or orally at Conference Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: February 17, 1982

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending chapter 173-230 WAC, Certification of Operators of wastewater treatment plants.

Description of Purpose: Certification (licensing) of operators of wastewater treatment plants.

Statutory Authority: Chapter 70.95B RCW.

Summary of Rule: Establish administrative procedures to evaluate the competency and certify applicants for certification. Provide a mechanism to classify wastewater treatment plants.

Reasons Supporting Proposed Action: The department needs to establish by rule the prerequisites to certification, define professional growth, and provide an examination procedure to determine competency.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lloyd Taylor, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6039.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-010 GENERAL. One of the basic requirements of the wastewater treatment plant operator certification act of 1973 (chapter 139, Laws of 1973) (chapter 70.95B RCW) is to have every

operator in responsible charge of a wastewater treatment plant certified in a class equal to or higher than the class of his treatment plant. Certification under this act is available to all operators who can meet the minimum qualification of a given classification. Each operator is encouraged to apply for certification in the highest classification consistent with his qualifications.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-020 DEFINITIONS. (1) "Director" means the director of the department of ecology.

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

(3) "Board" means the water and wastewater operators certification board of examiners established by ~~((chapter 139, Laws of 1973))~~ **RCW 70.95B.070.**

(4) "Certificate" means the certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

(5) "Wastewater treatment plant" means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

(6) "Operator" means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is ~~((designated by the employing or appointing officials as the person on site and in responsible charge of))~~ performing work in the actual operation of a wastewater treatment plant.

(7) "Responsible charge" means the position held by an operator working on site at a wastewater treatment plant, including weekends, holidays, and shifts, where appropriate, who is in direct charge and is responsible for the operation of the plant or segment thereof. Responsible charge can, but is not required to, include supervisory responsibility over other employees. Responsible charge time may be accrued by the operator in charge of a shift, working alone as the only operator on duty, or when assigned as operator in charge in the absence of the designated operator in charge.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-040 CERTIFICATION REQUIRED. (1) After July 1, 1974, it shall be unlawful for any person, firm, corporation, municipal corporation or other governmental subdivision or agency to operate a wastewater treatment plant unless the operator in responsible charge of day-to-day operation of the plant ~~((holds an effective certificate issued by the director))~~ holds a valid certificate issued by the director of at least the same classification as that of the wastewater treatment plant.

(2) When a wastewater treatment plant is operated on more than one daily shift, including weekends or holidays, the operator ~~((for))~~ in charge of each shift shall be certified.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-050 CERTIFICATION PREREQUISITES. (1) Certificates shall be issued only upon application and only after payment of fees as required herein. Except as provided in WAC 173-230-050(2), certificates in appropriate classifications shall be issued to those who are eligible for examination pursuant to WAC 173-230-061 and only after successful completion of an examination as provided for in WAC 173-230-070.

(2) Certificates shall be issued without examination under the following conditions:

(a) In appropriate classifications, to an operator(s) who on July 1, 1973, held a certificate(s) of competency attained by examination under the voluntary certification program sponsored jointly by the department of social and health services and the pacific northwest pollution control association.

(b) In appropriate classifications, to a person(s) verified by the governing body or owner to have been the operator(s) in responsible charge of a wastewater treatment plant on July 1, 1973. A certificate

issued to any person under this subsection shall be known as a "provisional" certificate and shall be valid only for the plant of which he was the operator on July 1, 1973, and shall not be renewed if such plant thereafter has been or is significantly modified or if the operator terminates his service with that plant.

(c) In appropriate classifications, to persons who fill a vacated position required to have a certified operator. A certificate issued under this subsection shall be ~~((temporary in nature and nonrenewable))~~ known as a "temporary" certificate and shall be issued for a period of not more than twelve months from date of issue and shall be nonrenewable. If a position is vacated by the holder of ~~((an effective))~~ a temporary certificate issued under this subsection, no additional temporary certificate shall be issued to his replacement.

~~((3) Except as provided in (2) above, certificates in appropriate classifications shall be issued only after successful completion of an examination as provided for in WAC 173-230-070.))~~

NEW SECTION

WAC 173-230-061 APPLICATIONS AND CERTIFICATION REQUIREMENTS. (1) Application for certification to the various classifications of wastewater treatment plant operator shall be filed with the secretary for wastewater treatment of the water and wastewater operator certification board. The secretary shall make application forms available upon request.

(2) Upon receipt of a completed application, the secretary shall assemble all information needed and screen the application against the following criteria to determine eligibility for examination or reciprocal certification.

(3) Certification requirements: Applicants for examination or reciprocal certification to the various wastewater treatment operator classifications must meet the following minimum requirements or equivalents:

Class	Education	Operating Experience	Responsible Charge Time
OIT	12 years	3 months	None
Group I	12 years	1 year	None
Group II	12 years	3 years	None
Group III	14 years	4 years	2 years
Group IV	16 years	4 years	2 years

At least half of the experience requirement for certification to a Class II, III, or IV operator must be on-site, day-to-day experience. At least half of the responsible charge time requirement for certification to a Class III or IV operator must have been accrued on site in a plant with a classification not less than one classification lower than the class of certification being applied for.

(4) Definitions and equivalents related to certification requirements:

(a) "College" means a college degree or course work that is relevant to the operation of a wastewater treatment plant, such as sanitary, chemical, civil, electrical, or mechanical engineering, chemistry, biology, pharmacy, mathematics, or any of the environmental sciences. College shall also mean continuing education units CEUs in courses relevant to the operation of a wastewater treatment plant.

(b) One year of college credit shall mean thirty semester hours or forty-five quarter hours or forty-five continuing education units CEUs.

(c) Continuing Education Unit, (CEU) means a nationally recognized unit of measurement similar to college credits. One CEU is awarded for every ten contact lecture hours of participation in an organized continuing education experience, under responsible sponsorship, capable direction and qualified instruction. One CEU will also be awarded for twenty contact laboratory hours of training.

(d) Vocational experience shall mean work experience that is relevant to the operation of a wastewater treatment plant. Some related vocations are chemist, machinist, and electrician.

(5) Equivalent education:

(a) One year of operating experience may be substituted for one year of high school - four years maximum.

(b) One year of responsible charge time may be substituted for one year of college - one year maximum.

(6) Equivalent experience: College credit used as an equivalent for experience must be supported with a copy of college transcripts.

(a) Three CEUs relevant to the operation of a sewage treatment plant may be substituted for three months experience by an applicant for OIT.

(b) An applicant for Group I certification may not use an equivalent experience credit.

(c) An applicant for Group II certification may substitute up to one and one-half years of college for one and one-half years of experience.

(d) An applicant for Group III or IV certification may substitute up to two additional years of college for two years of experience.

(7) Equivalent responsible charge time: An applicant for Group III or IV may substitute one additional year of college for one year of responsible charge time.

(8) Equivalent experience. An applicant who does not satisfy the full amount of equivalent experience as specified under WAC 173-230-061(3) or (6) may request the board to allow any of the following or similar work experience to be credited toward the experience maximums set forth in WAC 173-230-061(3):

(a) Operation consultant equals 0 to 50 percent of time on duty.

(b) Wastewater collection or pump station operator or specialist equals 0 to 25 percent of time on duty.

(c) Water treatment plant operator equals 50 percent of time on duty.

(d) Water distribution and management equals to 0 to 50 percent of time on duty.

(e) Sewage treatment plant process control and laboratory equals 100 percent of time on duty.

(f) Sewage treatment plant operation and pump station operation equals 100 percent of time on duty.

(g) Sewage treatment plant operation and incineration operation equals 100 percent of time on duty.

(9) If no examination is required, the secretary shall present the application to the board for recommendation to the director as required by WAC 173-230-070(6) or 173-230-110.

(10) Group IV applications shall be submitted to the board for approval prior to scheduling for examination.

(11) If an examination is required, the secretary shall notify, schedule, and examine all applicants for certification.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-070 EXAMINATION. (1) The board shall prepare written examinations to be used in determining the competency of operators.

(2) Examinations shall be held at least three times annually at places and times set by the board with advance announcements made by the board.

(3) All examinations will be graded by the board or by others designated by the board, and the applicant shall be notified of grade attained and pass or fail. Examinations will not be returned to the applicant.

(4) An applicant((s)) who fails to pass an examination may ((repeat the same)) be reexamined at the next subsequent scheduled examination ((at)) with no additional application or fee ((at the subsequent regularly scheduled examination)).

(5) An applicant who fails to pass a second examination as provided for in WAC 173-230-070(4) must reapply for further examination as provided for in WAC 173-230-090(2). The examination will not be administered until the second scheduled examination period following the date of the applicant's last examination.

(6) The board shall forward its recommendations for certification of those examined to the director.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-080 CERTIFICATE TERM AND RENEWALS. (1) Except as provided for in WAC 173-230-050(2)(c), the term for any certificate or renewal thereof shall be from the first of January of the year of issuance until the thirty-first of December of the same year.

(2) Except as provided in WAC 173-230-050(2)((b) and) (c), all certificates shall be renewable annually upon presentation of satisfactory evidence that the operator demonstrates continued professional growth in the field. In order to demonstrate continued professional growth in the field, each certified operator must accomplish one of the following three activities during a three-year period ending December 31, 1979, and in each three-year period thereafter.

(a) Accumulate a minimum of three relevant continuing education units CEUs, or three relevant college quarter hour credits; or

(b) Advance in his level of wastewater certification by examination. Advancement from OIT to I does not fulfill this requirement; or

(c) Retake and satisfactorily pass the examination given by the board for the classification for which a renewable certificate is desired.

AMENDATORY SECTION (Amending Order DE 78-16, filed 10/11/78)

WAC 173-230-100 SUSPENSION AND REVOCATION. (1) When a certificate is not renewed, such certificate, upon notice by the director, shall be suspended for thirty days. If, during such suspension period, renewal of the certificate is not completed, the director shall give notice of revocation to the employer and to the certificate holder, and if, during the revocation notice period, renewal of the certificate is not completed, the certificate shall be revoked ten days after such notice is given.

(2) Certificates may be revoked when the board so recommends to the director, upon finding:

(a) Fraud or deceit in obtaining the certificate.

(b) Gross negligence in the operation of a wastewater treatment plant.

(c) Violation of the requirements of this chapter or the statute it implements or of any lawful rule, regulation or order of the department.

(3) No revocation shall be made under this subsection unless the operator has been notified that revocation is proposed, has been advised of the grounds therefor and has been given an opportunity to appear before the board and be heard on the matter.

(4) Whenever his certificate is revoked, the operator shall not be certified again until he has applied for certification as herein provided, paid the initial application fee, and successfully completed the examination provided for in WAC 173-230-070.

(5) If revocation was made pursuant to subsection (2) above, the operator shall not be eligible to reapply for a certificate for one year from the date the revocation became final.

AMENDATORY SECTION (Amending Order 73-30, filed 11/9/73)

WAC 173-230-110 RECIPROCITY. ~~((If another state accepts certifications issued pursuant to this chapter;))~~ The director shall accord an operator((s)) certified by ((such)) another state reciprocal treatment, when in his judgment, and upon advice of the board, the certification requirements of such state are substantially equivalent to the requirements of this chapter. When such reciprocity is granted, the director shall so advise the operator. However, the term of such reciprocal approval shall be as provided in WAC 173-230-080 and the operator shall be subject to the same requirement of renewal as any operator initially certified in this state.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-230-060 APPLICATIONS.

WSR 82-05-056

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed February 17, 1982]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Blaine, City of, amending WAC 173-19-4502 and Tacoma, City of, amending WAC 173-19-3514;

that such agency will at 2:00 p.m., Tuesday, March 23, 1982, in the Conference Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 2:00 p.m., Tuesday, April 6, 1982, in Room 273, Department of Ecology Headquarters Office, St. Martin's College Campus, Abbott Rafael Hall, Lacey, Washington.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 1, 1982, and/or orally at 2:00 p.m., Tuesday, March 23, 1982, in the Conference Room, Department of Ecology, Air and Land Offices, 4224 Sixth Avenue S.E., Lacey, WA.

Dated: February 17, 1982

By: John F. Spencer
Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-4502 Blaine, City of and WAC 173-19-3514 Tacoma, City of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to shoreline master programs for the City of Tacoma and the City of Blaine.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local government and submitted to the Department of Ecology for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Michael Ruef, Department of Ecology, Mailstop PV-11, Olympia, WA 98504, 459-6281.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government and local government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order DE 81-37, filed 12/2/81)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1977. Revision approved December 2, 1981. Revision approved April 6, 1982.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order DE 80-25, filed 6/30/80)

WAC 173-19-4502 BLAINE, CITY OF. City of Blaine master program approved September 20, 1975. Revision approved June 26, 1980. Revision approved April 6, 1982.

Reviser's Note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- REP = Repeal of existing section
- AM/DE = Amendment and Decodification of existing section
- RECOD = Recodification of previously codified section
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RES = Restoration of section to previous form
- REVIEW = Review of previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
16-54-082	AMD	82-03-019	16-620-280	AMD	82-04-001	132H-116-350	AMD	82-04-005
16-96-130	AMD	82-04-001	16-620-290	AMD	82-04-001	132H-116-370	AMD	82-04-005
16-232-300	NEW-P	82-05-053	16-620-300	AMD	82-04-001	132H-116-480	AMD	82-04-005
16-232-305	NEW-P	82-05-053	16-620-310	REP	82-04-001	132H-116-490	AMD	82-04-005
16-232-310	NEW-P	82-05-053	16-620-340	AMD	82-04-001	132H-116-500	AMD	82-04-005
16-232-315	NEW-P	82-05-053	16-620-360	REP	82-04-001	132H-116-550	AMD	82-04-005
16-232-320	NEW-P	82-05-053	16-750-010	AMD-P	82-03-037	132H-116-580	AMD	82-04-005
16-300-020	AMD-P	82-04-080	51-10	AMD-P	82-02-082	132H-116-590	AMD	82-04-005
16-304-040	AMD-P	82-04-081	51-10	AMD-C	82-04-063	132H-116-610	AMD	82-04-005
16-304-050	AMD-P	82-04-081	67-14-060	NEW-C	82-04-054	132H-116-620	AMD	82-04-005
16-316-0011	REP-P	82-04-082	67-30-040	NEW-C	82-04-053	132H-116-720	AMD	82-04-005
16-316-0016	REP-P	82-04-082	82-20-010	NEW-P	82-02-074	132H-116-740	AMD	82-04-005
16-316-0019	REP-P	82-04-082	82-20-010	NEW	82-05-030	132H-116-780	AMD	82-04-005
16-316-0020	REP-P	82-04-082	82-20-020	NEW-P	82-02-074	132H-116-810	AMD	82-04-005
16-316-0021	REP-P	82-04-082	82-20-020	NEW	82-05-030	132T-05-020	AMD-P	82-02-046
16-316-0022	REP-P	82-04-082	82-20-030	NEW-P	82-02-074	132T-05-030	AMD-P	82-02-046
16-316-0025	REP-P	82-04-082	82-20-030	NEW	82-05-030	132T-05-040	AMD-P	82-02-046
16-316-0026	REP-P	82-04-082	82-20-040	NEW-P	82-02-074	132T-05-050	AMD-P	82-02-046
16-316-0027	REP-P	82-04-082	82-20-040	NEW	82-05-030	132T-05-060	AMD-P	82-02-046
16-316-0029	REP-P	82-04-082	82-20-050	NEW-P	82-02-074	132T-05-070	NEW-P	82-02-046
16-316-0037	REP-P	82-04-082	82-20-050	NEW	82-05-030	132Y-125-004	NEW-P	82-05-039
16-316-0038	REP-P	82-04-082	82-20-060	NEW-P	82-02-074	132Y-136-001	NEW	82-04-018
16-316-004	REP-P	82-04-082	82-20-060	NEW	82-05-030	132Y-136-101	NEW	82-04-018
16-316-0043	REP-P	82-04-082	82-20-070	NEW-P	82-02-074	132Y-136-201	NEW	82-04-018
16-316-0044	REP-P	82-04-082	82-20-070	NEW	82-05-030	132Y-136-204	NEW	82-04-018
16-316-0045	REP-P	82-04-082	118-03-015	NEW-E	82-05-004	132Y-136-208	NEW	82-04-018
16-316-0053	REP-P	82-04-082	118-03-035	NEW-E	82-05-004	132Y-136-212	NEW	82-04-018
16-316-0058	REP-P	82-04-082	118-03-055	NEW-E	82-05-004	132Y-136-216	NEW	82-04-018
16-316-0059	REP-P	82-04-082	118-03-075	NEW-E	82-05-004	132Y-136-220	NEW	82-04-018
16-316-006	REP-P	82-04-082	118-03-095	NEW-E	82-05-004	132Y-136-224	NEW	82-04-018
16-316-0062	REP-P	82-04-082	118-03-115	NEW-E	82-05-004	132Y-136-228	NEW	82-04-018
16-316-0065	REP-P	82-04-082	118-03-135	NEW-E	82-05-004	132Y-136-236	NEW	82-04-018
16-316-0081	REP-P	82-04-082	118-03-155	NEW-E	82-05-004	132Y-136-304	NEW	82-04-018
16-316-0086	REP-P	82-04-082	118-03-175	NEW-E	82-05-004	132Y-136-401	NEW	82-04-018
16-316-0096	REP-P	82-04-082	118-03-195	NEW-E	82-05-004	132Y-136-404	NEW	82-04-018
16-316-160	AMD-P	82-04-082	118-03-215	NEW-E	82-05-004	132Y-136-501	NEW	82-04-018
16-316-165	AMD-P	82-04-082	118-03-235	NEW-E	82-05-004	132Y-136-540	NEW	82-04-018
16-316-214	NEW-P	82-04-082	118-03-255	NEW-E	82-05-004	137-04-010	NEW	82-04-023
16-316-270	AMD-P	82-04-082	118-03-275	NEW-E	82-05-004	137-04-015	NEW	82-04-023
16-316-370	AMD-P	82-04-082	118-03-295	NEW-E	82-05-004	137-04-020	NEW	82-04-023
16-316-620	AMD-P	82-04-082	118-03-315	NEW-E	82-05-004	137-04-030	NEW	82-04-023
16-316-727	NEW-P	82-05-013	118-03-335	NEW-E	82-05-004	137-08-010	NEW	82-04-023
16-316-790	AMD-P	82-04-082	130-16-010	NEW	82-04-022	137-08-020	NEW	82-04-023
16-316-800	AMD-P	82-04-082	130-16-020	NEW	82-04-022	137-08-060	NEW	82-04-023
16-316-810	AMD-P	82-04-082	130-16-030	NEW	82-04-022	137-08-070	NEW	82-04-023
16-316-815	NEW-P	82-04-082	130-16-040	NEW	82-04-022	137-08-080	NEW	82-04-023
16-316-820	AMD-P	82-04-082	130-16-050	NEW	82-04-022	137-08-090	NEW	82-04-023
16-316-830	AMD-P	82-04-082	130-16-060	NEW	82-04-022	137-08-100	NEW	82-04-023
16-536-010	AMD-P	82-05-050	130-16-070	NEW	82-04-022	137-08-110	NEW	82-04-023
16-536-020	AMD-P	82-05-050	130-16-080	NEW	82-04-022	137-08-120	NEW	82-04-023
16-536-040	AMD-P	82-05-050	130-16-090	NEW	82-04-022	137-08-130	NEW	82-04-023
16-620-210	AMD	82-04-001	131-16	AMD-C	82-05-031	137-08-140	NEW	82-04-023
16-620-255	REP	82-04-001	132H-105-040	AMD-P	82-05-040	137-08-150	NEW	82-04-023

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
137-08-160	NEW	82-04-023	137-60-130	NEW-P	82-03-015	173-19-2601	AMD-P	82-03-043
137-08-170	NEW	82-04-023	137-60-130	NEW-E	82-03-016	173-19-2902	AMD	82-02-078
137-08-180	NEW	82-04-023	137-60-140	NEW-P	82-03-015	173-19-330	AMD-C	82-05-015
137-56-005	NEW-P	82-04-059	137-60-140	NEW-E	82-03-016	173-19-3514	AMD-P	82-05-056
137-56-010	NEW-P	82-04-059	139-36-010	REP-P	82-04-065	173-19-3910	AMD-C	82-05-016
137-56-020	NEW-P	82-04-059	139-36-020	NEW-P	82-04-066	173-19-420	AMD-P	82-03-043
137-56-030	NEW-P	82-04-059	139-36-030	NEW-P	82-04-066	173-19-4202	AMD	82-02-080
137-56-040	NEW-P	82-04-059	139-36-031	NEW-P	82-04-066	173-19-4206	AMD	82-02-081
137-56-050	NEW-P	82-04-059	139-36-032	NEW-P	82-04-066	173-19-450	AMD	82-02-077
137-56-060	NEW-P	82-04-059	139-36-033	NEW-P	82-04-066	173-19-450	AMD-P	82-03-043
137-56-070	NEW-P	82-04-059	139-36-034	NEW-P	82-04-066	173-19-4502	AMD-P	82-05-056
137-56-080	NEW-P	82-04-059	139-36-040	NEW-P	82-04-066	173-80-010	NEW	82-05-011
137-56-090	NEW-P	82-04-059	139-36-041	NEW-P	82-04-066	173-80-020	NEW	82-05-011
137-56-100	NEW-P	82-04-059	139-36-050	NEW-P	82-04-066	173-80-030	NEW	82-05-011
137-56-120	NEW-P	82-04-059	139-36-051	NEW-P	82-04-066	173-80-040	NEW	82-05-011
137-56-140	NEW-P	82-04-059	139-36-060	NEW-P	82-04-066	173-80-050	NEW	82-05-011
137-56-150	NEW-P	82-04-059	139-36-061	NEW-P	82-04-066	173-80-060	NEW	82-05-011
137-56-160	NEW-P	82-04-059	139-50-010	NEW-P	82-03-047	173-80-070	NEW	82-05-011
137-56-170	NEW-P	82-04-059	154-01-010	NEW-E	82-04-017	173-230-010	AMD-P	82-05-055
137-56-180	NEW-P	82-04-059	154-04-010	NEW-E	82-04-017	173-230-020	AMD-P	82-05-055
137-56-190	NEW-P	82-04-059	154-04-020	NEW-E	82-04-017	173-230-040	AMD-P	82-05-055
137-56-200	NEW-P	82-04-059	154-04-030	NEW-E	82-04-017	173-230-050	AMD-P	82-05-055
137-56-210	NEW-P	82-04-059	154-04-040	NEW-E	82-04-017	173-230-060	REP-P	82-05-055
137-56-220	NEW-P	82-04-059	154-04-050	NEW-E	82-04-017	173-230-061	NEW-P	82-05-055
137-56-230	NEW-P	82-04-059	154-04-060	NEW-E	82-04-017	173-230-070	AMD-P	82-05-055
137-56-240	NEW-P	82-04-059	154-04-070	NEW-E	82-04-017	173-230-080	AMD-P	82-05-055
137-56-250	NEW-P	82-04-059	154-04-080	NEW-E	82-04-017	173-230-100	AMD-P	82-05-055
137-56-260	NEW-P	82-04-059	154-04-090	NEW-E	82-04-017	173-230-110	AMD-P	82-05-055
137-56-270	NEW-P	82-04-059	154-04-100	NEW-E	82-04-017	173-302	REP-C	82-04-046
137-57-005	NEW-P	82-04-059	154-04-110	NEW-E	82-04-017	173-302-010	REP	82-05-023
137-57-010	NEW-P	82-04-059	154-08-010	NEW-E	82-04-017	173-302-020	REP	82-05-023
137-57-020	NEW-P	82-04-059	154-08-020	NEW-E	82-04-017	173-302-030	REP	82-05-023
137-57-030	NEW-P	82-04-059	154-08-030	NEW-E	82-04-017	173-302-040	REP	82-05-023
137-57-040	NEW-P	82-04-059	154-08-040	NEW-E	82-04-017	173-302-050	REP	82-05-023
137-57-050	NEW-P	82-04-059	154-08-050	NEW-E	82-04-017	173-302-060	REP	82-05-023
137-57-060	NEW-P	82-04-059	154-12-010	NEW-E	82-04-017	173-302-070	REP	82-05-023
137-57-070	NEW-P	82-04-059	154-12-020	NEW-E	82-04-017	173-302-080	REP	82-05-023
137-57-080	NEW-P	82-04-059	154-12-030	NEW-E	82-04-017	173-302-090	REP	82-05-023
137-58-010	NEW-P	82-03-013	154-12-040	NEW-E	82-04-017	173-302-100	REP	82-05-023
137-58-010	NEW-E	82-03-014	154-12-050	NEW-E	82-04-017	173-302-110	REP	82-05-023
137-58-020	NEW-P	82-03-013	154-12-060	NEW-E	82-04-017	173-302-120	REP	82-05-023
137-58-020	NEW-E	82-03-014	154-12-070	NEW-E	82-04-017	173-302-130	REP	82-05-023
137-58-030	NEW-P	82-03-013	154-12-080	NEW-E	82-04-017	173-302-140	REP	82-05-023
137-58-030	NEW-E	82-03-014	154-12-090	NEW-E	82-04-017	173-302-150	REP	82-05-023
137-58-040	NEW-P	82-03-013	154-12-100	NEW-E	82-04-017	173-302-160	REP	82-05-023
137-58-040	NEW-E	82-03-014	154-12-110	NEW-E	82-04-017	173-302-165	REP	82-05-023
137-60	NEW-P	82-03-015	154-16-010	NEW-E	82-04-017	173-302-170	REP	82-05-023
137-60	NEW-E	82-03-016	154-16-020	NEW-E	82-04-017	173-302-180	REP	82-05-023
137-60-010	NEW-P	82-03-015	154-20-010	NEW-E	82-04-017	173-302-190	REP	82-05-023
137-60-010	NEW-E	82-03-016	154-20-020	NEW-E	82-04-017	173-302-200	REP	82-05-023
137-60-020	NEW-P	82-03-015	154-24-010	NEW-E	82-04-017	173-302-210	REP	82-05-023
137-60-020	NEW-E	82-03-016	154-28-010	NEW-E	82-04-017	173-302-220	REP	82-05-023
137-60-030	NEW-P	82-03-015	154-32-010	NEW-E	82-04-017	173-302-230	REP	82-05-023
137-60-030	NEW-E	82-03-016	154-32-020	NEW-E	82-04-017	173-302-240	REP	82-05-023
137-60-040	NEW-P	82-03-015	154-36-010	NEW-E	82-04-017	173-302-250	REP	82-05-023
137-60-040	NEW-E	82-03-016	154-40-010	NEW-E	82-04-017	173-302-260	REP	82-05-023
137-60-045	NEW-P	82-03-015	154-44-010	NEW-E	82-04-017	173-302-270	REP	82-05-023
137-60-045	NEW-E	82-03-016	154-48-010	NEW-E	82-04-017	173-302-280	REP	82-05-023
137-60-050	NEW-P	82-03-015	154-52-010	NEW-E	82-04-017	173-302-290	REP	82-05-023
137-60-050	NEW-E	82-03-016	154-56-010	NEW-E	82-04-017	173-302-300	REP	82-05-023
137-60-060	NEW-P	82-03-015	154-60-010	NEW-E	82-04-017	173-302-310	REP	82-05-023
137-60-060	NEW-E	82-03-016	154-64-010	NEW-E	82-04-017	173-302-320	REP	82-05-023
137-60-070	NEW-P	82-03-015	154-64-020	NEW-E	82-04-017	173-302-330	REP	82-05-023
137-60-070	NEW-E	82-03-016	154-64-030	NEW-E	82-04-017	173-302-340	REP	82-05-023
137-60-080	NEW-P	82-03-015	154-64-040	NEW-E	82-04-017	173-302-350	REP	82-05-023
137-60-080	NEW-E	82-03-016	154-64-050	NEW-E	82-04-017	173-302-360	REP	82-05-023
137-60-090	NEW-P	82-03-015	154-64-060	NEW-E	82-04-017	173-302-370	REP	82-05-023
137-60-090	NEW-E	82-03-016	154-68-010	NEW-E	82-04-017	173-302-380	REP	82-05-023
137-60-100	NEW-P	82-03-015	154-68-020	NEW-E	82-04-017	173-302-390	REP	82-05-023
137-60-100	NEW-E	82-03-016	173-19-160	AMD	82-05-017	173-303	AMD-C	82-04-046
137-60-110	NEW-P	82-03-015	173-19-250	AMD	82-05-018	173-303-010	NEW	82-05-023
137-60-110	NEW-E	82-03-016	173-19-2521	AMD	82-02-079	173-303-020	NEW	82-05-023
137-60-120	NEW-P	82-03-015	173-19-2601	AMD-C	82-02-076	173-303-030	NEW	82-05-023
137-60-120	NEW-E	82-03-016	173-19-2601	AMD	82-03-042	173-303-040	NEW	82-05-023

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-303-045	NEW	82-05-023	173-303-900	NEW	82-05-023	220-57-140	AMD-P	82-02-097
173-303-050	NEW	82-05-023	173-303-910	NEW	82-05-023	220-57-155	AMD-P	82-02-097
173-303-060	NEW	82-05-023	173-303-9901	NEW	82-05-023	220-57-160	AMD-P	82-02-097
173-303-070	NEW	82-05-023	173-303-9902	NEW	82-05-023	220-57-16000R	NEW-E	82-04-062
173-303-071	NEW	82-05-023	173-303-9903	NEW	82-05-023	220-57-175	AMD-P	82-02-097
173-303-075	NEW	82-05-023	173-303-9904	NEW	82-05-023	220-57-220	AMD-P	82-02-097
173-303-080	NEW	82-05-023	173-303-9905	NEW	82-05-023	220-57-255	AMD-P	82-02-097
173-303-081	NEW	82-05-023	173-303-9906	NEW	82-05-023	220-57-260	AMD-P	82-02-097
173-303-082	NEW	82-05-023	173-303-9907	NEW	82-05-023	220-57-270	AMD-P	82-02-097
173-303-083	NEW	82-05-023	180-55-125	AMD	82-04-002	220-57-280	AMD-P	82-02-097
173-303-084	NEW	82-05-023	180-56-230	AMD	82-04-003	220-57-285	AMD-P	82-02-097
173-303-090	NEW	82-05-023	180-90-130	AMD	82-04-004	220-57-300	AMD-P	82-02-097
173-303-100	NEW	82-05-023	180-90-140	AMD	82-04-004	220-57-310	AMD-P	82-02-097
173-303-101	NEW	82-05-023	180-90-160	AMD	82-04-004	220-57-315	AMD-P	82-02-097
173-303-102	NEW	82-05-023	192-18-050	AMD-E	82-03-054	220-57-380	AMD-P	82-02-097
173-303-103	NEW	82-05-023	204-24-040	AMD-E	82-04-048	220-57-385	AMD-P	82-02-097
173-303-104	NEW	82-05-023	204-24-040	AMD-P	82-04-049	220-57-390	AMD-P	82-02-097
173-303-110	NEW	82-05-023	204-24-050	AMD-E	82-04-048	220-57-405	AMD-P	82-02-097
173-303-120	NEW	82-05-023	204-24-050	AMD-P	82-04-049	220-57-415	AMD-P	82-02-097
173-303-130	NEW	82-05-023	204-70-040	AMD-E	82-04-047	220-57-425	AMD-P	82-02-097
173-303-140	NEW	82-05-023	204-70-100	AMD-E	82-04-047	220-57-427	NEW-P	82-02-097
173-303-141	NEW	82-05-023	204-70-120	AMD-E	82-04-047	220-57-460	AMD-P	82-02-097
173-303-145	NEW	82-05-023	220-12-010	AMD-P	82-02-097	220-57-480	AMD-P	82-02-097
173-303-150	NEW	82-05-023	220-16-132	NEW	82-03-045	220-57-505	AMD-P	82-02-097
173-303-160	NEW	82-05-023	220-16-257	AMD-P	82-02-097	220-57-515	AMD-P	82-02-097
173-303-170	NEW	82-05-023	220-16-315	AMD	82-03-045	220-57-520	AMD-P	82-02-097
173-303-180	NEW	82-05-023	220-16-340	AMD-P	82-02-097	220-57-525	AMD-P	82-02-097
173-303-190	NEW	82-05-023	220-20-010	AMD-P	82-02-097	220-57A-012	AMD-P	82-02-097
173-303-200	NEW	82-05-023	220-32-02200E	REP-E	82-03-027	220-57A-040	AMD-P	82-02-097
173-303-210	NEW	82-05-023	220-32-02200F	NEW-E	82-03-027	220-57A-065	AMD-P	82-02-097
173-303-220	NEW	82-05-023	220-32-03000E	NEW-E	82-04-039	220-57A-082	NEW-P	82-02-097
173-303-230	NEW	82-05-023	220-32-0400M	REP-E	82-03-027	220-57A-112	NEW-P	82-02-097
173-303-240	NEW	82-05-023	220-32-04000N	NEW-E	82-03-027	220-57A-120	AMD-P	82-02-097
173-303-250	NEW	82-05-023	220-32-05100R	NEW-E	82-04-039	220-57A-152	AMD-P	82-02-097
173-303-260	NEW	82-05-023	220-32-05700K	REP-E	82-03-027	220-57A-190	AMD-P	82-02-097
173-303-270	NEW	82-05-023	220-32-05700L	NEW-E	82-03-027	220-69-24000E	NEW-E	82-03-002
173-303-275	NEW	82-05-023	220-44-030	AMD	82-03-045	222	AMD-C	82-03-044
173-303-280	NEW	82-05-023	220-49-02000A	NEW-E	82-02-063	230-04-050	AMD	82-04-009
173-303-290	NEW	82-05-023	220-49-02000A	REP-E	82-02-067	230-08-010	AMD	82-03-033
173-303-300	NEW	82-05-023	220-49-02000B	NEW-E	82-02-067	230-08-090	AMD-P	82-04-085
173-303-310	NEW	82-05-023	220-49-02000B	REP-E	82-03-010	230-08-100	AMD-P	82-04-016
173-303-320	NEW	82-05-023	220-49-02000F	NEW-E	82-04-021	230-08-100	AMD-P	82-04-085
173-303-330	NEW	82-05-023	220-49-02000G	NEW-E	82-04-027	230-08-130	AMD	82-04-010
173-303-340	NEW	82-05-023	220-52-050	AMD	82-03-045	230-20-220	AMD	82-03-033
173-303-350	NEW	82-05-023	220-52-053	AMD	82-03-045	230-30-070	AMD	82-03-033
173-303-360	NEW	82-05-023	220-52-05300J	NEW-E	82-04-011	230-40-050	AMD-P	82-04-085
173-303-370	NEW	82-05-023	220-52-054	AMD	82-03-045	230-40-120	AMD	82-04-010
173-303-380	NEW	82-05-023	220-52-069	AMD	82-03-045	230-40-400	AMD	82-04-010
173-303-390	NEW	82-05-023	220-52-075	AMD	82-03-045	232-12-021	AMD	82-04-034
173-303-395	NEW	82-05-023	220-56-110	AMD-P	82-02-097	232-12-037	AMD	82-04-034
173-303-400	NEW	82-05-023	220-56-112	NEW-P	82-02-097	232-12-041	AMD	82-04-034
173-303-500	NEW	82-05-023	220-56-115	AMD-P	82-02-097	232-12-047	AMD	82-04-034
173-303-510	NEW	82-05-023	220-56-117	NEW-P	82-02-097	232-12-057	AMD	82-04-034
173-303-520	NEW	82-05-023	220-56-128	AMD-P	82-02-097	232-12-064	AMD	82-04-034
173-303-575	NEW	82-05-023	220-56-131	AMD-P	82-02-097	232-12-071	AMD	82-04-034
173-303-600	NEW	82-05-023	220-56-135	REP-P	82-02-097	232-12-101	AMD	82-04-034
173-303-610	NEW	82-05-023	220-56-180	AMD-P	82-02-097	232-12-104	AMD	82-04-034
173-303-620	NEW	82-05-023	220-56-190	AMD-P	82-02-097	232-12-107	AMD	82-04-034
173-303-630	NEW	82-05-023	220-56-192	NEW-P	82-02-097	232-12-111	REP	82-04-034
173-303-640	NEW	82-05-023	220-56-205	AMD-P	82-02-097	232-12-114	AMD	82-04-034
173-303-650	NEW	82-05-023	220-56-250	AMD-P	82-02-097	232-12-117	AMD	82-04-034
173-303-660	NEW	82-05-023	220-56-290	AMD-P	82-02-097	232-12-121	AMD	82-04-034
173-303-670	NEW	82-05-023	220-56-310	AMD-P	82-02-097	232-12-124	AMD	82-04-034
173-303-700	NEW	82-05-023	220-56-320	AMD-P	82-02-097	232-12-127	AMD	82-04-034
173-303-800	NEW	82-05-023	220-56-340	AMD-P	82-02-097	232-12-131	AMD	82-04-034
173-303-801	NEW	82-05-023	220-56-360	AMD-P	82-02-097	232-12-151	AMD	82-04-034
173-303-805	NEW	82-05-023	220-56-36000C	NEW-E	82-04-012	232-12-167	AMD	82-04-034
173-303-810	NEW	82-05-023	220-56-372	AMD-P	82-02-097	232-12-177	AMD	82-04-034
173-303-815	NEW	82-05-023	220-56-380	AMD-P	82-02-097	232-12-181	AMD	82-04-034
173-303-820	NEW	82-05-023	220-56-390	AMD-P	82-02-097	232-12-187	AMD	82-04-034
173-303-825	NEW	82-05-023	220-57-001	AMD-P	82-02-097	232-12-244	AMD	82-04-034
173-303-830	NEW	82-05-023	220-57-120	AMD-P	82-02-097	232-12-247	AMD	82-04-034
173-303-840	NEW	82-05-023	220-57-130	AMD-P	82-02-097	232-12-271	AMD	82-04-034
173-303-845	NEW	82-05-023	220-57-135	AMD-P	82-02-097	232-12-274	AMD	82-04-034

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-12-281	REP	82-04-034	263-12-056	AMD	82-03-031	275-92-540	REP-P	82-04-059
232-12-813	NEW	82-04-034	263-12-060	AMD	82-03-031	275-92-545	REP-P	82-04-059
232-23-60404	NEW-E	82-05-010	263-12-065	AMD	82-03-031	275-92-550	REP-P	82-04-059
232-28-60304	REP-E	82-02-051	263-12-090	AMD	82-03-031	275-92-555	REP-P	82-04-059
232-28-60315	REP-E	82-02-049	263-12-093	AMD	82-03-031	275-92-560	REP-P	82-04-059
232-28-60317	REP-E	82-03-017	263-12-095	AMD	82-03-031	275-92-565	REP-P	82-04-059
232-28-60401	NEW-E	82-02-049	263-12-100	AMD	82-03-031	275-93-005	REP-P	82-03-015
232-28-60402	NEW-E	82-02-050	263-12-115	AMD	82-03-031	275-93-005	REP-E	82-03-016
232-28-60403	NEW-E	82-03-017	263-12-120	AMD	82-03-031	275-93-010	REP-P	82-03-015
232-28-703	REP	82-05-032	263-12-125	AMD	82-03-031	275-93-010	REP-E	82-03-016
232-28-704	NEW	82-05-032	263-12-145	AMD	82-03-031	275-93-020	REP-P	82-03-015
232-32-134	REP-E	82-03-017	263-12-165	AMD	82-03-031	275-93-020	REP-E	82-03-016
232-32-135	NEW-E	82-02-066	263-12-175	AMD	82-03-031	275-93-040	REP-P	82-03-015
232-32-135	REP-E	82-03-017	275-25-520	AMD-P	82-02-054	275-93-040	REP-E	82-03-016
232-32-136	NEW-E	82-03-001	275-25-520	AMD-E	82-02-056	275-93-050	REP-P	82-03-015
232-32-136	REP-E	82-03-017	275-25-527	NEW-P	82-02-054	275-93-050	REP-E	82-03-016
232-32-137	NEW-E	82-03-007	275-25-527	NEW-E	82-02-056	275-93-060	REP-P	82-03-015
232-32-137	REP-E	82-03-017	275-27-230	AMD-P	82-02-054	275-93-060	REP-E	82-03-016
232-32-138	NEW-E	82-03-017	275-27-230	AMD-E	82-02-056	275-93-070	REP-P	82-03-015
232-32-139	NEW-E	82-03-018	275-27-600	REP-P	82-02-054	275-93-070	REP-E	82-03-016
232-32-140	NEW-E	82-03-035	275-27-600	REP-E	82-02-056	275-93-080	REP-P	82-03-015
232-32-141	NEW-E	82-04-026	275-27-605	REP-P	82-02-054	275-93-080	REP-E	82-03-016
232-32-142	NEW-E	82-04-043	275-27-605	REP-E	82-02-056	275-93-090	REP-P	82-03-015
232-32-143	NEW-E	82-05-009	275-27-610	REP-P	82-02-054	275-93-090	REP-E	82-03-016
248-14-260	AMD-P	82-03-038	275-27-610	REP-E	82-02-056	275-93-100	REP-P	82-03-015
248-14-260	AMD-E	82-03-039	275-27-615	REP-P	82-02-054	275-93-100	REP-E	82-03-016
248-14-065	AMD-P	82-02-053	275-27-615	REP-E	82-02-056	275-93-110	REP-P	82-03-015
248-14-065	AMD-E	82-02-057	275-27-620	REP-P	82-02-054	275-93-110	REP-E	82-03-016
248-17-010	AMD	82-04-041	275-27-620	REP-E	82-02-056	275-93-120	REP-P	82-03-015
248-17-020	AMD	82-04-041	275-27-630	REP-P	82-02-054	275-93-120	REP-E	82-03-016
248-17-030	AMD	82-04-041	275-27-630	REP-E	82-02-056	275-93-130	REP-P	82-03-015
248-17-040	AMD	82-04-041	275-27-635	REP-P	82-02-054	275-93-130	REP-E	82-03-016
248-17-050	AMD	82-04-041	275-27-635	REP-E	82-02-056	275-93-140	REP-P	82-03-015
248-17-135	NEW	82-04-041	275-27-640	REP-P	82-02-054	275-93-140	REP-E	82-03-016
248-17-210	REP	82-04-041	275-27-640	REP-E	82-02-056	284-24-010	REP-P	82-02-059
248-17-211	NEW	82-04-041	275-27-660	REP-P	82-02-054	284-24-015	NEW-P	82-02-059
248-17-212	NEW	82-04-041	275-27-660	REP-E	82-02-056	284-24-020	REP-P	82-02-059
248-17-213	NEW	82-04-041	275-27-665	REP-P	82-02-054	284-24-030	REP-P	82-02-059
248-17-214	NEW	82-04-041	275-27-665	REP-E	82-02-056	284-24-035	REP-P	82-02-059
248-17-215	NEW	82-04-041	275-27-680	REP-P	82-02-054	284-24-040	REP-P	82-02-059
248-17-216	NEW	82-04-041	275-27-680	REP-E	82-02-056	284-24-050	REP-P	82-02-059
248-18-025	REP-P	82-02-062	275-27-685	REP-P	82-02-054	284-24-060	NEW-P	82-02-059
248-18-025	REP-E	82-03-011	275-27-685	REP-E	82-02-056	284-24-070	NEW-P	82-02-059
248-18-539	NEW-P	82-02-061	275-40-010	REP	82-04-023	284-24-080	NEW-P	82-02-059
248-29-050	AMD-P	82-02-091	275-40-020	REP	82-04-023	289-12-030	AMD-E	82-05-042
248-64-220	AMD-P	82-02-092	275-40-030	REP	82-04-023	289-12-030	AMD-P	82-05-046
248-64-260	AMD-P	82-02-092	275-40-040	REP	82-04-023	289-15-225	NEW-P	82-05-045
248-64-270	AMD-P	82-02-092	275-40-050	REP	82-04-023	289-20-205	AMD	82-04-088
248-64-280	AMD-P	82-02-092	275-40-060	REP	82-04-023	289-20-210	AMD	82-04-088
248-64-300	AMD-P	82-02-092	275-40-070	REP	82-04-023	296-15-025	NEW-P	82-04-040
248-64-310	AMD-P	82-02-092	275-52-010	REP	82-04-023	296-17-910	AMD	82-05-019
248-64-330	AMD-P	82-02-092	275-52-015	REP	82-04-023	296-17-911	AMD	82-05-019
248-64-360	AMD-P	82-02-092	275-52-020	REP	82-04-023	296-17-913	AMD	82-05-019
251-04-020	AMD	82-04-069	275-55	AMD-C	82-05-024	296-17-914	AMD	82-05-019
251-04-040	AMD	82-04-069	275-92-310	REP-P	82-04-059	296-17-915	AMD	82-05-019
251-06-070	AMD	82-04-069	275-92-315	REP-P	82-04-059	296-17-917	AMD	82-05-019
251-10-030	AMD-P	82-04-068	275-92-320	REP-P	82-04-059	296-17-919	AMD	82-05-019
251-18-350	AMD	82-04-069	275-92-325	REP-P	82-04-059	296-17-91901	AMD	82-05-019
260-12-200	AMD-P	82-03-052	275-92-330	REP-P	82-04-059	296-17-91902	AMD	82-05-019
260-32-110	AMD-P	82-03-052	275-92-335	REP-P	82-04-059	296-24-12009	AMD-P	82-02-065
260-44-060	AMD-P	82-05-044	275-92-340	REP-P	82-04-059	296-24-130	REP-P	82-02-065
260-70-021	AMD	82-03-053	275-92-345	REP-P	82-04-059	296-24-13001	REP-P	82-02-065
260-70-040	AMD-P	82-03-052	275-92-350	REP-P	82-04-059	296-24-13003	REP-P	82-02-065
260-70-100	AMD	82-03-053	275-92-355	REP-P	82-04-059	296-24-13005	REP-P	82-02-065
260-70-200	AMD-P	82-05-044	275-92-400	REP-P	82-04-059	296-24-13007	REP-P	82-02-065
260-70-290	NEW-P	82-05-044	275-92-405	REP-P	82-04-059	296-24-13009	REP-P	82-02-065
260-88-010	AMD-P	82-03-052	275-92-410	REP-P	82-04-059	296-24-13011	REP-P	82-02-065
260-88-020	NEW-P	82-03-052	275-92-415	REP-P	82-04-059	296-24-13013	REP-P	82-02-065
263-12-015	AMD	82-03-031	275-92-510	REP-P	82-04-059	296-24-33001	AMD-P	82-02-065
263-12-016	AMD	82-03-031	275-92-515	REP-P	82-04-059	296-24-955	REP-P	82-02-065
263-12-020	AMD	82-03-031	275-92-520	REP-P	82-04-059	296-24-956	NEW-P	82-02-065
263-12-045	AMD	82-03-031	275-92-525	REP-P	82-04-059	296-24-95601	NEW-P	82-02-065
263-12-050	AMD	82-03-031	275-92-530	REP-P	82-04-059	296-24-95603	NEW-P	82-02-065
263-12-053	AMD	82-03-031	275-92-535	REP-P	82-04-059	296-24-95605	NEW-P	82-02-065

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-150B-453	NEW	82-04-060	296-150B-703	NEW	82-04-060	308-40-020	AMD	82-04-024
296-150B-457	NEW	82-04-060	296-150B-707	NEW	82-04-060	308-40-101	AMD	82-04-024
296-150B-460	NEW	82-04-060	296-150B-710	NEW	82-04-060	308-40-102	AMD	82-04-024
296-150B-463	NEW	82-04-060	296-150B-713	NEW	82-04-060	308-40-103	NEW	82-04-024
296-150B-467	NEW	82-04-060	296-150B-717	NEW	82-04-060	308-40-104	NEW	82-04-024
296-150B-470	NEW	82-04-060	296-150B-720	NEW	82-04-060	308-40-105	AMD	82-04-024
296-150B-473	NEW	82-04-060	296-150B-723	NEW	82-04-060	308-40-110	AMD	82-04-024
296-150B-477	NEW	82-04-060	296-150B-727	NEW	82-04-060	308-52-135	AMD	82-03-022
296-150B-480	NEW	82-04-060	296-150B-730	NEW	82-04-060	308-52-140	AMD	82-03-022
296-150B-483	NEW	82-04-060	296-150B-733	NEW	82-04-060	308-52-201	AMD	82-03-022
296-150B-487	NEW	82-04-060	296-150B-737	NEW	82-04-060	308-100-010	AMD	82-03-046
296-150B-490	NEW	82-04-060	296-150B-740	NEW	82-04-060	308-100-020	AMD	82-03-046
296-150B-497	NEW	82-04-060	296-150B-743	NEW	82-04-060	308-100-050	AMD	82-03-046
296-150B-500	NEW	82-04-060	296-150B-747	NEW	82-04-060	308-100-060	AMD	82-03-046
296-150B-503	NEW	82-04-060	296-150B-750	NEW	82-04-060	308-100-070	REP	82-03-046
296-150B-507	NEW	82-04-060	296-150B-753	NEW	82-04-060	308-102-012	AMD	82-03-046
296-150B-510	NEW	82-04-060	296-150B-757	NEW	82-04-060	308-102-013	REP	82-03-046
296-150B-513	NEW	82-04-060	296-150B-760	NEW	82-04-060	308-102-210	AMD	82-03-046
296-150B-517	NEW	82-04-060	296-150B-763	NEW	82-04-060	308-102-260	AMD	82-03-046
296-150B-520	NEW	82-04-060	296-150B-767	NEW	82-04-060	308-102-290	AMD	82-03-046
296-150B-523	NEW	82-04-060	296-150B-770	NEW	82-04-060	308-104-015	NEW	82-03-046
296-150B-527	NEW	82-04-060	296-150B-773	NEW	82-04-060	308-104-020	REP	82-03-046
296-150B-530	NEW	82-04-060	296-150B-777	NEW	82-04-060	308-104-025	NEW	82-03-046
296-150B-533	NEW	82-04-060	296-150B-780	NEW	82-04-060	308-104-030	REP	82-03-046
296-150B-537	NEW	82-04-060	296-150B-783	NEW	82-04-060	308-104-040	AMD	82-03-046
296-150B-540	NEW	82-04-060	296-150B-787	NEW	82-04-060	308-104-050	AMD	82-03-046
296-150B-543	NEW	82-04-060	296-150B-790	NEW	82-04-060	308-104-058	NEW	82-03-046
296-150B-547	NEW	82-04-060	296-150B-793	NEW	82-04-060	308-104-100	AMD	82-03-046
296-150B-550	NEW	82-04-060	296-150B-797	NEW	82-04-060	308-104-150	NEW	82-03-046
296-150B-553	NEW	82-04-060	296-150B-800	NEW	82-04-060	308-104-160	NEW	82-03-046
296-150B-557	NEW	82-04-060	296-150B-803	NEW	82-04-060	308-104-170	NEW	82-03-046
296-150B-560	NEW	82-04-060	296-150B-807	NEW	82-04-060	308-104-180	NEW	82-03-046
296-150B-563	NEW	82-04-060	296-150B-810	NEW	82-04-060	308-124D-015	NEW-P	82-05-051
296-150B-567	NEW	82-04-060	296-150B-813	NEW	82-04-060	308-400-010	NEW	82-05-014
296-150B-570	NEW	82-04-060	296-150B-817	NEW	82-04-060	308-400-020	NEW	82-05-014
296-150B-573	NEW	82-04-060	296-150B-820	NEW	82-04-060	308-400-030	NEW	82-05-014
296-150B-577	NEW	82-04-060	296-150B-820	NEW	82-04-060	308-400-040	NEW	82-05-014
296-150B-580	NEW	82-04-060	296-150B-950	NEW	82-04-060	308-400-042	NEW-P	82-04-084
296-150B-583	NEW	82-04-060	296-150B-990	NEW-P	82-05-006	308-400-044	NEW	82-05-014
296-150B-587	NEW	82-04-060	296-155-485	AMD-P	82-02-065	308-400-046	NEW	82-05-014
296-150B-590	NEW	82-04-060	296-155-48501	REP-P	82-02-065	308-400-048	NEW	82-05-014
296-150B-593	NEW	82-04-060	296-155-48502	REP-P	82-02-065	308-400-050	NEW	82-05-014
296-150B-597	NEW	82-04-060	296-306-200	AMD-P	82-02-065	308-400-060	NEW	82-05-014
296-150B-600	NEW	82-04-060	308-16-440	NEW-P	82-05-049	308-400-070	NEW	82-05-014
296-150B-603	NEW	82-04-060	308-16-450	NEW-P	82-05-049	308-400-080	NEW	82-05-014
296-150B-607	NEW	82-04-060	308-16-460	NEW-P	82-05-049	308-400-090	NEW	82-05-014
296-150B-610	NEW	82-04-060	308-16-470	NEW-P	82-05-049	314-12-010	AMD	82-04-031
296-150B-613	NEW	82-04-060	308-24-510	NEW-P	82-05-048	314-12-035	NEW	82-04-032
296-150B-617	NEW	82-04-060	308-24-520	NEW-P	82-05-048	314-24-120	AMD	82-04-035
296-150B-620	NEW	82-04-060	308-24-530	NEW-P	82-05-048	314-40-040	AMD	82-04-028
296-150B-623	NEW	82-04-060	308-24-540	NEW-P	82-05-048	314-44-005	AMD	82-04-029
296-150B-627	NEW	82-04-060	308-25-010	NEW-P	82-02-093	314-60-030	AMD	82-04-030
296-150B-630	NEW	82-04-060	308-25-020	NEW-P	82-02-093	314-60-040	AMD	82-04-030
296-150B-633	NEW	82-04-060	308-25-030	NEW-P	82-02-093	314-60-150	REP	82-04-030
296-150B-637	NEW	82-04-060	308-25-040	NEW-P	82-02-093	314-60-900	REP	82-04-030
296-150B-640	NEW	82-04-060	308-25-050	NEW-P	82-02-093	314-60-901	REP	82-04-030
296-150B-643	NEW	82-04-060	308-25-060	NEW-P	82-02-093	314-60-902	REP	82-04-030
296-150B-647	NEW	82-04-060	308-25-070	NEW-P	82-02-093	314-60-903	REP	82-04-030
296-150B-650	NEW	82-04-060	308-34-010	NEW-P	82-05-052	314-60-904	REP	82-04-030
296-150B-653	NEW	82-04-060	308-34-020	NEW-P	82-05-052	314-60-905	REP	82-04-030
296-150B-657	NEW	82-04-060	308-34-030	NEW-P	82-05-052	314-60-906	REP	82-04-030
296-150B-660	NEW	82-04-060	308-34-040	NEW-P	82-05-052	314-60-907	REP	82-04-030
296-150B-663	NEW	82-04-060	308-34-050	NEW-P	82-05-052	314-64-030	AMD	82-04-035
296-150B-667	NEW	82-04-060	308-34-060	NEW-P	82-05-052	314-64-040	AMD	82-04-035
296-150B-670	NEW	82-04-060	308-34-070	NEW-P	82-05-052	314-64-050	AMD	82-04-035
296-150B-673	NEW	82-04-060	308-34-080	NEW-P	82-05-052	314-64-080	AMD	82-04-035
296-150B-677	NEW	82-04-060	308-36-020	REP-P	82-04-008	344-12-001	AMD-P	82-03-051
296-150B-680	NEW	82-04-060	308-36-030	REP-P	82-04-008	344-12-010	AMD-P	82-03-051
296-150B-683	NEW	82-04-060	308-36-040	REP-P	82-04-008	344-12-015	AMD-P	82-03-051
296-150B-687	NEW	82-04-060	308-36-050	REP-P	82-04-008	344-12-020	AMD-P	82-03-051
296-150B-690	NEW	82-04-060	308-36-060	REP-P	82-04-008	344-12-025	AMD-P	82-03-051
296-150B-693	NEW	82-04-060	308-36-065	REP-P	82-04-008	344-12-030	AMD-P	82-03-051
296-150B-697	NEW	82-04-060	308-36-070	REP-P	82-04-008	344-12-035	AMD-P	82-03-051
296-150B-700	NEW	82-04-060	308-36-080	REP-P	82-04-008	344-12-040	AMD-P	82-03-051
			308-37-110	AMD-P	82-04-087			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
344-12-045	NEW-P	82-03-051	356-15-020	AMD	82-05-034	392-139-021	AMD	82-05-025
344-12-050	AMD-P	82-03-051	356-30-280	AMD	82-03-030	392-140-010	AMD-E	82-04-050
344-12-055	AMD-P	82-03-051	356-30-290	AMD	82-03-030	392-140-010	AMD-P	82-04-061
344-12-060	AMD-P	82-03-051	356-30-335	NEW-E	82-03-032	392-140-011	AMD-E	82-04-050
344-12-063	NEW-P	82-03-051	356-30-335	NEW-P	82-04-025	392-140-011	AMD-P	82-04-061
344-12-065	AMD-P	82-03-051	360-13-065	REP-P	82-02-094	392-140-014	AMD-E	82-04-050
344-12-070	AMD-P	82-03-051	360-16-110	REP-P	82-04-086	392-140-014	AMD-P	82-04-061
344-12-075	AMD-P	82-03-051	360-21-010	NEW-P	82-02-094	392-140-015	AMD-E	82-04-050
344-12-078	NEW-P	82-03-051	360-21-020	NEW-P	82-02-094	392-140-015	AMD-P	82-04-061
344-12-080	AMD-P	82-03-051	360-21-030	NEW-P	82-02-094	392-140-016	AMD-E	82-04-050
344-12-085	REP-P	82-03-051	360-21-040	NEW-P	82-02-094	392-140-016	AMD-P	82-04-061
344-12-087	NEW-P	82-03-051	360-21-050	NEW-P	82-02-094	392-140-018	AMD-E	82-04-050
344-12-090	REP-P	82-03-051	360-21-060	NEW-P	82-02-094	392-140-018	AMD-P	82-04-061
344-12-092	NEW-P	82-03-051	360-21-070	NEW-P	82-02-094	392-140-019	AMD-E	82-04-050
344-12-095	AMD-P	82-03-051	360-21-080	NEW-P	82-02-094	392-140-019	AMD-P	82-04-061
344-12-098	NEW-P	82-03-051	360-21-090	NEW-P	82-02-094	392-140-020	AMD-E	82-04-050
344-12-100	REP-P	82-03-051	360-21-100	NEW-P	82-02-094	392-140-020	AMD-P	82-04-061
344-12-102	NEW-P	82-03-051	360-22-055	AMD-P	82-02-094	419-52-010	NEW-E	82-02-075
344-12-105	REP-P	82-03-051	388-08-435	NEW-P	82-03-050	419-52-010	NEW-P	82-04-044
344-12-107	NEW-P	82-03-051	388-15-172	REP-E	82-04-052	419-52-020	NEW-E	82-02-075
344-12-110	REP-P	82-03-051	388-15-172	REP	82-04-074	419-52-020	NEW-P	82-04-044
344-12-112	NEW-P	82-03-051	388-24-107	AMD-P	82-03-040	419-52-030	NEW-E	82-02-075
344-12-115	REP-P	82-03-051	388-24-125	AMD-P	82-05-036	419-52-030	NEW-P	82-04-044
344-12-116	NEW-P	82-03-051	388-33-377	AMD-P	82-05-043	434-16-010	REP	82-05-014
344-12-120	REP-P	82-03-051	388-33-382	AMD-P	82-05-043	434-16-020	REP	82-05-014
344-12-125	AMD-P	82-03-051	388-33-387	NEW	82-04-077	434-16-030	REP	82-05-014
344-12-130	REP-P	82-03-051	388-33-389	NEW	82-04-077	434-16-040	REP	82-05-014
344-12-131	NEW-P	82-03-051	388-37-060	AMD	82-04-076	434-16-050	REP	82-05-014
344-12-133	NEW-P	82-03-051	388-38-110	AMD-P	82-03-040	434-16-060	REP	82-05-014
344-12-135	REP-P	82-03-051	388-42-150	AMD-P	82-03-025	434-16-070	REP	82-05-014
344-12-140	AMD-P	82-03-051	388-42-150	AMD-E	82-03-026	434-16-080	REP	82-05-014
344-12-145	NEW-P	82-03-051	388-44-010	AMD	82-04-072	434-16-090	REP	82-05-014
344-12-150	NEW-P	82-03-051	388-44-035	AMD	82-04-072	446-50-080	AMD-E	82-04-037
344-12-155	NEW-P	82-03-051	388-44-050	AMD	82-04-072	446-50-080	AMD-P	82-04-038
344-12-200	NEW-P	82-03-051	388-44-110	AMD	82-04-072	458-20-237	AMD-P	82-03-049
344-12-205	NEW-P	82-03-051	388-44-115	AMD	82-04-072	458-40-19300	AMD-P	82-04-067
344-12-210	NEW-P	82-03-051	388-44-125	AMD	82-04-072	458-53-070	AMD-P	82-05-029
344-12-215	NEW-P	82-03-051	388-44-127	AMD	82-04-072	458-53-100	AMD-P	82-05-029
344-12-225	NEW-P	82-03-051	388-44-130	AMD	82-04-072	458-53-150	AMD-P	82-05-029
344-12-230	NEW-P	82-03-051	388-44-140	AMD	82-04-072	463-30-020	AMD-E	82-04-036
344-12-235	NEW-P	82-03-051	388-44-145	AMD	82-04-072	463-30-020	AMD-P	82-04-056
344-12-245	NEW-P	82-03-051	388-44-150	AMD	82-04-072	463-30-030	AMD-E	82-04-036
344-12-250	NEW-P	82-03-051	388-44-250	AMD	82-04-072	463-30-030	AMD-P	82-04-056
344-12-255	NEW-P	82-03-051	388-54-645	AMD-P	82-02-070	463-30-040	AMD-E	82-04-036
344-12-260	NEW-P	82-03-051	388-54-645	AMD-E	82-02-071	463-30-040	AMD-P	82-04-056
344-12-262	NEW-P	82-03-051	388-54-695	AMD-P	82-02-055	463-30-320	AMD-E	82-04-036
344-12-265	NEW-P	82-03-051	388-54-735	AMD-P	82-02-055	463-30-320	AMD-P	82-04-056
344-12-270	NEW-P	82-03-051	388-54-790	AMD-P	82-02-070	468-300-010	AMD-P	82-04-045
344-12-275	NEW-P	82-03-051	388-54-790	AMD-E	82-02-071	468-300-020	AMD-P	82-04-045
344-12-280	NEW-P	82-03-051	388-54-800	AMD-P	82-02-070	468-300-030	AMD-P	82-04-045
344-12-290	NEW-P	82-03-051	388-54-800	AMD-E	82-02-071	468-300-040	AMD-P	82-04-045
344-12-295	NEW-P	82-03-051	388-54-820	AMD-P	82-03-021	468-300-050	REP-P	82-04-045
352-04-010	AMD-P	82-04-033	388-57-064	AMD	82-05-005	480-12-195	AMD-E	82-02-083
352-04-030	REP-P	82-04-057	388-57-095	NEW-P	82-03-040	480-12-195	AMD-P	82-02-086
352-12-005	NEW-P	82-04-058	388-59-010	AMD-P	82-03-024	480-12-195	AMD	82-05-022
352-12-010	AMD-P	82-04-058	388-70-013	AMD-E	82-02-072	480-62-090	AMD-E	82-02-085
352-12-020	NEW-P	82-04-058	388-70-013	AMD-P	82-02-073	480-62-090	AMD-P	82-02-088
352-12-030	NEW-P	82-04-058	388-70-024	AMD	82-04-070	480-62-090	AMD	82-05-020
352-12-040	NEW-P	82-04-058	388-80-005	AMD-E	82-02-058	480-70-400	AMD-E	82-02-084
352-12-050	NEW-P	82-04-058	388-80-005	AMD-P	82-02-064	480-70-400	AMD-P	82-02-087
352-32-020	REP-P	82-02-069	388-81-052	NEW-P	82-03-020	480-70-400	AMD	82-05-021
352-32-030	AMD-P	82-04-055	388-82-010	AMD-E	82-02-058	480-80-125	AMD-P	82-05-047
352-32-045	AMD-P	82-04-055	388-82-010	AMD-P	82-02-064	490-500-180	AMD	82-04-078
352-32-250	AMD-P	82-04-055	388-92-043	NEW-P	82-03-020	490-500-190	AMD	82-04-078
352-32-255	NEW-P	82-04-055	388-96-719	AMD	82-04-073	490-500-520	AMD	82-04-075
352-32-280	AMD-P	82-04-055	388-99-035	AMD-P	82-03-020	516-20-005	REP-P	82-05-038
352-32-285	AMD-P	82-04-055	388-100-035	AMD	82-04-071	516-20-010	REP-P	82-05-038
356-06-010	AMD-P	82-04-025	388-320-020	AMD-P	82-03-050	516-20-011	REP-P	82-05-038
356-06-010	AMD	82-03-030	390-12-010	AMD	82-05-001	516-20-015	REP-P	82-05-038
356-06-010	AMD-E	82-03-032	390-14-030	AMD	82-05-001	516-20-020	REP-P	82-05-038
356-07-030	AMD-P	82-04-025	390-16-037	NEW	82-05-001	516-20-030	REP-P	82-05-038
356-10-050	AMD-C	82-03-029	392-139-005	AMD-P	82-05-026	516-20-040	REP-P	82-05-038
356-10-050	AMD-C	82-05-033	392-139-021	AMD-P	82-02-089	516-20-050	REP-P	82-05-038
356-10-060	REP-C	82-03-029	392-139-021	AMD-E	82-02-090	516-20-120	REP-P	82-05-038

Table of WAC Sections Affected

WAC #		WSR #
516-20-137	REP-P	82-05-038
516-20-140	REP-P	82-05-038
516-20-150	REP-P	82-05-038
516-20-152	REP-P	82-05-038
516-20-156	REP-P	82-05-038
516-20-160	REP-P	82-05-038
516-20-165	REP-P	82-05-038
516-20-170	REP-P	82-05-038
516-20-172	REP-P	82-05-038
516-20-175	REP-P	82-05-038
516-20-180	REP-P	82-05-038
516-20-181	REP-P	82-05-038
516-20-182	REP-P	82-05-038
516-20-185	REP-P	82-05-038
516-20-190	REP-P	82-05-038
516-20-195	REP-P	82-05-038
516-20-200	REP-P	82-05-038
516-20-210	REP-P	82-05-038
516-20-215	REP-P	82-05-038
516-22-005	NEW-P	82-05-038
516-22-010	NEW-P	82-05-038
516-22-015	NEW-P	82-05-038
516-22-020	NEW-P	82-05-038
516-22-025	NEW-P	82-05-038
516-22-030	NEW-P	82-05-038
516-22-100	NEW-P	82-05-038
516-22-120	NEW-P	82-05-038
516-22-124	NEW-P	82-05-038
516-22-130	NEW-P	82-05-038
516-22-134	NEW-P	82-05-038
516-22-138	NEW-P	82-05-038
516-22-142	NEW-P	82-05-038
516-22-146	NEW-P	82-05-038
516-22-150	NEW-P	82-05-038
516-22-200	NEW-P	82-05-038
516-22-210	NEW-P	82-05-038
516-22-250	NEW-P	82-05-038

Subject/Agency Index

ACCOUNTANCY, BOARD OF		BOILER RULES, BOARD OF	
Examination, certified public accountants fees	82-01-063	1981 summer and winter addenda	82-05-003
ADULT CORRECTIONS		BONDS	
Prisoners		Barber schools	82-01-062
furloughs	82-03-015 82-03-016	Cosmetology schools	82-01-061
AGRICULTURE, DEPARTMENT OF		Drilling permits,	
Brucellosis		amount increased, release provisions	82-01-006
testing, imported animals	82-03-019	Health care facilities authority	
Dry peas, lentils		issuance authority	82-01-043
assessments	82-05-050	BREMERTON, CITY OF	
Herbicides		Shoreline management	82-02-076 82-03-042 82-03-043
Kittitas county	82-05-053	BUILDING CODE ADVISORY COUNCIL	
Horses		Barrier-free facilities	82-02-082 82-04-063
brand inspection, certificate fees	82-04-001	CENTRALIA COLLEGE	
Noxious weed control board		Public meeting notice	82-01-059
proposed list	82-03-037	CHEHALIS, CITY OF	
Seeds		Shoreline management	82-02-078
certification and standards	82-04-082	CHILDREN	
chick pea standards	82-05-013	Adoption	
fees, testing	82-04-081	support	82-02-023
noxious weeds, restricted	82-04-080	Birth centers	
ALCOHOLISM		tuberculin skin test	82-02-091
Congregate care		Day care services	
rehabilitative services	82-01-057 82-02-029 82-04-076	eligibility restrictions	82-01-055 82-01-070
Involuntary treatment act, exemption from medical assistance deductible	82-01-004	Family reconciliation services	
ASIAN-AMERICAN AFFAIRS COMMISSION		supportive counseling services, eliminated	82-01-040
Public meeting notice	82-02-044	Foster care	
ATTORNEY GENERAL'S OPINIONS		group care	
Jail commission		time limitation	82-01-068 82-02-030
withholding of funds		payment, effective date	82-04-070
for local jail improvements	82-05-037	placement authorization	82-02-072 82-02-073
Legislature, responsibility for art works in legislative buildings	82-04-007	Social services, ESSO, repealed	82-01-042
Municipalities,		CITIES AND TOWNS	
state electrical code application	82-04-006	Electrical installations,	
Real estate agents, practice of law	82-03-005	state electrical code application	82-04-006
Schools		Jails	
employee sick leave reimbursement	82-03-041	health data collection, advisory	82-01-110 82-04-088
Smoke detectors,		maximum capacities	82-05-045
installation in certain dwellings	82-02-048	overcrowding,	
Social and health services, department of		determination of maximum capacity	82-01-091
tax deferred annuities for employees	82-05-012	physical plant standards	
State patrol, promotion of		fire safety	82-05-042 82-05-046
minority and female officers	82-01-096	state funding	
Venue		construction and remodeling projects	82-01-090
motor vehicle offense	82-04-051	withholding of funds	82-05-037
BANKS		CIVIL SERVICE	
Supervisor		Colleges and universities	
examinations, costs of	82-02-037	allocation appeals	82-04-069
BARBERS		layoffs	82-04-068
Schools, guidelines	82-01-062 82-05-049	temporary employees	82-02-011 82-04-069
BELLEVUE COMMUNITY COLLEGE		work direction, premium pay	82-02-011
Board of trustees		State	
agenda format	82-05-040	appeals, general provisions	82-01-052 82-01-053
Public meeting notice		definitions	82-01-027 82-03-030
1982 schedule	82-01-030	incumbents, reallocation upward	82-01-027 82-03-029 82-05-033
Traffic and parking regulations	82-04-005	leave without pay	82-01-027
BICYCLES		reduction in force,	
Use on limited access highways	82-01-029	voluntary leave without pay	82-02-013 82-03-032 82-04-025
BLAINE			
Shoreline management	82-05-056		
BLIND, COMMISSION FOR THE			
Records and information			
public access	82-04-054		
Vocational rehabilitation services			
economic need	82-04-053		

Subject/Agency Index

CIVIL SERVICE—cont.		CRIMINAL JUSTICE TRAINING COMMISSION	
seniority	82-02-013	—cont.	
	82-04-025	corrections personnel	82-04-066
transfer		fire marshals	82-03-047
between agencies	82-01-027	DATA PROCESSING AUTHORITY	
	82-03-029	Public meeting notice	82-01-013
probationary period	82-01-027		82-01-039
	82-03-030	DEFERRED COMPENSATION, COMMITTEE FOR	
work period designations	82-02-019	Plan implementation	82-04-017
	82-05-034	DENTAL DISCIPLINARY BOARD	
CLARK COLLEGE		Dental hygienists, authority	82-02-026
Parking and traffic regulations	82-02-038	Patient records	82-04-087
Public meeting notice	82-03-004	DENTAL EXAMINERS, BOARD OF	
COLLEGES AND UNIVERSITIES		Examinations	82-04-008
Allocation appeals	82-04-069		82-04-024
Layoffs	82-04-068	Prescriptions, record retention	82-04-024
Temporary employees	82-02-011	DISCRIMINATION	
	82-04-069	State patrol, promotion of	
Work direction, premium pay	82-02-011	minority and female officers	82-01-096
COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF		DRUGS	
Industrial development facilities	82-01-089	Legend	
	82-04-022	ephedrine	82-02-094
COMMUNITY COLLEGES		EASTERN WASHINGTON UNIVERSITY	
Board		Library policies	82-01-084
public meeting notice		Parking regulations	82-01-083
1982 schedule	82-01-054	ECOLOGICAL COMMISSION	
Pension benefits, calculation	82-05-031	Public meeting notice	82-05-054
Spokane community college district 17		ECOLOGY, DEPARTMENT OF	
faculty		Dangerous waste regulations, established	82-01-024
tenure, contract nonrenewal, dismissal	82-01-035		82-01-047
student conduct and discipline	82-01-033		82-04-046
	82-01-034		82-05-023
Yakima valley college,		Hazardous waste regulations, repealed	82-01-024
student rights and responsibilities	82-01-079		82-01-047
CORRECTIONS, DEPARTMENT OF			82-04-046
Department established	82-04-023		82-05-023
Institutional industries	82-04-023	Motor vehicle emission inspection	82-02-027
Jail inspections	82-04-023		82-02-028
Prisoners		Shoreline management	
furloughs	82-03-015	Blaine	82-05-056
	82-03-016	Bremerton	82-02-076
Public records, disclosure	82-04-023		82-03-042
State environmental policy, implementation	82-03-013		82-03-043
	82-03-014	Chehalis, city of	82-02-078
Work/training release facilities	82-04-059	Cowlitz county	82-01-085
COSMETOLOGISTS			82-05-017
Schools, guidelines	82-01-061	Ferndale, city of	82-01-049
	82-05-048	King county	82-01-085
COUNTIES			82-05-018
Developmentally disabled, services authorized	82-02-054	Kitsap county	82-01-087
	82-02-056	Lacey	82-02-080
Jails		Monroe	82-01-086
health data collection, advisory	82-01-110		82-05-016
	82-04-088	Pacific county	82-01-085
maximum capacities	82-05-045		82-05-015
overcrowding,		Redmond, city of	82-01-048
determination of maximum capacity	82-01-091	Seattle	82-02-079
physical plant standards		Tacoma	82-05-056
fire safety	82-05-042	Thurston county	82-03-043
	82-05-046	Whatcom county	82-01-088
state funding			82-02-077
construction and remodeling projects	82-01-090	Yelm	82-03-043
withholding of funds	82-05-037	Wastewater treatment plants	82-02-081
State levy, apportionment	82-02-005	operator certification	
	82-02-006	Water pollution abatement,	82-05-055
		Referendum 39 funds	82-05-011
COWLITZ COUNTY		EDMONDS COMMUNITY COLLEGE	
Shoreline management	82-01-085	Facilities scheduling and use	82-04-018
	82-05-017	Public meeting notice	82-01-060
CRIMINAL JUSTICE TRAINING COMMISSION		Student discipline	82-05-039
Correctional training standards			
and education board, goals	82-04-065		
Training			

Subject/Agency Index

EDUCATION, STATE BOARD OF		FINANCIAL INSTITUTIONS	
Physical education, minimum requirements deleted	82-04-002	Banking, supervisor of examinations, costs of	82-02-037
Private schools certificate of compliance, notarization requirement eliminated	82-04-004	FINANCIAL MANAGEMENT, OFFICE OF	
Secondary programs, minimum credit offerings	82-04-003	Electronic deposit of state salaries and benefits	82-02-074 82-05-030
ELECTIONS		FIRE	
Disclosure		Marshals, training	82-03-047
campaign expenditures, reporting of purpose	82-05-001	Smoke detectors, installation in certain dwellings	82-02-048
campaign financing reporting forms	82-02-007	FISHERIES, DEPARTMENT OF	
EMERGENCY MEDICAL SERVICES		Commercial fishing	
Ambulances	82-04-041	bottomfish	
EMERGENCY SERVICES, DEPARTMENT OF		Pacific ocean perch quota	82-01-095
Mt. St. Helens closure	82-05-004	herring, closed area	82-02-063 82-02-067 82-03-010 82-04-021 82-04-027
EMPLOYMENT SECURITY DEPARTMENT		net mesh measurement	
Limits on transacting business with friends, relatives, coworkers	82-03-054	shrimp trawls	82-03-045
ENERGY		salmon	
Low-income home energy assistance program allowance	82-01-050	Chehalis river	82-01-014
ENERGY FACILITY SITE EVALUATION COUNCIL		gill net season	82-04-039
Legal officers	82-04-036 82-04-056	Grays Harbor closed area	82-01-014
ENGINEERS AND LAND SURVEYORS		Puget Sound fishery restrictions	82-01-010 82-01-025 82-01-092 82-02-039
Board of registration licensing	82-01-064	shellfish	
ENVIRONMENTAL HEARINGS OFFICE		geoducks, catch reporting requirements	82-03-002
Public meeting notice	82-03-034	scallops	82-03-045
EQUIPMENT, COMMISSION ON		shrimp	82-01-082 82-03-045 82-04-011 82-01-094
Traction devices	82-04-048 82-04-049 82-04-047	smelt, weekly period	
Vehicle connecting devices		sturgeon	
EVERETT COMMUNITY COLLEGE		gear, season	82-01-093 82-03-027
Public meeting notice	82-01-077	Personal-use fishing	
EXECUTIVE ORDERS		food fish	
Education program		Columbia river	
consolidation advisory committee	82-01-055	Vernita bridge-Hanford power line	82-04-062
Employment reduction program	82-01-097	razor clams	
Expenditure reduction program	82-01-098	areas and seasons	82-02-021 82-04-012 82-01-104 82-02-097
Housing financing, Federal Mortgage Subsidy Bond Tax Act, implementation	82-01-028	Pacific ocean beaches recreational fishery regulations	
Mt. St. Helens closure	82-05-008	salmon	
EXPLOSIVES		Puget Sound bag limit	82-01-003
Handling, storage, transportation	82-01-023	squid, permissible fishing methods	82-01-002
FARMS		FISHING	
Brucellosis		Herring, closed area	82-02-063 82-02-067 82-03-010 82-04-021 82-04-027 82-05-010 82-01-002
testing, imported animals	82-03-019	Mt. St. Helens closure	
Dry peas, lentils		Squid, permissible fishing methods	
assessments	82-05-050	Steelhead	
Seeds		Amber lake, emergency season opening	82-02-050
certification and standards	82-04-082	areas closed to treaty Indians	82-02-066 82-03-001 82-03-007 82-03-018 82-03-035 82-04-026 82-04-043 82-01-011 82-03-017 82-02-040 82-02-049
chick pea standards	82-05-013		
fees, testing	82-04-081		
noxious weeds, restricted	82-04-080		
FEEES			
Certified public accountant, examination	82-01-063		
Commercial coaches	82-04-014		
Dental hygienist license	82-02-093		
Factory-assembled structures	82-04-014		
Horses, brand inspection, certificate	82-04-001		
Marine park areas	82-04-058		
Mobile homes	82-04-014		
Nursing home licenses	82-02-053 82-02-057		
Recreational vehicles	82-04-014		
State parks	82-04-055		
FERNDALE, CITY OF			
Shoreline management	82-01-049		

Subject/Agency Index

FISHING—cont.			
Wind river system, selective fishery regulations	82-02-051		
FOREST FIRE ADVISORY BOARD			
Public meeting notice	82-03-055		
FOREST PRACTICES BOARD			
Environmental protection, conduct of forest practices	82-03-044		
FORESTS			
Timber tax			
private forest land grades	82-04-067		
stumpage value	82-02-034		
	82-02-035		
FORT STEILACOOM COMMUNITY COLLEGE			
Public meeting notice			
1982 schedule	82-01-018		
GAMBLING COMMISSION			
Bingo			
managers	82-01-065		
	82-03-033		
Card rooms			
daily records	82-02-025		
	82-04-085		
fees	82-02-025		
	82-04-085		
food, drink sales	82-02-025		
oversight, operator or employee on premises	82-04-010		
wager limits	82-04-010		
Charitable and nonprofit organizations			
qualifications	82-04-009		
Political contributions			
included in quarterly activity report	82-04-016		
reporting requirement	82-01-065		
	82-04-085		
Pull tabs			
prizes	82-02-025		
	82-03-033		
quarterly activity reports	82-04-010		
records	82-03-033		
Punchboards			
prizes	82-01-065		
	82-03-033		
quarterly activity reports	82-04-010		
records, retention	82-01-065		
	82-03-033		
Records, monthly	82-01-065		
	82-03-033		
GAME, DEPARTMENT OF			
Commission			
public meeting notice	82-03-012		
Fishing			
Mt. St. Helens closure	82-05-010		
steelhead			
Amber lake, emergency season opening	82-02-050		
areas closed to treaty Indians	82-02-066		
	82-03-001		
	82-03-007		
	82-03-018		
	82-03-035		
	82-04-026		
	82-04-043		
	82-05-009		
gill nets, purse seine, closures	82-01-011		
	82-03-017		
Hoko river, closure	82-02-040		
Snake river, open season	82-02-049		
Wind river system, selective fishery regulations	82-02-051		
Hunting			
early hunting seasons, fall opening dates			
1982	82-05-032		
Mt. St. Helens closure	82-05-010		
pheasant and quail season, early closure	82-02-001		
regulations	82-04-034		
snow geese, early season closure	82-01-045		
GAME, DEPARTMENT OF—cont.			
Trapping			
Mt. St. Helens closure	82-05-010		
GENERAL ADMINISTRATION, DEPARTMENT OF			
Banking, supervisor of			
examinations, costs of	82-02-037		
Legislative building, responsibility for art works	82-04-007		
Savings and loan associations			
merger or			
acquisition of troubled associations	82-02-075		
	82-04-044		
GOVERNOR, OFFICE OF THE			
Education program			
consolidation advisory committee	82-01-055		
Employment reduction program	82-01-097		
Expenditure reduction program	82-01-098		
Housing financing, Federal Mortgage			
Subsidy Bond Tax Act, implementation	82-01-028		
Mt. St. Helens closure	82-05-008		
Whatcom county, flooding, emergency declared	82-05-002		
GREEN RIVER COMMUNITY COLLEGE			
Public meeting notice	82-02-009		
HANDICAPPED			
Barrier-free facilities	82-02-082		
	82-04-063		
HAZARDOUS MATERIALS			
Dangerous waste regulations, established	82-01-024		
	82-01-047		
	82-04-046		
	82-05-023		
Hazardous waste regulations, repealed	82-01-024		
	82-01-047		
	82-04-046		
	82-05-023		
Railroads	82-02-085		
	82-02-088		
	82-05-020		
Transportation of	82-04-037		
	82-04-038		
common and contract carriers	82-02-083		
	82-02-086		
	82-05-022		
garbage and/or refuse collection companies	82-02-084		
	82-02-087		
	82-05-021		
HEALTH, BOARD OF			
Childbirth centers			
tuberculin skin tests	82-02-091		
Hospitals			
required approval for occupancy, repealed	82-02-062		
	82-03-011		
Pediatric nursing units	82-02-061		
Public meeting notice	82-02-095		
Schools			
building regulation update	82-02-092		
HEALTH CARE FACILITIES AUTHORITY			
Bonds, issuance authority	82-01-043		
HEALTH CARE SERVICE CONTRACTORS			
Registered nurses, payments for services	82-02-004		
HIGHER EDUCATION PERSONNEL BOARD			
Allocation appeals	82-04-069		
Layoffs	82-04-068		
Temporary employees	82-02-011		
	82-04-069		
Work direction, premium pay	82-02-011		
HIGHLINE COMMUNITY COLLEGE			
Public meeting notice	82-02-017		
HIGHWAYS			
Bicycles			
use on limited access highways	82-01-029		

Subject/Agency Index

HORSE RACING COMMISSION		JAIL COMMISSION—cont.	
Appeals	82-03-052	fire safety	82-05-042 82-05-046
Horses, testing	82-03-052		
Medication	82-03-053	KING COUNTY	
Protective helmets	82-03-052 82-05-044 82-05-044	Shoreline management	82-01-085 82-05-018
Receiving barn			
Veterinarian		KITSAP COUNTY	
bandage removal	82-05-044	Shoreline management	82-01-087
HOSPITALS		KITTITAS COUNTY	
Occupancy, approval requirement repealed	82-02-062 82-03-011 82-02-061	Herbicides	82-05-053
Pediatric nursing units		LABOR AND INDUSTRIES, DEPARTMENT OF	
HOUSING		Boiler and pressure vessel code	82-05-003 82-02-014 82-02-020 82-02-052 82-04-015 82-04-060 82-05-006 82-04-014
Financing, Federal Mortgage		Commercial coaches	
Subsidy Bond Tax Act, implementation	82-01-028	fees	
HUMAN RIGHTS COMMISSION		Factory-assembled structures	
Public meeting notice	82-01-099 82-04-019	fees	82-04-014 82-02-014 82-02-052 82-04-015 82-05-006
HUNTING		standards	
Early hunting seasons, fall opening dates			
1982	82-05-032	Factory-built housing	
Mt. St. Helens closure	82-05-010	and commercial structures	82-05-007
Pheasant and quail season, early closure	82-02-001	General safety and health	82-01-007 82-01-044 82-02-003 82-02-065 82-03-023 82-01-044 82-03-023
Regulations	82-04-034	Hearing conservation program	
Snow geese, early season closure	82-01-045	Mobile homes	
INDIANS		fees	82-04-014 82-02-014 82-02-052 82-04-015 82-04-060 82-05-006 82-04-015 82-04-060 82-05-006 82-04-014
Salmon		standards	
Chehalis river, closed areas	82-01-014		
Grays Harbor, closed areas	82-01-014	Recreational vehicles	
Puget Sound commercial fishing restrictions	82-01-010 82-01-025 82-01-092 82-02-039	fees	82-02-014 82-02-052 82-04-015 82-04-060 82-05-006 82-04-014
Steelhead		Safety	
closed areas	82-02-066 82-03-001 82-03-007 82-03-018 82-03-035 82-04-026 82-04-043 82-05-009 82-02-040	agriculture	82-02-065
		construction work	82-02-065
		electrical workers	82-02-065
		explosives, blasting agents	82-01-023 82-02-065 82-02-065 82-01-023 82-01-023
		occupational health	
		scaffolding	82-01-023
		tractors, roll-over protective structures	82-01-023
		Workers' compensation	
		retrospective rating plans	82-01-100 82-05-019
		self-insurers	
		joint ventures	82-04-040
INDUSTRIAL INSURANCE		LACEY, CITY OF	
Appeals board		Shoreline management	82-02-080
practice and procedure	82-03-031	LEGISLATIVE BUDGET COMMITTEE	
INSTITUTIONS		Public meeting notice	82-05-041
Mental illness		LIBRARY COMMISSION	
voluntary admission, involuntary commitment	82-05-024	Public meeting notice	82-04-083
INSURANCE COMMISSIONER/STATE FIRE MARSHAL		LIBRARY NETWORK COMPUTER SERVICES COUNCIL	
Examining bureau, submission of documents	82-02-024	Public meeting notice	82-04-083
Filing requirements	82-02-059	LICENSES	
Health care service contractors		Dental hygienists	82-02-093
registered nurses, payments for services	82-02-004	Engineers, land surveyors	82-01-064
Medicare supplemental policies	82-01-017		
disclosure requirements,			
prohibitions, procedures, forms	82-01-016		
Statistical plans, adoption	82-02-059		
JAIL COMMISSION			
Detention, correctional facilities			
maximum capacity	82-05-045		
Funding			
construction and remodeling projects	82-01-090		
local jail improvements,			
withholding of funds	82-05-037		
Health data collection, advisory	82-01-110 82-04-088		
Overcrowding,			
determination of maximum capacity	82-01-091		
Physical plant standards			

Subject/Agency Index

LICENSES—cont.		MEDICAL EXAMINERS, BOARD OF—cont.	
Liquor		prescriptive authority	82-03-022
agents	82-01-106	supervision	82-03-022
	82-04-029	MENTAL ILLNESS	
information, submission of, oath required	82-01-021	Voluntary admission, involuntary commitment	82-05-024
	82-01-107	MEXICAN-AMERICAN AFFAIRS COMMISSION	
	82-01-108	Public meeting notice	82-02-060
licensees, misrepresentation of fact	82-04-032	MOBILE HOMES	
	82-01-105	Fees	82-04-014
	82-01-109	Standards	82-02-014
	82-04-031		82-02-052
Nurses			82-04-015
documents of authority	82-01-012		82-04-060
Nursing homes	82-02-053		82-05-006
	82-02-057	MONROE, CITY OF	
Wastewater treatment plants		Shoreline management	82-01-086
operator certification	82-05-055		82-05-016
LICENSING, DEPARTMENT OF		MOTOR VEHICLES	
Barbers		Commercial coaches	
schools, guidelines	82-01-062	fees	82-04-014
	82-05-049	standards	82-02-014
Cosmetologists			82-02-020
schools, guidelines	82-01-061		82-02-052
	82-05-048		82-04-015
Dental hygienists			82-04-060
examination and licensing	82-02-093	Emission inspection	82-05-006
Drivers			82-02-027
habitual offenders,		Recreational vehicles	82-02-028
stay of revocation	82-03-046	fees	
license suspension rules	82-03-046	standards	82-04-014
licensing, procedural rules	82-03-046		82-02-014
Drugless schools	82-05-052		82-02-052
Real estate brokers			82-04-015
listing agreements, statement of			82-04-060
negotiability of compensation	82-05-051		82-05-006
Real estate commission		MT. ST. HELENS	
public meeting notice	82-02-043	Closure	82-05-004
Reciprocity commission			82-05-008
public meeting notice	82-01-072	hunting, fishing, and trapping	82-05-010
Securities		NATURAL RESOURCES	
examination and registration	82-02-033	Board	
Uniform commercial code		public meeting notice	82-03-006
filing and forms	82-01-020	Forest fire advisory board	
	82-04-084	public meeting notice	82-03-055
	82-05-014	NONPROFIT ORGANIZATIONS	
LIQUOR CONTROL BOARD		Gambling license qualifications	82-04-009
Agent's licenses	82-01-106	NOXIOUS WEED CONTROL BOARD	
	82-04-029	Proposed list	82-03-037
Chemical analysis	82-01-081	NURSING, BOARD OF	
	82-04-035	Documents of authority	82-01-012
Guest and courtesy cards	82-01-074	NURSING HOMES	
	82-04-028	Accounting and reimbursement system	
Information, submission of, oath required	82-01-021	medicaid reimbursement	
	82-01-107	inflation adjustment rate	82-01-102
	82-01-108		82-04-073
Licensees, misrepresentation of fact	82-04-032	Licenses	82-02-053
	82-01-105		82-02-057
	82-01-109	Nursing services	82-03-038
	82-04-031		82-03-039
Operations and procedure	82-01-075	Rate determination	82-02-031
	82-04-030	OIL AND GAS	
Public meeting notice	82-01-046	Conservation committee	
Samples	82-01-081	drilling permits	
	82-04-035	bond, amount increased, release provisions	82-01-006
Wine importers	82-01-051	Laws	
	82-04-035	implementation, administration, enforcement	82-03-051
LIVESTOCK		OLYMPIC COLLEGE	
Brucellosis		Reduction in staff, faculty	82-01-008
testing, imported animals	82-03-019	OUTDOOR RECREATION, INTERAGENCY COM- MITTEE FOR	
Horses		Public meeting notice	82-04-079
brand inspection, certificate fees	82-04-001		
MEDICAL DISCIPLINARY BOARD			
Members' elections	82-01-066		
MEDICAL EXAMINERS, BOARD OF			
Physician assistants			

Subject/Agency Index

PACIFIC COUNTY			
Shoreline management	82-01-085		
	82-05-015		
PARKING			
Bellevue community college	82-04-005		
Clark college	82-02-038		
Eastern Washington university	82-01-083		
Wenatchee valley college	82-01-080		
PARKS AND RECREATION COMMISSION			
Duties of chairman and conduct of meetings	82-04-033		
Employees, police powers	82-02-069		
Land acquisition procedure	82-04-057		
Marine park areas	82-04-058		
Public meeting notice	82-02-045		
State park areas			
public use, fees	82-04-055		
PERMITS			
Drilling operations			
bond amounts increased, release provisions	82-01-006		
PERSONNEL APPEALS BOARD			
Appeals, procedures			
general provisions, procedure implemented	82-01-052		
	82-01-053		
PERSONNEL, DEPARTMENT OF			
Board			
public meeting notice	82-02-002		
Branch offices	82-04-025		
Definitions	82-01-027		
	82-03-030		
	82-03-032		
Incumbents, reallocation upward	82-01-027		
	82-03-029		
	82-05-033		
	82-01-027		
Leave without pay			
Reduction in force			
voluntary leave without pay	82-02-013		
	82-03-032		
	82-04-025		
Seniority	82-02-013		
	82-04-025		
Transfer			
between agencies	82-01-027		
	82-03-030		
probationary period	82-01-027		
	82-03-030		
Tuition reimbursement	82-01-038		
Work period designations	82-02-019		
	82-05-034		
PHARMACY, BOARD OF			
Hospital pharmacy standards	82-04-086		
Legend drugs			
ephedrine	82-02-095		
Licenses			
wholesalers	82-02-094		
PHYSICIAN ASSISTANT			
Prescriptive authority	82-03-022		
Supervision	82-03-022		
PILOTAGE COMMISSIONERS, BOARD OF			
Tariffs, Grays Harbor	82-02-008		
	82-02-068		
	82-05-035		
PLANNING AND COMMUNITY AFFAIRS AGENCY			
Building code advisory council			
barrier-free facilities	82-02-082		
	82-04-063		
Public meeting notice	82-04-064		
POLLUTION			
Abatement, Referendum 39 funds	82-05-011		
Dangerous waste regulations, established	82-01-024		
	82-01-047		
	82-04-046		
POLLUTION—cont.			
Hazardous waste regulations, repealed		82-01-024	
		82-01-047	
		82-04-046	
Motor vehicle emission inspection		82-02-027	
		82-02-028	
POLLUTION CONTROL HEARINGS BOARD			
Public meeting notice		82-03-034	
PRESCRIPTIONS			
Physician assistants		82-03-022	
PUBLIC ASSISTANCE			
Adoption			
support		82-02-023	
Aid to dependent children			
child care expenses		82-01-009	
day care services		82-01-051	
eligibility		82-01-009	
employment training, refusal of		82-01-041	
		82-01-101	
		82-05-005	
enrollment in Indian boarding school		82-05-036	
strikers		82-01-009	
income		81-02-009	
intensive applicant			
employment services project		82-03-040	
overpayment, repayment		82-01-103	
Alcoholism			
congregate care, rehabilitative services		82-01-057	
		82-02-029	
		82-04-076	
Categorically needy, definition		82-01-019	
Continuing general assistance		82-01-009	
Day care participation		82-01-070	
		82-04-052	
		82-04-074	
Energy assistance, low income home		82-01-050	
Exception to policy request, notification		82-01-067	
		82-04-077	
Fair hearings			
continuation of benefits pending		82-03-021	
disclosure of investigative			
and intelligence files		82-03-050	
Family reconciliation services			
supportive counseling services, eliminated		82-01-040	
Food stamps			
income		82-02-055	
replacement		82-02-070	
		82-02-071	
Foster care			
group care			
time limitation		82-01-068	
		82-02-030	
payment, effective date		82-04-070	
placement authorization		82-02-072	
		82-02-073	
Funeral costs		82-03-025	
		82-03-026	
Grievance procedures		82-01-067	
		82-04-077	
Medical assistance			
application		82-01-001	
eligibility		82-01-001	
		82-01-019	
		82-02-058	
		82-02-064	
grievance procedure		82-01-067	
involuntary treatment act,			
need requirements and deductible		82-01-004	
medically indigent, scope of care		82-04-071	
overpayments, repayment		82-01-071	
patient overutilization		82-01-001	
patient transportation		82-01-001	
		82-02-022	
scope and content of care		82-01-001	
Overpayment		82-05-043	

Subject/Agency Index

SAFETY—cont.		SHORELINE MANAGEMENT—cont.	
General health and safety	82-01-007	Kitsap county	82-01-087
	82-01-044	Lacey	82-02-080
	82-02-003	Monroe	82-01-086
	82-02-065		82-05-016
	82-03-023	Pacific county	82-01-085
Occupational health	82-02-065		82-05-015
Scaffolding	82-01-023	Redmond, city of	82-01-048
Tractors, roll-over protective structures	82-01-023	Seattle	82-02-079
SALARIES, WAGES		Tacoma	82-05-056
State		Thurston county	82-03-043
deferred compensation plan	82-04-017	Whatcom county	82-01-088
electronic deposit	82-02-074		82-02-077
	82-05-030		82-03-043
		Yelm	82-02-081
SAVINGS AND LOAN ASSOCIATIONS		SHORELINES HEARINGS BOARD	
Merger or		Public meeting notice	82-03-034
acquisition of troubled associations	82-02-075		
	82-04-044	SKAGIT VALLEY COLLEGE	
		Public meeting notice	82-01-026
SCHOOLS		SOICAL AND HEALTH SERVICES, DEPARTMENT OF	
Building regulation update	82-02-092	Adoption	
Drugless, licensing	82-05-052	support	82-02-023
Employees		Aid to dependent children	
sick leave reimbursement	82-03-041	child care expenses	82-01-009
Excess levies, limits	82-02-089	day care services	82-01-051
	82-02-090	eligibility	82-01-009
	82-05-025	employment training, refusal of	82-01-041
	82-05-026		82-01-101
Physical education,			82-05-005
minimum requirement deleted	82-04-002	enrollment in Indian boarding school	82-05-036
Private		strikers	82-01-009
certificate of compliance,		income	82-01-009
notarization requirement eliminated	82-04-004	intensive applicant	
Salary-compensation lid,		employment services project	82-03-040
compliance determination	82-04-050	Alcoholism	
	82-04-061	congregate care, rehabilitative services	82-01-057
Secondary programs, minimum credit offerings	82-04-003		82-02-029
			82-04-076
SEATTLE		involuntary treatment act,	
Community college district		need requirements and deductible	82-01-004
public meeting notice	82-02-018	Ambulances	82-04-041
	82-02-036	Developmentally disabled,	
	82-04-020	county services authorized	82-02-054
Shoreline management	82-02-079		82-02-056
		Employees, tax deferred annuities	82-05-012
SECURITIES		Energy assistance, low income home	82-01-050
Examinations and registration	82-02-033	Family reconciliation services	
		supportive counseling services, eliminated	82-01-040
SENIOR CITIZENS		Foster care	
Medicare supplemental insurance policies	82-01-017	group care	
disclosure requirements,		time limitation	82-01-068
prohibitions, procedures, forms	82-01-016		82-02-030
		payment, effective date	82-04-070
SENTENCING GUIDELINES COMMISSION		placement authorization	82-02-072
Public meeting notice	82-05-028		82-02-073
		Medical assistance	
SHELLFISH		applications	82-01-001
Geoducks, catch reporting requirements	82-03-002	eligibility	82-01-019
Razor clams			82-02-058
areas and seasons	82-02-021		82-02-064
	82-04-012	grievance procedures	82-01-067
Pacific ocean beaches	82-01-104	involuntary treatment act,	
Shrimp	82-01-082	need requirements and deductible	82-01-004
	82-03-045	medically indigent, scope of care	82-04-071
	82-04-011	overpayment, repayment	82-01-071
Squid, permissible fishing methods	82-01-002	patient overutilization	82-01-001
		patient transportation	82-02-022
SHORELINE COMMUNITY COLLEGE			82-01-001
Public meeting notice	82-01-078	scope and content of care	82-01-001
		Mental illness	
SHORELINE MANAGEMENT		voluntary admission, involuntary commitment	82-05-024
Blaine	82-05-056	Nursing homes	
Bremerton	82-02-076	accounting and reimbursement system	
	82-03-042		
	82-03-043		
Chehalis	82-02-078		
Cowlitz county	82-01-085		
	82-05-017		
Ferndale, city of	82-01-049		
King county	82-01-085		
	82-05-018		

Subject/Agency Index

TRAPPING		YAKIMA VALLEY COLLEGE	
Mt. St. Helens closure	82-05-010	Public meeting notice	82-01-076
TUITION		Student rights and responsibilities	82-01-079
Reimbursement, state employees	82-01-038	YELM	
UNIFORM COMMERCIAL CODE		Shoreline management	82-02-081
Filing and forms	82-01-020		
	82-04-084		
	82-05-014		
UNIVERSITY OF WASHINGTON			
Meeting schedules, availability			
at visitors information center	82-01-056		
Public meeting notice	82-03-048		
URBAN ARTERIAL BOARD			
Public meeting notice	82-03-003		
UTILITIES AND TRANSPORTATION COMMISSION			
Common and contract carriers			
hazardous materials	82-02-083		
	82-02-086		
	82-05-022		
Garbage and/or refuse collection companies			
hazardous materials	82-02-084		
	82-02-087		
	82-05-021		
Railroads			
hazardous materials	82-02-085		
	82-02-088		
	82-05-020		
Rate increases			
notice to customers	82-05-047		
VOCATIONAL EDUCATION, ADVISORY COUNCIL			
ON			
Public meeting notice	82-02-047		
	82-04-013		
VOCATIONAL EDUCATION, COMMISSION FOR			
Public meeting notice	82-02-042		
	82-02-096		
	82-03-028		
	82-04-042		
VOCATIONAL REHABILITATION, DIVISION OF			
Economic need, determination	82-01-036		
	82-01-037		
Reimbursement, accreditation expenses, deleted	82-01-069		
	82-04-075		
VOLUNTEER FIREMEN, BOARD FOR			
Public meeting notice	82-05-027		
WALLA WALLA COMMUNITY COLLEGE			
Faculty qualifications	82-02-046		
Tenure	82-02-015		
	82-02-041		
WASHINGTON STATE UNIVERSITY			
Public meeting notice	82-01-058		
	82-03-008		
WATER			
Pollution abatement, Referendum 39 funds	82-05-011		
WENATCHEE VALLEY COLLEGE			
Parking	82-01-080		
Public meeting notice	82-01-076		
WESTERN WASHINGTON UNIVERSITY			
Public meeting notice	82-02-016		
Student rights and responsibilities	82-05-038		
WHATCOM COUNTY			
Flooding, emergency declared	82-05-002		
Shoreline management	82-01-088		
	82-02-077		
	82-03-043		
WORKERS' COMPENSATION			
Retrospective rating plans	82-01-100		
	82-05-019		
Self-insurers			
joint ventures	82-04-040		