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ISSUE 86-07



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## 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

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## 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

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# WASHINGTON STATE REGISTER

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# 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.

1985 – 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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<sup>1</sup>All 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.

<sup>2</sup>A 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.

<sup>3</sup>No 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 86-07-001

## NOTICE OF PUBLIC MEETINGS

## SEATTLE COMMUNITY COLLEGE DISTRICT

[Memorandum—March 5, 1986]

There will be a special board retreat of the board of trustees of Seattle Community College District, from 9:00 a.m. to 4:00 p.m., on Saturday, March 15, 1986. The meeting will take place in the District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119.

## WSR 86-07-002

## ADOPTED RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

## (Public Assistance)

[Order 2345—Filed March 6, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to redirection of warrant, amending WAC 388-38-270.

This action is taken pursuant to Notice No. WSR 86-03-076 filed with the code reviser on January 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 5, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

✓ WAC 388-38-270 REDIRECTION OF WARRANT. (1) A recipient eligible for continuing assistance is entitled to regular and correct payment without undue interruption or delay. The local office may redirect a warrant only when there is evidence as specified in subsection (2) of this section that:

(a) ~~((The recipient will be ineligible for the monthly payment as previously authorized, or~~

~~(b)))~~ An overpayment will occur, or

~~((c)))~~ (b) The warrant will not be received by the recipient.

(2) Factors which justify redirection of a warrant to the local office within the meaning of subsection (1) of this section shall be limited to these situations:

(a) The address of a recipient is unknown by the local office or the recipient has reported that he or she has changed or will change his or her address prior to ~~((schedules))~~ scheduled receipt of the warrant.

(b) A change in payee is required for correct receipt of the warrant.

~~(c) ((The recipient has not submitted in writing specific information requested to establish continuing eligibility or amount of grant, including but not limited to the designated review of eligibility form. See WAC 388-38-265.~~

~~(d) The recipient has reported incomplete information on a change in circumstances which requires a redetermination of eligibility and/or grant amount. The provisions in WAC 388-38-265 shall apply.~~

~~(e)))~~ Redirection of the warrant is required to effect a proposed reduction, suspension, or termination of a grant as provided in WAC 388-33-382 (2)(a). ~~((The local office shall concurrently notify the recipient of the proposed action to reduce, suspend or terminate the grant as provided in WAC 388-33-380.))~~

~~((f)))~~ (d) A recipient has entered an institution and the local office has been notified by someone acting on his or her behalf.

(3) The state office may redirect a warrant to the local office when an authorization has been submitted which cannot be processed before delivery date due to error in the authorization. The warrant is redirected so that necessary action can be immediately taken to continue payment in the correct amount.

(4) The local office shall notify the recipient before action is taken to redirect a warrant for any reason other than death, unless the recipient has already been notified that a warrant change will be made. Such notification shall include:

(a) The reason for the redirect action, and

(b) Assurance of corrected payment, when appropriate, at the earliest possible date(;

~~(c) When applicable, a statement of the information the recipient must provide or the action that must be taken to establish eligibility)).~~

(5) Decision as to the recipient's eligibility or ineligibility for the warrant shall be made at the earliest possible date but not later than ~~((30))~~ thirty days after the date of its issuance.

(a) If ineligibility is determined, the warrant is cancelled. The recipient shall be notified in writing of the reason for cancellation.

(b) If ineligibility is not determined, the warrant shall be released or, if it is not in the correct amount, payment shall be authorized promptly according to WAC 388-33-140 and a one-time grant issued if necessary as provided in WAC 388-33-595 (2)(b).

## WSR 86-07-003

## ADOPTED RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

## (Public Assistance)

[Order 2346—Filed March 6, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and

adopt at Olympia, Washington, the annexed rules relating to medically needy income level, amending WAC 388-99-020.

This action is taken pursuant to Notice No. WSR 86-03-069 filed with the code reviser on January 17, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 5, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

AMENDATORY SECTION (Amending Order 2263, filed 7/31/85)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$ 364
(b) Two persons	\$ <del>((517))</del> 526
(c) Three persons	\$ <del>((544))</del> 552
(d) Four persons	\$ <del>((561))</del> 578
(e) Five persons	\$ <del>((646))</del> 666
(f) Six persons	\$ <del>((731))</del> 756
(g) Seven persons	\$ <del>((847))</del> 873
(h) Eight persons	\$ <del>((936))</del> 966
(i) Nine persons	\$ <del>((1,028))</del> 1,061
(j) Ten persons and above	\$ <del>((1,117))</del> 1,153

(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base

**WSR 86-07-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2347—Filed March 6, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to denied SSI applicants, amending WAC 388-85-115.

This action is taken pursuant to Notice No. WSR 86-03-068 filed with the code reviser on January 17, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 5, 1986.

By Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-85-115 DENIED ((SSI)) TITLE II AND TITLE XVI APPLICANTS. ~~((When SSA denies an applicant solely because of failure to meet blindness and disability criteria under Title XVI such applicant shall not be eligible as categorically needy or medically needy.~~

~~((1) The CSO is not authorized to submit a request for determination for blindness or disability to the office of disability insurance benefits.~~

~~(2) If the individual presents medical evidence to the CSO, a referral to SSA is required:))~~ When an individual has applied for Title II or Title XVI benefits and the SSA has denied the application solely because of a failure to meet blindness or disability criteria under Title II or Title XVI, the SSA denial shall be binding on the department, unless:

(1) The SSA denial is under appeals in the reconsideration stage, the SSA's administrative fair hearing process, the SSA's appeals council, or the federal courts; or

(2) The applicant's medical condition has changed since the SSA denial was issued.

### WSR 86-07-005

#### ADOPTED RULES

#### DEPARTMENT OF REVENUE

[Order ET 86-3—Filed March 6, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 458-20-210 Sales of agricultural products by persons producing the same.
- Amd WAC 458-20-175 Persons engaged in the business of operating as a private or common carrier by air, rail or water in interstate or foreign commerce.
- Amd WAC 458-20-193C Imports and exports—Sales of goods from or to persons in foreign countries.

This action is taken pursuant to Notice No. WSR 86-03-043 filed with the code reviser on January 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1986.

By Matthew J. Coyle  
Acting Director

AMENDATORY SECTION (Amending Order ET 83-1, filed 3/30/83)

~~WAC 458-20-210 SALES OF ((FARM)) AGRICULTURAL PRODUCTS BY ((FARMERS)) PERSONS PRODUCING THE SAME.~~ The term "~~((farm)) agricultural products~~" as used herein means ~~((all farm products such as poultry, livestock, fruit, vegetables and grains)) any agricultural or horticultural produce or crop, including any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom: PROVIDED, That "fish" as used herein means fish which are cultivated and raised entirely within confined rearing areas on land owned by the person so raising the same or on land in which the person has a present right of possession.~~

~~((All farmers))~~ Persons engaging in the business of making retail sales of ~~((farm)) agricultural~~ products produced by them are required to apply for and obtain a certificate of registration. The certificate shall remain valid as long as the ~~((taxpayer)) person~~ remains in business.

#### BUSINESS AND OCCUPATION TAX

~~((Farmers are not subject to tax under the wholesaling classification of the business and occupation tax upon))~~ Persons making wholesale sales of ~~((farm)) agricultural~~ products ~~((which have been raised))~~ produced by them upon land owned by or leased to them are not subject to the business and occupation tax. This exemption does not extend to sales of manufactured or extracted products (see WAC 458-20-135 and 458-20-136)~~((, nor to the taking, cultivating, or raising of Christmas trees or timber)).~~

~~((Farmers))~~ Retail sales of agricultural products by persons producing the same are subject to tax under the retailing classification of the business and occupation tax ~~((upon sales of farm products when the farmer)).~~ Thus, tax is due by any such person who holds himself out to the public as a seller by:

- (1) Conducting a roadside stand or a stand displaying ~~((farm)) agricultural~~ products for sale at retail;
- (2) Posting signs on his premises, or through other forms of advertising soliciting sales at retail;
- (3) Operating a regular delivery route from which ~~((farm)) agricultural~~ products are sold from door to door; or
- (4) Maintaining an established place of business for the purpose of making retail sales of ~~((farm)) agricultural~~ products.

~~((Farmers))~~ Persons selling ~~((farm)) agricultural~~ products not ~~((raised))~~ produced by them, should obtain information from the department of revenue with respect to their tax liability.

#### RETAIL SALES TAX

~~((All farmers))~~ Persons selling agricultural products produced by them are required to collect the retail sales tax upon all retail sales made by them, except sales of food products exempt under WAC 458-20-244~~((, when the farmer holds himself out to the public as a seller in any of the ways described above)).~~

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

✓ WAC 458-20-175 PERSONS ENGAGED IN THE BUSINESS OF OPERATING AS A PRIVATE OR COMMON CARRIER BY AIR, RAIL OR WATER IN INTERSTATE OR FOREIGN COMMERCE. The term "private carrier" means every carrier, other than a common carrier, engaged in the business of transporting persons or property for hire.

The term "watercraft" includes every type of floating equipment which is designed for the purpose of carrying therein or therewith persons or cargo. It includes tow boats, but it does not include floating dry docks, dredges or pile drivers, or any other similar equipment.

The term "carrier property" means airplanes, locomotives, railroad cars or water craft, and component parts of the same.

The term "component part" includes all tangible personal property which is attached to and a part of carrier property. It also includes spare parts which are designed for ultimate attachment to carrier property. The said term does not include furnishings of any kind which are not attached to the carrier property nor does it include consumable supplies. For example, it does not include, among other things, bedding, linen, table and kitchen ware, tables, chairs, ice for icing perishables or refrigerator cars or cooling systems, fuel or lubricants.

"Such persons," and "such businesses" mean the persons and businesses described in the title of this rule.

BUSINESS AND OCCUPATION TAX, PUBLIC UTILITY TAX

Persons engaged in such businesses are not subject to business tax or utility tax with respect to operating income received for transporting persons or property in interstate or foreign commerce. (See WAC 458-20-193.)

When such persons also engage in intrastate business activities they become taxable at the rates and in the manner stated in WAC 458-20-179, 458-20-181 and 458-20-193. For example, such persons are taxable under the retailing business tax classification upon the gross proceeds of sales of tangible personal property, including sales of meals, when such sales are made within this state.

Persons selling tangible personal property to, or performing services for, others engaged in such businesses, are taxable to the same extent as they are taxable with respect to sales of property or services made to other persons in this state. However, on July 1, 1985, a statutory business and occupation tax deduction became effective for sales of fuel for consumption outside the territorial waters of the United States by vessels used primarily in foreign commerce. In order to qualify for this deduction sellers must take a certificate signed by the buyer or the buyer's agent stating: The name of the vessel for which the fuel is purchased; that the vessel is primarily used in foreign commerce; and, the amount of fuel purchased which will be consumed outside of the territorial waters of the United States. Sellers must exercise good faith in accepting such certificates and are required to add their own signed statement to the certificate to the effect that to the best of their knowledge the information contained in the certificate is correct. The following is an acceptable certificate form:

FOREIGN FUEL EXEMPTION CERTIFICATE

SELLER: \_\_\_\_\_ VESSEL: \_\_\_\_\_

WE HEREBY CERTIFY that this purchase of (kind and amount of product) from (seller) will be consumed as fuel outside the territorial waters of the United States by the above-named vessel. We further certify that said vessel is used primarily in foreign commerce and that none of the fuel purchased will be consumed within the territorial boundaries of the State of Washington.

DATED \_\_\_\_\_, 19\_\_\_\_  
\_\_\_\_\_  
Purchaser  
\_\_\_\_\_  
Purchaser's Agent  
By: \_\_\_\_\_  
\_\_\_\_\_  
Title or Office

When a completed certification such as this is taken in good faith by the seller, the sale is exempt of business and occupation tax, whether made at wholesale or retail, and even though the fuel is delivered to the buyer in this state.

RETAIL SALES TAX

Sales of meals (including those sold to employees, see WAC 458-20-119) and retail sales of other tangible personal property, made by such persons, are subject to the retail sales tax when such sales are made within this state.

By reason of specific exemptions contained in RCW 82.08.0261 and 82.08.0262 the retail sales tax does not apply upon the following sales:

- (1) Sales of airplanes, locomotives, railroad cars, or watercraft for use in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire;
- (2) Sales of tangible personal property which becomes a component part of such carrier property in the course of constructing, repairing, cleaning, altering or improving the same;
- (3) Sales of or charges made for labor or services rendered with respect to the constructing, repairing, cleaning, altering or improving of such carrier property;
- (4) Sales of any tangible personal property other than the type referred to in 1 and 2 above, for use by the purchaser in connection with such businesses, provided that any actual use thereof in this state shall, at the time of actual use, be subject to the use tax.

Except as to sales of or charges made for labor or services rendered with respect to the constructing, repairing, cleaning, altering or improving of carrier property, the foregoing exemptions are limited to sales of tangible personal property. Hence the retail sales tax applies upon the sales of or charges made for labor or services rendered in respect to (1) the installing, repairing, cleaning, altering, imprinting or improving of any other type of tangible personal property; and in respect to (2) the constructing, repairing, decorating or improving of new or existing buildings or other structures. Thus the retail sales tax applies upon the charge made for repairing within this state of such things as switches, frogs, office equipment, or any other property which is not carrier property. It also applies upon the charge made for laundering linen and bedding. The tax also applies upon the charge made for constructing buildings, such as depots, wharves and hangars, or for repairing, decorating or improving the same.

However, the cost of installing, repairing, cleaning, altering, imprinting or improving of tangible personal

property prior to its initial use by the carrier is considered as part of the initial cost of the property involved and therefore exempt from the sales tax. Thus, for example, the treating of railroad ties prior to their initial use is considered as part of the original cost of the ties and therefore exempt from the sales tax under RCW 82.08.0261.

**EXEMPTION CERTIFICATES REQUIRED.** Persons selling tangible personal property or performing services which come within any of the foregoing exemptions are required to obtain from the purchaser, or his authorized agent, a certificate evidencing the exempt nature of the transaction. This certificate must identify the operator of the carrier by name and by its department of revenue registration number, if registered, and if not registered, by address.

The certificate may be in blanket form—that is, may certify as to all future purchases, or individual certificates may be made for each purchase. Also the certificate may be incorporated in or stamped upon the purchase order.

The certificate should be in substantially the following form:

**EXEMPTION CERTIFICATE**

WE HEREBY CERTIFY that all the tangible personal property to be purchased from you will be for use in connection with our business of operating as a (private or common) carrier by (air, rail or water) in (interstate or foreign) commerce; that all (airplanes, locomotives, railroad cars or water craft) or component parts thereof, to be constructed, repaired, cleaned, altered or improved by you, will be used in conducting (interstate or foreign) commerce; and that all such sales are entitled to exemption from the Retail Sales Tax under the provisions of RCW 82.08.0261 and 82.08.0262.

Dated . . . . ., 19 . . . . .  
.....  
(Purchaser)

By . . . . .  
(Title—Officer or Agent)

Address . . . . .  
.....

Department of Revenue Registration No.  
.....

**USE TAX**

The use tax does not apply upon the use of airplanes, locomotives, railroad cars or watercraft, including component parts thereof, which are used primarily in conducting such businesses.

"Actual use within this state," as used in RCW 82.08.0261 does not include use of durable goods aboard carrier property while engaged in interstate or foreign commerce. Thus the use tax does not apply upon the use of furnishings and equipment (whether attached to the carrier or not) intended for use aboard carrier property while operating partly within and partly without this state. Included herein are such items as bedding, table

linen and wares, kitchen equipment, tables and chairs, hand tools, hawsers, life preservers, parachutes, and other durable goods which are necessary, convenient or desirable for the proper operation of such carrier property.

The use tax does apply upon the actual use within this state of all other types of tangible personal property purchased at retail and upon which the sales tax has not been paid. Included herein are all consumable goods for use on and placed aboard carrier property while within this state, but only to the extent of that portion consumed herein. Thus the tax applies upon the use of the amount consumed in this state of ice, fuel and lubricants which are placed aboard in this state, and upon food supplies or catered meals placed aboard carrier property in this state and served to customers in this state by transportation companies when the meals so served are included in the charge for transportation. (The retail sales tax must be collected upon separate sales within this state of meals or other tangible personal property.) The tax does not apply upon the use within this state of any part of consumable goods for use on carrier property and placed aboard outside this state.

Liability for the use tax arises at the time of actual use thereof in this state.

Due to the difficulty in many cases of determining at the time of purchase whether or not the property purchased or a part thereof will be put to use in this state and due to the resulting accounting problems involved, persons engaged in the business of operating as private or common carriers by air, rail or water in interstate or foreign commerce will be permitted to pay the use tax directly to the department of revenue rather than to the seller, and such sellers are relieved of the liability for the collection of such tax. This permission is limited, however, to persons duly registered with the department. The registration number given on the certificate which will be furnished to the seller ordinarily will be sufficient evidence that the purchaser is properly registered.

As to persons operating in interstate or foreign commerce as carriers by air, rail or water who are not registered with the department and who, therefore, are not regularly filing tax returns with the department, sellers of durable goods must either collect the use tax at the time of the sale or require from such purchasers a further certificate to the effect that no part of the subject matter of the sale is for actual use in this state.

Similarly, where consumable goods, such as ice, bunker fuel, or lubricants are purchased by or for carriers not registered with the department, and delivered on board a carrier regularly engaged in interstate or foreign commerce for consumption while both within and without the territorial boundaries of the state of Washington, the seller is required to collect from the buyer the amount of use tax applicable to that portion of the products sold which will be consumed within this state.

It will be presumed that the entire amount of the goods purchased will be consumed within this state unless the seller obtains from the buyer a certificate certifying as to the amount thereof which will be consumed while within the territorial boundaries hereof.

The certificate shall be made by the master or chief engineer of the carrier, or by some other person known

by the seller to be competent to make the same, and shall be substantially in the following form:

CERTIFICATE

..... Seller	..... Purchaser
..... Name of Carrier	..... Name of Owner or Agent

The undersigned does hereby certify as follows:

(1) The purchaser has this day purchased from the seller in the State of Washington certain amounts of (type of goods purchased), and has taken delivery thereof aboard said carrier for its exclusive use while regularly engaged in transporting persons or property for profit in interstate or foreign commerce.

(2) While the said carrier is within the territorial boundaries of the state of Washington, it will consume the following amounts of the commodities purchased:

- ..... barrels of fuel oil
- ..... gallons of lubricants
- ..... pounds of grease
- ..... other consumable goods

Dated ....., 19...

.....  
Name  
.....  
Office or Title

AMENDATORY SECTION (Amending Order ET 83-16, filed 3/15/83)

✓ WAC 458-20-193C IMPORTS AND EXPORTS—SALES OF GOODS FROM OR TO PERSONS IN FOREIGN COUNTRIES.

((~~Rule 193-f~~))WAC 458-20-193((~~f~~)) deals with interstate and foreign commerce and is published in four separate parts:

- Part A. Sales of goods originating in Washington to persons in other states.
- Part B. Sales of goods originating in other states to persons in Washington.
- Part C. Imports and exports: Sales of goods from or to persons in foreign countries.
- Part D. Transportation, communication, public utility activities, or other services in interstate or foreign commerce.

Part C.

FOREIGN COMMERCE

Foreign commerce means that commerce which involves the purchase, sale or exchange of property and its transportation from a state or territory of the United States to a foreign country, or from a foreign country to a state or territory of the United States.

IMPORTS. An import is an article which comes from a foreign country (not from a state, territory or possession of the United States) for the first time into the taxing jurisdiction of a state.

Taxation of such goods is impermissible while the goods are still in the process of importation, i.e., while they are still in import transportation. Further, such goods are not subject to taxation if the imports are merely flowing through this state on their way to a destination in some other state.

EXPORTS. An export is an article which originates within the taxing jurisdiction of the state destined for a purchaser in a foreign country. Thus ships stores and supplies are not exports.

BUSINESS AND OCCUPATION TAX

WHOLESALE AND RETAILING.

IMPORTS. Sales of imports by an importer or his agent are not taxable and a deduction will be allowed with respect to the sales of such goods, if at the time of sale such goods are still in the process of import transportation. Immunity from tax does not extend: (1) To the sale of imports to Washington customers by the importer thereof or by any person after completion of importation whether or not the goods are in the original unbroken package or container; nor (2) to the sale of imports subsequent to the time they have been placed in use in this state for the purpose for which they were imported; nor (3) to sales of products which, although imports, have been processed or handled within this state or its territorial waters.

EXPORTS. A deduction is allowed with respect to export sales when as a necessary incident to the contract of sale the seller agrees to, and does deliver the goods (1) to the buyer at a foreign destination; or (2) to a carrier consigned to and for transportation to a foreign destination; or (3) to the buyer at shipside or aboard the buyer's vessel or other vehicle of transportation under circumstances where it is clear that the process of exportation of the goods has begun, and such exportation will not necessarily be deemed to have begun if the goods are merely in storage awaiting shipment, even though there is reasonable certainty that the goods will be exported. The intention to export, as evidenced for example, by financial and contractual relationships does not indicate "certainty of export" if the goods have not commenced their journey abroad; there must be an actual entrance of the goods into the export stream.

In all circumstances there must be (a) a certainty of export and (b) the process of export must have started.

It is of no importance that title and/or possession of the goods pass in this state so long as delivery is made directly into the export channel. To be tax exempt upon export sales, the seller must document the fact that he placed the goods into the export process. That may be shown by the seller obtaining and keeping in his files any one of the following documentary evidence:

- (1) A bona fide bill of lading in which the seller is shipper/consignor and by which the carrier agrees to transport the goods sold to the foreign buyer/consignee at a foreign destination; or
- (2) A copy of the shipper's export declaration, showing that the seller was the exporter of the goods sold; or
- (3) Documents consisting of:

(a) Purchase orders or contracts of sale which show that the seller is required to get the goods into the export stream, e.g., "f.a.s. vessel;" and

(b) Local delivery receipts, tripsheets, waybills, warehouse releases, etc., reflecting how and when the goods were delivered into the export stream; and

(c) When available, United States export or customs clearance documents showing that the goods were actually exported; and

(d) When available, records showing that the goods were packaged, numbered, or otherwise handled in a way which is exclusively attributable to goods for export.

Thus, where the seller actually delivers the goods into the export stream and retains such records as above set forth, the tax does not apply. It is not sufficient to show that the goods ultimately reached a foreign destination; but rather, the seller must show that he was required to, and did put the goods into the export process.

Sales of tangible personal property, of ships stores, and supplies to operators of steamships, etc., are not deductible irrespective of the fact that the property will be consumed on the high seas, or outside the territorial jurisdiction of this state, or by a vessel engaged in conducting foreign commerce. However, on July 1, 1985, a statutory business and occupation tax deduction became effective for sales of fuel for consumption outside the territorial waters of the United States by vessels used primarily in foreign commerce. In order to qualify for this deduction sellers must take a certificate signed by the buyer or the buyer's agent stating: The name of the vessel for which the fuel is purchased; that the vessel is primarily used in foreign commerce; and, the amount of fuel purchased which will be consumed outside of the territorial waters of the United States. Sellers must exercise good faith in accepting such certificates and are required to add their own signed statement to the certificate to the effect that to best of their knowledge the information contained in the certificate is correct. The following is an acceptable certificate form:

**FOREIGN FUEL EXEMPTION CERTIFICATE**

SELLER: \_\_\_\_\_ VESSEL: \_\_\_\_\_

WE HEREBY CERTIFY that this purchase of (kind and amount of product) from (seller) will be consumed as fuel outside the territorial waters of the United States by the above-named vessel. We further certify that said vessel is used primarily in foreign commerce and that none of the fuel purchased will be consumed within the territorial boundaries of the State of Washington.

DATED \_\_\_\_\_, 19 \_\_\_\_\_

\_\_\_\_\_  
Purchaser

\_\_\_\_\_  
Purchaser's Agent

By: \_\_\_\_\_

\_\_\_\_\_  
Title or Office

When a completed certification such as this is taken in good faith by the seller, the sale is exempt of business and occupation tax, whether made at wholesale or retail,

and even though the fuel is delivered to the buyer in this state.

EXTRACTING, MANUFACTURING. Persons engaged in these activities in Washington and who transfer or make delivery of articles produced to points outside the state are subject to business tax under the extracting or manufacturing classification and are not subject to business tax under the retailing or wholesaling classification. See also ((~~Rules 135 and 136-f~~))WAC 458-20-135 and 458-20-136((~~†~~)). The activities taxed occur entirely within the state, are inherently local, and are conducted prior to the commercial journey. The tax is measured by the value of products as determined by the selling price. See ((~~Rule 112-f~~))WAC 458-20-112((~~†~~)). It is immaterial that the value so determined includes an additional increment of value because the sale occurs outside the state.

**RETAIL SALES TAX**

The same principles apply to the retail sales tax as are set forth for business and occupation tax above, except that certain statutory exemptions may apply. (See ((~~Rules 174, 175, 176, 177, 238 and 239-f~~))WAC 458-20-174, 458-20-175, 458-20-176, 458-20-177, 458-20-238 and 458-20-239((~~†~~)).)

**USE TAX**

The use tax is imposed upon the use, including storage, of all tangible personal property acquired for any use or consumption in this state unless specifically exempt by statute.

**WSR 86-07-006**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order ET 86-4—Filed March 6, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to artistic or cultural organizations, new section WAC 458-20-249.

This action is taken pursuant to Notice No. WSR 86-03-042 filed with the code reviser on January 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Revenue as authorized in RCW 82.32.300.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1986.

By Matthew J. Coyle  
Acting Director

NEW SECTION

✓ WAC 458-20-249 ARTISTIC OR CULTURAL ORGANIZATIONS. For purposes of business and occupation tax deduction and certain retail sales tax and use tax exemptions, RCW 82.04.4328 expressly defines the term "artistic or cultural organizations" in pertinent part as follows:

". . . the term "artistic or cultural organization" means an organization which is organized and operated exclusively for the purpose of providing artistic or cultural exhibitions, presentations, or performances or cultural or art education programs, . . . for viewing or attendance by the general public. The organization must be a not-for-profit corporation under chapter 24.03 RCW and managed by a governing board of not less than eight individuals none of whom is a paid employee of the organization or by a corporation sole under chapter 24.12 RCW. In addition, to qualify for deduction or exemption from taxation . . . the corporation shall satisfy the following conditions:

(a) No part of its income may be paid directly or indirectly to its members, stockholders, officers, directors, or trustees except in the form of services rendered by the corporation in accordance with its purposes and bylaws;

(b) Salary or compensation paid to its officers and executives must be only for actual services rendered, and at levels comparable to the salary or compensation of like positions within the state;

(c) Assets of the corporation must be irrevocably dedicated to the activities for which the exemption is granted and, on the liquidation, dissolution, or abandonment by the corporation, may not inure directly or indirectly to the benefit of any member or individual except a nonprofit organization, association, or corporation which also would be entitled to the exemption;

(d) The corporation must be duly licensed or certified when licensing or certification is required by law or regulation;

(e) The amounts received that qualify for exemption must be used for the activities for which the exemption is granted;

(f) Services must be available regardless of race, color, national origin, or ancestry; and

(g) The director of revenue shall have access to its books in order to determine whether the corporation is exempt from taxes.

(2) The term "artistic or cultural exhibitions, presentations, or performances or cultural or art education programs" includes and is limited to:

(a) An exhibition or presentation of works of art or objects of cultural or historical significance, such as those commonly displayed in art or history museums;

(b) A musical or dramatic performance or series of performances; or

(c) An educational seminar or program, or series of such programs, offered by the organization to the general public on an artistic, cultural, or historical subject."

Effective July 1, 1985, artistic or cultural organizations, as defined herein, are not subject to business and occupation tax upon amounts derived from conducting

any business activities whatever. Formerly, a business and occupation tax deduction was available only for amounts received by such organizations from the United States and its instrumentalities or the state and local government entities (RCW 82.04.4322); certain manufacturing activities (RCW 82.04.4324); and tuition fees for artistic or cultural education programs (RCW 82.04.4326). Under current law, however, the deduction is unrestricted and applies to all activities conducted by such qualifying organizations.

RETAIL SALES TAX

Artistic or cultural organizations which make any charges for goods or services which are included in the definition of "retail sale" under RCW 82.04.050, must collect and report the retail sales tax thereon. No sales tax exemption is available for sales by such organizations.

Such organizations are exempt of paying retail sales tax upon their purchases of certain "objects" for the purpose of exhibition or presentation to the general public if the objects are:

(1) Objects of art;

(2) Objects of cultural value;

(3) Objects to be used in the creation of a work of art, other than tools; or

(4) Objects to be used in displaying art objects or presenting artistic or cultural exhibitions or performances. (RCW 82.08.031)

The term "objects" is deemed to mean items of tangible personal property. It does not include professional or commercial services rendered by third parties. Where, however, certain services are performed which are merely incidental to sales of tangible personal property, e.g., designing playbills or altering stage curtains which are then sold to qualifying organizations, the total charge therefore will be exempt.

Charges for materials, equipment, and services related to repair, maintenance, or replacement of buildings or structures are not exempt. Thus, e.g., theater seats, aisle carpeting, air conditioning systems, painting of interior or exterior of buildings, and the like are not tax exempt "objects."

Under Washington law exempt sales include rentals of exempt objects.

Examples of objects which may be purchased by qualifying artistic or cultural organizations without payment of retail sales tax are:

a) Tickets, programs, signs, posters, fliers, and playbills printed for particular displays or performances; scenery, costumes, stage, props, scrims, and materials for their construction;

b) Stage lights, filters, control panels, color medium, stage drapes, sets, set paint, gallery exhibition materials, risers, display platforms, and materials for their construction;

c) Sheet music, recordings, musical instruments and musical supplies for the staging of displays and performances;

d) Movie projectors, films, sound systems, video and sound equipment and supplies and computer hardware

and standard, prewritten software directly used exclusively in the staging of performances or actual display of art objects.

Examples of objects which may be purchased by qualifying artistic or cultural organizations, upon which the retail sales tax must be paid are:

a) Supplies and equipment for clerical support, including bulk tickets for general use, stationery, typewriters, copy machines, and general office supplies;

b) Theater seats, lobby furniture, carpeting, vending machines, and general supplies for audience or patrons' convenience and use;

c) Shipping and packing materials, crates, boxes, dunnage, labels, tags, and container-related items for transfer or storage of exempt objects;

d) Sewing machines and other durable equipment used to prepare, repair, and maintain exempt objects (such items are deemed to be "tools," rather than exempt objects);

e) Theater or building lighting and utility fixtures and systems, and computer hardware and software not directly and exclusively used in staging performances or actually displaying art objects.

Qualified artistic and cultural organizations may obtain the tax exemptions by providing their suppliers with a written statement in essentially the following form:

I,           (buyer's name)          , hereby confirm that the items purchased on           (date of purchase)          , without payment of retail sales tax, from           (seller's name)           are all objects of art or cultural value or to be used in the creation of such objects or in displaying art objects or presenting artistic or cultural exhibitions or performances.

          (signature of authorized purchaser)            
for:           (name of organization)            
          (registration no. of organization)          

Vendors who accept such certifications in good faith will be excused from the responsibility of collecting and remitting sales tax on such sales.

#### USE TAX

Under RCW 82.12.031, the use tax does not apply to the use of any objects for the purposes explained earlier in this rule, and upon which the retail sales tax would be exempt if the objects were purchased in this state. The use tax applies upon all other items of tangible personal property used by artistic or cultural organizations upon which retail sales tax has not been paid.

**WSR 86-07-007**  
**PROPOSED RULES**  
**UNIVERSITY OF WASHINGTON**  
[Filed March 7, 1986]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning use of facilities, amending WAC 478-136-015.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 25, 1986.

The authority under which these rules are proposed is RCW 28B.20.130.

The specific statute these rules are intended to implement is RCW 28B.20.130.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 25, 1986.

Dated: February 25, 1986

By: Elsa Kircher Cole  
Assistant Attorney General

#### STATEMENT OF PURPOSE

Statutory Authority: RCW 28B.20.130.

Purpose of the Rule(s): Correct clerical error in citation to the state criminal trespass statute, RCW 9A.52.080.

Summary of the Rule(s): See purpose above.

Reasons Which Support the Proposed Action: See purpose above.

Name of Person or Organization Proposing the Rule(s): University of Washington, governmental, public.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): Stephen E. Nord, 483 Schmitz Hall, UW, 543-1750.

The rule is not necessary as the result of federal law, federal court action, or state court action.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): None.

AMENDATORY SECTION (Amending Order 82-2, filed 7/22/82, effective 10/1/82)

WAC 478-136-015 ADMINISTRATIVE RESPONSIBILITIES. (1) The board of regents delegates to the president of the university the authority to regulate the use of university facilities.

(2) Under this authority, the president has appointed the committee on the use of university facilities to provide for proper review of the use of university facilities; to establish within the framework of this policy, guidelines and procedures governing such use; and to establish policies regarding fees and rental schedules where appropriate. Inquiries concerning the use of university facilities may be directed to the Secretary of the Committee, 400 Administration Building (A1-10), 543-2560.

(3) Sponsorship of an event by an academic or administrative unit of the university implies that professional judgment has been applied to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and that the event is consistent with the teaching, research, and/or public service mission of the university.

(4) Approval of a facilities use request by the committee on the use of university facilities implies the proposed event has been reviewed with regard to the general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.

(5) Individuals who violate the university's use of facilities regulations will be advised of the specific nature of the violation and, if they persist, will be requested to leave university property. Failure to comply with such a request will subject such individuals to arrest under provisions of RCW (~~9A.52.080 (Criminal trespass—Penalty—Defense))~~) 9A.52.080 (Criminal trespass in the second degree), city of Seattle 12A.08.040 (Criminal trespass), or other applicable laws.

**WSR 86-07-008**  
**WITHDRAWAL OF PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
 [Filed March 7, 1986]

Withdrawal notice in WUTC Cause No. U-85-65, in the matter of amending WAC 480-120-033 relating to accounting and reporting requirements for competitive telecommunications companies.

This memorandum is sent pursuant to WAC 1-12-033 as a notice of withdrawal, withdrawing the above-cited proposed rule. The rule was noticed under WSR 85-22-069 filed November 6, 1985, and continued under WSR 86-03-037 filed January 13, 1986. A revised rule is filed under Cause No. U-86-31.

Paul Curl  
Acting Secretary

**WSR 86-07-009**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
 [Filed March 7, 1986]

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 WAC 480-120-021 relating to the glossary and WAC 480-120-057 relating to deposits for telecommunications companies. The proposed alternate sections are shown below as Appendix A, Cause No. U-85-58. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed section on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

Comment is specifically invited on the effect, if any, on small business (those having fewer than 50 employees) in the detail contemplated by chapter 19.85 RCW.

**ALTERNATIVE 1**

The proposed amendment to WAC 480-120-021 and new section WAC 480-120-057, together with a small business economic impact statement were originally published under WSR 85-23-030 in the Washington State Register. The entirety of that notice is incorporated by reference herein as Alternative 1.

**ALTERNATIVE 2**

In addition to Alternative 1, published as previously noted, the commission will consider a second alternative, denominated Alternative 2, filed herein with a separate small business economic impact statement. The commission will consider both alternatives in light of all comments now or hereafter filed pursuant to either notice;

that the agency will at 9:00 a.m., Wednesday, April 23, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park

Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1986.

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 this agency before April 14, 1986.

Dated: March 5, 1986  
 By: Paul Curl  
 Acting Secretary

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-120-021 and adopting WAC 480-120-057 relating to telecommunications companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040, which directs that the commission has authority to implement the provisions of Title 80 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to define inter-exchange telecommunications companies, and to provide the conditions under which a telecommunications company may require a deposit or other security of an inter-exchange carrier which purchases service for resale to ultimate consumers.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, 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 and Title 80 RCW.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change 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 Joint Administrative Rules Review Committee.

**Economic Impact Statement to Accompany  
 Amendatory Rules for Interexchange  
 Telecommunications Company Deposits**

This economic impact statement discusses the costs of compliance with proposed rules which set out the terms and conditions under which local exchange telephone companies will collect and hold security deposits and advances on account from interexchange telecommunications companies. The cost of compliance varies inversely with the creditworthiness of the interexchange company but not necessarily with size of company.

Companies which are very creditworthy, whether large or small, will be able to establish credit under WAC 480-120-057 (1)(a) or (b). Such companies, whether large or small, will not be required to provide deposit or security except in cases of demonstrated credit risk such as poor payment record or record of payment with checks which have been dishonored.

Companies of lesser creditworthiness, whether large or small, which cannot establish credit under WAC 480-120-057 (1)(a) or (b) have the option of providing security in the form of a letter of credit, a deposit or prepayment. It appears that the cost of maintaining a deposit would always exceed the cost of one of the other two options. The following is a discussion of the cost of providing a letter of credit and the cost of prepayment.

The annual cost of providing a letter of credit is approximately 1% to 3% (depending on creditworthiness) of the amount of 2 months bills from the local exchange company. Assuming that the resale markup over cost doesn't vary with the size of interexchange carrier, the cost of compliance per one hundred dollars of sales would be the same for companies of equal creditworthiness, regardless of size. This follows from the following reasoning: The annual cost of a letter of credit (C) is approximately twice the average month's bill (B) multiplied by the rate (r) paid per dollar of letter of credit coverage.

$$1) \quad C = 2Br$$

The number of hundreds of dollars of sales (S) is the volume of sales (s) divided by 100:

$$2) \quad S = s/100$$

The annual cost of the letter of credit option per one hundred dollars sales is then the quotient of equations 1) and 2).

$$3) \quad C/S = 2Br/[s/100] \\ = 200Br/s$$

Define resale markup (M) to be the ratio of sales to bills for the average month.

$$4) \quad M = s/B$$

Then, using equations 3) and 4) we conclude that the annual cost of the letter of credit option depends on the rate charged for the letter of credit and the resale markup, neither of which depends of necessity on the size of the interexchange carrier.

$$5) \quad C/S = 200r/M$$

Interexchange carriers which are not sufficiently creditworthy to obtain a letter of credit to secure obligations to local exchange companies would probably choose to provide security by paying one month's charges in advance. The annual cost of this option amounts to the difference between the interest on deposits paid by local exchange companies and the cost of capital to the interexchange company (perhaps a large difference for companies which are very poor credit risks) multiplied by the amount of one month's bill. Again, following a line of reasoning much like the one above, if the resale markup over cost doesn't vary with

the size of interexchange carrier, the cost of compliance per one hundred dollars of sales would be the same for companies of equal creditworthiness, regardless of size.

It has been argued above that the rate charged for a letter of credit and the cost of capital to an interexchange company do not vary with size of company but depend on the company's creditworthiness. As a matter of logic this is certainly true; there are very creditworthy small companies which can borrow on extremely favorable terms as well as large companies which are poor credit risks and have difficulty borrowing at all. As a matter of fact, when examining any particular set of companies, the cost of borrowing may vary greatly with the size of firms. This is especially likely when the smaller firms are newer, less experienced less, well established and hence poorer credit risks than the larger ones. Examination of these relationships in general is well beyond the scope of this economic impact statement.

On the basis of the analysis above of cost of compliance per hundred dollars of sales, we conclude that the cost of compliance with the instant amendatory rules does not fall disproportionately on small businesses. The cost of compliance is clearly greater for companies which are poor credit risks, as is the expected bad debt cost to local exchange companies. To the extent that the cost of compliance does, as a matter of fact, vary with the size of the company within a particular set of companies, the relationship is merely statistical and does not depend in any logical way on the smallness or largeness of firms.

**Reviser's note:** The brackets and enclosed material in the text above occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

#### NEW SECTION

WAC 480-120-057 DEPOSIT OR SECURITY—INTEREXCHANGE TELECOMMUNICATIONS COMPANIES. (1) Establishment of credit—interexchange telecommunications company. An interexchange telecommunications company may establish credit by demonstrating to the utility any one of the following subdivisions (a) or (b) of this subsection, subject to the provisions of subsection (4) of this section:

(a) Corporate debt rating. The interexchange telecommunications company or, if the interexchange telecommunications company is unable to comply with this provision, its parent or affiliated company, has undertaken to guarantee the payment of all charges incurred by the subscribing interexchange telecommunications company, has a corporate debt rating, according to Standard and Poor's of BBB or higher, or according to Moody's of Baa or higher, with respect to any outstanding general debt obligation; or

(b) When the interexchange telecommunications company has demonstrated to the utility, through the bimonthly provision of certified financial statements, the following financial criteria:

(i) A positive cash flow from total company operations over the past twelve months.

(ii) A minimum level of net worth at least equivalent to the deposit which would otherwise be required.

(iii) A current ratio (current assets-to-current liabilities) of 1.1 to 1 or a debt-to-equity ratio of 1.8 to 1.

(iv) A minimum accounts receivable turnover ratio (annual sales divided by average accounts receivable) of four over the last twelve months.

(2) Deposit or security requirements. A deposit or security shall be required from an interexchange telecommunications company under the following circumstances:

(a) When the interexchange telecommunications company has failed to establish credit as outlined above.

(b) In any event, a deposit or security shall be required when within the twelve months prior to the application, the interexchange telecommunications company's service has been disconnected for failure to pay amounts owing, when due; when the interexchange telecommunications company has an unpaid balance owing for service from the utility to which application is being made or any other telecommunications company; or when two or more delinquency notices have been served upon the interexchange telecommunications company by any telecommunications company during the twelve months previous to the application for service.

(c) When an interexchange telecommunications company:

(i) Is initially provided service without a deposit or security on the basis of credit information supplied to the utility which is incorrect or cannot be verified by the utility and the interexchange telecommunications company would have otherwise been required to make a deposit or security; or

(ii) Has on two or more occasions in the previous twelve months tendered payment of due amounts with checks which have been dishonored; or

(iii) Has given the utility cause to disconnect for nonpayment, but the utility has elected not to disconnect service.

(d) Any new or additional deposit or security required under authority of these rules, except as may be provided for elsewhere in these rules, is due and payable on the sixth business day after written notice of the deposit requirement is mailed to the subscriber, or, if personal service is elected, by 5:00 p.m. of the first business day following notification.

(3) Types of deposit or security. Deposits or security may consist of cash, letters of credit or surety bonds, or any combination thereof.

(4) Amount of deposit or security.

(a) When a deposit or security shall be required by the utility, the deposit or security shall be equal to two months of estimated billings.

(b) Interexchange telecommunications companies whose billings exceed the estimated amount by ten percent shall be required, upon written or verbal notice to the interexchange telecommunications company, to make payment of either of the following at the interexchange telecommunications company's election, before the close of the next business day following receipt of the notice:

(i) Full payment of the charges specified in said notice; or all charges accrued to the time of payment providing the interexchange telecommunications company has been notified that it is liable for charges in addition to those charges specified in the notice.

(ii) Payment of a new or additional deposit or security in light of the interexchange telecommunications company's actual use based upon an estimated two months billing.

(c) If the notice herein described is mailed, receipt may be presumed on the fourth business day following date of mailing.

(5) Application of deposit or security. When an account of an interexchange telecommunications company is delinquent, the deposit or security may be applied by the utility toward satisfaction of the past due amount before disconnection is effected. Written notice of such application shall be promptly furnished to the interexchange telecommunications company. If an amount of security or deposit is applied toward satisfaction of any past due amount, the utility shall require an additional deposit or security in the amount so applied and, if applicable, payment of any past due amounts still owing after application of the deposit or security. Application of a deposit or security as provided for herein shall not prevent disconnection of service for failure by the interexchange telecommunications company to pay any past due amounts which may remain outstanding. However, the utility may not disconnect service or apply security or deposit on amounts that are in dispute.

(6) Interest on deposits. Interest on deposits shall be in conformance with the guidelines set forth in WAC 480-120-056(7).

(7) Refund of deposit or security. Deposits or security shall be refunded under the following circumstances and in the following form:

(a) Establishment of credit. Any deposit or security shall be refunded whenever the interexchange telecommunications company has established credit as outlined in subsection (1)(a) or (b) of this section.

(b) Termination of service. Upon termination of service, the utility shall return to the interexchange telecommunications company the security or the amount then on deposit plus accrued interest, less any amounts due the utility by the interexchange telecommunications company for service rendered.

(8) Should a larger or new deposit or security be required, the reasons therefor shall be specified in writing to the interexchange telecommunications company. Any requirement for a new or larger

deposit or security shall be in conformity with the standards set forth in this rule.

(9) Alternative to deposit or security. An interexchange telecommunications company which does not satisfy the criteria in subsection (1) of this section may choose to pay for services in advance, in which case the requirement for deposit or security will not apply.

(a) Prepayment amount. An interexchange telecommunications company may prepay an initial amount equal to the most recent month's billings. If the interexchange telecommunications company has no billing history, the prepayment amount shall be equal to an estimate made by the utility of those charges that will be incurred by the interexchange telecommunications company in the following month. This amount shall be due on the first business day of the month to which it will apply.

(b) The utility shall hold the interexchange telecommunications company's prepaid amounts in an interest bearing account, which interest shall accrue to the benefit of the interexchange telecommunications company.

(c) Application of prepayment. The utility shall apply funds held in the prepayment account to bills incurred by the interexchange telecommunications company as they are issued during the month.

(d) Adjustments to prepayment amount. If the cumulative amount billed to the interexchange telecommunications company during any month exceeds the amount of prepayment, the interexchange telecommunications company shall, by the fifth business day of the following month, remit to the utility the amount by which the actual billed amount has exceeded the prepaid amount. If the cumulative amount billed is less than the amount of the monthly prepayment, the utility shall by the fifth business day of the following month refund the excess amount, or make appropriate adjustment to the prepayment amount for the current month. If actual billings for any month deviate from the prepaid amount by five percent or more, the prepayment for the ensuing months shall be adjusted to the level of the prior month's billing. If during any month the interexchange telecommunications company adds additional services estimated to exceed the monthly prepaid amount by more than ten percent, the interexchange telecommunications company shall be required to remit an additional prepayment amount by the fifth business day following receipt of written or oral notice by the utility.

(e) Transition period. An interexchange telecommunications company which elects to pay for services in advance may retire any outstanding obligations prior to the first month in which prepayment is utilized by executing and fulfilling the terms of a promissory note for the retirement of such debt, interest free, in not more than three equal monthly installments. However, the interexchange telecommunications company shall not be required to make arrangements on any amounts in dispute.

(f) Disconnection. If an interexchange telecommunications company which has chosen to pay for services in advance fails to satisfy the obligations under this section, the utility may discontinue service to that interexchange telecommunications company two business days following oral notice of intent to discontinue service.

## WSR 86-07-010

### ADOPTED RULES

### BOARD OF PILOTAGE COMMISSIONERS

[Order 86-2, Resolution No. 86-2—Filed March 10, 1986]

Be it resolved by the Board of Pilotage Commissioners, acting at Pier 52, Seattle, Washington 98104, that it does adopt the annexed rules relating to licensing of pilots, WAC 296-116-080.

This action is taken pursuant to Notice No. WSR 86-01-047 filed with the code reviser on December 13, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 88.16.035 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED February 13, 1986.

By Marjorie T. Smitch  
Assistant Attorney General

AMENDATORY SECTION (Amending Order 82-7, Resolution No. 82-7, filed 7/14/82)

✓ WAC 296-116-080 LICENSING OF PILOTS.

(1) No person shall be licensed by the board unless he has applied for a pilotage license and successfully completed: (a) The pilotage examination; (b) familiarization trips required by the board; and (c) the pilotage training program, if applicable.

The majority of the entire board shall pass on the licensing of a pilot and licenses shall be signed by the chairperson. All applicants shall have and display a United States Government Masters License and a first class United States endorsement without restrictions on that license to pilot in whichever pilotage district the applicant desires a license. In addition all applicants shall have and display an endorsement to their masters license issued by the United States Coast Guard certifying competence as a radar observer.

(2) Prior to commencing familiarization trips, and the pilot training program, if applicable, an applicant must pass a written and oral examination given and graded by the board. The board shall hold examinations at such times as will ensure the maintenance of an efficient and competent pilotage service. Notice of the examination shall be published four months in advance by one paid advertisement in a major newspaper and written notice to one radio station, one television station, United Press International, and the Associated Press, as well as all pilots licensed by the board and all operators registered with the board. Applications will be accepted by the board immediately following the publication of the notice of the examination. The board may, in an emergency, call for an immediate examination ((of applicants who have an application on file with the board)) on less than four months notice.

(a) The examination may be taken by all qualified applicants who:

(i) Have had a license application on file with the board for at least one month prior to the examination. (This requirement may be waived upon the showing of good cause;)

(ii) Have tendered ~~((an))~~ a nonrefundable examination fee of ~~((one))~~ three hundred dollars ~~((which will be applied to his first year license fee if successful and shall be returned to the applicant if he is unable to sit for the examination, and))~~. The board may, at its discretion, refund the examination fee for an applicant who is unable to sit for the examination.

(iii) Have had a physical examination by a physician designated by the board not more than thirty days prior to the examination to determine his physical fitness to be a pilot.

(b) The examination shall be in compliance with RCW 88.16.090 and shall consist of questions covering, but not limited to, the following subjects as they pertain to the pilotage district for which the examination is being given:

(i) Rules of the road as set forth in United States government publications;

(ii) Aids to navigation;

(iii) Courses, distances, and distance past abeam at change-of-course points, course points within channels, waterways, and navigable tributaries within the pilotage district for which the examination is being given;

(iv) Cable crossing areas;

(v) Dredged channel widths and depths;

(vi) Bridge signals - width, regulations, and closed periods;

(vii) Ship handling, docking and undocking problems, use of towboats and anchors, and seamanship;

(viii) Vessel traffic system regulations where applicable;

(ix) Ranges for determining compass error;

(x) Channel ranges;

(xi) Engine and rudder order commands for United States and foreign merchant vessels and United States naval vessels;

(xii) Operation and use of marine radar, including rapid plotting techniques;

(xiii) Calculation of currents and tides;

(xiv) Pier, wharf, or terminal locations and berth numbers; dock or pier headings, lengths, and minimum depths of water alongside;

(xv) Prohibited areas, restricted areas, and explosive anchorages;

(xvi) Use of navigational and bridge instruments;

(xvii) Anchorage locations;

(xviii) Duties of pilot;

(xix) Relationship between pilot and master;

(xx) Location and meaning of storm warning signals;

(xxi) Meaning of one and two flag signals;

(xxii) United States government public health quarantine regulations;

(xxiii) Harbor regulations;

(xxiv) Washington State Pilotage Act and rules of the board of pilotage commissioners;

(xxv) Chart knowledge, including chart symbols and abbreviations as set forth in the latest department of commerce NOS (National Ocean Survey) Chart No. 1.

(3) After successful completion of the examination, the board shall determine the number of familiarization trips which the applicant will have to make pursuant to RCW 88.16.090. Familiarization trips are ship movements over specified routes on which the applicant observes the route and the actions of the licensed pilot on board.

(4) After passing the examination, applicants for the Puget Sound pilotage district must enter and successfully complete a familiarization and training program. In this program applicants shall be required to pilot vessels under the supervision of Puget Sound pilots with more than five years experience. After every such assignment the supervisory pilots shall fill out, on a form provided

by the board, an evaluation of the applicant's performance. After completion of the training period, the board shall evaluate the applicant's performance in shiphandling skills on the basis of these forms and other relevant information and decide whether the applicant should be licensed. Dependent on the applicant's experience level and grade of license, applicants in this training program shall pilot under such supervision for a minimum period of four months and seventy-five assignments and a maximum period of six months and one hundred assignments. Some or all of the familiarization trips required by RCW 88.16.090(7) may, at the board's discretion, be combined with trips during which the applicant is piloting the vessel under the supervision of a licensed pilot.

### WSR 86-07-011

#### EMERGENCY RULES

### DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-18—Filed March 11, 1986]

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at the Department of Labor and Industries Offices, General Administration Building, Olympia, Washington, the annexed rules relating to rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296-17 WAC) for workers' compensation insurance underwritten by the Department of Labor and Industries and offered to employers on an optional basis. Basic premium ratios, minimum premium ratios, loss conversion factors, size group tables, coverage periods, application deadlines, and clarification of rules are set forth.

I, R. A. Davis, find that an emergency exists and that this 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 the emergency is previously, the rules governing retrospective rating plans and group insurance only allowed employers to enroll in this optional program for a coverage year which begins July 1. Emergency rules effective for 90 days were adopted December 12, 1985, to allow employers to enroll in this program for a coverage year that began January 1, 1986. Permanent rules have been adopted and were filed on February 25, 1986, to be effective in 30 days. These emergency rules are being adopted to cover the period from March 12, to March 27, 1986.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 10, 1986.

By R. A. Davis  
Director

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-904 DEFINITIONS. The definitions in this section shall apply throughout WAC 296-17-905 through 296-17-91902.

(1) "Coverage period" means ~~((the))~~ a one-year period beginning ((July 1 and ending June 30)) the first day of either January, April, July, or October.

(2) "Group" means those members of an association who have elected to have a group dividend and/or retrospective premium calculated based on the combined premium and incurred loss data of the participants, and have satisfactorily complied with eligibility requirements for doing so.

(3) "Premium" means only that portion of the money collected from an employer for worker's compensation (not to include any money paid in penalties or security deposits), which is deposited in the accident fund.

(4) "Standard premium" for a particular coverage period means premium collected or due for insurance coverage provided during the period, prior to any adjustments under a dividend or retrospective rating plan.

(5) "Incurred losses" for a coverage period means the estimated ultimate cost to the accident fund of claims arising from incidents occurring during the coverage period, subject to the special evaluation methods prescribed in WAC 296-17-915.

(6) "Loss development factor" means an actuarially determined factor which is multiplied times individual case basis estimates of claim costs to produce incurred losses for a firm or group of firms during a coverage period. Loss development factors allow for reopenings, aggravations, and any other individually unpredictable contingencies which may affect claim costs based on past experience of the accident fund as a whole.

(7) "Loss ratio" means incurred losses divided by standard premium.

(8) "Dividend" is a partial refund of standard premium based on a firm's standard premium and loss ratio ~~((for the coverage period)).~~

(9) "Retrospective premium" is a premium determined after a coverage period has ended, based on a firm's standard premium, incurred losses, and other pre-selected parameters for the coverage period.

(10) "Retrospective premium adjustment" is an additional assessment or refund of premium owing to an employer's retrospective premium as of a given evaluation date being more or less than the premium previously paid for the coverage period.

(11) "Performance adjustment factor" means an actuarially determined factor which is multiplied times incurred losses prior to application of the retrospective rating formula, to produce "adjusted incurred losses." This adjustment will produce net retrospective premium credits for participating risks in the aggregate when they have combined experience which is more favorable than

~~((total))~~ other state fund experience for the same coverage period. Conversely, this adjustment will produce net retrospective premium penalties for participating risks when their combined experience is more adverse than ~~((total))~~ other state fund experience for the same coverage period. The purpose of the performance adjustment factor is to retain a consistent economic incentive for those employers to improve their accident cost experience while participating in these plans.

**AMENDATORY SECTION** (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

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:

(i) April 30 for the coverage period beginning the following July 1;

(ii) July 31 for the coverage period beginning the following October 1;

(iii) October 31 for the coverage period beginning the following January 1;

(iv) January 31 for the coverage period beginning the following April 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 June 15))~~ by the 15th day of the month preceding the start of the coverage period;

(c) Group dividend agreement ~~((no later than June 15))~~ by the 15th day of the month preceding the start of the coverage period.

(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 assigned risk classification(s) and individual experience rating.

The department ~~((with))~~ may withhold any member's pro rata share from the group's dividend and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

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.

**AMENDATORY SECTION** (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-914 RETROSPECTIVE RATING FORMULA. Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department. This application must be received by the department no later than ~~((June 15 for the coverage period beginning the following July 1))~~ the 15th day of the month preceding the start of the coverage period. The employer must preselect a "maximum premium ratio" ~~((from))~~ and either Plan A, A1, A2, A3, or ~~((Plan))~~ B.

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

Retrospective Premium =

(Basic Premium Ratio x Standard Premium)

+

(Loss Conversion Factor x Adjusted Incurred Losses)

In the above formula, the basic premium ratio and loss conversion factor are taken from PLAN A (WAC 296-17-91901) or PLAN B (WAC 296-17-91902) or PLAN A1 (WAC 296-17-91903) or PLAN A2 (WAC 296-17-91904) or PLAN A3 (WAC 296-17-91905) based on the employer's standard premium and preselected maximum premium ratio. Adjusted incurred losses equal incurred losses times the performance adjustment factor applicable to the coverage period. When the aggregate experience of retrospectively rated accounts is superior to other state fund experience, the performance adjustment factor will not exceed 1.00. The performance adjustment factor for each coverage period shall be calculated independently of results for previous coverage periods. Evaluation of incurred losses will be done according to the methods prescribed in WAC 296-17-915.

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 Plans A1, A2, and A3, the minimum retrospective premium is the product of the minimum premium ratio times the employer's standard premium. If the retrospective premium formula produces a value less than the minimum premium, the retrospective premium shall be increased to the minimum 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, 1985, and ending June 30, 1986))~~ January 1, 1986, will be ~~((.05+))~~ .052 if the firm selects and qualifies for an unlimited maximum premium.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-916 **RETROSPECTIVE PREMIUM ADJUSTMENTS—DUE AND PAYABLE.** The initial retrospective premium adjustment will be calculated approximately twelve months from the close of the coverage period and annually thereafter for a period of four years. Provided a request is made within ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the sixth and seventh adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Re-evaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less than ten dollars will be credited to the employer's industrial insurance account.

The department (~~with~~) may withhold any member's pro rata share from the group's retrospective premium adjustment refund and credit the employer's industrial insurance account when premiums, penalties, or assessments are owing the department. For employers participating in an individual retrospective rating plan, retrospective premium adjustment refunds (~~with~~) may be credited to the employer's industrial insurance account when premiums, penalties, or assessments are owing the department.

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

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 have industrial insurance accounts in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties, or assessments are due and quarterly reporting of payroll has been made in accordance with WAC 296-17-310.

(3) Group submits a satisfactorily completed:

(a) Application for group retrospective rating plan no later than:

(i) April 30 for the coverage period beginning the following July 1;

(ii) July 31 for the coverage period beginning the following October 1;

(iii) October 31 for the coverage period beginning the following January 1;

(iv) January 31 for the coverage period beginning the following April 1.

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by (~~June 15~~) the 15th day of the month preceding the start of the coverage period;

(c) Group retrospective rating plan agreement by (~~June 15~~) the 15th day of the month preceding the start of the coverage period.

(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:

(a) The group's surety bond must be on the prescribed forms authorized by the department;

(b) The group's surety bond shall be secured in one thousand dollar increments provided further that if the group's estimated maximum premium due falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The group's surety bond shall remain in force and effect for the period required retrospective premium calculations are made.

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 assigned risk classification(s) and 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.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

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.

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 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-919 TABLE I.

RETROSPECTIVE RATING PLANS A, A1, A2, A3, and B  
STANDARD PREMIUM SIZE RANGES  
Effective ((for the coverage period July 1, 1985,  
through June 30,)) January 1, 1986

Size Group Number	Standard Premium Range
<del>84</del>	<del>\$ 3,230 - \$ 3,639</del>
<del>83</del>	<del>3,640 - 4,109</del>
<del>82</del>	<del>4,110 - 4,639</del>
<del>81</del>	<del>4,640 - 5,239</del>
<del>80</del>	<del>5,240 - 5,919</del>
<del>79</del>	<del>5,920 - 6,629</del>
<del>78</del>	<del>6,630 - 7,259</del>
<del>77</del>	<del>7,260 - 7,879</del>
<del>76</del>	<del>7,880 - 8,549</del>
<del>75</del>	<del>8,550 - 9,259</del>
<del>74</del>	<del>9,260 - 9,929</del>
<del>73</del>	<del>9,930 - 10,599</del>
<del>72</del>	<del>10,600 - 11,399</del>
<del>71</del>	<del>11,400 - 12,199</del>
<del>70</del>	<del>12,200 - 13,099</del>
<del>69</del>	<del>13,100 - 13,999</del>
<del>68</del>	<del>14,000 - 15,099</del>
<del>67</del>	<del>15,100 - 16,199</del>
<del>66</del>	<del>16,200 - 17,399</del>
<del>65</del>	<del>17,400 - 18,599</del>
<del>64</del>	<del>18,600 - 19,999</del>
<del>63</del>	<del>20,000 - 21,399</del>
<del>62</del>	<del>21,400 - 22,999</del>
<del>61</del>	<del>23,000 - 24,599</del>
<del>60</del>	<del>24,600 - 26,399</del>
<del>59</del>	<del>26,400 - 28,399</del>
<del>58</del>	<del>28,400 - 30,399</del>
<del>57</del>	<del>30,400 - 32,599</del>
<del>56</del>	<del>32,600 - 34,999</del>
<del>55</del>	<del>35,000 - 37,499</del>
<del>54</del>	<del>37,500 - 40,199</del>
<del>53</del>	<del>40,200 - 43,099</del>
<del>52</del>	<del>43,100 - 46,199</del>
<del>51</del>	<del>46,200 - 49,599</del>
<del>50</del>	<del>49,600 - 53,099</del>
<del>49</del>	<del>53,100 - 56,999</del>
<del>48</del>	<del>57,000 - 61,099</del>
<del>47</del>	<del>61,100 - 65,599</del>
<del>46</del>	<del>65,600 - 70,299</del>
<del>45</del>	<del>70,300 - 75,399</del>
<del>44</del>	<del>75,400 - 80,999</del>
<del>43</del>	<del>81,000 - 87,299</del>
<del>42</del>	<del>87,300 - 93,999</del>
<del>41</del>	<del>94,000 - 100,999</del>
<del>40</del>	<del>101,000 - 108,999</del>
<del>39</del>	<del>109,000 - 117,999</del>
<del>38</del>	<del>118,000 - 126,999</del>
<del>37</del>	<del>127,000 - 136,999</del>
<del>36</del>	<del>137,000 - 147,999</del>
<del>35</del>	<del>148,000 - 161,999</del>
<del>34</del>	<del>162,000 - 174,999</del>
<del>33</del>	<del>175,000 - 189,999</del>
<del>32</del>	<del>190,000 - 206,999</del>

Size Group Number	Standard Premium Range
<del>31</del>	<del>207,000 - 224,999</del>
<del>30</del>	<del>225,000 - 243,999</del>
<del>29</del>	<del>244,000 - 264,999</del>
<del>28</del>	<del>265,000 - 288,999</del>
<del>27</del>	<del>289,000 - 313,999</del>
<del>26</del>	<del>314,000 - 341,999</del>
<del>25</del>	<del>342,000 - 371,999</del>
<del>24</del>	<del>372,000 - 404,999</del>
<del>23</del>	<del>405,000 - 440,999</del>
<del>22</del>	<del>441,000 - 479,999</del>
<del>21</del>	<del>480,000 - 521,999</del>
<del>20</del>	<del>522,000 - 568,999</del>
<del>19</del>	<del>569,000 - 618,999</del>
<del>18</del>	<del>619,000 - 674,999</del>
<del>17</del>	<del>675,000 - 734,999</del>
<del>16</del>	<del>735,000 - 801,999</del>
<del>15</del>	<del>802,000 - 909,999</del>
<del>14</del>	<del>910,000 - 1,032,999</del>
<del>13</del>	<del>1,033,000 - 1,170,999</del>
<del>12</del>	<del>1,171,000 - 1,563,999</del>
<del>11</del>	<del>1,564,000 - 1,976,999</del>
<del>10</del>	<del>1,977,000 - 2,415,999</del>
<del>9</del>	<del>2,416,000 - 3,019,999</del>
<del>8</del>	<del>3,020,000 - 3,882,999</del>
<del>7</del>	<del>3,883,000 - 5,154,999</del>
<del>6</del>	<del>5,155,000 - 7,203,999</del>
<del>5</del>	<del>7,204,000 &amp; over))</del>
84	\$ 4,296 - \$ 4,840
83	4,841 - 5,465
82	5,466 - 6,170
81	6,171 - 6,968
80	6,969 - 7,873
79	7,874 - 8,817
78	8,818 - 9,655
77	9,656 - 10,479
76	10,480 - 11,371
75	11,372 - 12,315
74	12,316 - 13,206
73	13,207 - 14,097
72	14,098 - 15,161
71	15,162 - 16,225
70	16,226 - 17,422
69	17,423 - 18,619
68	18,620 - 20,082
67	20,083 - 21,545
66	21,546 - 23,141
65	23,142 - 24,737
64	24,738 - 26,599
63	26,600 - 28,461
62	28,462 - 30,589
61	30,590 - 32,717
60	32,718 - 35,111
59	35,112 - 37,771
58	37,772 - 40,431
57	40,432 - 43,357
56	43,358 - 46,549
55	46,550 - 49,874

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
54	49,875 - 53,465	28	352,450 - 384,369
53	53,466 - 57,322	27	384,370 - 417,619
52	57,323 - 61,445	26	417,620 - 454,859
51	61,446 - 65,967	25	454,860 - 494,759
50	65,968 - 70,622	24	494,760 - 538,649
49	70,623 - 75,809	23	538,650 - 586,529
48	75,810 - 81,262	22	586,530 - 638,399
47	81,263 - 87,247	21	638,400 - 694,259
46	87,248 - 93,498	20	694,260 - 756,769
45	93,499 - 100,281	19	756,770 - 823,269
44	100,282 - 107,729	18	823,270 - 897,749
43	107,730 - 116,108	17	897,750 - 977,549
42	116,109 - 125,019	16	977,550 - 1,066,659
41	125,020 - 134,329	15	1,066,660 - 1,210,299
40	134,330 - 144,969	14	1,210,300 - 1,373,889
39	144,970 - 156,939	13	1,373,890 - 1,557,429
38	156,940 - 168,909	12	1,557,430 - 2,080,119
37	168,910 - 182,209	11	2,080,120 - 2,629,409
36	182,210 - 196,839	10	2,629,410 - 3,213,279
35	196,840 - 215,459	9	3,213,280 - 4,016,599
34	215,460 - 232,749	8	4,016,600 - 5,164,389
33	232,750 - 252,699	7	5,164,390 - 6,856,149
32	252,700 - 275,309	6	6,856,150 - 9,581,319
31	275,310 - 299,249	5	9,581,320 & over
30	299,250 - 324,519		
29	324,520 - 352,449		

AMENDATORY SECTION (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A  
BASIC PREMIUM RATIOS  
LOSS CONVERSION FACTOR = ((-560)) .692

Effective ((for the coverage period beginning July 1, 1985, through June 30,)) January 1, 1986

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	.975	.957	.942	.931	.918	.910	.901	.895	.887	.880	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.917	.906	.895	.886	.879	.870	.863	.850	.838	.826	.805
81	.967	.946	.925	.913	.898	.889	.878	.869	.861	.854	.840	.828	.816	.794
80	.966	.940	.921	.906	.891	.880	.870	.861	.853	.845	.830	.818	.805	.782
79	.964	.937	.915	.899	.886	.873	.863	.853	.843	.836	.821	.807	.794	.769
78	.962	.932	.911	.895	.879	.866	.856	.846	.836	.826	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.861	.848	.839	.829	.819	.802	.786	.772	.746
76	.955	.927	.902	.884	.867	.853	.840	.829	.820	.808	.792	.776	.760	.732
75	.953	.920	.896	.877	.860	.844	.830	.820	.808	.799	.781	.764	.749	.720
74	.948	.917	.892	.869	.852	.837	.824	.811	.802	.789	.771	.753	.737	.708
73	.946	.911	.885	.864	.847	.831	.816	.803	.792	.781	.761	.743	.726	.694
72	.944	.908	.881	.858	.840	.823	.808	.794	.783	.771	.751	.731	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.773	.761	.739	.721	.701	.669
70	.936	.898	.867	.842	.823	.806	.790	.776	.764	.750	.729	.707	.690	.654
69	.935	.892	.862	.838	.815	.797	.782	.767	.754	.740	.717	.696	.677	.641
68	.928	.888	.855	.829	.806	.788	.771	.756	.744	.730	.707	.684	.664	.628
67	.925	.881	.847	.821	.797	.779	.763	.747	.731	.720	.695	.673	.652	.615
66	.918	.873	.839	.813	.791	.770	.752	.737	.721	.710	.682	.660	.639	.602
65	.916	.870	.835	.808	.783	.762	.744	.728	.712	.699	.671	.648	.626	.588

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
64	.910	.862	.826	.800	.775	.752	.734	.717	.701	.686	.660	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.675	.649	.624	.602	.562
62	.899	.851	.810	.783	.756	.733	.714	.696	.680	.665	.637	.610	.588	.548
61	.898	.843	.806	.773	.748	.724	.704	.687	.670	.654	.624	.599	.575	.535
60	.890	.836	.798	.765	.738	.713	.694	.675	.659	.642	.612	.586	.563	.520
59	.888	.833	.790	.756	.730	.705	.684	.666	.646	.629	.600	.572	.548	.507
58	.880	.825	.781	.747	.719	.694	.674	.652	.635	.617	.586	.560	.536	.492
57	.879	.817	.772	.737	.710	.684	.660	.640	.623	.606	.574	.545	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.611	.592	.563	.533	.508	.466
55	.868	.805	.758	.718	.690	.663	.638	.619	.598	.580	.547	.521	.496	.453
54	.860	.795	.749	.709	.679	.653	.628	.605	.586	.569	.536	.507	.482	.440
53	.851	.786	.739	.699	.669	.642	.617	.594	.574	.554	.524	.494	.470	.427
52	.842	.777	.725	.688	.658	.628	.602	.582	.561	.543	.509	.482	.458	.415
51	.833	.767	.715	.677	.644	.617	.591	.567	.548	.530	.497	.468	.443	.402
50	.830	.758	.706	.667	.633	.605	.580	.556	.536	.516	.483	.455	.431	.389
49	.822	.749	.695	.657	.622	.591	.564	.544	.522	.503	.470	.441	.416	.377
48	.813	.739	.685	.642	.611	.579	.553	.529	.509	.490	.458	.429	.404	.364
47	.803	.729	.674	.631	.596	.567	.541	.517	.494	.476	.443	.416	.390	.351
46	.795	.719	.664	.619	.584	.552	.526	.505	.482	.464	.432	.403	.378	.340
45	.786	.709	.648	.604	.568	.540	.513	.489	.470	.449	.416	.391	.368	.330
44	.775	.693	.637	.593	.556	.524	.498	.477	.454	.436	.405	.379	.357	.320
43	.766	.682	.620	.581	.544	.511	.486	.462	.442	.425	.394	.368	.346	.310
42	.757	.672	.610	.564	.529	.500	.470	.450	.428	.411	.378	.354	.332	.299
41	.747	.661	.600	.554	.517	.485	.458	.434	.414	.397	.366	.341	.320	.284
40	.737	.645	.588	.538	.502	.472	.446	.422	.403	.382	.354	.327	.307	.273
39	.727	.635	.572	.526	.489	.456	.431	.410	.388	.370	.339	.315	.294	.261
38	.717	.624	.561	.514	.473	.445	.418	.394	.376	.358	.327	.302	.282	.250
37	.700	.607	.544	.498	.461	.429	.402	.381	.360	.342	.315	.289	.269	.238
36	.689	.596	.532	.481	.445	.416	.390	.366	.348	.331	.301	.278	.259	.227
35	.671	.578	.514	.469	.432	.399	.375	.354	.333	.316	.288	.265	.246	.216
34	.660	.560	.496	.451	.415	.387	.361	.339	.321	.304	.277	.255	.235	.207
33	.641	.547	.484	.433	.402	.370	.345	.325	.307	.291	.264	.242	.225	.197
32	.622	.528	.466	.421	.385	.358	.333	.311	.293	.278	.252	.231	.214	.188
31	.604	.510	.449	.404	.369	.341	.318	.299	.282	.266	.242	.221	.206	.180
30	.585	.492	.431	.391	.357	.329	.305	.286	.269	.254	.230	.211	.196	.172
29	.567	.474	.417	.374	.339	.313	.290	.272	.256	.244	.221	.202	.188	.166
28	.548	.456	.400	.357	.327	.301	.278	.260	.244	.229	.207	.191	.176	.153
27	.537	.444	.383	.344	.310	.284	.262	.244	.228	.215	.192	.174	.159	.137
26	.519	.427	.371	.328	.298	.268	.248	.229	.214	.200	.177	.160	.145	.123
25	.499	.408	.353	.310	.281	.255	.232	.214	.199	.187	.164	.146	.132	.112
24	.480	.390	.335	.297	.265	.240	.221	.204	.189	.177	.156	.140	.127	.107
23	.461	.370	.317	.280	.252	.228	.209	.193	.178	.168	.148	.134	.121	.103
22	.434	.351	.302	.263	.236	.215	.195	.183	.170	.159	.140	.126	.116	.099
21	.413	.332	.284	.250	.224	.202	.185	.172	.160	.151	.135	.121	.111	.096
20	.395	.313	.267	.237	.209	.190	.173	.162	.150	.140	.125	.113	.104	.090
19	.377	.301	.250	.221	.195	.177	.161	.148	.138	.130	.116	.104	.096	.083
18	.358	.283	.237	.204	.180	.162	.147	.136	.127	.118	.106	.097	.089	.078
17	.339	.265	.220	.191	.168	.151	.136	.126	.117	.109	.098	.089	.082	.073
16	.319	.246	.203	.175	.155	.138	.126	.116	.108	.101	.090	.082	.077	.068
15	.300	.228	.190	.163	.142	.129	.116	.107	.100	.094	.084	.079	.073	.065
14	.290	.216	.173	.153	.135	.122	.111	.102	.096	.090	.082	.077	.071	.064
13	.280	.199	.162	.143	.128	.116	.106	.098	.093	.087	.080	.075	.070	.063
12	.263	.181	.151	.135	.120	.110	.101	.096	.089	.085	.078	.072	.068	.062
11	.251	.161	.137	.125	.113	.104	.097	.091	.085	.082	.075	.070	.067	.061
10	.234	.143	.128	.116	.107	.098	.092	.087	.082	.079	.073	.068	.065	.060
9	.215	.132	.118	.108	.100	.093	.087	.082	.079	.076	.071	.067	.064	.060
8	.195	.121	.110	.101	.094	.087	.082	.079	.076	.073	.068	.065	.062	.059
7	.167	.111	.102	.094	.088	.083	.079	.075	.073	.070	.066	.062	.061	.058
6	.130	.100	.094	.087	.082	.078	.075	.072	.069	.067	.063	.061	.060	.057
5	.098	.092	.086	.080	.077	.074	.070	.068	.066	.064	.061	.060	.058	.056))
84	.975	.955	.942	.929	.918	.910	.901	.895	.887	.881	.869	.858	.848	.829
83	.973	.954	.938	.924	.912	.902	.894	.886	.879	.872	.860	.848	.838	.817
82	.972	.950	.932	.918	.906	.895	.886	.879	.870	.863	.850	.838	.827	.806
81	.967	.946	.925	.913	.899	.889	.878	.869	.862	.854	.840	.828	.816	.795
80	.966	.940	.921	.906	.891	.881	.870	.862	.853	.845	.830	.818	.806	.781
79	.964	.937	.915	.900	.884	.873	.863	.853	.844	.836	.821	.808	.794	.770
78	.958	.932	.911	.895	.880	.866	.856	.845	.836	.827	.811	.797	.783	.757
77	.957	.929	.905	.888	.873	.862	.848	.839	.827	.819	.802	.787	.772	.746
76	.955	.927	.902	.884	.865	.853	.840	.829	.818	.809	.792	.774	.760	.733

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 75	.954	.920	.896	.877	.860	.845	.830	.820	.809	.799	.781	.764	.749	.720
74	.948	.918	.892	.869	.852	.837	.823	.811	.800	.790	.770	.754	.737	.708
73	.946	.911	.885	.863	.845	.829	.816	.803	.790	.781	.760	.743	.726	.695
72	.944	.908	.878	.858	.840	.824	.809	.794	.783	.772	.750	.732	.714	.682
71	.938	.901	.874	.850	.831	.814	.799	.785	.772	.761	.739	.721	.701	.667
70	.936	.899	.867	.843	.824	.807	.790	.776	.762	.751	.729	.707	.690	.654
69	.935	.892	.859	.838	.815	.797	.782	.767	.753	.740	.717	.697	.678	.642
68	.928	.884	.855	.829	.807	.789	.772	.756	.742	.731	.707	.684	.664	.628
67	.925	.882	.847	.821	.797	.779	.763	.747	.732	.720	.694	.673	.652	.615
66	.918	.873	.839	.813	.789	.770	.753	.737	.721	.710	.682	.661	.640	.601
65	.917	.870	.835	.805	.783	.762	.744	.728	.712	.698	.671	.648	.628	.589
64	.910	.863	.827	.800	.775	.753	.735	.717	.701	.686	.661	.636	.614	.576
63	.907	.855	.819	.790	.766	.743	.724	.707	.691	.676	.649	.623	.603	.562
62	.900	.851	.810	.783	.756	.734	.715	.697	.681	.665	.636	.610	.589	.549
61	.898	.844	.807	.773	.748	.724	.704	.687	.670	.654	.625	.599	.575	.535
60	.890	.836	.798	.765	.738	.714	.695	.674	.657	.641	.612	.585	.562	.520
59	.888	.833	.790	.756	.730	.705	.684	.663	.646	.629	.598	.572	.549	.506
58	.881	.826	.781	.747	.719	.695	.674	.652	.635	.617	.587	.560	.536	.493
57	.879	.817	.772	.737	.710	.684	.661	.641	.624	.607	.574	.546	.522	.480
56	.871	.813	.763	.729	.700	.674	.650	.631	.609	.592	.561	.534	.509	.466
55	.863	.805	.754	.718	.690	.663	.639	.620	.598	.580	.548	.521	.495	.454
54	.860	.795	.745	.709	.680	.653	.628	.606	.587	.570	.536	.507	.482	.440
53	.851	.786	.736	.699	.665	.639	.617	.594	.572	.554	.522	.495	.470	.427
52	.842	.777	.725	.688	.656	.628	.603	.583	.561	.543	.510	.480	.457	.416
51	.833	.767	.716	.678	.645	.617	.591	.568	.549	.531	.498	.468	.444	.402
50	.825	.758	.706	.667	.633	.606	.580	.556	.534	.517	.483	.456	.429	.389
49	.822	.749	.696	.658	.623	.591	.565	.544	.522	.503	.470	.442	.417	.377
48	.813	.739	.685	.643	.608	.579	.553	.530	.510	.489	.457	.429	.405	.364
47	.803	.729	.675	.631	.596	.568	.541	.517	.495	.477	.444	.417	.390	.352
46	.795	.719	.664	.620	.585	.553	.526	.502	.482	.464	.432	.404	.379	.341
45	.786	.709	.654	.605	.569	.540	.514	.490	.467	.449	.417	.391	.369	.331
44	.775	.694	.638	.593	.556	.524	.499	.478	.455	.437	.406	.380	.357	.320
43	.766	.682	.621	.577	.541	.512	.486	.462	.443	.426	.394	.367	.347	.311
42	.757	.672	.610	.565	.530	.497	.471	.450	.428	.411	.379	.354	.333	.298
41	.747	.662	.600	.554	.514	.485	.459	.435	.415	.398	.367	.342	.320	.285
40	.737	.645	.589	.538	.502	.473	.446	.423	.401	.386	.354	.328	.306	.274
39	.727	.635	.572	.527	.490	.457	.431	.408	.389	.371	.340	.316	.295	.262
38	.717	.625	.561	.511	.474	.445	.419	.394	.376	.356	.328	.303	.282	.250
37	.700	.608	.544	.499	.462	.429	.403	.379	.361	.343	.314	.290	.270	.239
36	.689	.596	.533	.481	.445	.417	.390	.367	.349	.332	.301	.279	.258	.227
35	.671	.578	.515	.469	.428	.400	.375	.354	.334	.316	.289	.266	.247	.217
34	.653	.560	.497	.452	.416	.388	.362	.339	.321	.305	.276	.256	.236	.207
33	.642	.542	.484	.434	.399	.371	.346	.326	.306	.290	.264	.243	.225	.198
32	.623	.523	.466	.422	.386	.355	.334	.312	.294	.279	.253	.232	.215	.189
31	.605	.511	.449	.405	.370	.342	.318	.299	.282	.267	.243	.222	.207	.181
30	.586	.493	.431	.388	.357	.330	.306	.285	.268	.255	.230	.212	.197	.174
29	.568	.475	.418	.374	.340	.314	.291	.273	.257	.243	.220	.203	.189	.167
28	.549	.457	.401	.357	.324	.301	.279	.261	.244	.230	.207	.191	.177	.154
27	.537	.444	.384	.345	.311	.285	.262	.244	.229	.216	.193	.176	.160	.138
26	.519	.427	.371	.329	.295	.269	.249	.228	.215	.201	.178	.161	.145	.124
25	.499	.408	.353	.311	.281	.256	.233	.215	.200	.186	.165	.147	.133	.113
24	.480	.390	.335	.298	.265	.241	.222	.205	.189	.176	.157	.141	.128	.108
23	.454	.371	.317	.280	.253	.229	.210	.194	.179	.168	.149	.134	.122	.104
22	.435	.352	.299	.263	.237	.216	.196	.184	.171	.160	.141	.127	.116	.100
21	.408	.333	.285	.251	.225	.203	.186	.171	.161	.152	.134	.122	.112	.097
20	.388	.314	.268	.234	.209	.190	.174	.161	.151	.141	.125	.114	.105	.091
19	.377	.301	.251	.222	.196	.178	.162	.149	.139	.131	.116	.105	.097	.084
18	.358	.283	.238	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
17	.339	.265	.221	.189	.169	.152	.137	.127	.117	.110	.098	.090	.083	.074
16	.319	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
15	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
14	.291	.217	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
13	.275	.200	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
12	.263	.182	.152	.135	.121	.111	.102	.096	.089	.086	.079	.073	.069	.063
11	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
10	.235	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
9	.216	.133	.119	.109	.101	.094	.088	.083	.079	.077	.072	.068	.065	.061
8	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060

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	.160	.112	.101	.095	.088	.084	.079	.076	.074	.071	.067	.063	.062	.059
Size Group 6	.131	.101	.095	.088	.083	.079	.076	.073	.070	.068	.064	.062	.061	.058
Size Group 5	.131	.093	.087	.081	.078	.075	.071	.069	.067	.065	.062	.061	.059	.057

**AMENDATORY SECTION** (Amending Order 85-8, filed 2/28/85, effective 7/1/85)

**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, 1985, through June 30,)) January 1, 1986

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	.998	.996	.993	.991	.989	.987	.984	.982	.980	.978	.973	.969	.964	.956
Loss Conversion Factor	.002	.004	.007	.009	.011	.013	.016	.018	.020	.022	.027	.031	.036	.044
Size Group 83	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.966	.961	.951
Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.034	.039	.049
Size Group 82	.997	.995	.992	.989	.987	.984	.981	.978	.976	.973	.968	.962	.957	.946
Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.019	.022	.024	.027	.032	.038	.043	.054
Size Group 81	.997	.994	.991	.988	.985	.982	.979	.976	.973	.970	.964	.959	.953	.941
Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.030	.036	.041	.047	.059
Size Group 80	.997	.994	.990	.987	.984	.981	.977	.974	.971	.968	.961	.955	.948	.935
Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.023	.026	.029	.032	.039	.045	.052	.065
Size Group 79	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.958	.951	.944	.930
Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.042	.049	.056	.070
Size Group 78	.996	.992	.988	.984	.980	.976	.973	.969	.965	.961	.953	.945	.937	.922
Loss Conversion Factor	.004	.008	.012	.016	.020	.024	.027	.031	.035	.039	.047	.055	.063	.078
Size Group 77	.996	.991	.987	.982	.978	.973	.969	.964	.960	.955	.946	.937	.928	.910
Loss Conversion Factor	.004	.009	.013	.018	.022	.027	.031	.036	.040	.045	.054	.063	.072	.090
Size Group 76	.995	.990	.986	.981	.976	.971	.966	.961	.957	.952	.942	.932	.923	.904
Loss Conversion Factor	.005	.010	.014	.019	.024	.029	.034	.039	.043	.048	.058	.068	.077	.096
Size Group 75	.995	.990	.984	.979	.974	.969	.964	.958	.953	.948	.938	.927	.917	.896
Loss Conversion Factor	.005	.010	.016	.021	.026	.031	.036	.042	.047	.052	.062	.073	.083	.104
Size Group 74	.994	.989	.983	.977	.971	.966	.960	.954	.948	.943	.931	.920	.908	.885
Loss Conversion Factor	.006	.011	.017	.023	.029	.034	.040	.046	.052	.057	.069	.080	.092	.115
Size Group 73	.994	.987	.981	.974	.968	.962	.955	.949	.943	.936	.923	.911	.898	.872
Loss Conversion Factor	.006	.013	.019	.026	.032	.038	.045	.051	.057	.064	.077	.089	.102	.128
Size Group 72	.993	.986	.979	.972	.965	.958	.951	.944	.936	.929	.915	.901	.887	.859
Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.064	.071	.085	.099	.113	.141
Size Group 71	.992	.984	.977	.969	.961	.953	.945	.938	.930	.922	.906	.891	.875	.844
Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.055	.062	.070	.078	.094	.109	.125	.156
Size Group 70	.991	.983	.974	.966	.957	.948	.940	.931	.922	.914	.897	.879	.862	.828
Loss Conversion Factor	.009	.017	.026	.034	.043	.052	.060	.069	.078	.086	.103	.121	.138	.172
Size Group 69	.991	.981	.972	.962	.953	.944	.934	.925	.915	.906	.887	.869	.850	.812
Loss Conversion Factor	.009	.019	.028	.038	.047	.056	.066	.075	.085	.094	.113	.131	.150	.188
Size Group 68	.990	.980	.970	.960	.950	.940	.930	.920	.910	.900	.880	.860	.840	.800
Loss Conversion Factor	.010	.020	.030	.040	.050	.060	.070	.080	.090	.100	.120	.140	.160	.200
Size Group 67	.989	.979	.968	.957	.947	.936	.925	.915	.904	.893	.872	.851	.829	.787
Loss Conversion Factor	.011	.021	.032	.043	.053	.064	.075	.085	.096	.107	.128	.149	.171	.213
Size Group 66	.988	.977	.965	.954	.942	.931	.919	.908	.896	.885	.862	.839	.816	.770

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														
65	.012	.023	.035	.046	.058	.069	.081	.092	.104	.115	.138	.161	.184	.230
Basic Premium Ratio	.987	.975	.962	.950	.937	.925	.912	.900	.887	.875	.850	.825	.800	.750
Loss Conversion Factor	.013	.025	.038	.050	.063	.075	.088	.100	.113	.125	.150	.175	.200	.250
64	.013	.027	.040	.054	.067	.081	.094	.108	.121	.135	.162	.189	.216	.269
Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.892	.879	.865	.838	.811	.784	.731
Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.108	.121	.135	.162	.189	.216	.269
63	.015	.029	.044	.058	.073	.087	.102	.116	.131	.145	.174	.203	.233	.291
Basic Premium Ratio	.985	.971	.956	.942	.927	.913	.898	.884	.869	.855	.826	.797	.767	.709
Loss Conversion Factor	.015	.029	.044	.058	.073	.087	.102	.116	.131	.145	.174	.203	.233	.291
62	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.219	.250	.312
Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.781	.750	.688
Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.219	.250	.312
61	.017	.034	.051	.068	.085	.102	.119	.136	.153	.170	.203	.237	.271	.339
Basic Premium Ratio	.983	.966	.949	.932	.915	.898	.881	.864	.847	.830	.797	.763	.729	.661
Loss Conversion Factor	.017	.034	.051	.068	.085	.102	.119	.136	.153	.170	.203	.237	.271	.339
60	.018	.037	.055	.073	.092	.110	.128	.147	.165	.183	.220	.257	.293	.366
Basic Premium Ratio	.982	.963	.945	.927	.908	.890	.872	.853	.835	.817	.780	.743	.707	.634
Loss Conversion Factor	.018	.037	.055	.073	.092	.110	.128	.147	.165	.183	.220	.257	.293	.366
59	.020	.040	.059	.079	.099	.119	.139	.158	.178	.198	.238	.277	.317	.396
Basic Premium Ratio	.980	.960	.941	.921	.901	.881	.861	.842	.822	.802	.762	.723	.683	.604
Loss Conversion Factor	.020	.040	.059	.079	.099	.119	.139	.158	.178	.198	.238	.277	.317	.396
58	.021	.042	.064	.085	.106	.127	.149	.170	.191	.212	.255	.297	.340	.424
Basic Premium Ratio	.979	.958	.936	.915	.894	.873	.851	.830	.809	.788	.745	.703	.660	.576
Loss Conversion Factor	.021	.042	.064	.085	.106	.127	.149	.170	.191	.212	.255	.297	.340	.424
57	.023	.046	.069	.091	.114	.137	.160	.183	.206	.229	.274	.320	.366	.457
Basic Premium Ratio	.977	.954	.931	.909	.886	.863	.840	.817	.794	.771	.726	.680	.634	.543
Loss Conversion Factor	.023	.046	.069	.091	.114	.137	.160	.183	.206	.229	.274	.320	.366	.457
56	.024	.049	.073	.098	.122	.147	.171	.196	.220	.245	.294	.343	.392	.490
Basic Premium Ratio	.976	.951	.927	.902	.878	.853	.829	.804	.780	.755	.706	.657	.608	.510
Loss Conversion Factor	.024	.049	.073	.098	.122	.147	.171	.196	.220	.245	.294	.343	.392	.490
55	.026	.052	.078	.104	.131	.157	.183	.209	.235	.261	.313	.365	.418	.522
Basic Premium Ratio	.974	.948	.922	.896	.869	.843	.817	.791	.765	.739	.687	.635	.582	.478
Loss Conversion Factor	.026	.052	.078	.104	.131	.157	.183	.209	.235	.261	.313	.365	.418	.522
54	.028	.056	.084	.112	.140	.169	.197	.225	.253	.281	.337	.393	.450	.562
Basic Premium Ratio	.972	.944	.916	.888	.860	.831	.803	.775	.747	.719	.663	.607	.550	.438
Loss Conversion Factor	.028	.056	.084	.112	.140	.169	.197	.225	.253	.281	.337	.393	.450	.562
53	.030	.060	.090	.120	.150	.180	.210	.240	.270	.299	.359	.419	.479	.599
Basic Premium Ratio	.970	.940	.910	.880	.850	.820	.790	.760	.730	.701	.641	.581	.521	.401
Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.299	.359	.419	.479	.599
52	.032	.064	.096	.128	.160	.192	.224	.257	.289	.321	.385	.449	.513	.641
Basic Premium Ratio	.968	.936	.904	.872	.840	.808	.776	.743	.711	.679	.615	.551	.487	.359
Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.257	.289	.321	.385	.449	.513	.641
51	.035	.069	.104	.138	.173	.207	.242	.276	.311	.345	.414	.483	.552	.690
Basic Premium Ratio	.965	.931	.896	.862	.827	.793	.758	.724	.689	.655	.586	.517	.448	.310
Loss Conversion Factor	.035	.069	.104	.138	.173	.207	.242	.276	.311	.345	.414	.483	.552	.690
50	.037	.074	.111	.148	.184	.221	.258	.295	.332	.369	.443	.516	.590	.738
Basic Premium Ratio	.963	.926	.889	.852	.816	.779	.742	.705	.668	.631	.557	.484	.410	.262
Loss Conversion Factor	.037	.074	.111	.148	.184	.221	.258	.295	.332	.369	.443	.516	.590	.738
49	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.634	.792
Basic Premium Ratio	.960	.921	.881	.842	.802	.762	.723	.683	.644	.604	.525	.446	.366	.208
Loss Conversion Factor	.040	.079	.119	.158	.198	.238	.277	.317	.356	.396	.475	.554	.634	.792
48	.042	.085	.127	.170	.212	.255	.297	.340	.382	.424	.509	.594	.679	.849
Basic Premium Ratio	.958	.915	.873	.830	.788	.745	.703	.660	.618	.576	.491	.406	.321	.151
Loss Conversion Factor	.042	.085	.127	.170	.212	.255	.297	.340	.382	.424	.509	.594	.679	.849
47	.046	.091	.137	.183	.229	.274	.320	.366	.412	.457	.549	.640	.732	.915
Basic Premium Ratio	.954	.909	.863	.817	.771	.726	.680	.634	.588	.543	.451	.360	.268	.085
Loss Conversion Factor	.046	.091	.137	.183	.229	.274	.320	.366	.412	.457	.549	.640	.732	.915
46	.049	.098	.148	.197	.246	.295	.344	.393	.443	.492	.590	.688	.787	.983
Basic Premium Ratio	.951	.902	.852	.803	.754	.705	.656	.607	.557	.508	.410	.312	.213	.017
Loss Conversion Factor	.049	.098	.148	.197	.246	.295	.344	.393	.443	.492	.590	.688	.787	.983
45	.053	.106	.159	.212	.265	.318	.371	.424	.477	.530	.636	.742	.848	.975
Basic Premium Ratio	.947	.894	.841	.788	.735	.682	.629	.576	.523	.470	.364	.258	.152	.000
Loss Conversion Factor	.053	.106	.159	.212	.265	.318	.371	.424	.477	.530	.636	.742	.848	.975
44	.057	.114	.171	.228	.285	.343	.400	.457	.514	.571	.685	.799	.914	.944
Basic Premium Ratio	.943	.886	.829	.772	.715	.657	.600	.543	.486	.429	.315	.201	.086	.000
Loss Conversion Factor	.057	.114	.171	.228	.285	.343	.400	.457	.514	.571	.685	.799	.914	.944
43	.061	.123	.184	.246	.307	.369	.430	.492	.553	.615	.738	.860	.983	.917
Basic Premium Ratio	.939	.877	.816	.754	.693	.631	.570	.508	.447	.385	.262	.140	.017	.000
Loss Conversion Factor	.061	.123	.184	.246	.307	.369	.430	.492	.553	.615	.738	.860	.983	.917
42	.067	.133	.200	.266	.333	.399	.466	.532	.599	.665	.798	.932	.973	.892
Basic Premium Ratio	.933	.867	.800	.734	.667	.601	.534	.468	.401	.335	.202	.068	.000	.000
Loss Conversion Factor	.067	.133	.200	.266	.333	.399	.466	.532	.599	.665	.798	.932	.973	.892
41	.072	.144	.216	.288	.360	.432	.504	.576	.648	.720	.863	.997	.942	.868
Basic Premium Ratio	.928	.856	.784	.712	.640	.568	.496	.424	.352	.280	.137	.000	.000	.000
Loss Conversion Factor	.072	.144	.216	.288	.360	.432	.504	.576	.648	.720	.863	.997	.942	.868
40	.078	.155	.233	.311	.388	.466	.543	.621	.699	.776	.932	.964	.912	.843
Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.457	.379	.301	.224	.068	.000	.000	.000
Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.543	.621	.699	.776	.932	.964	.912	.843
39	.084	.169	.253	.337	.421	.506	.590	.674	.759	.843	.993	.933	.886	.823
Basic Premium Ratio	.916	.831	.747	.663	.579	.494	.410	.326	.241	.157	.000	.000	.000	.000
Loss Conversion Factor	.084	.169	.253	.337	.421	.506	.590	.674	.759	.843	.993	.933	.886	.823
38	.099	.187	.276	.364	.453	.541	.630	.717	.805	.893	.999	.999	.999	.999
Basic Premium Ratio	.909	.817	.726	.634	.543	.451	.360	.268	.177	.085	.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	.091	.183	.274	.366	.457	.549	.640	.732	.823	.915	.961	.903	.862	.803
37 Basic Premium Ratio	.901	.802	.703	.603	.504	.405	.306	.207	.108	.008	.000	.000	.000	.000
Loss Conversion Factor	.099	.198	.297	.397	.496	.595	.694	.793	.892	.992	.930	.877	.838	.785
36 Basic Premium Ratio	.892	.783	.675	.567	.459	.350	.242	.134	.026	.000	.000	.000	.000	.000
Loss Conversion Factor	.108	.217	.325	.433	.541	.650	.758	.866	.974	.967	.902	.854	.819	.768
35 Basic Premium Ratio	.882	.764	.646	.528	.410	.292	.174	.056	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.118	.236	.354	.472	.590	.708	.826	.944	.971	.933	.874	.830	.798	.754
34 Basic Premium Ratio	.870	.741	.611	.481	.352	.222	.092	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.130	.259	.389	.519	.648	.778	.908	.984	.939	.901	.850	.810	.781	.741
33 Basic Premium Ratio	.856	.712	.568	.424	.280	.137	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.144	.288	.432	.576	.720	.863	.998	.947	.907	.875	.825	.790	.764	.727
32 Basic Premium Ratio	.841	.681	.522	.362	.203	.043	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.159	.319	.478	.638	.797	.957	.959	.914	.878	.850	.805	.774	.749	.715
31 Basic Premium Ratio	.824	.649	.473	.298	.122	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.176	.351	.527	.702	.878	.978	.926	.886	.855	.828	.786	.758	.736	.706
30 Basic Premium Ratio	.803	.607	.410	.213	.017	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.197	.393	.590	.787	.983	.944	.896	.860	.831	.807	.770	.743	.723	.696
29 Basic Premium Ratio	.780	.560	.340	.119	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.220	.440	.660	.881	.967	.913	.870	.835	.809	.788	.755	.732	.713	.688
28 Basic Premium Ratio	.754	.508	.262	.017	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.246	.492	.738	.983	.933	.882	.843	.813	.790	.769	.739	.717	.700	.677
27 Basic Premium Ratio	.723	.447	.170	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.277	.553	.830	.971	.903	.856	.820	.792	.770	.751	.721	.701	.684	.662
26 Basic Premium Ratio	.689	.379	.068	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.311	.621	.932	.937	.875	.833	.798	.771	.750	.733	.705	.686	.670	.648
25 Basic Premium Ratio	.646	.292	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.354	.708	.983	.903	.848	.807	.776	.752	.733	.716	.691	.672	.658	.639
24 Basic Premium Ratio	.595	.190	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.405	.810	.943	.871	.826	.784	.758	.736	.719	.704	.681	.664	.652	.634
23 Basic Premium Ratio	.520	.040	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.480	.960	.905	.839	.797	.765	.740	.722	.706	.691	.672	.658	.647	.631
22 Basic Premium Ratio	.426	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.574	.960	.871	.814	.774	.747	.725	.707	.694	.682	.664	.651	.642	.628
21 Basic Premium Ratio	.262	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.738	.916	.839	.788	.754	.730	.711	.696	.682	.673	.657	.645	.637	.623
20 Basic Premium Ratio	.092	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.908	.882	.812	.769	.738	.714	.697	.683	.671	.663	.650	.638	.630	.619
19 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.983	.854	.791	.748	.720	.698	.683	.671	.661	.652	.640	.631	.624	.614
18 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.954	.829	.768	.731	.704	.685	.670	.660	.651	.643	.633	.624	.618	.610
17 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.917	.804	.748	.713	.689	.673	.659	.649	.641	.635	.625	.618	.614	.605
16 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.874	.778	.729	.698	.677	.661	.649	.640	.634	.628	.619	.613	.609	.603
15 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.845	.757	.710	.683	.664	.651	.641	.633	.627	.622	.614	.611	.606	.601
14 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.832	.742	.695	.671	.656	.645	.636	.630	.623	.619	.613	.608	.605	.600
13 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.818	.727	.678	.661	.649	.639	.632	.626	.621	.617	.610	.606	.604	.599
12 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.802	.709	.666	.653	.642	.634	.627	.622	.618	.614	.609	.604	.603	.598
11 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.786	.689	.656	.645	.636	.629	.623	.619	.615	.612	.607	.603	.601	.597
10 Basic Premium Ratio	.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														
Loss Conversion Factor	.768	.671	.646	.638	.630	.625	.619	.616	.612	.609	.605	.602	.600	.597
9 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.750	.648	.639	.632	.625	.620	.616	.613	.610	.607	.603	.601	.599	.596
8 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.727	.639	.631	.626	.620	.616	.612	.610	.607	.605	.602	.600	.597	.595
7 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.699	.630	.624	.619	.616	.612	.609	.607	.605	.603	.600	.598	.597	.595
6 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.670	.623	.619	.614	.611	.608	.606	.604	.602	.601	.599	.597	.596	.594
5 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.630	.617	.613	.610	.607	.605	.604	.601	.600	.599	.598	.596	.595	.594
84 Basic Premium Ratio	.998	.997	.995	.993	.992	.990	.988	.987	.985	.983	.980	.977	.974	.967
Loss Conversion Factor	.002	.003	.005	.007	.008	.010	.012	.013	.015	.017	.020	.023	.026	.033
83 Basic Premium Ratio	.998	.996	.995	.993	.991	.989	.987	.986	.984	.982	.978	.975	.971	.964
Loss Conversion Factor	.002	.004	.005	.007	.009	.011	.013	.014	.016	.018	.022	.025	.029	.036
82 Basic Premium Ratio	.998	.996	.994	.992	.990	.988	.986	.984	.982	.980	.977	.973	.969	.961
Loss Conversion Factor	.002	.004	.006	.008	.010	.012	.014	.016	.018	.020	.023	.027	.031	.039
81 Basic Premium Ratio	.998	.996	.994	.991	.989	.987	.985	.983	.981	.979	.974	.970	.966	.957
Loss Conversion Factor	.002	.004	.006	.009	.011	.013	.015	.017	.019	.021	.026	.030	.034	.043
80 Basic Premium Ratio	.998	.995	.993	.991	.989	.986	.984	.982	.980	.977	.973	.968	.964	.955
Loss Conversion Factor	.002	.005	.007	.009	.011	.014	.016	.018	.020	.023	.027	.032	.036	.045
79 Basic Premium Ratio	.998	.995	.993	.990	.988	.986	.983	.981	.978	.976	.971	.966	.961	.952
Loss Conversion Factor	.002	.005	.007	.010	.012	.014	.017	.019	.022	.024	.029	.034	.039	.048
78 Basic Premium Ratio	.997	.995	.992	.989	.987	.984	.982	.979	.976	.974	.968	.963	.958	.947
Loss Conversion Factor	.003	.005	.008	.011	.013	.016	.018	.021	.024	.026	.032	.037	.042	.053
77 Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.973	.971	.965	.959	.953	.941
Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.027	.029	.035	.041	.047	.059
76 Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.975	.972	.969	.963	.957	.951	.939
Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.025	.028	.031	.037	.043	.049	.061
75 Basic Premium Ratio	.997	.994	.990	.987	.984	.981	.978	.975	.971	.968	.962	.956	.949	.937
Loss Conversion Factor	.003	.006	.010	.013	.016	.019	.022	.025	.029	.032	.038	.044	.051	.063
74 Basic Premium Ratio	.997	.993	.990	.986	.983	.979	.976	.972	.969	.965	.959	.952	.945	.931
Loss Conversion Factor	.003	.007	.010	.014	.017	.021	.024	.028	.031	.035	.041	.048	.055	.069
73 Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
72 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
71 Basic Premium Ratio	.995	.991	.986	.982	.977	.972	.968	.963	.958	.954	.945	.935	.926	.908
Loss Conversion Factor	.005	.009	.014	.018	.023	.028	.032	.037	.042	.046	.055	.065	.074	.092
70 Basic Premium Ratio	.995	.990	.985	.980	.974	.969	.964	.959	.954	.949	.939	.928	.918	.898
Loss Conversion Factor	.005	.010	.015	.020	.026	.031	.036	.041	.046	.051	.061	.072	.082	.102
69 Basic Premium Ratio	.994	.989	.983	.978	.972	.967	.961	.956	.950	.945	.933	.922	.911	.889
Loss Conversion Factor	.006	.011	.017	.022	.028	.033	.039	.044	.050	.055	.067	.078	.089	.111
68 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
67 Basic Premium Ratio	.994	.988	.981	.975	.969	.963	.957	.950	.944	.938	.926	.913	.901	.876
Loss Conversion Factor	.006	.012	.019	.025	.031	.037	.043	.050	.056	.062	.074	.087	.099	.124
66 Basic Premium Ratio	.993	.987	.980	.973	.966	.960	.953	.946	.939	.933	.919	.906	.892	.865
Loss Conversion Factor	.007	.013	.020	.027	.034	.040	.047	.054	.061	.067	.081	.094	.108	.135
65 Basic Premium Ratio	.993	.985	.978	.971	.964	.956	.949	.942	.935	.927	.913	.898	.884	.855
Loss Conversion Factor	.007	.015	.022	.029	.036	.044	.051	.058	.065	.073	.087	.102	.116	.145
64 Basic Premium Ratio	.992	.984	.977	.969	.961	.953	.946	.938	.930	.922	.907	.891	.875	.844
Loss Conversion Factor	.008	.016	.023	.031	.039	.047	.054	.062	.070	.078	.093	.109	.125	.156
63 Basic Premium Ratio	.992	.983	.975	.967	.959	.950	.942	.934	.925	.917	.900	.884	.867	.834
Loss Conversion Factor	.008	.017	.025	.033	.041	.050	.058	.066	.075	.083	.100	.116	.133	.166
62 Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822

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	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
61 Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.923	.914	.904	.885	.866	.847	.808
Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.077	.086	.096	.115	.134	.153	.192
60 Basic Premium Ratio	.990	.979	.969	.958	.948	.937	.927	.917	.906	.896	.875	.854	.833	.791
Loss Conversion Factor	.010	.021	.031	.042	.052	.063	.073	.083	.094	.104	.125	.146	.167	.209
59 Basic Premium Ratio	.989	.977	.966	.955	.943	.932	.920	.909	.898	.886	.864	.841	.818	.773
Loss Conversion Factor	.011	.023	.034	.045	.057	.068	.080	.091	.102	.114	.136	.159	.182	.227
58 Basic Premium Ratio	.988	.975	.963	.951	.938	.926	.914	.901	.889	.877	.852	.827	.803	.753
Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.099	.111	.123	.148	.173	.197	.247
57 Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.893	.879	.866	.839	.812	.785	.732
Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.107	.121	.134	.161	.188	.215	.268
56 Basic Premium Ratio	.986	.971	.957	.942	.928	.913	.899	.884	.870	.855	.826	.797	.768	.710
Loss Conversion Factor	.014	.029	.043	.058	.072	.087	.101	.116	.130	.145	.174	.203	.232	.290
55 Basic Premium Ratio	.984	.969	.953	.938	.922	.906	.891	.875	.860	.844	.813	.782	.750	.688
Loss Conversion Factor	.016	.031	.047	.062	.078	.094	.109	.125	.140	.156	.187	.218	.250	.312
54 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
53 Basic Premium Ratio	.982	.964	.947	.929	.911	.893	.876	.858	.840	.822	.787	.751	.717	.646
Loss Conversion Factor	.018	.036	.053	.071	.089	.107	.124	.142	.160	.178	.213	.249	.283	.354
52 Basic Premium Ratio	.981	.962	.943	.924	.905	.887	.868	.849	.830	.811	.773	.735	.697	.622
Loss Conversion Factor	.019	.038	.057	.076	.095	.113	.132	.151	.170	.189	.227	.265	.303	.378
51 Basic Premium Ratio	.980	.960	.940	.919	.899	.879	.859	.839	.819	.798	.758	.718	.677	.597
Loss Conversion Factor	.020	.040	.060	.081	.101	.121	.141	.161	.181	.202	.242	.282	.323	.403
50 Basic Premium Ratio	.978	.957	.935	.913	.891	.870	.848	.826	.804	.783	.739	.696	.652	.565
Loss Conversion Factor	.022	.043	.065	.087	.109	.130	.152	.174	.196	.217	.261	.304	.348	.435
49 Basic Premium Ratio	.977	.954	.930	.907	.884	.861	.837	.814	.791	.768	.721	.675	.628	.535
Loss Conversion Factor	.023	.046	.070	.093	.116	.139	.163	.186	.209	.232	.279	.326	.372	.465
48 Basic Premium Ratio	.975	.950	.926	.901	.876	.851	.826	.801	.777	.752	.702	.652	.603	.503
Loss Conversion Factor	.025	.050	.074	.099	.124	.149	.174	.199	.223	.248	.298	.348	.397	.497
47 Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
46 Basic Premium Ratio	.972	.943	.915	.887	.859	.830	.802	.774	.745	.717	.660	.604	.547	.434
Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.255	.283	.340	.396	.453	.566
45 Basic Premium Ratio	.970	.940	.910	.880	.850	.820	.790	.760	.730	.700	.640	.579	.519	.399
Loss Conversion Factor	.030	.060	.090	.120	.150	.180	.210	.240	.270	.300	.360	.421	.481	.601
44 Basic Premium Ratio	.960	.936	.904	.872	.840	.808	.776	.744	.712	.680	.616	.552	.488	.360
Loss Conversion Factor	.032	.064	.096	.128	.160	.192	.224	.256	.288	.320	.384	.448	.512	.640
43 Basic Premium Ratio	.966	.932	.898	.864	.829	.795	.761	.727	.693	.659	.591	.522	.454	.318
Loss Conversion Factor	.034	.068	.102	.136	.171	.205	.239	.273	.307	.341	.409	.478	.546	.682
42 Basic Premium Ratio	.963	.926	.889	.853	.816	.779	.742	.705	.668	.631	.558	.484	.410	.263
Loss Conversion Factor	.037	.074	.111	.147	.184	.221	.258	.295	.332	.369	.442	.516	.590	.737
41 Basic Premium Ratio	.960	.920	.880	.840	.799	.759	.719	.679	.639	.599	.519	.438	.358	.198
Loss Conversion Factor	.040	.080	.120	.160	.201	.241	.281	.321	.361	.401	.481	.562	.642	.802
40 Basic Premium Ratio	.957	.913	.870	.826	.783	.739	.696	.652	.609	.565	.479	.392	.305	.131
Loss Conversion Factor	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435	.521	.608	.695	.869
39 Basic Premium Ratio	.953	.906	.859	.812	.765	.717	.670	.623	.576	.529	.435	.341	.246	.058
Loss Conversion Factor	.047	.094	.141	.188	.235	.283	.330	.377	.424	.471	.565	.659	.754	.942
38 Basic Premium Ratio	.949	.898	.847	.796	.745	.694	.643	.592	.541	.490	.387	.285	.183	.000
Loss Conversion Factor	.051	.102	.153	.204	.255	.306	.357	.408	.459	.510	.613	.715	.817	.993
37 Basic Premium Ratio	.944	.889	.833	.777	.721	.666	.610	.554	.498	.443	.331	.220	.108	.000
Loss Conversion Factor	.056	.111	.167	.223	.279	.334	.390	.446	.502	.557	.669	.780	.892	.971
36 Basic Premium Ratio	.940	.880	.820	.761	.701	.641	.581	.521	.461	.402	.282	.162	.043	.000
Loss Conversion Factor	.060	.120	.180	.239	.299	.359	.419	.479	.539	.598	.718	.838	.957	.951
35 Basic Premium Ratio	.935	.870	.804	.739	.674	.609	.544	.479	.413	.348	.218	.087	.000	.000
Loss Conversion Factor	.065	.130	.196	.261	.326	.391	.456	.521	.587	.652	.782	.913	.988	.933
34 Basic Premium Ratio	.929	.858	.787	.717	.646	.575	.504	.433	.362	.291	.150	.008	.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	.071	.142	.213	.283	.354	.425	.496	.567	.638	.709	.850	.992	.968	.916
33	Basic Premium Ratio	.922	.845	.767	.689	.612	.534	.456	.379	.301	.223	.068	.000	.000	.000
	Loss Conversion Factor	.078	.155	.233	.311	.388	.466	.544	.621	.699	.777	.932	.977	.945	.900
32	Basic Premium Ratio	.916	.832	.747	.663	.579	.495	.410	.326	.242	.158	.000	.000	.000	.000
	Loss Conversion Factor	.084	.168	.253	.337	.421	.505	.590	.674	.758	.842	.997	.958	.927	.885
31	Basic Premium Ratio	.908	.816	.724	.632	.540	.448	.356	.264	.172	.080	.000	.000	.000	.000
	Loss Conversion Factor	.092	.184	.276	.368	.460	.552	.644	.736	.828	.920	.972	.937	.911	.873
30	Basic Premium Ratio	.900	.799	.699	.598	.498	.397	.297	.196	.096	.000	.000	.000	.000	.000
	Loss Conversion Factor	.100	.201	.301	.402	.502	.603	.703	.804	.904	.999	.953	.920	.895	.862
29	Basic Premium Ratio	.889	.779	.668	.558	.447	.336	.226	.115	.005	.000	.000	.000	.000	.000
	Loss Conversion Factor	.111	.221	.332	.442	.553	.664	.774	.885	.995	.974	.934	.906	.882	.851
28	Basic Premium Ratio	.878	.757	.635	.513	.392	.270	.148	.027	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.122	.243	.365	.487	.608	.730	.852	.973	.977	.952	.915	.887	.865	.838
27	Basic Premium Ratio	.865	.730	.594	.459	.324	.189	.054	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.135	.270	.406	.541	.676	.811	.946	.981	.952	.929	.893	.866	.847	.819
26	Basic Premium Ratio	.849	.699	.548	.398	.247	.097	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.151	.301	.452	.602	.753	.903	.988	.954	.929	.906	.873	.849	.829	.802
25	Basic Premium Ratio	.832	.664	.497	.329	.161	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.168	.336	.503	.671	.839	.999	.961	.930	.906	.885	.855	.832	.814	.790
24	Basic Premium Ratio	.812	.624	.436	.247	.059	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.188	.376	.564	.753	.941	.971	.938	.911	.889	.874	.843	.822	.807	.785
23	Basic Premium Ratio	.788	.576	.363	.151	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.212	.424	.637	.849	.986	.947	.915	.892	.873	.856	.832	.814	.800	.781
22	Basic Premium Ratio	.757	.513	.270	.027	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.243	.487	.730	.973	.958	.924	.898	.875	.858	.844	.822	.806	.793	.777
21	Basic Premium Ratio	.719	.438	.158	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.281	.562	.842	.976	.933	.904	.880	.861	.844	.832	.813	.799	.788	.771
20	Basic Premium Ratio	.674	.348	.022	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.326	.652	.978	.952	.913	.884	.862	.846	.831	.820	.803	.790	.780	.766
19	Basic Premium Ratio	.622	.245	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.378	.755	.979	.926	.891	.865	.845	.831	.818	.807	.792	.780	.772	.760
18	Basic Premium Ratio	.562	.124	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.438	.876	.951	.904	.871	.849	.830	.816	.805	.796	.782	.772	.764	.755
17	Basic Premium Ratio	.479	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.521	.995	.926	.883	.853	.832	.816	.803	.794	.786	.773	.765	.759	.750
16	Basic Premium Ratio	.374	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.626	.962	.902	.863	.837	.818	.803	.793	.784	.777	.767	.759	.753	.746
15	Basic Premium Ratio	.226	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.774	.943	.879	.844	.822	.806	.793	.783	.775	.770	.760	.755	.749	.743
14	Basic Premium Ratio	.148	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.852	.918	.859	.830	.812	.798	.787	.779	.771	.766	.757	.752	.748	.742
13	Basic Premium Ratio	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.942	.899	.839	.818	.803	.791	.782	.775	.767	.764	.755	.750	.746	.741
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.992	.877	.825	.808	.795	.784	.776	.770	.764	.760	.753	.748	.745	.740
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.972	.861	.811	.798	.787	.778	.771	.766	.761	.757	.751	.747	.743	.739
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.950	.831	.799	.789	.780	.773	.766	.761	.757	.754	.749	.745	.742	.738
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.930	.802	.791	.782	.773	.767	.762	.758	.754	.752	.747	.743	.741	.737
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.899	.791	.781	.774	.767	.762	.758	.754	.751	.749	.744	.742	.740	.736
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.865	.780	.773	.767	.762	.757	.754	.751	.748	.747	.743	.740	.739	.736

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														
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.829	.773	.766	.760	.757	.752	.750	.747	.745	.744	.741	.739	.737
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.779	.763	.758	.755	.751	.749	.747	.744	.742	.741	.738	.737	.736

**NEW SECTION**

WAC 296-17-91903 TABLE IV.

RETROSPECTIVE RATING PLAN A1  
 MINIMUM PREMIUM RATIOS  
 BASIC PREMIUM RATIO = .052  
 LOSS CONVERSION FACTOR = .692  
 Effective January 1, 1986

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	.996	.990	.986	.982	.978	.973	.969	.966	.961	.957	.949	.941	.933	.919
83	.996	.989	.985	.981	.976	.971	.967	.963	.958	.954	.945	.936	.928	.913
82	.995	.989	.984	.979	.974	.969	.964	.960	.955	.950	.941	.932	.924	.908
81	.995	.988	.983	.978	.973	.966	.962	.957	.952	.947	.937	.927	.919	.902
80	.995	.987	.981	.976	.971	.964	.959	.955	.949	.944	.934	.923	.914	.896
79	.994	.986	.980	.975	.969	.962	.957	.952	.946	.940	.930	.919	.909	.891
78	.994	.985	.979	.973	.967	.960	.954	.949	.943	.937	.926	.914	.904	.885
77	.993	.984	.978	.972	.965	.958	.952	.946	.940	.933	.922	.910	.900	.880
76	.993	.984	.977	.970	.964	.956	.949	.943	.937	.930	.918	.905	.895	.874
75	.993	.983	.976	.969	.962	.953	.947	.941	.934	.914	.906	.901	.890	.868
74	.992	.982	.975	.967	.960	.951	.944	.938	.931	.923	.910	.896	.885	.863
73	.992	.981	.973	.966	.958	.949	.942	.935	.928	.920	.906	.892	.880	.857
72	.991	.980	.972	.965	.956	.947	.939	.932	.925	.916	.902	.888	.876	.851
71	.991	.980	.971	.963	.955	.945	.937	.929	.922	.913	.899	.883	.871	.846
70	.991	.979	.970	.962	.953	.942	.934	.927	.919	.910	.895	.879	.866	.840
69	.990	.978	.969	.960	.951	.940	.932	.924	.916	.906	.891	.874	.861	.834
68	.990	.977	.968	.959	.949	.938	.929	.921	.913	.903	.887	.870	.856	.829
67	.989	.976	.967	.957	.948	.936	.927	.918	.910	.899	.883	.866	.851	.823
66	.989	.976	.966	.956	.946	.934	.924	.915	.907	.896	.879	.861	.847	.817
65	.989	.975	.964	.954	.944	.932	.921	.913	.903	.893	.875	.857	.842	.812
64	.988	.974	.963	.953	.942	.929	.919	.910	.900	.889	.871	.852	.837	.806
63	.988	.973	.962	.951	.940	.927	.916	.907	.897	.886	.867	.848	.832	.801
62	.987	.972	.961	.950	.939	.925	.914	.904	.894	.882	.864	.844	.827	.795
61	.987	.971	.960	.948	.937	.923	.911	.901	.891	.879	.860	.839	.823	.789
60	.987	.971	.959	.947	.935	.921	.909	.899	.888	.875	.856	.835	.818	.784
59	.986	.970	.958	.945	.933	.918	.906	.896	.885	.872	.852	.830	.813	.778
58	.986	.969	.957	.944	.931	.916	.904	.893	.882	.869	.848	.826	.808	.772
57	.985	.968	.955	.942	.930	.914	.901	.890	.879	.865	.844	.821	.803	.767
56	.985	.967	.954	.941	.928	.912	.899	.887	.876	.862	.840	.817	.798	.761
55	.985	.967	.953	.940	.926	.910	.896	.885	.873	.859	.836	.813	.794	.757
54	.984	.966	.952	.938	.924	.908	.894	.882	.870	.856	.834	.810	.791	.753
53	.984	.965	.951	.937	.922	.905	.892	.880	.867	.853	.831	.807	.787	.750
52	.983	.964	.950	.935	.921	.903	.890	.878	.864	.851	.828	.804	.784	.746
51	.983	.963	.949	.934	.919	.901	.888	.875	.862	.848	.825	.801	.781	.742
50	.983	.963	.948	.932	.917	.899	.886	.873	.859	.845	.822	.798	.778	.739
49	.982	.962	.946	.931	.915	.897	.883	.871	.857	.843	.819	.795	.774	.735
48	.982	.961	.945	.929	.913	.895	.881	.868	.855	.840	.816	.792	.771	.732
47	.981	.960	.944	.928	.912	.894	.879	.866	.852	.837	.813	.789	.768	.728
46	.981	.959	.943	.926	.910	.892	.877	.863	.850	.835	.810	.786	.765	.725
45	.981	.958	.942	.925	.909	.890	.875	.861	.847	.832	.807	.783	.761	.721
44	.980	.958	.941	.923	.907	.888	.873	.859	.845	.829	.804	.780	.758	.718
43	.980	.957	.940	.922	.905	.886	.871	.856	.843	.827	.801	.777	.755	.714
42	.980	.956	.939	.921	.904	.884	.869	.854	.840	.824	.798	.774	.752	.710
41	.979	.956	.937	.919	.902	.882	.867	.852	.838	.821	.796	.771	.748	.707

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														
40	.979	.955	.936	.918	.901	.881	.865	.849	.835	.819	.793	.768	.745	.703
39	.979	.954	.935	.916	.899	.879	.863	.847	.833	.816	.790	.765	.742	.700
38	.978	.954	.934	.915	.897	.877	.860	.845	.831	.813	.787	.762	.739	.696
37	.978	.953	.933	.914	.896	.875	.858	.842	.828	.811	.784	.759	.735	.693
36	.978	.952	.932	.912	.894	.873	.856	.840	.826	.808	.781	.756	.732	.689
35	.978	.951	.930	.911	.892	.871	.854	.838	.824	.806	.779	.754	.730	.687
34	.977	.950	.929	.909	.891	.870	.852	.836	.822	.804	.777	.752	.728	.686
33	.977	.950	.928	.908	.889	.868	.850	.834	.820	.802	.775	.750	.726	.684
32	.976	.949	.927	.906	.887	.866	.848	.832	.818	.799	.772	.748	.724	.682
31	.976	.948	.926	.905	.886	.865	.847	.830	.816	.797	.770	.746	.722	.681
30	.975	.947	.925	.904	.884	.863	.845	.828	.814	.795	.768	.744	.719	.679
29	.975	.946	.924	.902	.882	.861	.843	.826	.812	.793	.766	.742	.717	.677
28	.974	.946	.923	.901	.881	.859	.841	.824	.810	.791	.764	.740	.715	.675
27	.974	.945	.922	.899	.879	.858	.839	.822	.808	.789	.762	.738	.713	.674
26	.974	.944	.921	.898	.878	.856	.837	.821	.806	.787	.760	.736	.711	.672
25	.973	.943	.919	.897	.876	.854	.835	.819	.803	.784	.757	.733	.709	.670
24	.973	.942	.918	.895	.874	.853	.833	.817	.801	.782	.755	.731	.707	.669
23	.972	.942	.917	.894	.873	.851	.831	.815	.799	.780	.753	.729	.705	.667
22	.972	.941	.916	.892	.871	.849	.829	.813	.797	.778	.751	.727	.703	.665
21	.971	.940	.915	.891	.869	.848	.828	.811	.795	.776	.749	.725	.701	.664
20	.971	.939	.914	.890	.868	.846	.826	.809	.793	.774	.747	.723	.698	.662
19	.970	.938	.913	.888	.866	.844	.824	.807	.791	.771	.744	.721	.696	.660
18	.970	.938	.912	.887	.864	.842	.822	.805	.789	.769	.742	.719	.694	.658
17	.969	.937	.911	.885	.863	.841	.820	.803	.787	.767	.740	.717	.692	.657
16	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
15	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
14	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
13	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
12	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
11	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
10	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
9	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
8	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
7	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
6	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655
5	.969	.936	.910	.884	.861	.839	.818	.801	.785	.765	.738	.715	.690	.655

**NEW SECTION**

**WAC 296-17-91904 TABLE V.**

**RETROSPECTIVE RATING PLAN A2  
MINIMUM PREMIUM RATIOS  
AND BASIC PREMIUM RATIOS  
LOSS CONVERSION FACTOR = .692  
Effective January 1, 1986**

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	.514	.504	.497	.491	.485	.481	.477	.474	.470	.467	.461	.455	.450	.441
	Minimum Premium Ratio	.994	.986	.981	.975	.969	.964	.960	.955	.951	.944	.936	.927	.918	.902
83	Basic Premium Ratio	.513	.503	.495	.488	.482	.477	.473	.469	.466	.462	.456	.450	.445	.435
	Minimum Premium Ratio	.993	.985	.979	.973	.967	.962	.957	.951	.947	.940	.931	.921	.912	.894
82	Basic Premium Ratio	.512	.501	.492	.485	.479	.474	.469	.466	.461	.458	.451	.445	.440	.429
	Minimum Premium Ratio	.993	.984	.978	.971	.964	.959	.953	.947	.943	.936	.926	.916	.906	.887
81	Basic Premium Ratio	.510	.499	.489	.483	.476	.471	.465	.461	.457	.453	.446	.440	.434	.424
	Minimum Premium Ratio	.992	.983	.976	.969	.962	.956	.950	.944	.939	.931	.921	.910	.899	.880
80	Basic Premium Ratio	.509	.496	.487	.479	.472	.467	.461	.457	.453	.449	.441	.435	.429	.417
	Minimum Premium Ratio	.991	.982	.975	.967	.959	.953	.947	.940	.935	.927	.916	.904	.893	.873
79	Basic Premium Ratio	.508	.495	.484	.476	.468	.463	.458	.453	.448	.444	.437	.430	.423	.411

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															
	<i>Minimum Premium Ratio</i>	.990	.981	.973	.965	.957	.950	.943	.936	.930	.923	.911	.898	.887	.865
78	<i>Basic Premium Ratio</i>	.505	.492	.482	.474	.466	.459	.454	.449	.444	.440	.432	.425	.418	.405
	<i>Minimum Premium Ratio</i>	.990	.980	.972	.963	.955	.947	.940	.933	.926	.919	.906	.893	.881	.858
77	<i>Basic Premium Ratio</i>	.505	.491	.479	.470	.463	.457	.450	.446	.440	.436	.427	.420	.412	.399
	<i>Minimum Premium Ratio</i>	.989	.979	.970	.960	.952	.944	.936	.929	.922	.914	.901	.887	.875	.851
76	<i>Basic Premium Ratio</i>	.504	.490	.477	.468	.459	.453	.446	.441	.435	.431	.422	.413	.406	.393
	<i>Minimum Premium Ratio</i>	.988	.978	.969	.958	.950	.941	.933	.926	.918	.910	.896	.881	.869	.844
75	<i>Basic Premium Ratio</i>	.503	.486	.474	.465	.456	.449	.441	.436	.431	.426	.417	.408	.401	.386
	<i>Minimum Premium Ratio</i>	.988	.977	.967	.956	.947	.938	.929	.922	.914	.906	.891	.876	.865	.836
74	<i>Basic Premium Ratio</i>	.500	.485	.472	.461	.452	.445	.438	.432	.426	.421	.411	.403	.395	.380
	<i>Minimum Premium Ratio</i>	.987	.976	.966	.954	.945	.935	.926	.918	.910	.901	.886	.870	.856	.829
73	<i>Basic Premium Ratio</i>	.499	.482	.469	.458	.449	.441	.434	.428	.421	.417	.406	.398	.389	.374
	<i>Minimum Premium Ratio</i>	.986	.975	.964	.952	.942	.933	.923	.915	.906	.897	.881	.864	.850	.822
72	<i>Basic Premium Ratio</i>	.498	.480	.465	.455	.446	.438	.431	.423	.418	.412	.401	.392	.383	.367
	<i>Minimum Premium Ratio</i>	.985	.974	.963	.950	.940	.930	.919	.911	.901	.893	.875	.858	.844	.814
71	<i>Basic Premium Ratio</i>	.495	.477	.463	.451	.442	.433	.426	.419	.412	.407	.396	.387	.377	.360
	<i>Minimum Premium Ratio</i>	.985	.972	.961	.948	.937	.927	.915	.907	.896	.888	.869	.852	.837	.806
70	<i>Basic Premium Ratio</i>	.494	.476	.460	.448	.438	.430	.421	.414	.407	.402	.391	.380	.371	.353
	<i>Minimum Premium Ratio</i>	.984	.971	.959	.945	.934	.923	.911	.903	.891	.882	.863	.845	.830	.799
69	<i>Basic Premium Ratio</i>	.494	.472	.456	.445	.434	.425	.417	.410	.403	.396	.385	.375	.365	.347
	<i>Minimum Premium Ratio</i>	.983	.969	.956	.943	.931	.919	.907	.898	.886	.877	.857	.839	.823	.791
68	<i>Basic Premium Ratio</i>	.490	.468	.454	.441	.430	.421	.412	.404	.397	.392	.380	.368	.358	.340
	<i>Minimum Premium Ratio</i>	.983	.968	.954	.940	.928	.916	.903	.893	.881	.872	.851	.833	.816	.783
67	<i>Basic Premium Ratio</i>	.489	.467	.450	.437	.425	.416	.408	.400	.392	.386	.373	.363	.352	.334
	<i>Minimum Premium Ratio</i>	.982	.966	.952	.937	.924	.912	.899	.889	.876	.866	.845	.826	.809	.775
66	<i>Basic Premium Ratio</i>	.485	.463	.446	.433	.421	.412	.403	.395	.387	.381	.367	.357	.346	.327
	<i>Minimum Premium Ratio</i>	.981	.965	.950	.934	.921	.908	.895	.884	.871	.861	.840	.820	.802	.767
65	<i>Basic Premium Ratio</i>	.485	.461	.444	.429	.418	.407	.398	.390	.382	.375	.362	.350	.340	.321
	<i>Minimum Premium Ratio</i>	.980	.963	.948	.931	.918	.904	.891	.879	.866	.856	.834	.814	.795	.759
64	<i>Basic Premium Ratio</i>	.481	.458	.440	.426	.414	.403	.394	.385	.377	.369	.357	.344	.333	.314
	<i>Minimum Premium Ratio</i>	.979	.961	.946	.928	.915	.900	.887	.874	.861	.850	.828	.807	.788	.751
63	<i>Basic Premium Ratio</i>	.480	.454	.436	.421	.409	.398	.388	.380	.372	.364	.351	.338	.328	.307
	<i>Minimum Premium Ratio</i>	.979	.960	.943	.926	.912	.896	.883	.870	.856	.845	.822	.801	.781	.744
62	<i>Basic Premium Ratio</i>	.476	.452	.431	.418	.404	.393	.384	.375	.367	.359	.344	.331	.321	.301
	<i>Minimum Premium Ratio</i>	.978	.958	.941	.923	.908	.893	.879	.865	.851	.840	.816	.795	.774	.736
61	<i>Basic Premium Ratio</i>	.475	.448	.430	.413	.400	.388	.378	.370	.361	.353	.339	.326	.314	.294
	<i>Minimum Premium Ratio</i>	.977	.957	.939	.920	.905	.889	.875	.860	.846	.834	.810	.788	.767	.728
60	<i>Basic Premium Ratio</i>	.471	.444	.425	.409	.395	.383	.374	.363	.355	.347	.332	.319	.307	.286
	<i>Minimum Premium Ratio</i>	.976	.955	.937	.917	.902	.885	.871	.856	.841	.829	.804	.782	.760	.720
59	<i>Basic Premium Ratio</i>	.470	.443	.421	.404	.391	.379	.368	.358	.349	.341	.325	.312	.301	.279
	<i>Minimum Premium Ratio</i>	.975	.954	.935	.914	.899	.881	.867	.851	.836	.823	.798	.775	.753	.712
58	<i>Basic Premium Ratio</i>	.467	.439	.417	.400	.386	.374	.363	.352	.344	.335	.320	.306	.294	.273
	<i>Minimum Premium Ratio</i>	.974	.952	.933	.911	.895	.877	.863	.846	.831	.818	.793	.769	.746	.704
57	<i>Basic Premium Ratio</i>	.466	.435	.412	.395	.381	.368	.357	.347	.338	.330	.313	.299	.287	.266
	<i>Minimum Premium Ratio</i>	.973	.951	.930	.908	.892	.873	.859	.842	.826	.813	.787	.763	.739	.696
56	<i>Basic Premium Ratio</i>	.462	.433	.408	.391	.376	.363	.351	.342	.331	.322	.307	.293	.281	.259
	<i>Minimum Premium Ratio</i>	.972	.949	.928	.905	.888	.869	.855	.837	.821	.807	.781	.756	.732	.689
55	<i>Basic Premium Ratio</i>	.458	.429	.403	.385	.371	.358	.346	.336	.325	.316	.300	.287	.274	.253
	<i>Minimum Premium Ratio</i>	.972	.947	.925	.903	.885	.866	.851	.832	.816	.802	.775	.750	.725	.681
54	<i>Basic Premium Ratio</i>	.456	.424	.399	.381	.366	.353	.340	.329	.320	.311	.294	.280	.267	.246
	<i>Minimum Premium Ratio</i>	.971	.946	.923	.900	.881	.862	.847	.827	.811	.797	.769	.744	.718	.676
53	<i>Basic Premium Ratio</i>	.452	.419	.394	.376	.359	.346	.335	.323	.312	.303	.287	.274	.261	.240
	<i>Minimum Premium Ratio</i>	.969	.944	.920	.897	.878	.858	.843	.823	.807	.792	.764	.739	.713	.671
52	<i>Basic Premium Ratio</i>	.447	.415	.389	.370	.354	.340	.328	.318	.307	.298	.281	.266	.255	.234
	<i>Minimum Premium Ratio</i>	.968	.942	.918	.894	.874	.855	.839	.818	.803	.787	.759	.734	.708	.666
51	<i>Basic Premium Ratio</i>	.443	.410	.384	.365	.349	.335	.322	.310	.301	.292	.275	.260	.248	.227

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															
	<i>Minimum Premium Ratio</i>	.966	.940	.915	.891	.871	.851	.834	.814	.798	.783	.755	.729	.704	.662
50	<i>Basic Premium Ratio</i>	.439	.405	.379	.360	.343	.329	.316	.304	.293	.285	.268	.254	.241	.221
	<i>Minimum Premium Ratio</i>	.965	.938	.913	.888	.867	.847	.830	.810	.794	.778	.750	.724	.699	.657
49	<i>Basic Premium Ratio</i>	.437	.401	.374	.355	.338	.322	.309	.298	.287	.278	.261	.247	.235	.215
	<i>Minimum Premium Ratio</i>	.964	.935	.910	.885	.863	.844	.826	.805	.790	.774	.745	.719	.694	.652
48	<i>Basic Premium Ratio</i>	.433	.396	.369	.348	.330	.316	.303	.291	.281	.271	.255	.241	.229	.208
	<i>Minimum Premium Ratio</i>	.962	.933	.908	.883	.860	.840	.822	.801	.786	.770	.741	.714	.689	.647
47	<i>Basic Premium Ratio</i>	.428	.391	.364	.342	.324	.310	.297	.285	.274	.265	.248	.235	.221	.202
	<i>Minimum Premium Ratio</i>	.961	.931	.905	.880	.856	.837	.818	.797	.781	.765	.736	.710	.684	.642
46	<i>Basic Premium Ratio</i>	.424	.386	.358	.336	.319	.303	.289	.277	.267	.258	.242	.228	.216	.197
	<i>Minimum Premium Ratio</i>	.959	.929	.903	.877	.853	.833	.814	.793	.777	.761	.732	.705	.680	.637
45	<i>Basic Premium Ratio</i>	.419	.381	.350	.329	.311	.296	.283	.271	.260	.251	.235	.222	.211	.192
	<i>Minimum Premium Ratio</i>	.958	.927	.900	.874	.849	.829	.810	.789	.773	.756	.727	.700	.675	.632
44	<i>Basic Premium Ratio</i>	.414	.373	.345	.323	.304	.288	.276	.265	.254	.245	.229	.216	.205	.186
	<i>Minimum Premium Ratio</i>	.957	.925	.898	.871	.846	.826	.806	.785	.768	.752	.723	.695	.670	.627
43	<i>Basic Premium Ratio</i>	.409	.367	.337	.315	.297	.282	.269	.257	.248	.239	.223	.210	.200	.182
	<i>Minimum Premium Ratio</i>	.955	.923	.896	.868	.842	.822	.802	.780	.764	.748	.718	.690	.665	.622
42	<i>Basic Premium Ratio</i>	.405	.362	.331	.309	.291	.275	.262	.251	.240	.232	.216	.203	.193	.175
	<i>Minimum Premium Ratio</i>	.954	.921	.893	.865	.839	.819	.798	.776	.760	.743	.714	.685	.661	.617
41	<i>Basic Premium Ratio</i>	.400	.357	.326	.303	.283	.269	.256	.244	.234	.225	.210	.197	.186	.169
	<i>Minimum Premium Ratio</i>	.952	.919	.891	.863	.835	.815	.794	.772	.756	.739	.709	.680	.656	.612
40	<i>Basic Premium Ratio</i>	.395	.349	.321	.295	.277	.263	.249	.238	.227	.219	.203	.190	.179	.163
	<i>Minimum Premium Ratio</i>	.951	.916	.888	.860	.832	.812	.790	.768	.751	.734	.705	.676	.651	.607
39	<i>Basic Premium Ratio</i>	.390	.344	.312	.290	.271	.255	.242	.230	.221	.212	.196	.184	.174	.157
	<i>Minimum Premium Ratio</i>	.950	.914	.866	.857	.828	.808	.786	.764	.747	.730	.700	.671	.646	.603
38	<i>Basic Premium Ratio</i>	.385	.339	.307	.282	.263	.249	.236	.223	.214	.204	.190	.178	.167	.151
	<i>Minimum Premium Ratio</i>	.948	.912	.883	.854	.825	.804	.782	.760	.743	.726	.695	.666	.641	.598
37	<i>Basic Premium Ratio</i>	.376	.330	.298	.276	.257	.241	.228	.216	.207	.198	.183	.171	.161	.146
	<i>Minimum Premium Ratio</i>	.947	.910	.881	.851	.821	.801	.778	.755	.738	.721	.691	.661	.637	.593
36	<i>Basic Premium Ratio</i>	.371	.324	.293	.267	.249	.235	.221	.210	.201	.192	.177	.166	.155	.140
	<i>Minimum Premium Ratio</i>	.945	.908	.879	.848	.819	.797	.775	.751	.736	.717	.686	.658	.632	.588
35	<i>Basic Premium Ratio</i>	.362	.315	.284	.261	.240	.226	.214	.203	.193	.184	.171	.159	.150	.135
	<i>Minimum Premium Ratio</i>	.945	.906	.878	.847	.818	.796	.774	.750	.735	.716	.685	.658	.631	.587
34	<i>Basic Premium Ratio</i>	.353	.306	.275	.252	.234	.220	.207	.196	.187	.179	.164	.154	.144	.130
	<i>Minimum Premium Ratio</i>	.944	.904	.876	.846	.817	.795	.773	.749	.734	.715	.684	.657	.631	.588
33	<i>Basic Premium Ratio</i>	.347	.297	.268	.243	.226	.212	.199	.189	.179	.171	.158	.148	.139	.125
	<i>Minimum Premium Ratio</i>	.944	.904	.875	.844	.816	.794	.772	.748	.733	.715	.684	.657	.631	.588
32	<i>Basic Premium Ratio</i>	.338	.288	.259	.237	.219	.204	.193	.182	.173	.166	.153	.142	.134	.121
	<i>Minimum Premium Ratio</i>	.943	.903	.874	.843	.815	.793	.771	.747	.732	.714	.684	.657	.632	.589
31	<i>Basic Premium Ratio</i>	.329	.282	.251	.229	.211	.197	.185	.176	.167	.160	.148	.137	.130	.117
	<i>Minimum Premium Ratio</i>	.943	.903	.873	.842	.814	.792	.769	.746	.731	.714	.683	.656	.632	.590
30	<i>Basic Premium Ratio</i>	.319	.273	.242	.220	.205	.191	.179	.169	.160	.154	.141	.132	.125	.113
	<i>Minimum Premium Ratio</i>	.942	.902	.872	.840	.813	.791	.768	.745	.730	.713	.683	.656	.632	.591
29	<i>Basic Premium Ratio</i>	.310	.264	.235	.213	.196	.183	.172	.163	.155	.148	.136	.128	.121	.110
	<i>Minimum Premium Ratio</i>	.942	.902	.870	.839	.812	.790	.767	.744	.729	.713	.683	.656	.632	.591
28	<i>Basic Premium Ratio</i>	.301	.255	.227	.205	.188	.177	.166	.157	.148	.141	.130	.122	.115	.103
	<i>Minimum Premium Ratio</i>	.941	.901	.869	.838	.811	.789	.766	.743	.728	.712	.682	.655	.632	.592
27	<i>Basic Premium Ratio</i>	.295	.248	.218	.199	.182	.169	.157	.148	.141	.134	.123	.114	.106	.095
	<i>Minimum Premium Ratio</i>	.941	.900	.868	.837	.810	.788	.765	.742	.727	.712	.682	.655	.632	.592
26	<i>Basic Premium Ratio</i>	.286	.240	.212	.191	.174	.161	.151	.140	.134	.127	.115	.107	.099	.088
	<i>Minimum Premium Ratio</i>	.940	.900	.867	.835	.809	.787	.764	.741	.726	.712	.682	.655	.632	.593
25	<i>Basic Premium Ratio</i>	.276	.230	.203	.182	.167	.154	.143	.134	.126	.119	.109	.100	.093	.083
	<i>Minimum Premium Ratio</i>	.940	.899	.866	.834	.808	.786	.763	.740	.725	.711	.682	.654	.632	.594
24	<i>Basic Premium Ratio</i>	.266	.221	.194	.175	.159	.147	.137	.129	.121	.114	.105	.097	.090	.080
	<i>Minimum Premium Ratio</i>	.939	.899	.865	.833	.807	.785	.762	.739	.724	.711	.681	.654	.632	.595
23	<i>Basic Premium Ratio</i>	.253	.212	.185	.166	.153	.141	.131	.123	.116	.110	.101	.093	.087	.078

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															
22	Minimum Premium Ratio	.939	.898	.863	.831	.806	.784	.761	.738	.723	.710	.681	.654	.633	.596
	Basic Premium Ratio	.244	.202	.176	.158	.145	.134	.124	.118	.112	.106	.097	.090	.084	.076
	Minimum Premium Ratio	.939	.898	.862	.830	.805	.783	.760	.737	.722	.710	.681	.653	.633	.596
21	Basic Premium Ratio	.230	.193	.169	.152	.139	.128	.119	.112	.107	.102	.093	.087	.082	.075
	Minimum Premium Ratio	.935	.897	.861	.829	.804	.782	.759	.736	.721	.709	.680	.653	.633	.597
20	Basic Premium Ratio	.220	.183	.160	.143	.131	.121	.113	.107	.102	.097	.089	.083	.079	.072
	Minimum Premium Ratio	.930	.896	.860	.828	.803	.781	.758	.735	.720	.709	.680	.653	.633	.598
19	Basic Premium Ratio	.215	.177	.152	.137	.124	.115	.107	.101	.096	.092	.084	.079	.075	.068
	Minimum Premium Ratio	.924	.891	.859	.826	.802	.780	.757	.734	.719	.708	.680	.652	.633	.599
18	Basic Premium Ratio	.205	.168	.145	.129	.117	.108	.100	.095	.090	.086	.079	.075	.071	.066
	Minimum Premium Ratio	.919	.887	.858	.825	.801	.779	.756	.733	.718	.708	.679	.652	.633	.599
17	Basic Premium Ratio	.196	.159	.137	.121	.111	.102	.095	.090	.085	.081	.075	.071	.068	.063
	Minimum Premium Ratio	.913	.882	.853	.824	.800	.778	.755	.732	.717	.708	.679	.652	.633	.599
16	Basic Premium Ratio	.186	.150	.128	.114	.103	.095	.090	.085	.080	.077	.072	.068	.065	.061
	Minimum Premium Ratio	.908	.877	.849	.822	.799	.777	.754	.731	.716	.707	.679	.651	.633	.599
15	Basic Premium Ratio	.176	.141	.121	.108	.098	.090	.085	.080	.077	.074	.069	.066	.063	.059
	Minimum Premium Ratio	.902	.872	.845	.820	.798	.776	.753	.730	.715	.707	.678	.651	.633	.599
14	Basic Premium Ratio	.172	.135	.113	.103	.093	.088	.082	.078	.075	.072	.068	.065	.062	.059
	Minimum Premium Ratio	.897	.868	.841	.817	.795	.774	.752	.729	.714	.706	.678	.651	.634	.598
13	Basic Premium Ratio	.164	.126	.108	.097	.091	.084	.080	.076	.073	.070	.067	.064	.062	.058
	Minimum Premium Ratio	.892	.863	.837	.813	.791	.771	.751	.728	.713	.706	.678	.650	.634	.598
12	Basic Premium Ratio	.158	.117	.102	.094	.087	.082	.077	.074	.071	.069	.066	.063	.061	.058
	Minimum Premium Ratio	.886	.858	.833	.810	.788	.769	.749	.727	.712	.705	.677	.650	.633	.597
11	Basic Premium Ratio	.149	.107	.095	.089	.083	.079	.075	.072	.069	.068	.064	.062	.060	.057
	Minimum Premium Ratio	.881	.853	.829	.806	.785	.766	.748	.726	.711	.705	.676	.650	.632	.597
10	Basic Premium Ratio	.144	.100	.091	.085	.080	.075	.073	.070	.068	.066	.063	.061	.059	.057
	Minimum Premium Ratio	.875	.849	.825	.802	.782	.763	.746	.725	.710	.704	.675	.650	.632	.597
9	Basic Premium Ratio	.134	.093	.086	.081	.077	.073	.070	.068	.066	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.870	.844	.820	.799	.779	.761	.744	.724	.709	.704	.674	.649	.631	.596
8	Basic Premium Ratio	.121	.087	.082	.077	.074	.070	.068	.066	.065	.063	.061	.059	.058	.056
	Minimum Premium Ratio	.864	.839	.816	.795	.776	.758	.741	.723	.708	.704	.673	.649	.630	.596
7	Basic Premium Ratio	.106	.082	.077	.074	.070	.068	.066	.064	.063	.062	.060	.058	.057	.056
	Minimum Premium Ratio	.859	.834	.812	.792	.773	.755	.739	.722	.707	.703	.671	.649	.630	.596
6	Basic Premium Ratio	.092	.077	.074	.070	.068	.066	.064	.063	.061	.060	.058	.057	.057	.055
	Minimum Premium Ratio	.853	.830	.808	.788	.770	.753	.737	.721	.706	.695	.670	.648	.629	.595
5	Basic Premium Ratio	.092	.073	.070	.067	.065	.064	.062	.061	.060	.059	.057	.057	.056	.055
	Minimum Premium Ratio	.848	.825	.804	.785	.767	.750	.734	.720	.705	.693	.669	.648	.629	.595

**NEW SECTION**

WAC 296-17-91905 TABLE VI.

RETROSPECTIVE RATING PLAN A3  
 MINIMUM PREMIUM RATIOS  
 AND BASIC PREMIUM RATIOS  
 LOSS CONVERSION FACTOR = .692  
 Effective January 1, 1986

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	.820	.813	.793	.783	.777	.766	.759	.732	.736	.727	.722	.706	.694	.673
	Minimum Premium Ratio	.986	.973	.964	.956	.948	.942	.935	.931	.924	.919	.909	.900	.891	.874
83	Basic Premium Ratio	.820	.812	.790	.780	.772	.760	.753	.728	.730	.721	.715	.698	.685	.663
	Minimum Premium Ratio	.985	.972	.962	.953	.944	.937	.931	.925	.919	.913	.903	.892	.883	.865

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															
82	Basic Premium Ratio	.820	.810	.788	.776	.767	.755	.747	.724	.724	.715	.707	.690	.677	.653
	Minimum Premium Ratio	.984	.970	.958	.949	.940	.932	.925	.920	.913	.907	.896	.885	.876	.857
81	Basic Premium Ratio	.820	.808	.786	.772	.763	.750	.742	.720	.718	.709	.699	.683	.668	.643
	Minimum Premium Ratio	.981	.967	.954	.946	.936	.928	.920	.913	.907	.901	.889	.878	.868	.849
80	Basic Premium Ratio	.820	.806	.783	.768	.758	.745	.736	.716	.712	.703	.692	.675	.659	.633
	Minimum Premium Ratio	.981	.964	.951	.941	.931	.923	.915	.909	.901	.895	.882	.871	.860	.839
79	Basic Premium Ratio	.820	.804	.781	.765	.753	.739	.730	.712	.706	.697	.684	.667	.651	.622
	Minimum Premium Ratio	.979	.962	.948	.938	.927	.918	.910	.903	.895	.888	.876	.864	.852	.831
78	Basic Premium Ratio	.820	.803	.779	.761	.749	.734	.725	.708	.700	.691	.677	.659	.642	.612
	Minimum Premium Ratio	.976	.959	.945	.934	.924	.913	.905	.897	.890	.882	.869	.856	.844	.821
77	Basic Premium Ratio	.820	.801	.776	.757	.744	.729	.719	.704	.694	.684	.669	.641	.633	.602
	Minimum Premium Ratio	.975	.957	.942	.930	.919	.910	.900	.893	.884	.876	.862	.849	.836	.813
76	Basic Premium Ratio	.820	.799	.774	.754	.740	.724	.713	.700	.688	.678	.661	.644	.625	.592
	Minimum Premium Ratio	.974	.956	.940	.927	.915	.905	.895	.886	.878	.870	.855	.840	.828	.804
75	Basic Premium Ratio	.820	.797	.772	.750	.735	.718	.707	.696	.682	.672	.654	.636	.616	.582
	Minimum Premium Ratio	.974	.952	.936	.923	.911	.899	.889	.881	.872	.863	.848	.833	.820	.794
74	Basic Premium Ratio	.820	.795	.769	.746	.730	.713	.702	.692	.676	.666	.646	.628	.607	.572
	Minimum Premium Ratio	.970	.950	.934	.918	.906	.894	.884	.875	.866	.857	.840	.825	.811	.786
73	Basic Premium Ratio	.820	.794	.767	.743	.726	.708	.696	.688	.670	.660	.638	.620	.599	.562
	Minimum Premium Ratio	.969	.946	.929	.915	.902	.889	.879	.869	.859	.851	.833	.818	.803	.776
72	Basic Premium Ratio	.820	.792	.765	.739	.721	.703	.690	.684	.664	.654	.631	.613	.590	.552
	Minimum Premium Ratio	.968	.944	.925	.912	.898	.886	.874	.863	.854	.844	.826	.810	.795	.767
71	Basic Premium Ratio	.820	.790	.759	.734	.715	.697	.682	.674	.655	.645	.620	.602	.578	.540
	Minimum Premium Ratio	.965	.941	.923	.907	.893	.880	.868	.857	.847	.837	.819	.802	.786	.757
70	Basic Premium Ratio	.820	.788	.752	.729	.709	.690	.674	.665	.647	.636	.609	.591	.567	.529
	Minimum Premium Ratio	.964	.939	.919	.903	.889	.875	.862	.852	.841	.831	.812	.793	.778	.747
69	Basic Premium Ratio	.820	.785	.746	.723	.703	.684	.666	.655	.638	.626	.598	.579	.555	.517
	Minimum Premium Ratio	.963	.935	.914	.899	.883	.869	.857	.846	.835	.823	.804	.786	.770	.738
68	Basic Premium Ratio	.820	.783	.739	.718	.697	.677	.658	.645	.629	.617	.587	.568	.543	.505
	Minimum Premium Ratio	.959	.931	.912	.894	.878	.864	.851	.839	.828	.817	.797	.777	.760	.729
67	Basic Premium Ratio	.820	.779	.736	.712	.690	.670	.651	.636	.621	.608	.577	.558	.533	.495
	Minimum Premium Ratio	.957	.929	.907	.889	.873	.858	.845	.833	.821	.810	.789	.770	.752	.719
66	Basic Premium Ratio	.820	.776	.732	.707	.682	.663	.643	.628	.613	.599	.568	.548	.523	.485
	Minimum Premium Ratio	.954	.925	.903	.885	.868	.853	.839	.826	.814	.803	.781	.761	.744	.709
65	Basic Premium Ratio	.820	.772	.729	.701	.675	.655	.636	.619	.604	.590	.558	.537	.513	.475
	Minimum Premium Ratio	.953	.923	.900	.880	.864	.847	.833	.821	.808	.796	.773	.753	.735	.701
64	Basic Premium Ratio	.820	.768	.725	.695	.667	.648	.628	.610	.596	.581	.548	.527	.503	.465
	Minimum Premium Ratio	.949	.919	.895	.877	.859	.841	.827	.814	.801	.788	.766	.744	.726	.691
63	Basic Premium Ratio	.820	.764	.719	.690	.661	.641	.620	.601	.586	.571	.538	.517	.492	.454
	Minimum Premium Ratio	.948	.914	.891	.871	.853	.835	.820	.807	.794	.781	.758	.736	.718	.682
62	Basic Premium Ratio	.820	.759	.714	.684	.656	.634	.612	.592	.576	.562	.529	.507	.482	.444
	Minimum Premium Ratio	.944	.912	.886	.867	.848	.830	.815	.801	.788	.774	.750	.727	.708	.672
61	Basic Premium Ratio	.820	.755	.708	.679	.650	.627	.603	.582	.566	.552	.519	.496	.471	.433
	Minimum Premium Ratio	.943	.908	.884	.861	.843	.824	.808	.794	.781	.767	.743	.719	.699	.662
60	Basic Premium Ratio	.820	.750	.702	.673	.644	.620	.595	.573	.556	.542	.509	.486	.460	.422
	Minimum Premium Ratio	.939	.904	.879	.856	.837	.818	.802	.787	.773	.758	.734	.710	.690	.652
59	Basic Premium Ratio	.813	.743	.696	.664	.635	.611	.586	.564	.546	.532	.499	.475	.449	.411
	Minimum Premium Ratio	.937	.902	.874	.851	.832	.812	.795	.780	.766	.751	.725	.701	.681	.642
58	Basic Premium Ratio	.806	.737	.690	.655	.626	.602	.577	.555	.537	.522	.489	.464	.439	.401
	Minimum Premium Ratio	.934	.898	.869	.846	.825	.806	.789	.773	.759	.743	.718	.693	.672	.633
57	Basic Premium Ratio	.798	.730	.684	.645	.617	.593	.568	.545	.527	.511	.479	.452	.428	.390
	Minimum Premium Ratio	.932	.893	.864	.840	.820	.799	.781	.766	.752	.736	.709	.684	.663	.624
56	Basic Premium Ratio	.791	.723	.678	.636	.608	.584	.559	.536	.517	.501	.469	.441	.417	.379
	Minimum Premium Ratio	.928	.890	.859	.835	.814	.793	.775	.759	.743	.727	.701	.676	.654	.614
55	Basic Premium Ratio	.788	.717	.672	.629	.600	.575	.550	.526	.507	.491	.459	.432	.408	.370
	Minimum Premium Ratio	.924	.886	.854	.829	.808	.787	.768	.753	.736	.720	.692	.667	.645	.606

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
54	Basic Premium Ratio	.785	.710	.665	.623	.592	.566	.541	.517	.498	.481	.449	.423	.398	.361
	Minimum Premium Ratio	.922	.881	.849	.824	.802	.781	.761	.744	.729	.713	.685	.659	.637	.597
53	Basic Premium Ratio	.782	.704	.659	.616	.584	.556	.532	.507	.488	.470	.439	.413	.389	.352
	Minimum Premium Ratio	.918	.876	.844	.818	.794	.772	.755	.737	.720	.704	.677	.651	.629	.589
52	Basic Premium Ratio	.779	.697	.652	.609	.576	.547	.523	.497	.478	.460	.429	.404	.379	.343
	Minimum Premium Ratio	.913	.871	.838	.812	.789	.766	.747	.731	.713	.697	.669	.642	.621	.581
51	Basic Premium Ratio	.774	.691	.644	.600	.566	.537	.513	.487	.467	.450	.419	.394	.369	.333
	Minimum Premium Ratio	.908	.865	.833	.806	.782	.759	.740	.722	.706	.690	.662	.635	.613	.572
50	Basic Premium Ratio	.769	.685	.636	.591	.556	.527	.502	.477	.457	.440	.408	.383	.359	.323
	Minimum Premium Ratio	.904	.861	.826	.800	.775	.753	.733	.715	.697	.681	.653	.627	.604	.564
49	Basic Premium Ratio	.763	.678	.627	.582	.546	.517	.492	.466	.446	.429	.398	.373	.349	.312
	Minimum Premium Ratio	.902	.856	.821	.795	.769	.744	.724	.708	.690	.673	.645	.619	.596	.556
48	Basic Premium Ratio	.758	.672	.619	.573	.536	.507	.481	.456	.435	.419	.387	.362	.339	.302
	Minimum Premium Ratio	.898	.850	.815	.786	.761	.737	.717	.699	.683	.665	.637	.611	.588	.548
47	Basic Premium Ratio	.749	.663	.607	.562	.525	.496	.470	.445	.424	.408	.377	.353	.330	.295
	Minimum Premium Ratio	.892	.845	.810	.780	.754	.731	.710	.692	.674	.657	.629	.603	.579	.540
46	Basic Premium Ratio	.740	.654	.595	.550	.513	.485	.459	.434	.414	.398	.367	.343	.321	.287
	Minimum Premium Ratio	.888	.839	.804	.773	.748	.723	.702	.683	.666	.650	.621	.595	.572	.533
45	Basic Premium Ratio	.731	.645	.583	.539	.502	.474	.448	.422	.403	.387	.357	.334	.312	.280
	Minimum Premium Ratio	.884	.834	.795	.765	.739	.715	.695	.676	.657	.641	.612	.587	.565	.526
44	Basic Premium Ratio	.722	.636	.571	.527	.490	.463	.437	.411	.392	.376	.347	.324	.303	.272
	Minimum Premium Ratio	.878	.826	.790	.758	.732	.706	.686	.669	.650	.633	.605	.580	.558	.519
43	Basic Premium Ratio	.714	.626	.561	.517	.479	.451	.426	.401	.382	.365	.337	.314	.293	.263
	Minimum Premium Ratio	.873	.820	.781	.750	.723	.699	.679	.659	.643	.627	.598	.572	.551	.513
42	Basic Premium Ratio	.705	.615	.551	.507	.467	.440	.414	.390	.371	.355	.327	.304	.284	.253
	Minimum Premium Ratio	.869	.814	.775	.743	.717	.691	.670	.652	.634	.618	.589	.564	.543	.504
41	Basic Premium Ratio	.697	.605	.540	.496	.456	.428	.403	.380	.361	.344	.316	.294	.274	.244
	Minimum Premium Ratio	.863	.809	.769	.737	.708	.684	.663	.644	.627	.610	.582	.557	.534	.496
40	Basic Premium Ratio	.688	.594	.530	.486	.444	.416	.391	.369	.350	.333	.306	.284	.264	.234
	Minimum Premium Ratio	.858	.800	.763	.728	.702	.677	.656	.636	.618	.603	.574	.548	.526	.489
39	Basic Premium Ratio	.677	.583	.519	.475	.434	.406	.380	.359	.340	.323	.296	.274	.255	.226
	Minimum Premium Ratio	.853	.795	.754	.722	.695	.668	.647	.628	.611	.594	.565	.541	.519	.481
38	Basic Premium Ratio	.666	.573	.508	.464	.424	.395	.370	.348	.329	.313	.286	.264	.246	.218
	Minimum Premium Ratio	.848	.790	.748	.713	.686	.661	.640	.620	.604	.585	.558	.533	.511	.473
37	Basic Premium Ratio	.654	.562	.497	.453	.413	.385	.359	.338	.319	.302	.276	.254	.237	.209
	Minimum Premium Ratio	.839	.781	.739	.707	.679	.652	.631	.611	.595	.577	.549	.525	.503	.466
36	Basic Premium Ratio	.643	.551	.486	.442	.403	.374	.348	.327	.308	.292	.266	.244	.228	.201
	Minimum Premium Ratio	.834	.774	.733	.697	.670	.645	.623	.604	.588	.570	.541	.518	.495	.458
35	Basic Premium Ratio	.631	.538	.473	.429	.392	.363	.338	.317	.299	.283	.257	.236	.220	.194
	Minimum Premium Ratio	.825	.765	.723	.690	.660	.636	.615	.596	.579	.561	.534	.510	.489	.452
34	Basic Premium Ratio	.618	.525	.461	.417	.380	.352	.328	.307	.289	.274	.249	.228	.212	.187
	Minimum Premium Ratio	.815	.755	.713	.681	.654	.629	.607	.588	.572	.555	.527	.504	.482	.447
33	Basic Premium Ratio	.606	.511	.448	.404	.369	.341	.317	.297	.280	.264	.240	.220	.203	.179
	Minimum Premium Ratio	.810	.746	.706	.671	.644	.620	.598	.580	.563	.546	.520	.497	.476	.441
32	Basic Premium Ratio	.593	.498	.435	.391	.357	.330	.307	.287	.270	.255	.231	.212	.195	.172
	Minimum Premium Ratio	.800	.736	.697	.664	.637	.611	.591	.572	.556	.539	.513	.490	.470	.436
31	Basic Premium Ratio	.578	.484	.422	.379	.345	.319	.296	.277	.260	.246	.222	.204	.188	.166
	Minimum Premium Ratio	.791	.730	.688	.655	.628	.604	.583	.565	.549	.532	.507	.484	.465	.431
30	Basic Premium Ratio	.563	.470	.409	.367	.333	.308	.285	.266	.251	.237	.214	.196	.181	.159
	Minimum Premium Ratio	.781	.720	.678	.646	.621	.597	.576	.557	.541	.525	.499	.478	.458	.427
29	Basic Premium Ratio	.548	.455	.396	.354	.321	.296	.274	.256	.241	.227	.205	.187	.174	.153
	Minimum Premium Ratio	.772	.711	.671	.638	.611	.588	.567	.550	.535	.518	.493	.473	.453	.422
28	Basic Premium Ratio	.533	.441	.383	.342	.309	.285	.263	.245	.231	.218	.196	.179	.167	.146
	Minimum Premium Ratio	.762	.702	.662	.629	.603	.580	.560	.543	.527	.511	.486	.466	.446	.415
27	Basic Premium Ratio	.519	.427	.369	.329	.297	.273	.251	.233	.219	.206	.185	.168	.156	.136
	Minimum Premium Ratio	.756	.695	.653	.622	.595	.572	.551	.533	.519	.503	.478	.457	.437	.406

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
26	Basic Premium Ratio	.504	.413	.355	.315	.284	.260	.239	.222	.208	.195	.174	.158	.145	.124
	Minimum Premium Ratio	.747	.686	.646	.614	.587	.563	.543	.525	.511	.494	.469	.449	.428	.398
25	Basic Premium Ratio	.490	.398	.341	.302	.272	.248	.227	.210	.196	.183	.162	.147	.133	.113
	Minimum Premium Ratio	.736	.676	.636	.604	.579	.555	.534	.517	.502	.485	.461	.440	.421	.392
24	Basic Premium Ratio	.475	.384	.327	.288	.259	.235	.215	.198	.184	.171	.151	.136	.123	.104
	Minimum Premium Ratio	.727	.666	.627	.597	.570	.547	.528	.511	.495	.479	.456	.436	.418	.389
23	Basic Premium Ratio	.454	.367	.312	.275	.247	.224	.205	.189	.176	.164	.145	.130	.119	.101
	Minimum Premium Ratio	.713	.657	.617	.587	.563	.540	.521	.505	.489	.474	.451	.432	.414	.386
22	Basic Premium Ratio	.434	.349	.298	.262	.235	.213	.195	.180	.167	.156	.138	.125	.114	.097
	Minimum Premium Ratio	.704	.647	.608	.578	.554	.533	.513	.499	.484	.469	.446	.427	.410	.383
21	Basic Premium Ratio	.408	.332	.283	.248	.222	.201	.184	.171	.159	.149	.132	.119	.110	.094
	Minimum Premium Ratio	.690	.637	.600	.571	.547	.526	.507	.491	.478	.464	.442	.424	.407	.381
20	Basic Premium Ratio	.388	.314	.268	.234	.209	.190	.174	.161	.150	.141	.125	.113	.105	.090
	Minimum Premium Ratio	.680	.627	.591	.562	.539	.518	.500	.485	.472	.458	.436	.419	.402	.377
19	Basic Premium Ratio	.374	.298	.251	.220	.196	.177	.162	.149	.139	.131	.116	.105	.097	.084
	Minimum Premium Ratio	.674	.620	.582	.555	.531	.511	.493	.478	.465	.451	.430	.413	.397	.372
18	Basic Premium Ratio	.355	.281	.237	.205	.181	.163	.148	.137	.127	.119	.106	.098	.090	.079
	Minimum Premium Ratio	.664	.611	.575	.546	.523	.503	.485	.471	.458	.444	.424	.409	.392	.369
17	Basic Premium Ratio	.337	.265	.221	.189	.169	.151	.137	.127	.117	.110	.098	.090	.083	.074
	Minimum Premium Ratio	.654	.601	.566	.537	.516	.497	.479	.465	.452	.439	.419	.404	.388	.366
16	Basic Premium Ratio	.318	.247	.204	.176	.154	.137	.127	.117	.108	.102	.091	.083	.078	.069
	Minimum Premium Ratio	.644	.592	.557	.530	.508	.488	.473	.459	.447	.434	.415	.399	.384	.362
15	Basic Premium Ratio	.300	.229	.190	.164	.143	.128	.117	.108	.101	.095	.086	.079	.074	.066
	Minimum Premium Ratio	.635	.583	.550	.524	.502	.484	.468	.455	.443	.430	.412	.397	.382	.361
14	Basic Premium Ratio	.291	.216	.174	.154	.134	.123	.112	.103	.097	.091	.083	.078	.072	.065
	Minimum Premium Ratio	.630	.577	.542	.519	.498	.481	.465	.452	.441	.428	.411	.397	.381	.360
13	Basic Premium Ratio	.275	.199	.163	.142	.129	.116	.107	.099	.094	.088	.081	.076	.071	.064
	Minimum Premium Ratio	.622	.568	.537	.513	.495	.478	.463	.450	.440	.427	.410	.396	.381	.360
12	Basic Premium Ratio	.263	.182	.151	.134	.121	.110	.102	.096	.089	.086	.078	.073	.069	.063
	Minimum Premium Ratio	.616	.559	.531	.510	.491	.475	.460	.449	.437	.426	.409	.394	.380	.359
11	Basic Premium Ratio	.246	.162	.138	.126	.114	.105	.098	.092	.086	.083	.076	.071	.068	.062
	Minimum Premium Ratio	.608	.549	.524	.505	.488	.472	.458	.447	.436	.424	.407	.393	.379	.359
10	Basic Premium Ratio	.229	.147	.129	.117	.107	.098	.093	.088	.083	.079	.074	.069	.066	.061
	Minimum Premium Ratio	.602	.542	.520	.501	.484	.469	.456	.445	.434	.422	.406	.392	.378	.358
9	Basic Premium Ratio	.211	.133	.119	.109	.101	.094	.088	.083	.079	.077	.071	.068	.065	.061
	Minimum Premium Ratio	.593	.535	.515	.497	.481	.467	.453	.442	.432	.421	.405	.392	.378	.358
8	Basic Premium Ratio	.189	.122	.111	.102	.095	.088	.083	.079	.077	.074	.069	.066	.063	.060
	Minimum Premium Ratio	.579	.529	.511	.493	.478	.464	.451	.440	.431	.420	.404	.391	.377	.358
7	Basic Premium Ratio	.160	.112	.101	.095	.088	.083	.079	.076	.074	.071	.067	.063	.062	.059
	Minimum Premium Ratio	.565	.524	.506	.490	.475	.462	.449	.439	.430	.418	.403	.389	.376	.357
6	Basic Premium Ratio	.130	.101	.095	.088	.083	.079	.075	.072	.070	.068	.064	.062	.060	.058
	Minimum Premium Ratio	.550	.519	.503	.486	.472	.459	.447	.437	.428	.417	.401	.389	.376	.357
5	Basic Premium Ratio	.099	.092	.087	.081	.078	.074	.071	.069	.067	.065	.062	.060	.059	.057
	Minimum Premium Ratio	.550	.515	.499	.483	.470	.457	.445	.435	.426	.415	.400	.388	.375	.356

**WSR 86-07-012**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 176, Resolution No. 185—Filed March 11, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to License to reflect the true

party in interest—Display of licenses, WAC 314-12-030.

This action is taken pursuant to Notice No. WSR 86-04-033 filed with the code reviser on January 30, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 11, 1986.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 58, filed 8/9/77, effective 9/12/77)

WAC 314-12-030 LICENSE TO REFLECT TRUE PARTY IN INTEREST—DISPLAY OF LICENSES. (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name of the true party in interest. No licensee shall pay to any person, as compensation for services or otherwise, more than ten percent of the net profits of the licensed business, unless the name of said person appears on the license.

(2) All licenses (except certificates of approval and agent's licenses) shall be ~~((framed under glass and))~~ prominently displayed on the licensed premises.

**WSR 86-07-013**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 177, Resolution No. 186—Filed March 11, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Guest and courtesy cards—Visitors, WAC 314-40-040.

This action is taken pursuant to Notice No. WSR 86-04-034 filed with the code reviser on January 30, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 11, 1986.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 152, Resolution No. 161, filed 2/27/85)

WAC 314-40-040 GUEST AND COURTESY CARDS—VISITORS. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: PROVIDED, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in WAC 314-40-040 (1)(a) and (b) shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: PROVIDED, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such organizations.

(4) Persons who are members in good standing of ~~((a licensed golf, tennis, or yacht))~~ organizations licensed as private nonfraternal clubs may enjoy the privileges of ~~((any other licensed golf, tennis, or yacht))~~ other licensed nonfraternal clubs ~~((, respectively))~~: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold one public membership function per calendar year where club liquor may be given to those attending as a part of the membership drive activities.

**WSR 86-07-014**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 178, Resolution No. 187—Filed March 11, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control

Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to treating, repealing WAC 314-16-100.

This action is taken pursuant to Notice No. WSR 86-04-049 filed with the code reviser on February 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 11, 1986.

By L. H. Pedersen  
Chairman

#### REPEALER

The following section of the Washington Administrative Code is repealed.

✓ WAC 314-16-100 TREATING.

#### **WSR 86-07-015**

##### **ADOPTED RULES**

#### **LIQUOR CONTROL BOARD**

[Order 179, Resolution No. 188—Filed March 11, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Service limited to license and order—Removal of liquor in open containers—Room service—Price list, WAC 314-16-040.

This action is taken pursuant to Notice No. WSR 86-04-082 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 11, 1986.

By L. H. Pedersen  
Chairman

AMENDATORY SECTION (Amending Order 155, Resolution No. 164, filed 2/27/85)

✓ WAC 314-16-040 SERVICE LIMITED TO LICENSE AND ORDER—REMOVAL OF LIQUOR IN OPEN CONTAINERS—ROOM SERVICE—PRICE LIST. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.340 and 66.24.400.

(4) No holder of a Class H license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(5) Hotel room service is included in on-premises licenses.

(6) No (~~Class H~~) licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. (~~Such~~) A Class H licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(7) No holder of a Class C license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, (~~nor under any name which is so similar to the above prohibited names as to be readily confused therewith in the public mind. Nor shall any holder of a Class C license, in the mixing or compounding of any mixed drink, use any mixer or other substance whatsoever which contains any of the aromatic compounds and/or essential oils which give to any spirituous liquor its distinctive characteristics of aroma, bouquet and flavor. Nothing in this section shall deny to any~~) unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a

Class C license (~~(the right to)~~) may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

**WSR 86-07-016**  
**PROCLAMATION NO. 86-02**  
**OFFICE OF THE GOVERNOR**

Terminating an Emergency Proclamation

I, BOOTH GARDNER, Governor of the State of Washington, pursuant to RCW 43.06.210, do hereby terminate the proclamation of January 31, 1986, which declared a state of emergency in Washington State.

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  
 8th day of March, Nineteen  
 Hundred and Eighty-Six.

Booth Gardner

\_\_\_\_\_  
 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
 Secretary of State

**WSR 86-07-017**  
**NOTICE OF PUBLIC MEETINGS**  
**COUNCIL ON VOCATIONAL EDUCATION**  
 [Memorandum—March 11, 1986]

The next regular meeting of the Washington State Council on Vocational Education will be held on Friday, March 21, 1986, in the Board Room of South Puget Sound Community College which is located at 2011 Mottman Road S.W., Olympia, Washington.

This meeting site is barrier free. Interpreters for people with hearing impairments and taped information for people with visual impairments can be provided upon request, if the state council is notified by March 17, 1986.

For further information, please contact Dennis D. Coplen, Executive Director, Washington State Council on Vocational Education, 120 East Union, Room 207, Mailstop EK-21, Olympia, WA 98504, phone (206) 753-3715.

**WSR 86-07-018**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
 [Order DS 2—Filed March 12, 1986]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adding new sections WAC 308-104-105, 308-102-265, 308-104-012, 308-104-135; amending WAC 308-102-090, 308-102-100, 308-102-190, 308-102-200, 308-104-056, 308-104-080, 308-104-090, 308-104-100, 308-104-130, 308-104-160; and repealing WAC 308-104-058.

This action is taken pursuant to Notice No. WSR 86-03-083 filed with the code reviser on January 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 46.20.391, 46.01.110 and 46.65.020 which directs that the Department of Licensing has authority to implement the provisions of Title 46 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.  
 APPROVED AND ADOPTED March 10, 1986.

By Theresa Anna Aragon  
 Director

NEW SECTION

✓ WAC 308-104-105 OCCUPATIONAL LICENSE DENIAL HEARINGS. (1) Upon notification by the department that an occupational driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. Such request must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requestor in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence.

(3) The hearing shall be conducted by a referee appointed by the director. The director may delegate to such referee the authority to render final decisions.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid Washington license on date of conviction.

(b) Whether the suspension or revocation giving rise to the application for an occupational driver's license was based upon one of the following offenses: Driving or being in physical control of a motor vehicle while under the influence of intoxicating liquor, reckless driving, racing, eluding a police vehicle, hit and run, or driving while suspended or revoked.

(c) Whether the person has been convicted of any of the offenses listed in (b) of this subsection within the one year immediately preceding the conviction for which the occupational license is requested.

(d) Whether the person has been convicted of driving or being in physical control of a vehicle while under the influence of intoxicating liquor, or vehicular assault or vehicular homicide, within the five years immediately preceding the conviction for which the occupational license is requested.

(e) Whether the person is currently suspended or revoked for any reason other than the offense for which the occupational driver's license is requested.

(f) Whether the person is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation.

(5) The applicant's official driving record provided to the hearing officer by the department shall be prima facie evidence of the facts in issues contained in subsection (4) (a) through (e) of this section unless the applicant presents clear and convincing evidence to the contrary.

(6) The applicant shall have the burden of proving that he or she is engaged in an occupation or trade that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational license shall be affirmed.

AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

✓ WAC 308-102-090 AGREEMENTS FOR PAYMENT OF DAMAGES—DEFAULT NOTICE. The department shall accept a notice of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within ~~((thirty days of the date of the final scheduled payment or within))~~ three years of the date ~~((that the agreement was entered, whichever comes first))~~ of the accident.

AMENDATORY SECTION (Amending Order 466-DOL, filed 12/30/77)

✓ WAC 308-102-100 REQUEST FOR DOCUMENT REVIEW OR INTERVIEW—EFFECT, TIMELINESS. Any person, (hereinafter referred to as licensee), notified of the requirement of depositing security and suspension for failure to deposit security under the financial responsibility law, chapter 46.29 RCW, may within fifteen days of the date of the notice of suspension of his driver's license or nonresident privilege to drive request either an interview or document review before a department of licensing referee. The request may be oral or written, but if made orally, such request must be confirmed by the licensee in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the order of suspension shall be stayed pending the outcome of the document review or interview.

If the licensee does not request a document review or interview within the time specified above, or fails to attend an interview at the licensee's request, said licensee shall have waived his right to any further administrative remedies, including the formal hearing, and the order of suspension shall become effective.

AMENDATORY SECTION (Amending Order MV-302, filed 3/31/75)

✓ WAC 308-102-190 DOCUMENT REVIEW OR INTERVIEW—DECISION. Upon conclusion of a document review or interview the department referee shall make findings on the matter under consideration and shall properly submit the recommendations to the department. After a review of the referee's report and any attachments thereto together with the files and records maintained by the department pertaining to the accident in question and any documents submitted by the licensee, the department shall notify the licensee of the decision and said licensee's right to request a formal administrative hearing in writing by ~~((registered or certified))~~ first class mail sent to the last address of record. A copy of the referee's findings shall be sent to the licensee with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

AMENDATORY SECTION (Amending Order 466-DOL, filed 12/30/77)

✓ WAC 308-102-200 REQUEST FOR FORMAL HEARING. Any licensee who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be ~~((received at the office of))~~ addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the licensee. Failure to make timely request for a formal hearing to the department shall result in a waiver of the licensee's right to such hearing and the decision of the department shall become final. At the time it sends the notice of the decision, the department shall send a request for administrative hearing in substantially the following form:

REQUEST FOR ADMINISTRATIVE HEARING

Within fifteen days of this letter you may request a hearing by the department in the matter of the suspension of your driving privilege.

NEW SECTION

✓ WAC 308-102-265 FINANCIAL RESPONSIBILITY HEARING—FAILURE TO APPEAR. In the event that neither the licensee who requested a formal hearing pursuant to chapter 308-102 WAC nor the person or persons for whose benefit the department is requiring security appears at the time and place of the scheduled hearing, no hearing shall be held. The case

shall be remanded to the department, and the previous department order requiring security shall be affirmed.

#### NEW SECTION

✓ WAC 308-104-012 DEFINITION OF EXAMINATION. For purposes of RCW 46.20.305 an examination required by the department for driver licensing purposes may consist of any one or combination of the following:

- (1) A medical certificate to be completed by a competent medical authority.
- (2) A vision certificate to be completed by a competent vision authority such as an optometrist or ophthalmologist.
- (3) A psychiatric evaluation by a competent authority.
- (4) An alcohol evaluation or report of progress in alcohol treatment from an approved alcohol agency.
- (5) A reexamination of knowledge and driving ability conducted by a license examiner.
- (6) A special examination of knowledge and driving ability conducted by a license examiner.

Failure to complete an examination may constitute reason for suspension of the driving privilege. Completion of an examination but dissatisfaction with the departmental action which follows that examination may be grounds for appeal of the departmental action by the affected driver. Such driver may request a formal hearing as provided in RCW 46.20.329.

#### AMENDATORY SECTION (Amending Order MV-222, filed 10/29/74)

✓ WAC 308-104-056 CONVICTIONS—REVOCA-TION AND SUSPENSION TERMS. The department shall suspend or revoke the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension or revocation, ~~((except the violation of driving while revoked,))~~ the term of which ~~except the violation of driving while revoked,~~ shall commence on the date of conviction: PROVIDED, That the term of such suspension or revocation shall commence ~~((thirty days from the date of conviction if said person had, on the date of such conviction, a valid driver's license which was not then surrendered to the court or, if said person shall have declared at the time of conviction his intent to petition for an occupational license and the court shall have stayed the effect of such mandatory suspension or revocation not more than thirty days: PROVIDED FURTHER, That the term of such suspension or revocation shall commence))~~ fifteen days from the date the department receives notice, if the court ~~((fails to transmit an abstract of conviction to the department within thirty days of such conviction: PROVIDED FURTHER, That the term of such suspension or revocation shall commence on the date that the department receives notice of such conviction if, at the time of the receipt of the notice, the said person's driver's license or nonresident driving privilege is suspended or revoked for any reason by past action of the department))~~ failed to secure the

immediate forfeiture of the driver's license of such person or an affidavit from such person that the driver's license was lost or stolen.

#### AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

✓ WAC 308-104-080 REINSTATEMENT FEE—WHEN REQUIRED. The driver's license or nonresident's driving privilege of any person that has been suspended or revoked for any reason shall not be reinstated until such person shall pay the required reinstatement fee ~~((of ten dollars))~~; except, that such reinstatement fee shall not be required when the imposition of the suspension or revocation was invalid or void or when the suspension or revocation was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the subject's filing of proof of financial responsibility for the future had canceled or terminated, because the subject defaulted on an agreement to pay damages resulting from a vehicle accident, or because the subject was refused a license due to a suspension in another jurisdiction.

#### AMENDATORY SECTION (Amending Order MV-172, filed 7/16/73)

✓ WAC 308-104-090 REINSTATEMENT FEE—WHERE PAID AND ACCEPTED. The reinstatement fee shall be paid by the subject and shall be accepted by the department at the driver's license examining station ~~((only at such time as he shall have complied with all other requirements for the reinstatement of his driver's license or nonresident's driving privilege; except, that the department may accept the payment of the reinstatement fee))~~ or through its central state office at any time.

#### AMENDATORY SECTION (Amending Order 668 DOL, filed 1/19/82)

✓ WAC 308-104-100 OCCUPATIONAL DRIVER'S LICENSE—PERSON ELIGIBLE. The department shall issue an occupational driver's license to any person who has had his/her driver's license suspended or revoked because of a conviction or bail forfeiture for any offense relating to motor vehicles, other than ~~((negligent))~~ vehicular assault or vehicular homicide, provided, (1) the person is eligible pursuant to the provisions of RCW 46.20.380 and 46.20.391, (2) the person had an unexpired Washington driver's license on the date of conviction for said offense, (3) the person did not have his/her resident driver's license suspended or revoked for any reason on the date of conviction for said offense, and (4) the person had not been required on the date of conviction to surrender his/her Washington driver's license to the department for failure to maintain the filing of proof of financial responsibility for the future for said offense ~~((, or (5) the person has not within a one-year period been convicted of the violation named in RCW 46.61.502 or the violation named in RCW 46.61.504 regardless of the court's recommendation pursuant to RCW 46.61.515 (5)(a))).~~

AMENDATORY SECTION (Amending Order MV 349, filed 1/28/76)

✓ WAC 308-104-130 **CONVICTIONS—DRIVING RECORDS.** The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

- (1) The payment of a fine.
- (2) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.
- (3) A plea of guilty by the defendant.
- (4) A finding of guilt.

For the purposes of maintaining the driving record, initiating suspension/revocation action, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one of the above elements is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any suspension/revocation action if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

The forfeiture of bail shall be conclusive evidence of a conviction unless the court vacates that forfeiture. A vacation of bail forfeiture shall be effective only if that vacation is entered within sixty days of the date of that forfeiture and the case is scheduled by the court for a hearing on the merits. Any transmittal of the vacation of a forfeiture of bail must specify that these two elements exist.

The payment of a fine on a traffic violation charge shall be conclusive evidence of a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

A plea of guilty shall be conclusive evidence of the conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment within ~~((ten))~~ fourteen days or the court sets aside the judgment and orders a new trial within ~~((ten))~~ fourteen days.

A finding of guilt shall be conclusive evidence of the conviction unless the court approves a motion for a new trial within ~~((ten))~~ fourteen days or the defendant appeals the conviction to a higher court within ~~((ten))~~ fourteen days of the conviction.

If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction which could only be imposed upon a determination that the defendant was guilty.

A reporting error by the court which materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

NEW SECTION

✓ WAC 308-104-135 **OPEN CONTAINER LAW INFRACTIONS—PLACEMENT ON DRIVING RECORDS.** A traffic infraction under RCW 46.61.519 (1) or (2) shall not be placed on the driving record of the person found to have committed the infraction if the department determines to its satisfaction that the person was a passenger in the vehicle at the time the notice of infraction was issued.

AMENDATORY SECTION (Amending Order 697-DOL, filed 10/7/82)

✓ WAC 308-104-160 **NONMOVING VIOLATION DEFINED.** A "nonmoving violation" as used in RCW 46.65.020 shall mean any violation or traffic infraction in Title 46 RCW, other than those included in the following list:

- (1) Driving while under the influence of intoxicants or drugs
- (2) Reckless driving
- (3) Hit and run (occupied vehicle)
- (4) ~~((Negligent))~~ Vehicle homicide
- (5) Driving while driving privilege suspended or revoked
- (6) Eluding police vehicle
- (7) Racing
- (8) Embracing
- (9) Manslaughter
- (10) Speed too fast for conditions
- (11) Speed 1 to 14 MPH excess
- (12) Speed 15 to 29 MPH excess
- (13) Speed over 29 MPH excess
- (14) Failure to stop
- (15) Disobey road sign
- (16) Improper lane change
- (17) Improper lane travel
- (18) Prohibited turn
- (19) Unnecessary noise
- (20) Negligent driving
- (21) Wrong way on one-way street
- (22) Driving over center line
- (23) Drive wrong side of road
- (24) Straddling centerline
- (25) Failure to yield right of way
- (26) Disobey signalman
- (27) Disobey school patrol
- (28) Driving without lights
- (29) Failure to dim lights
- (30) Following too closely
- (31) Improper turn
- (32) Failure to signal or improper signal
- (33) Passing stopped school bus
- (34) Driving on shoulder or sidewalk
- (35) Violating license restriction(s)
- (36) Carrying passenger improperly
- (37) In physical control of vehicle while under the influence of alcohol or drugs
- (38) ~~((Failure to use due care))~~ Vehicle assault
- (39) Crossing fire hose
- (40) Carry passengers outside vehicle
- (41) Improper backing

- (42) Obstructed vision or control
- (43) Following emergency equipment
- (44) Crossing divider
- (45) Inattention
- (46) Improper mirrors
- (47) Illegal vehicle equipment
- (48) Handle bars over height
- (49) Illegal lights
- (50) Defective equipment ((lights, brakes, tires, steering, windshield wipers))
- (51) ((Violation, RCW 46.20.336)) Reckless endangerment
- (52) No goggles, windshield or face shield
- (53) Improper overtaking or passing
- (54) Hit and run (unattended vehicle)
- (55) Impeding traffic
- (56) More persons than provided for on motorcycle
- (57) Operating moped on freeway
- (58) Wearing earphones/viewing TV in vehicle
- (59) Open container violation (driver)
- (60) Permitting illegal vehicle operation
- (61) Violation of instruction permit.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

- ✓ WAC 308-104-058 CONVICTIONS—COURT RECOMMENDATIONS.

**WSR 86-07-019****ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 175, Resolution No. 184—Filed March 12, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Use of insignia or reference to Liquor Control Board prohibited—Exception, WAC 314-52-020.

This action is taken pursuant to Notice No. WSR 86-04-001 filed with the code reviser on January 23, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.060.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 12, 1986.

By Robert D. Hannah  
Member of the Board

**AMENDATORY SECTION** (Amending Order 108, Resolution No. 117, filed 8/11/82)

✓ WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED—EXCEPTION. No liquor advertising shall use any insignia that may be in use by the Washington state liquor control board, nor shall any such advertising refer to the Washington state liquor control board, except where required by federal law.

**WSR 86-07-020****ADOPTED RULES****DEPARTMENT OF AGRICULTURE**

[Order 1881—Filed March 12, 1986]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to apple maggot, gypsy moth, honey bee tracheal mite and onion white rot quarantines, chapter 16-470 WAC.

This action is taken pursuant to Notice No. WSR 86-03-075 filed with the code reviser on January 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 17.24 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 7, 1986.

By Michael V. Schwisow  
Deputy Director

**AMENDATORY SECTION** (Amending Order 1861, filed 7/8/85)

✓ WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated ((insect)) plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated ((insect)) plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) (("Gypsy moth (Lymantria dispar)" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.

~~(6) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage live within fruit of its host plants, with potential for causing extensive damage to fruit of certain crops.~~

~~(7) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.~~

~~(8)) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.~~

~~((9)) (6) "Commercial fruit" means fruit that is:~~

~~(a) Grown in a commercial orchard and commercially packed and labeled;~~

~~(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.~~

~~((10) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.~~

~~(11) "Honey bee tracheal mite" means *Acarapis woodi*, an internal tracheal mite of honey bees.~~

~~((12)) (7) "Honey bee" means bees of the species *Apis mellifera*.~~

~~((13)) (8) "Colony" means a man-made hive including five or more combs of bees.~~

~~((14)) (9) "Hive" means a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry.~~

~~((15)) (10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.~~

~~((16)) (11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.~~

~~((17)) (12) "Package" means a combless shipping container of bees with or without a queen.~~

~~((18)) (13) "Apiarist" means any person who owns bees or is a keeper of bees.~~

~~((19)) (14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.~~

~~((20) "Onion" means any *Allium* spp. including but not limited to onion, garlic, leek, chive, or shallots.))~~

AMENDATORY SECTION (Amending Order 1822, filed 5/1/84, effective 7/1/84)

✓ WAC 16-470-020 QUARANTINE—GYPSY MOTH—AREA UNDER ORDER. (1) Interior quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under

quarantine pursuant to chapter 16-470 WAC rules and requirements.

(2) Exterior quarantine. All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture, animal, plant, health inspection service, plant protection and quarantine.

(3) The following definition shall apply to WAC 16-470-020 through 16-470-060: "Gypsy moth (*Lymantria dispar*)" means a lepidopterous insect of the family Lymandriidae which in the larval stage defoliates many species of trees and shrubs.

AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

✓ WAC 16-470-100 QUARANTINE—APPLE MAGGOT AND PLUM CURCULIO—AREA UNDER ORDER. (1) The following areas are declared by the director to be under quarantine for apple maggot:

(a) Exterior quarantine. All states or foreign countries where apple maggot is known to occur including but not limited to the states of North Dakota, South Dakota, Nebraska, Oklahoma, and Texas, and all states east thereof including the District of Columbia, and the states of Idaho, Oregon, Utah, and California, and any other areas where apple maggot is detected.

(b) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania, and Klickitat counties within the state of Washington, and any other counties where apple maggot is detected.

(c) Regional area quarantine. When mutually agreed upon, and formally accepted by the directors of the Washington state department of agriculture and Oregon state department of agriculture the following shall apply: In Oregon state the counties of Wasco and Hood River and in Washington state the counties of Skamania and Klickitat will be considered a single production area. Commercial fruit produced in these counties may move freely throughout this production area unless regulatory measures as prescribed in WAC 16-470-120 are implemented.

(2) The following areas are declared by the director to be under quarantine for plum curculio: Utah, and, in the eastern United States, all states and districts east of and including the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, and any other areas where plum curculio is detected.

(3) The following definitions shall apply to WAC 16-470-100 through 16-470-120:

(a) "Apple maggot (*Rhagoletis pomonella*)" means a dipterous insect belonging to the family Tephritidae which in the larval stage lives within fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(b) "Plum curculio (*Conotrachelus nenuphar*)" means a coleopterous insect of the family Curculionidae which in the larval stage lives within the fruit of its host plants with potential for causing extensive damage to fruit of certain crops.

(c) "Threatened with infestation" means that any life stage of apple maggot or plum curculio has been found

within one-half mile of production site including any portion of an orchard outside or beyond the one-half mile boundary if any portion of the orchard is within the one-half mile area.

**AMENDATORY SECTION** (Amending Order 1863, filed 7/8/85)

✓ **WAC 16-470-200 QUARANTINE—HONEY BEE TRACHEAL MITE.** (1) The director finds that honey bee tracheal mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is established to prevent the introduction of the tracheal mite into Washington state.

(2) The following definition shall apply to WAC 16-470-200 through 16-470-230: "Honey bee tracheal mite" means *Acarapis woodi*; an internal tracheal mite of honey bees.

**AMENDATORY SECTION** (Amending Order 1873, filed 9/25/85)

✓ **WAC 16-470-300 QUARANTINE—ONION WHITE ROT DISEASE.** (1) The director finds that onion white rot disease is detrimental to the onion industry of Washington state and a quarantine is established to prevent the spread and introduction of onion white rot disease caused by *Sclerotium cepivorum*, a fungus, within noninfested areas of Washington state.

(2) The following definition shall apply to WAC 16-470-300 through 16-470-340: "Onion" means any *Allium spp.* including but not limited to onion, garlic, leek, chive, or shallots.

**WSR 86-07-021  
PROPOSED RULES  
LIQUOR CONTROL BOARD**  
[Filed March 13, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 314-20-100 Beer wholesale price posting.
- Amd WAC 314-20-105 Beer suppliers' price filings, contracts and memoranda.
- Amd WAC 314-24-190 Wine wholesale price posting.
- Amd WAC 314-24-200 Wine suppliers' price filings, contracts and memoranda.
- Amd WAC 314-52-114 Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions;

that the agency will at 9:30 a.m., Tuesday, July 1, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and 66.08.060.

The specific statute these rules are intended to implement is RCW 66.24.250, 66.24.200, 66.24.210, 66.08-.030, 66.08.060, 66.08.010, 66.24.170 and 66.24.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 1, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-04-084 filed with the code reviser's office on February 5, 1986.

Dated: March 13, 1986  
By: L. H. Pedersen  
Chairman

**WSR 86-07-022  
ADOPTED RULES  
LIQUOR CONTROL BOARD**

[Order 172, Resolution No. 181—Filed March 13, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- Amd WAC 314-24-080 Containers—Sizes and types permitted.
- Amd WAC 314-28-010 Records.

This action is taken pursuant to Notice No. WSR 86-04-083 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.030.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 13, 1986.  
By L. H. Pedersen  
Chairman

**AMENDATORY SECTION** (Amending Order 67, Resolution No. 76, filed 8/8/78)

✓ **WAC 314-24-080 CONTAINERS—SIZES AND TYPES PERMITTED.** (1) All wine sold for consumption in the state shall be sold in packages or ~~((containers of the following sizes: 2 ounces, 3 ounces, 4 ounces, 2/5 pint, 1/2 pint, 4/5 pint, one pint, 4/5 quart, one quart, 2/5 gallon, 1/2 gallon, 4/5 gallon, one gallon, 3 gallon[s] and 4.9 gallons. In addition, for aperitif wines only, 15/16 quart))~~ container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for Marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(2) No domestic winery or wine wholesaler, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from ~~((the following classification, to wit):~~ Manufacturer's original full cases ~~((of 2 ounces, 3 ounces, or 4 ounces, 24 or 48 2/5 pint, 24 or 48 1/2 pint, 12 or 24 4/5 pint, 24 one pint, 12 4/5 quart, 12 15/16 quart, 12 one quart, 3 or 6 2/5 gallon, 6 1/2 gallon, 3 or 4 4/5 gallon, 4 one gallon, 1, 2, or 3 three gallons, and 1 or 2 4.9 gallons. PROVIDED, HOWEVER, That the case capacity provisions set forth herein shall not apply to cases containing multiple packages of authorized sizes when originally packed by the manufacturer of such wine to comprise specific "gift-type" container units)).~~ The board may, in its discretion, authorize other container and/or keg size packages it deems appropriate.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used.

AMENDATORY SECTION (Amending Order 14, filed 12/1/70, effective 1/1/71)

✓ WAC 314-28-010 RECORDS. All fruit distillers, whether operating under the general distiller's license or under the ~~((fifty-dollar))~~ two hundred dollar license, provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), and who manufacture brandy or wine spirits intended for use by domestic wineries for brandy or wine spirits addition in the manufacture of wine, must keep separate records concerning such brandy or wine spirits on forms approved by the board, and such records must be kept separate and apart from any other records kept or required to be kept and maintained.

**WSR 86-07-023**

**ADOPTED RULES**

**LIQUOR CONTROL BOARD**

[Order 180, Resolution No. 189—Filed March 13, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control

Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Manufacturer's on site vending appointment—Qualifications, new section WAC 314-37-020.

This action is taken pursuant to Notice No. WSR 86-04-048 filed with the code reviser on February 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington State Liquor Control Board as authorized in RCW 66.08.050(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 13, 1986.

By L. H. Pedersen  
Chairman

NEW SECTION

✓ WAC 314-37-020 MANUFACTURER'S ON SITE VENDING APPOINTMENT—QUALIFICATIONS. (1) Pursuant to RCW 66.08.050, the board, in its discretion, may appoint a domestic winery which also manufactures liquor products other than wine pursuant to a license under Title 66 RCW, as a vendor for the purpose of sale of liquor products of its own manufacture on the licensed premises only.

(2) Such appointment may not be made to domestic wineries located inside incorporated cities or towns in which there is a state liquor store.

(3) Such appointment shall only be made after a contract has been entered into between the board and the domestic winery. Such contract shall contain the following:

(a) A designation of the location on the licensed premises from which the sales will be made;

(b) A designation of the nonwine products manufactured by the winery which will be sold under the appointment;

(c) That the manufacturer/vendor shall not be considered an employee of the state for any purpose;

(d) That the manufacturer/vendor shall agree to hold the state harmless from any and all claims resulting from operation of the manufacturer's on site vendorship; and

(e) Such other aspects of the appointment relationship as the parties may agree to.

(4) All sales made under a manufacturer's on site vending appointment shall be made at the prices established by the board for sales of the same product through state liquor stores and agencies.

(5) All sales made under a manufacturer's on site vending appointment shall be subject to all applicable state taxes.

WSR 86-07-024

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

(Noxious Weed Control Board)

[Order 17, Resolution No. 17—Filed March 13, 1986]

Be it resolved by the State Noxious Weed Control Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to proposed noxious weed list, amending WAC 16-750-010.

This action is taken pursuant to Notice No. WSR 86-04-062 filed with the code reviser on February 4, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 17.10.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 13, 1986.

By Terry Peters  
Chairman

AMENDATORY SECTION (Amending Order 16, Resolution No. 16, filed March 7, 1985)

✓ WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the noxious weed control board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
---------------------------	---------------------------------

((Perennial Weeds))

Austrian fieldcress	Rorippa austriaca
Austrian peaweed	Sphaerophysa salsula
Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Bindweed, hedge	Convolvulus sepium
<u>Black Henbane</u>	<u>Hyoscyamus niger</u>
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Camelthorn	Alhagi camelorum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hairy whitetop	Cardaria pubescens
Hoary Cress or White Top	Cardaria draba
Hydrilla	Hydrilla verticillata
Johnsongrass	Sorghum halepense
Knapweed, complex	Centaurea spp.
Leafy Spurge	Euphorbia esula
((Lupine, broadleaf))	((Lupinus latifolius))
((Lupine, grassland))	((Lupinus laxiflorus))
((Lupine, low))	((Lupinus pusillus))
((Lupine, sabin's))	((Lupinus sabinii))
((Lupine, silky))	((Lupinus sericeus))
((Lupine, sulfur))	((Lupinus sulphureus))
((Lupine, tailcup))	((Lupinus caudatus))
((Lupine, velvet))	((Lupinus leucophytus))

ENGLISH OR  
COMMON NAME

Mullein, common  
Nightshade, bitter  
Nightshade, silverleaf  
Nutsedge, yellow  
Oxeye Daisy  
Pepperweed, perennial  
((Poison Ivy))  
((Poison Oak, Pacific))  
Quackgrass  
Rush Skeletonweed  
St. Johnswort  
Scotch Broom  
Sowthistle, perennial  
Tansy, common  
Waterhemlock, western  
Watermilfoil, Eurasian  
Wormwood, Absinthe  
Yellow Toadflax

BOTANICAL OR  
SCIENTIFIC NAME

Verbascum thapsus  
Solanum dulcamara  
Solanum elaeagnifolium  
Cyperus esculentus  
Chrysanthemum leucanthemum  
Lepidium latifolium  
((Rhus radicans L.))  
((Rhus diversiloba))  
Agropyron repens  
Chondrilla juncea  
Hypericum perforatum  
Cytisus scoparius  
Sonchus arvensis  
Tanacetum vulgare  
Cicuta douglasii  
Myriophyllum spicatum  
Artemisia absinthium  
Linaria vulgaris

((Biennial Weeds))

Bull Thistle  
Houndstongue  
((Knapweed, spotted))  
Musk Thistle  
Plumeless Thistle  
Poison Hemlock  
Scotch Thistle  
Tansy Ragwort  
Wild carrot or Queen  
Annes lace

Cirsium vulgare  
Cynoglossum officinale  
((Centaurea maculosa))  
Carduus nutans L.  
Carduus acanthoides  
Conium maculatum  
Onopordum acanthium  
Senecio jacobaea

Daucus carota

((Annual Weeds))

Cocklebur  
Dodder  
Goatgrass, jointed  
((Hemp (Marijuana)))  
Kochia  
Medusahead  
Puncturevine  
Rye  
Sandbur, longspine  
((Yellow Starthistle))

Xanthium spp.  
Cuscuta spp.  
Aegilops cylindrica  
((Cannabis sativa))  
Kochia scoparia  
Taeniatherum asperum  
Tribulus terrestris  
Secale cereale L.  
Cenchrus longispinus  
((Centaurea solstitialis))

WSR 86-07-025

PROPOSED RULES

DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 13, 1986]

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 388-33-355 Suspension of grant.  
Amd WAC 388-33-376 Advance and adequate notice—Suspension, termination or reduction of grant;

that the agency will at 10:00 a.m., Tuesday, April 22, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by April 8, 1986. The meeting site is in a location which is barrier free.

Dated: March 10, 1986

By: Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amendment to chapter 388-33 WAC.

Purpose of the Rule Changes: To bring WAC 388-33-355 into conformance with federal requirements and existing policy, and to amend WAC 388-33-376 to allow for the state office as well as the local office to send adverse action notices.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: WAC 388-33-355 is amended to not require suspension of a grant when it is reduced to less than \$10 because of a deduction for an overpayment and to provide for suspension or a grant for one month only if ineligibility is caused by income of circumstances existing in the budget month. WAC 388-33-376 is amended to replace the term "local office" with the term "department."

Persons Responsible for Drafting, Implementation and Enforcement of the Rule Changes: Randy Francom and Mary Rose Trepanier, Community Services Program Managers, Division of Income Assistance, mailstop OB 31J, phone scan 234-4372/3177.

The rule change in WAC 388-33-355 is necessary because of federal law, 45 CFR 233.20 (a)(3)(viii)(C) and 233.34(d).

#### AMENDATORY SECTION (Amending Order 2261, filed 7/31/85)

WAC 388-33-355 SUSPENSION OF GRANT. (1) A suspension action is taken when:

(a) A general assistance recipient has income sufficient to meet his or her maintenance requirements for more than one but not to exceed two months, or

(b) The amount of the monthly grant following the budgeting of income (~~or deduction to make restitution on an overpayment~~) is less than ten dollars per month, or

(c) The recipient has entered or is in an institution and his or her income is equal to or exceeds his or her grant requirements but is less than his or her grant requirements plus medical costs and/or nursing home or intermediate care, or

(d) An AFDC or RA recipient receives an extra paycheck (~~because of an extra week~~) in a month which makes them ineligible for one month, or

(e) A general assistance grant recipient has entered a state mental hospital; Western State Hospital, Eastern State Hospital, or PORTAL program, or

(f) The department has knowledge of, or reason to believe, ineligibility would be for only one month and was caused by income or circumstance in the report month.

(2) A suspended grant shall be reinstated when the conditions in subsection (1) of this section cease to exist and the recipient is otherwise eligible.

(3) A suspended grant shall be terminated as provided in WAC 388-33-370.

#### AMENDATORY SECTION (Amending Order 1320, filed 7/20/78)

WAC 388-33-376 ADVANCE AND ADEQUATE NOTICE—SUSPENSION—TERMINATION—REDUCTION OF GRANT.

(1) In cases of planned actions to terminate, suspend, or reduce grants to recipients of AFDC, GA, medical assistance, or medical only, the (~~local office~~) department shall give advance and adequate notice, except as provided in WAC 388-33-385.

(a) "Advance" means that the notice is mailed at least ten days before the date of action.

(b) "Adequate" means a written statement of what action the (~~local office~~) department intends to take, the facts relating to the decision, the policy supporting the action, the right to request a fair hearing, and the circumstances under which assistance is continued if a hearing is requested.

(2) When advance notice of planned action is not required as provided in WAC 388-33-385:

(a) Notification of planned reduction shall be provided by state office;

(b) The local office shall notify the recipient of suspension or termination action as described in subsection (1)(b) of this section.

(3) When changes in either state or federal law require automatic grant adjustments for classes of recipients, notice shall be given including the specific change in law. The state office shall determine the method by which notice is given.

#### WSR 86-07-026

##### ADOPTED RULES

#### DEPARTMENT OF RETIREMENT SYSTEMS

[Order 86-1—Filed March 13, 1986]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to this notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal includes in WAC the tables, schedules and factors currently being used by the department in calculating retirement benefits.

This action is taken pursuant to Notice No. WSR 86-04-080 filed with the code reviser on February 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 11, 1986.

By Robert L. Hollister, Jr.  
Director

AMENDATORY SECTION (Amending Order IV, filed 9/27/84)

✓WAC 415-02-090 ACTUARIAL TABLES, SCHEDULES, AND FACTORS. This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the Authority granted by RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065, and 43.43.200 for calculating optional retirement allowances of members of retirement systems administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from February 1, 1983 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before February 1, 1983 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

((PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN 1  
OPTION 1

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION\*

<u>AGE</u>	<u>BENEFIT</u>
20	.0054700
21	.0054828
22	.0054965
23	.0055110
24	.0055265
25	.0055429
26	.0055603
27	.0055789
28	.0055986
29	.0056196
30	.0056419
31	.0056656
32	.0056908
33	.0057177
34	.0057462
35	.0057766
36	.0058090
37	.0058435
38	.0058802
39	.0059193
40	.0059609
41	.0060051
42	.0060521
43	.0061017

<u>AGE</u>	<u>BENEFIT</u>
44	.0061542
45	.0062096
46	.0062680
47	.0063295
48	.0063944
49	.0064627
50	.0065347
51	.0066107
52	.0066910
53	.0067757
54	.0068653
55	.0069599
56	.0070601
57	.0071661
58	.0072785
59	.0073978
60	.0075247
61	.0076599
62	.0078043
63	.0079590
64	.0081252
65	.0083041
66	.0084972
67	.0087057
68	.0089308
69	.0091740
70	.0094365
71	.0097197
72	.0100251
73	.0103543
74	.0107090
75	.0110909
76	.0115018
77	.0119436
78	.0124183
79	.0129277
80	.0134741
81	.0140602
82	.0146893
83	.0153643
84	.0160876
85	.0168596
86	.0176777
87	.0185354
88	.0194227
89	.0203271
90	.0212300
91	.0221230
92	.0229835
93	.0238025
94	.0245729
95	.0252919
96	.0259597
97	.0265773
98	.0271452
99	.0276633

\*Option 1A is above table times 1.01.  
Effective date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM - PLAN II  
 OPTION 1  
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION\*

AGE	BENEFIT
20	.0033119
21	.0033320
22	.0033529
23	.0033748
24	.0033977
25	.0034215
26	.0034465
27	.0034726
28	.0035000
29	.0035286
30	.0035585
31	.0035899
32	.0036228
33	.0036573
34	.0036935
35	.0037314
36	.0037713
37	.0038132
38	.0038572
39	.0039035
40	.0039522
41	.0040034
42	.0040572
43	.0041137
44	.0041728
45	.0042349
46	.0042999
47	.0043681
48	.0044395
49	.0045144
50	.0045931
51	.0046757
52	.0047625
53	.0048538
54	.0049499
55	.0050511
56	.0051579
57	.0052705
58	.0053896
59	.0055155
60	.0056489
61	.0057906
62	.0059415
63	.0061024
64	.0062746
65	.0064592
66	.0066576
67	.0068710
68	.0071007
69	.0073481
70	.0076145
71	.0079014
72	.0082103

AGE	BENEFIT
73	.0085430
74	.0089012
75	.0092869
76	.0097019
77	.0101483
78	.0106282
79	.0111438
80	.0116975
81	.0122921
82	.0129309
83	.0136171
84	.0143532
85	.0151396
86	.0159741
87	.0168505
88	.0177590
89	.0186870
90	.0196157
91	.0205362
92	.0214254
93	.0222735
94	.0230726
95	.0238194
96	.0245135
97	.0251556
98	.0257459
99	.0262841

\*Option 1A is above table times 1.01.  
 Effective date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
 AND  
 TEACHERS RETIREMENT SYSTEM  
 EARLY RETIREMENT FACTORS

YEAR	PLAN I		PLAN II	
	Early Retirement Factor	Ratio	Early Retirement Factor	Ratio
	.0075		.0081	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective date: February 1, 1983.

PERS OPTION 2		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.951	-15	.948
.946	-14	.942
.941	-13	.936
.936	-12	.930
.931	-11	.923
.925	-10	.916
.919	-9	.909
.914	-8	.901
.903	-7	.889
.892	-6	.875
.881	-5	.860
.870	-4	.845
.858	-3	.829
.845	-2	.812
.833	-1	.796
.821	0	.779
.808	1	.761
.795	2	.744
.782	3	.728
.775	4	.717
.768	5	.707
.762	6	.697
.747	7	.680
.741	8	.670
.735	9	.660
.729	10	.651
.723	11	.641
.716	12	.631
.709	13	.621
.702	14	.611
.695	15	.601

Effective date: February 1, 1983

PERS OPTION 3		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.977	-15	.975
.974	-14	.972
.972	-13	.968
.968	-12	.965
.966	-11	.961
.963	-10	.958
.959	-9	.953
.957	-8	.949
.951	-7	.942
.945	-6	.934
.938	-5	.925
.932	-4	.917
.925	-3	.907
.918	-2	.897
.911	-1	.883
.903	0	.877

<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.896	1	.866
.888	2	.855
.880	3	.844
.876	4	.837
.871	5	.830
.866	6	.823
.860	7	.811
.855	8	.804
.850	9	.797
.845	10	.791
.840	11	.784
.835	12	.771
.830	13	.764
.825	14	.758
.820	15	.752

Effective date: February 1, 1983.

LEOFF RETIREMENT SYSTEM  
PLAN II  
OPTION 1

<u>AGE</u>	<u>BENEFIT</u>
20	.00332
21	.00334
22	.00336
23	.00338
24	.00340
25	.00343
26	.00345
27	.00348
28	.00351
29	.00353
30	.00357
31	.00360
32	.00363
33	.00367
34	.00370
35	.00374
36	.00378
37	.00382
38	.00387
39	.00392
40	.00397
41	.00402
42	.00407
43	.00413
44	.00420
45	.00426
46	.00433
47	.00440
48	.00448
49	.00456
50	.00465
51	.00474
52	.00483
53	.00493
54	.00504

<u>AGE</u>	<u>BENEFIT</u>	<u>YEAR</u>	<u>EARLY RETIREMENT FACTOR</u>	<u>RATIO</u>
			.0074	
55	.00515	8	.4902	1.0070
56	.00526	9	.4484	1.0025
57	.00539	10	.4101	.9971
58	.00552	15	.2626	.9577
59	.00566	20	.1682	.9033
60	.00581	25	.1077	.8407
61	.00597	30	.0690	.7735

Effective date: February 1, 1983

<u>AGE</u>	<u>BENEFIT</u>	<u>LEOFF PLAN II OPTION 2</u>	<u>DIFFERENCE</u>	<u>RATE</u>
62	.00614			
63	.00632			
64	.00652			
65	.00673			
66	.00695			
67	.00719			
68	.00745			
69	.00772			
70	.00801			
71	.00832		=15	.928
72	.00865		=14	.922
73	.00900		=13	.914
74	.00937		=12	.907
75	.00976		=11	.899
76	.01017		=10	.891
77	.01061		=9	.883
78	.01109		=8	.874
79	.01161		=7	.866
80	.01218		=6	.857
81	.01278		=5	.848
82	.01341		=4	.839
83	.01408		=3	.831
84	.01478		=2	.822
85	.01550		=1	.813
86	.01626		0	.804
87	.01706		1	.795
88	.01788		2	.786
89	.01875		3	.777
90	.01966		4	.768
91	.02062		5	.760
92	.02164		6	.751
93	.02272		7	.743
94	.02386		8	.735
95	.02508		9	.727
96	.02641		10	.719
			11	.712
			12	.705
			13	.698
			14	.691
			15	.684

Effective date: 2-1-83

LEOFF  
PLAN II  
EARLY RETIREMENT FACTORS

Effective date: February 1, 1983

<u>YEAR</u>	<u>EARLY RETIREMENT FACTOR</u>	<u>RATIO</u>
	.0074	
1	.9147	1.0056
2	.8367	1.0098
3	.7654	1.0126
4	.7001	1.0138
5	.6404	1.0139
6	.5858	1.0124
7	.5358	1.0102

<u>LEOFF PLAN II OPTION 3</u>	<u>DIFFERENCE</u>	<u>RATE</u>
	=15	.964
	=14	.960
	=13	.956
	=12	.952

<u>DIFFERENCE</u>	<u>RATE</u>	<u>AGE</u>	<u>BENEFIT</u>
=11	.948	43	.0060358
=10	.943	44	.0060847
=9	.939	45	.0061364
=8	.934	46	.0061911
=7	.929	47	.0062488
=6	.924	48	.0063097
=5	.919	49	.0063740
=4	.914	50	.0064418
=3	.908	51	.0065134
=2	.903	52	.0065891
=1	.898	53	.0066691
0	.892	54	.0067537
1	.887	55	.0068432
2	.881	56	.0069379
3	.875	57	.0070383
4	.870	58	.0071447
5	.864	59	.0072575
6	.859	60	.0073773
7	.853	61	.0075048
8	.848	62	.0076407
9	.843	63	.0077859
10	.838	64	.0079416
11	.833	65	.0081092
12	.828	66	.0082901
13	.823	67	.0084858
14	.818	68	.0086979
15	.813	69	.0089281
		70	.0091780
		71	.0094493
		72	.0097439
		73	.0100637
		74	.0104110
		75	.0107884
		76	.0111987
		77	.0116451
		78	.0121309
		79	.0126602
		80	.0132372
		81	.0138669
		82	.0145556
		83	.0153109
		84	.0161425
		85	.0170612
		86	.0180783
		87	.0192051
		88	.0204506
		89	.0218213
		90	.0233197
		91	.0249340
		92	.0266842
		93	.0285364
		94	.0304859
		95	.0325231
		96	.0346451
		97	.0368604
		98	.0391855
		99	.0416429

Effective date: February 1, 1983

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM =  
 PLAN I  
 MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF  
 ACCUMULATION\*

<u>AGE</u>	<u>BENEFIT</u>
20	.0054532
21	.0054650
22	.0054777
23	.0054911
24	.0055053
25	.0055204
26	.0055365
27	.0055536
28	.0055718
29	.0055911
30	.0056116
31	.0056335
32	.0056567
33	.0056814
34	.0057077
35	.0057357
36	.0057655
37	.0057972
38	.0058310
39	.0058670
40	.0059053
41	.0059462
42	.0059896

\*Option 1A is above table times .98.  
 Effective date: February 1, 1983.

TEACHERS RETIREMENT SYSTEM  
 PLAN II - OPTION I  
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION\*

AGE            BENEFIT

20	.0032856
21	.0033046
22	.0033243
23	.0033449
24	.0033665
25	.0033890
26	.0034125
27	.0034371
28	.0034628
29	.0034897
30	.0035179
31	.0035474
32	.0035783
33	.0036106
34	.0036446
35	.0036801
36	.0037175
37	.0037567
38	.0037979
39	.0038412
40	.0038868
41	.0039347
42	.0039851
43	.0040381
44	.0040937
45	.0041520
46	.0042132
47	.0042774
48	.0043447
49	.0044154
50	.0044896
51	.0045675
52	.0046494
53	.0047355
54	.0048263
55	.0049218
56	.0050226
57	.0051289
58	.0052412
59	.0053599
60	.0054856
61	.0056188
62	.0057603
63	.0059110
64	.0060720
65	.0062444
66	.0064297
67	.0066291
68	.0068444
69	.0070770
70	.0073286
71	.0076007
72	.0078953

AGE            BENEFIT

73	.0082144
74	.0085603
75	.0089355
76	.0093429
77	.0097856
78	.0102671
79	.0107913
80	.0113626
81	.0119860
82	.0126678
83	.0134155
84	.0142385
85	.0151472
86	.0161528
87	.0172662
88	.0184966
89	.0198506
90	.0213311
91	.0229279
92	.0246598
93	.0264954
94	.0284307
95	.0304567
96	.0325712
97	.0347828
98	.0371078
99	.0395686

\*Option 1A is above table times .98.  
 Effective date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
 AND  
 TEACHERS RETIREMENT SYSTEM  
 EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>PLAN I</u>		<u>PLAN II</u>	
	<u>Early Retirement Factor</u>	<u>Ratio</u>	<u>Early Retirement Factor</u>	<u>Ratio</u>
	.0075		.0081	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective date: February 1, 1983.

TEACHERS OPTION 2		
PLAN I	AGE DIFFERENCE	PLAN II
.958	=15	.957
.955	=14	.952
.951	=13	.947
.947	=12	.942
.944	=11	.937
.940	=10	.933
.935	= 9	.927
.930	= 8	.921
.925	= 7	.914
.920	= 6	.906
.913	= 5	.897
.906	= 4	.887
.898	= 3	.876
.884	= 2	.856
.864	= 1	.831
.838	= 0	.796
.829	= 1	.780
.821	= 2	.765
.813	= 3	.753
.805	= 4	.742
.797	= 5	.730
.788	= 6	.718
.779	= 7	.706
.771	= 8	.694
.763	= 9	.688
.755	=10	.676
.746	=11	.664
.737	=12	.652
.728	=13	.640
.719	=14	.628
.709	=15	.616

Effective date: February 1, 1983.

TEACHERS OPTION 3		
PLAN I	AGE DIFFERENCE	PLAN II
.978	=15	.977
.977	=14	.975
.975	=13	.973
.972	=12	.970
.971	=11	.968
.969	=10	.965
.966	= 9	.961
.964	= 8	.957
.962	= 7	.953
.959	= 6	.949
.954	= 5	.945
.951	= 4	.941
.949	= 3	.938
.938	= 2	.923
.926	= 1	.907
.911	= 0	.886

PLAN I	AGE DIFFERENCE	PLAN II
.906	1	.876
.901	2	.869
.897	3	.861
.892	4	.854
.887	5	.848
.881	6	.840
.875	7	.831
.870	8	.823
.865	9	.816
.860	10	.809
.853	11	.800
.847	12	.791
.841	13	.781
.835	14	.771
.829	15	.762

Effective date: February 1, 1983))

PUBLIC EMPLOYEES RETIREMENT SYSTEM  
PLAN I  
EARLY RETIREMENT FACTORS

1	.9918
2	.9837
3	.9755
4	.9674
5	.9592
6	.9511
7	.9429
8	.9348
9	.9266
10	.9185
11	.9103
1 0	.9022
1	.8949
2	.8877
3	.8805
4	.8733
5	.8661
6	.8589
7	.8517
8	.8445
9	.8373
10	.8301
11	.8229
2 0	.8157
1	.8093
2	.8029
3	.7965
4	.7901
5	.7837
6	.7773
7	.7709
8	.7645
9	.7581
10	.7517
11	.7453
3 0	.7390
1	.7333
2	.7276

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

EARLY RETIREMENT FACTORS

3	.7219
4	.7162
5	.7105
6	.7048
7	.6992
8	.6935
9	.6878
10	.6821
11	.6764
4 0	.6707
1	.6657
2	.6606
3	.6555
4	.6504
5	.6454
6	.6403
7	.6352
8	.6302
9	.6251
10	.6200
11	.6149
5 0	.6099

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

46	.0066304
47	.0066925
48	.0067579
49	.0068271
50	.0069001
51	.0069773
52	.0070590
53	.0071454
54	.0072369
55	.0073337
56	.0074363
57	.0075451
58	.0076606
59	.0077836
60	.0079147
61	.0080549
62	.0082052
63	.0083669
64	.0085413
65	.0087297
66	.0089334
67	.0091538
68	.0093920
69	.0096493
70	.0099272
71	.0102271
72	.0105505
73	.0108990
74	.0112743
75	.0116781
76	.0121122
77	.0125785
78	.0130787
79	.0136149
80	.0141897
81	.0148057
82	.0154658
83	.0161717
84	.0169230
85	.0177167
86	.0185452
87	.0193974
88	.0202596
89	.0211126
90	.0219458
91	.0227413
92	.0234886
93	.0241825
94	.0248232
95	.0254146
96	.0259627
97	.0264737
98	.0269527
99	.0274037

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0058390
21	.0058513
22	.0058643
23	.0058783
24	.0058931
25	.0059089
26	.0059257
27	.0059437
28	.0059629
29	.0059833
30	.0060051
31	.0060283
32	.0060531
33	.0060796
34	.0061078
35	.0061380
36	.0061702
37	.0062045
38	.0062412
39	.0062804
40	.0063221
41	.0063665
42	.0064135
43	.0064633
44	.0065160
45	.0065717

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

0	0	1.0000
	1	.9913
	2	.9826
	3	.9740
	4	.9653
	5	.9566
	6	.9479
	7	.9393
	8	.9306
	9	.9219
	10	.9132
	11	.9046
1	0	.8959
	1	.8883
	2	.8806
	3	.8730
	4	.8654
	5	.8578
	6	.8501
	7	.8425
	8	.8349
	9	.8273
	10	.8197
	11	.8120
2	0	.8044
	1	.7977
	2	.7910
	3	.7843
	4	.7775
	5	.7708
	6	.7641
	7	.7574
	8	.7507
	9	.7439
	10	.7372
	11	.7305
3	0	.7238
	1	.7179
	2	.7119
	3	.7060
	4	.7000
	5	.6941
	6	.6882
	7	.6822
	8	.6763
	9	.6704
	10	.6644
	11	.6585
4	0	.6525
	1	.6473
	2	.6420
	3	.6367
	4	.6315
	5	.6262
	6	.6210
	7	.6157
	8	.6104

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	9	.6052
	10	.5999
	11	.5946
5	0	.5894
	1	.5847
	2	.5800
	3	.5753
	4	.5707
	5	.5660
	6	.5613
	7	.5566
	8	.5519
	9	.5473
	10	.5426
	11	.5379
6	0	.5332
	1	.5291
	2	.5249
	3	.5207
	4	.5166
	5	.5124
	6	.5082
	7	.5041
	8	.4999
	9	.4957
	10	.4916
	11	.4874
7	0	.4832
	1	.4795
	2	.4758
	3	.4721
	4	.4683
	5	.4646
	6	.4609
	7	.4572
	8	.4535
	9	.4497
	10	.4460
	11	.4423
8	0	.4386
	1	.4352
	2	.4319
	3	.4286
	4	.4253
	5	.4219
	6	.4186
	7	.4153
	8	.4119
	9	.4086
	10	.4053
	11	.4019
9	0	.3986
	1	.3956
	2	.3926
	3	.3897
	4	.3867
	5	.3837
	6	.3807

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	7	.3777
	8	.3747
	9	.3717
	10	.3688
	11	.3658
10	0	.3628
	1	.3601
	2	.3574
	3	.3547
	4	.3521
	5	.3494
	6	.3467
	7	.3440
	8	.3413
	9	.3386
	10	.3360
	11	.3333
11	0	.3306
	1	.3282
	2	.3258
	3	.3234
	4	.3209
	5	.3185
	6	.3161
	7	.3137
	8	.3113
	9	.3089
	10	.3065
	11	.3040
12	0	.3016
	1	.2994
	2	.2973
	3	.2951
	4	.2929
	5	.2907
	6	.2886
	7	.2864
	8	.2842
	9	.2820
	10	.2799
	11	.2777
13	0	.2755
	1	.2735
	2	.2716
	3	.2696
	4	.2676
	5	.2657
	6	.2637
	7	.2617
	8	.2598
	9	.2578
	10	.2559
	11	.2539
14	0	.2519
	1	.2501
	2	.2484
	3	.2466
	4	.2448

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	5	.2430
	6	.2413
	7	.2395
	8	.2377
	9	.2359
	10	.2341
	11	.2324
15	0	.2306
	1	.2290
	2	.2274
	3	.2258
	4	.2242
	5	.2225
	6	.2209
	7	.2193
	8	.2177
	9	.2161
	10	.2145
	11	.2129
16	0	.2113
	1	.2098
	2	.2084
	3	.2069
	4	.2054
	5	.2040
	6	.2025
	7	.2011
	8	.1996
	9	.1981
	10	.1967
	11	.1952
17	0	.1938
	1	.1924
	2	.1911
	3	.1898
	4	.1885
	5	.1871
	6	.1858
	7	.1845
	8	.1831
	9	.1818
	10	.1805
	11	.1792
18	0	.1778
	1	.1766
	2	.1754
	3	.1742
	4	.1730
	5	.1718
	6	.1706
	7	.1694
	8	.1682
	9	.1670
	10	.1658
	11	.1646
19	0	.1634
	1	.1623
	2	.1612

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	3	.1601
	4	.1590
	5	.1579
	6	.1568
	7	.1557
	8	.1546
	9	.1535
	10	.1524
	11	.1513
20	0	.1502
	1	.1492
	2	.1482
	3	.1472
	4	.1462
	5	.1452
	6	.1442
	7	.1432
	8	.1422
	9	.1412
	10	.1402
	11	.1392
21	0	.1382
	1	.1373
	2	.1364
	3	.1355
	4	.1345
	5	.1336
	6	.1327
	7	.1318
	8	.1309
	9	.1300
	10	.1291
	11	.1281
22	0	.1272
	1	.1264
	2	.1256
	3	.1247
	4	.1239
	5	.1231
	6	.1222
	7	.1214
	8	.1206
	9	.1197
	10	.1189
	11	.1181
23	0	.1172
	1	.1165
	2	.1157
	3	.1149
	4	.1142
	5	.1134
	6	.1127
	7	.1119
	8	.1111
	9	.1104
	10	.1096
	11	.1088
24	0	.1081

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	1	.1074
	2	.1067
	3	.1060
	4	.1053
	5	.1046
	6	.1039
	7	.1032
	8	.1025
	9	.1018
	10	.1011
	11	.1004
25	0	.0997
	1	.0991
	2	.0984
	3	.0978
	4	.0971
	5	.0965
	6	.0959
	7	.0952
	8	.0946
	9	.0939
	10	.0933
	11	.0927
26	0	.0920
	1	.0914
	2	.0909
	3	.0903
	4	.0897
	5	.0891
	6	.0885
	7	.0879
	8	.0873
	9	.0868
	10	.0862
	11	.0856
27	0	.0850
	1	.0845
	2	.0839
	3	.0834
	4	.0828
	5	.0823
	6	.0818
	7	.0812
	8	.0807
	9	.0802
	10	.0796
	11	.0791
28	0	.0785
	1	.0780
	2	.0775
	3	.0771
	4	.0766
	5	.0761
	6	.0756
	7	.0751
	8	.0746
	9	.0741
	10	.0736

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	11	.0731
29	0	.0726
	1	.0722
	2	.0717
	3	.0712
	4	.0708
	5	.0703
	6	.0699
	7	.0694
	8	.0690
	9	.0685
	10	.0681
	11	.0676
30	0	.0672
	1	.0667
	2	.0663
	3	.0659
	4	.0655
	5	.0651
	6	.0647
	7	.0642
	8	.0638
	9	.0634
	10	.0630
	11	.0626
31	0	.0621
	1	.0618
	2	.0614
	3	.0610
	4	.0606
	5	.0602
	6	.0598
	7	.0595
	8	.0591
	9	.0587
	10	.0583
	11	.0579
32	0	.0575
	1	.0572
	2	.0568
	3	.0565
	4	.0561
	5	.0558
	6	.0554
	7	.0551
	8	.0547
	9	.0543
	10	.0540
	11	.0536
33	0	.0533
	1	.0530
	2	.0526
	3	.0523
	4	.0520
	5	.0516
	6	.0513
	7	.0510
	8	.0507

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	9	.0503
	10	.0500
	11	.0497
34	0	.0494
	1	.0491
	2	.0488
	3	.0485
	4	.0482
	5	.0479
	6	.0476
	7	.0473
	8	.0470
	9	.0467
	10	.0464
	11	.0461
35	0	.0458
	1	.0419
	2	.0381
	3	.0343
	4	.0305
	5	.0267
	6	.0229
	7	.0191
	8	.0153
	9	.0114
	10	.0076
	11	.0038
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

7	.0000
8	.0000
9	.0000
10	.0000
11	.0000
39 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II OPTION I

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

54	.0052922
55	.0053964
56	.0055065
57	.0056229
58	.0057460
59	.0058766
60	.0060153
61	.0061630
62	.0063207
63	.0064896
64	.0066708
65	.0068657
66	.0070755
67	.0073014
68	.0075449
69	.0078071
70	.0080897
71	.0083939
72	.0087216
73	.0090743
74	.0094540
75	.0098624
76	.0103014
77	.0107731
78	.0112795
79	.0118228
80	.0124056
81	.0130308
82	.0137012
83	.0144186
84	.0151831
85	.0159917
86	.0168371
87	.0177086
88	.0185923
89	.0194688
90	.0203271
91	.0211489
92	.0219227
93	.0226428
94	.0233088
95	.0239245
96	.0244955
97	.0250278
98	.0255267
99	.0259962

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II OPTION I

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0036396
21	.0036589
22	.0036791
23	.0037003
24	.0037225
25	.0037458
26	.0037702
27	.0037957
28	.0038226
29	.0038507
30	.0038803
31	.0039113
32	.0039440
33	.0039783
34	.0040144
35	.0040523
36	.0040923
37	.0041344
38	.0041787
39	.0042254
40	.0042746
41	.0043264
42	.0043808
43	.0044380
44	.0044980
45	.0045609
46	.0046270
47	.0046963
48	.0047691
49	.0048456
50	.0049260
51	.0050105
52	.0050996
53	.0051933

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

<u>OPTION 2</u>	<u>DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.970	-20	0.987
0.968	-19	0.985
0.965	-18	0.984

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.962	-17	0.982
0.958	-16	0.980
0.954	-15	0.978
0.950	-14	0.976
0.945	-13	0.974
0.941	-12	0.971
0.936	-11	0.969
0.931	-10	0.966
0.926	-09	0.963
0.921	-08	0.960
0.915	-07	0.957
0.910	-06	0.954
0.900	-05	0.948
0.890	-04	0.943
0.880	-03	0.937
0.864	-02	0.929
0.848	-01	0.920

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.675	23	0.808
0.671	24	0.805
0.667	25	0.802
0.663	26	0.799
0.659	27	0.796
0.655	28	0.793
0.651	29	0.790
0.647	30	0.787
0.643	31	0.784
0.639	32	0.781
0.635	33	0.778
0.631	34	0.775
0.627	35	0.772
0.623	36	0.769
0.619	37	0.766
0.615	38	0.763
0.611	39	0.760
0.607	40	0.757

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.838	0	0.914
0.827	1	0.907
0.817	2	0.901
0.809	3	0.897
0.803	4	0.893
0.790	5	0.885
0.784	6	0.881
0.778	7	0.878
0.765	8	0.869
0.759	9	0.865
0.753	10	0.862
0.748	11	0.858
0.743	12	0.855
0.729	13	0.846
0.724	14	0.842
0.719	15	0.839
0.714	16	0.836
0.700	17	0.826
0.695	18	0.823
0.691	19	0.820
0.687	20	0.817
0.683	21	0.814
0.679	22	0.811

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.966	-20	0.988
0.962	-19	0.986
0.958	-18	0.984
0.954	-17	0.982
0.950	-16	0.980
0.945	-15	0.978
0.938	-14	0.975
0.932	-13	0.972
0.925	-12	0.968
0.918	-11	0.965
0.910	-10	0.961
0.902	-09	0.957
0.894	-08	0.953
0.885	-07	0.949
0.877	-06	0.944
0.864	-05	0.937
0.851	-04	0.928
0.838	-03	0.920
0.820	-02	0.908
0.802	-01	0.895

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.787	0	0.884
0.773	1	0.876
0.759	2	0.866
0.747	3	0.857
0.737	4	0.851
0.727	5	0.844
0.717	6	0.837
0.708	7	0.831
0.699	8	0.825
0.690	9	0.818
0.681	10	0.812
0.673	11	0.806
0.665	12	0.800
0.657	13	0.795
0.649	14	0.789
0.642	15	0.784
0.635	16	0.778
0.628	17	0.773
0.622	18	0.768
0.615	19	0.763
0.609	20	0.759
0.604	21	0.754
0.598	22	0.749
0.593	23	0.744
0.588	24	0.739
0.583	25	0.734
0.578	26	0.729
0.574	27	0.724
0.569	28	0.719
0.565	29	0.714
0.561	30	0.709
0.558	31	0.704
0.554	32	0.699
0.551	33	0.694
0.547	34	0.689
0.544	35	0.684
0.541	36	0.679
0.538	37	0.674
0.535	38	0.669
0.533	39	0.664
0.530	40	0.659

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS' RETIREMENT SYSTEM

PLAN I OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

25	.0058693
26	.0058835
27	.0058986
28	.0059147
29	.0059319
30	.0059502
31	.0059698
32	.0059906
33	.0060129
34	.0060366
35	.0060619
36	.0060889
37	.0061177
38	.0061485
39	.0061814
40	.0062165
41	.0062540
42	.0062941
43	.0063370
44	.0063827
45	.0064314
46	.0064830
47	.0065377
48	.0065955
49	.0066566
50	.0067212
51	.0067893
52	.0068612
53	.0069370
54	.0070171
55	.0071017
56	.0071210
57	.0072853
58	.0073851
59	.0074908
60	.0076028
61	.0077218
62	.0078485
63	.0079837
64	.0081285
65	.0082841
66	.0084520
67	.0086335
68	.0088302
69	.0090435
70	.0092748
71	.0095257
72	.0097977
73	.0100927
74	.0104126
75	.0107597
76	.0111364
77	.0115456
78	.0119904
79	.0124742
80	.0130007
81	.0135738
82	.0141980

TEACHERS' RETIREMENT SYSTEM

PLAN I OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0058107
21	.0058209
22	.0058318
23	.0058435
24	.0058560

TEACHERS' RETIREMENT SYSTEM  
PLAN I OPTION 1  
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

83	.0148781
84	.0156205
85	.0164335
86	.0173278
87	.0183144
88	.0194044
89	.0206072
90	.0219300
91	.0233771
92	.0249513
93	.0266410
94	.0284835
95	.0304470
96	.0325413
97	.0347687
98	.0371380
99	.0396689

TEACHERS RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.976	-20	0.988
0.973	-19	0.986
0.971	-18	0.985
0.968	-17	0.984
0.966	-16	0.982
0.962	-15	0.981
0.960	-14	0.980
0.956	-13	0.977
0.953	-12	0.976
0.949	-11	0.974
0.946	-10	0.972
0.942	-09	0.970
0.939	-08	0.968
0.935	-07	0.966
0.931	-06	0.964
0.924	-05	0.960
0.917	-04	0.956
0.909	-03	0.952
0.901	-02	0.948
0.883	-01	0.938

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM  
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.872	0	0.932
0.864	1	0.927
0.851	2	0.919
0.843	3	0.914
0.838	4	0.912
0.833	5	0.909
0.823	6	0.902
0.818	7	0.900
0.807	8	0.893
0.802	9	0.890
0.798	10	0.888
0.794	11	0.885
0.789	12	0.883
0.786	13	0.880
0.778	14	0.875
0.774	15	0.873
0.771	16	0.871
0.768	17	0.871
0.764	18	0.869
0.761	19	0.865
0.759	20	0.863
0.756	21	0.861
0.753	22	0.859
0.750	23	0.857
0.747	24	0.855
0.744	25	0.853
0.741	26	0.851
0.738	27	0.849
0.735	28	0.847
0.732	29	0.845
0.729	30	0.843
0.727	31	0.841
0.725	32	0.839
0.723	33	0.837
0.721	34	0.836
0.719	35	0.835
0.717	36	0.834
0.715	37	0.833
0.713	38	0.832
0.711	39	0.831
0.709	40	0.830

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.910	-20	0.955
0.910	-19	0.955
0.910	-18	0.955
0.910	-17	0.955
0.902	-16	0.950
0.895	-15	0.946
0.886	-14	0.942
0.878	-13	0.937
0.870	-12	0.932
0.861	-11	0.927
0.853	-10	0.922
0.844	-09	0.917
0.836	-08	0.912
0.826	-07	0.907
0.818	-06	0.901
0.806	-05	0.894
0.793	-04	0.886
0.780	-03	0.878
0.764	-02	0.867
0.740	-01	0.852

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.558	23	0.718
0.554	24	0.715
0.550	25	0.712
0.547	26	0.709
0.544	27	0.706
0.540	28	0.703
0.537	29	0.701
0.534	30	0.698
0.532	31	0.696
0.529	32	0.693
0.526	33	0.691
0.524	34	0.689
0.521	35	0.687
0.519	36	0.685
0.517	37	0.683
0.515	38	0.681
0.513	39	0.679
0.511	40	0.678

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.719	0	0.838
0.706	1	0.830
0.694	2	0.821
0.681	3	0.813
0.673	4	0.807
0.665	5	0.801
0.657	6	0.796
0.650	7	0.790
0.643	8	0.785
0.636	9	0.779
0.629	10	0.774
0.622	11	0.769
0.616	12	0.764
0.610	13	0.760
0.600	14	0.752
0.595	15	0.748
0.590	16	0.744
0.585	17	0.740
0.580	18	0.736
0.575	19	0.732
0.570	20	0.728
0.566	21	0.725
0.562	22	0.721

TEACHERS RETIREMENT SYSTEM

PLAN II OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0035919
21	.0036089
22	.0036266
23	.0036452
24	.0036647
25	.0036851
26	.0037065
27	.0037288
28	.0037523
29	.0037768
30	.0038026
31	.0038297
32	.0038580
33	.0038878
34	.0039190
35	.0039519
36	.0039863
37	.0040226
38	.0040608
39	.0041009
40	.0041432
41	.0041877
42	.0042346
43	.0042840
44	.0043360
45	.0043907
46	.0044482
47	.0045085

TEACHERS RETIREMENT SYSTEM  
PLAN II OPTION 1  
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

48	.0045717
49	.0046381
50	.0047077
51	.0047808
52	.0048574
53	.0049379
54	.0050223
55	.0051111
56	.0052044
57	.0053025
58	.0054058
59	.0055147
60	.0056296
61	.0057510
62	.0058796
63	.0060161
64	.0061615
65	.0063167
66	.0064828
67	.0066609
68	.0068522
69	.0070578
70	.0072786
71	.0075157
72	.0077703
73	.0080433
74	.0083361
75	.0086497
76	.0089856
77	.0093448
78	.0097286
79	.0101380
80	.0105739
81	.0110369
82	.0115273
83	.0120455
84	.0125917
85	.0131654
86	.0137656
87	.0143890
88	.0150299
89	.0156797
90	.0163280
91	.0169635
92	.0175741
93	.0181484
94	.0186825
95	.0191686
96	.0196071
97	.0200007
98	.0203537
99	.0206708

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

0	0	1.0000
	1	.9918
	2	.9836
	3	.9755
	4	.9673
	5	.9591
	6	.9509
	7	.9428
	8	.9346
	9	.9264
	10	.9182
	11	.9100
1	0	.9019
	1	.8946
	2	.8874
	3	.8801
	4	.8728
	5	.8656
	6	.8583
	7	.8511
	8	.8438
	9	.8366
	10	.8293
	11	.8221
2	0	.8148
	1	.8084
	2	.8019
	3	.7955
	4	.7890
	5	.7826
	6	.7761
	7	.7697
	8	.7632
	9	.7568
	10	.7503
	11	.7439
3	0	.7374
	1	.7317
	2	.7259
	3	.7202
	4	.7144
	5	.7087
	6	.7029
	7	.6971
	8	.6914
	9	.6856
	10	.6799
	11	.6741
4	0	.6684
	1	.6633
	2	.6581
	3	.6530
	4	.6479
	5	.6427
	6	.6376
	7	.6324

**TEACHERS RETIREMENT SYSTEM**  
**PLAN II**  
**EARLY RETIREMENT FACTORS**  
**by Year and Month**

8	.6273
9	.6222
10	.6170
11	.6119
5 0	.6068
1	.6022
2	.5976
3	.5930
4	.5884
5	.5838
6	.5792
7	.5746
8	.5700
9	.5654
10	.5608
11	.5562
6 0	.5516
1	.5474
2	.5433
3	.5392
4	.5351
5	.5309
6	.5268
7	.5227
8	.5186
9	.5144
10	.5103
11	.5062
7 0	.5021
1	.4984
2	.4947
3	.4909
4	.4872
5	.4835
6	.4798
7	.4761
8	.4724
9	.4687
10	.4650
11	.4613
8 0	.4576
1	.4542
2	.4509
3	.4476
4	.4442
5	.4409
6	.4376
7	.4342
8	.4309
9	.4275
10	.4242
11	.4209
9 0	.4175
1	.4145
2	.4115
3	.4085
4	.4055

**TEACHERS RETIREMENT SYSTEM**  
**PLAN II**  
**EARLY RETIREMENT FACTORS**  
**by Year and Month**

5	.4025
6	.3995
7	.3965
8	.3934
9	.3904
10	.3874
11	.3844
10 0	.3814
1	.3787
2	.3760
3	.3733
4	.3705
5	.3678
6	.3651
7	.3624
8	.3597
9	.3569
10	.3542
11	.3515
11 0	.3488
1	.3463
2	.3439
3	.3414
4	.3390
5	.3365
6	.3340
7	.3316
8	.3291
9	.3267
10	.3242
11	.3217
12 0	.3193
1	.3170
2	.3148
3	.3126
4	.3104
5	.3081
6	.3059
7	.3037
8	.3015
9	.2992
10	.2970
11	.2948
13 0	.2925
1	.2905
2	.2885
3	.2865
4	.2845
5	.2824
6	.2804
7	.2784
8	.2764
9	.2744
10	.2723
11	.2703
14 0	.2683
1	.2665

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	2	.2646
	3	.2628
	4	.2610
	5	.2591
	6	.2573
	7	.2554
	8	.2536
	9	.2518
	10	.2499
	11	.2481
15	0	.2463
	1	.2446
	2	.2429
	3	.2413
	4	.2396
	5	.2379
	6	.2363
	7	.2346
	8	.2329
	9	.2312
	10	.2296
	11	.2279
16	0	.2262
	1	.2247
	2	.2232
	3	.2217
	4	.2202
	5	.2186
	6	.2171
	7	.2156
	8	.2141
	9	.2126
	10	.2110
	11	.2095
17	0	.2080
	1	.2066
	2	.2052
	3	.2038
	4	.2025
	5	.2011
	6	.1997
	7	.1983
	8	.1969
	9	.1955
	10	.1941
	11	.1928
18	0	.1914
	1	.1901
	2	.1888
	3	.1876
	4	.1863
	5	.1851
	6	.1838
	7	.1825
	8	.1813
	9	.1800
	10	.1787

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	11	.1775
19	0	.1762
	1	.1750
	2	.1739
	3	.1727
	4	.1716
	5	.1704
	6	.1693
	7	.1681
	8	.1670
	9	.1658
	10	.1647
	11	.1635
20	0	.1623
	1	.1613
	2	.1602
	3	.1592
	4	.1581
	5	.1571
	6	.1560
	7	.1550
	8	.1539
	9	.1528
	10	.1518
	11	.1507
21	0	.1497
	1	.1487
	2	.1477
	3	.1468
	4	.1458
	5	.1448
	6	.1439
	7	.1429
	8	.1419
	9	.1410
	10	.1400
	11	.1390
22	0	.1381
	1	.1372
	2	.1363
	3	.1354
	4	.1345
	5	.1336
	6	.1328
	7	.1319
	8	.1310
	9	.1301
	10	.1292
	11	.1283
23	0	.1274
	1	.1266
	2	.1258
	3	.1250
	4	.1242
	5	.1234
	6	.1226
	7	.1218

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	8	.1209
	9	.1201
	10	.1193
	11	.1185
24	0	.1177
	1	.1170
	2	.1162
	3	.1155
	4	.1147
	5	.1140
	6	.1132
	7	.1125
	8	.1117
	9	.1110
	10	.1102
	11	.1095
25	0	.1088
	1	.1081
	2	.1074
	3	.1067
	4	.1060
	5	.1053
	6	.1046
	7	.1040
	8	.1033
	9	.1026
	10	.1019
	11	.1012
26	0	.1005
	1	.0999
	2	.0993
	3	.0987
	4	.0980
	5	.0974
	6	.0968
	7	.0961
	8	.0955
	9	.0949
	10	.0943
	11	.0936
27	0	.0930
	1	.0924
	2	.0918
	3	.0913
	4	.0907
	5	.0901
	6	.0895
	7	.0889
	8	.0884
	9	.0878
	10	.0872
	11	.0866
28	0	.0860
	1	.0855
	2	.0850
	3	.0845
	4	.0839

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	5	.0834
	6	.0829
	7	.0823
	8	.0818
	9	.0813
	10	.0807
	11	.0802
29	0	.0797
	1	.0792
	2	.0787
	3	.0782
	4	.0777
	5	.0772
	6	.0767
	7	.0762
	8	.0757
	9	.0752
	10	.0748
	11	.0743
30	0	.0738
	1	.0733
	2	.0729
	3	.0724
	4	.0720
	5	.0715
	6	.0711
	7	.0706
	8	.0702
	9	.0697
	10	.0692
	11	.0688
31	0	.0683
	1	.0679
	2	.0675
	3	.0671
	4	.0667
	5	.0663
	6	.0658
	7	.0654
	8	.0650
	9	.0646
	10	.0642
	11	.0638
32	0	.0633
	1	.0630
	2	.0626
	3	.0622
	4	.0618
	5	.0614
	6	.0610
	7	.0606
	8	.0603
	9	.0599
	10	.0595
	11	.0591
33	0	.0587
	1	.0584

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	2	.0580
	3	.0577
	4	.0573
	5	.0570
	6	.0566
	7	.0562
	8	.0559
	9	.0555
	10	.0552
	11	.0548
34	0	.0545
	1	.0541
	2	.0538
	3	.0535
	4	.0532
	5	.0528
	6	.0525
	7	.0522
	8	.0518
	9	.0515
	10	.0512
	11	.0509
35	0	.0505
	1	.0463
	2	.0421
	3	.0379
	4	.0337
	5	.0295
	6	.0253
	7	.0211
	8	.0168
	9	.0126
	10	.0084
	11	.0042
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000

TEACHERS RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

0	0	1.0000
	1	.9920
	2	.9841
	3	.9761
	4	.9682
	5	.9602
	6	.9523
	7	.9443
	8	.9364
	9	.9284
	10	.9204
	11	.9125
1	0	.9045
	1	.8974
	2	.8903
	3	.8833
	4	.8762
	5	.8691
	6	.8620
	7	.8549
	8	.8478
	9	.8407

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

10	.8336
11	.8265
2 0	.8194
1	.8131
2	.8067
3	.8004
4	.7941
5	.7877
6	.7814
7	.7751
8	.7687
9	.7624
10	.7561
11	.7497
3 0	.7434
1	.7377
2	.7320
3	.7264
4	.7207
5	.7150
6	.7094
7	.7037
8	.6980
9	.6923
10	.6867
11	.6810
4 0	.6753
1	.6702
2	.6652
3	.6601
4	.6550
5	.6499
6	.6448
7	.6397
8	.6346
9	.6296
10	.6245
11	.6194
5 0	.6143
1	.6097
2	.6052
3	.6006
4	.5960
5	.5914
6	.5869
7	.5823
8	.5777
9	.5732
10	.5686
11	.5640
6 0	.5595
1	.5554
2	.5512
3	.5471
4	.5430

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

5	.5389
6	.5348
7	.5307
8	.5266
9	.5225
10	.5184
11	.5142
7 0	.5101
1	.5064
2	.5027
3	.4990
4	.4953
5	.4916
6	.4879
7	.4842
8	.4805
9	.4768
10	.4731
11	.4694
8 0	.4657
1	.4623
2	.4590
3	.4556
4	.4523
5	.4489
6	.4456
7	.4423
8	.4389
9	.4356
10	.4322
11	.4289
9 0	.4255
1	.4225
2	.4195
3	.4165
4	.4134
5	.4104
6	.4074
7	.4044
8	.4013
9	.3983
10	.3953
11	.3923
10 0	.3892
1	.3865
2	.3838
3	.3810
4	.3783
5	.3756
6	.3728
7	.3701
8	.3674
9	.3646
10	.3619
11	.3591

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II

EARLY RETIREMENT FACTORS  
by Year and Month

11	0	.3564
	1	.3539
	2	.3514
	3	.3490
	4	.3465
	5	.3440
	6	.3415
	7	.3390
	8	.3366
	9	.3341
	10	.3316
	11	.3291
12	0	.3266
	1	.3244
	2	.3221
	3	.3199
	4	.3176
	5	.3154
	6	.3131
	7	.3109
	8	.3086
	9	.3064
	10	.3041
	11	.3019
13	0	.2996
	1	.2976
	2	.2955
	3	.2935
	4	.2914
	5	.2894
	6	.2873
	7	.2853
	8	.2833
	9	.2812
	10	.2792
	11	.2771
14	0	.2751
	1	.2732
	2	.2714
	3	.2695
	4	.2676
	5	.2658
	6	.2639
	7	.2620
	8	.2602
	9	.2583
	10	.2565
	11	.2546
15	0	.2527
	1	.2510
	2	.2494
	3	.2477
	4	.2460
	5	.2443
	6	.2426

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II

EARLY RETIREMENT FACTORS  
by Year and Month

	7	.2409
	8	.2392
	9	.2375
	10	.2358
	11	.2341
16	0	.2324
	1	.2309
	2	.2293
	3	.2278
	4	.2262
	5	.2247
	6	.2231
	7	.2216
	8	.2200
	9	.2185
	10	.2169
	11	.2154
17	0	.2138
	1	.2124
	2	.2110
	3	.2096
	4	.2082
	5	.2068
	6	.2054
	7	.2040
	8	.2026
	9	.2012
	10	.1997
	11	.1983
18	0	.1969
	1	.1956
	2	.1943
	3	.1930
	4	.1918
	5	.1905
	6	.1892
	7	.1879
	8	.1866
	9	.1853
	10	.1840
	11	.1827
19	0	.1814
	1	.1803
	2	.1791
	3	.1779
	4	.1767
	5	.1755
	6	.1744
	7	.1732
	8	.1720
	9	.1708
	10	.1697
	11	.1685
20	0	.1673
	1	.1662

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

2	.1651
3	.1641
4	.1630
5	.1619
6	.1608
7	.1597
8	.1587
9	.1576
10	.1565
11	.1554
21 0	.1543
1	.1533
2	.1524
3	.1514
4	.1504
5	.1494
6	.1484
7	.1474
8	.1464
9	.1454
10	.1444
11	.1435
22 0	.1425
1	.1416
2	.1407
3	.1397
4	.1388
5	.1379
6	.1370
7	.1361
8	.1352
9	.1343
10	.1334
11	.1325
23 0	.1316
1	.1307
2	.1299
3	.1291
4	.1282
5	.1274
6	.1266
7	.1257
8	.1249
9	.1241
10	.1233
11	.1224
24 0	.1216
1	.1208
2	.1201
3	.1193
4	.1185
5	.1178
6	.1170
7	.1162
8	.1155

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

9	.1147
10	.1139
11	.1132
25 0	.1124
1	.1117
2	.1110
3	.1103
4	.1096
5	.1089
6	.1082
7	.1075
8	.1068
9	.1061
10	.1054
11	.1047
26 0	.1040
1	.1033
2	.1027
3	.1020
4	.1014
5	.1007
6	.1001
7	.0994
8	.0988
9	.0981
10	.0975
11	.0969
27 0	.0962
1	.0956
2	.0950
3	.0944
4	.0938
5	.0932
6	.0926
7	.0920
8	.0914
9	.0908
10	.0903
11	.0897
28 0	.0891
1	.0885
2	.0880
3	.0874
4	.0869
5	.0863
6	.0858
7	.0852
8	.0847
9	.0841
10	.0836
11	.0830
29 0	.0825
1	.0820
2	.0815
3	.0810

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	4	.0805
	5	.0800
	6	.0795
	7	.0789
	8	.0784
	9	.0779
	10	.0774
	11	.0769
30	0	.0764
	1	.0760
	2	.0755
	3	.0750
	4	.0746
	5	.0741
	6	.0736
	7	.0732
	8	.0727
	9	.0722
	10	.0718
	11	.0713
31	0	.0708
	1	.0704
	2	.0700
	3	.0695
	4	.0691
	5	.0687
	6	.0682
	7	.0678
	8	.0674
	9	.0670
	10	.0665
	11	.0661
32	0	.0657
	1	.0653
	2	.0649
	3	.0645
	4	.0641
	5	.0637
	6	.0633
	7	.0629
	8	.0625
	9	.0621
	10	.0617
	11	.0613
33	0	.0609
	1	.0605
	2	.0602
	3	.0598
	4	.0594
	5	.0591
	6	.0587
	7	.0583
	8	.0580
	9	.0576
	10	.0572

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II  
EARLY RETIREMENT FACTORS  
by Year and Month

	11	.0569
34	0	.0565
	1	.0562
	2	.0558
	3	.0555
	4	.0551
	5	.0548
	6	.0545
	7	.0541
	8	.0538
	9	.0534
	10	.0531
	11	.0528
35	0	.0524
	1	.0481
	2	.0437
	3	.0393
	4	.0350
	5	.0306
	6	.0262
	7	.0218
	8	.0175
	9	.0131
	10	.0087
	11	.0044
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000

LAW ENFORCEMENT OFFICERS  
AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II

EARLY RETIREMENT FACTORS  
by Year and Month

6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000
39 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

RETIREMENT SYSTEM  
PLAN II OPTION I

20	.0036854
21	.0037066
22	.0037288
23	.0037521
24	.0037765
25	.0038020
26	.0038289
27	.0038571
28	.0038866
29	.0039177
30	.0039503
31	.0039846
32	.0040207
33	.0040586
34	.0040985
35	.0041406
36	.0041848
37	.0042315
38	.0042806
39	.0043325
40	.0043871
41	.0044447
42	.0045052
43	.0045687
44	.0046352
45	.0047048

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS  
RETIREMENT SYSTEM  
PLAN II OPTION I

46	.0047775
47	.0048536
48	.0049331
49	.0050162
50	.0051031
51	.0051940
52	.0052893
53	.0053892
54	.0054942
55	.0056047
56	.0057211
57	.0058441
58	.0059741
59	.0061120
60	.0062584
61	.0064141
62	.0065800
63	.0067571
64	.0069461
65	.0071481
66	.0073639
67	.0075944
68	.0078407
69	.0081037
70	.0083844
71	.0086841
72	.0090038
73	.0093446
74	.0097076
75	.0100938
76	.0105040
77	.0109388
78	.0113988
79	.0118848
80	.0123977
81	.0129386
82	.0135092
83	.0141104
84	.0147416
85	.0153996
86	.0160774
87	.0167652
88	.0174514
89	.0181218
90	.0187587
91	.0193543
92	.0198948
93	.0203734
94	.0207882
95	.0211409
96	.0214355
97	.0216775
98	.0218727
99	.0220272



**AMENDATORY SECTION** (Amending Order 387, filed 11/16/82)

✓ **WAC 332-12-210 DEFINITIONS.** The following definitions are, unless the context otherwise requires, applicable to chapter 79.14 RCW and these rules and regulations.

(1) "Aquatic lands" means ~~((accreted;))~~ all state-owned tidelands, ~~((and submerged lands of the Pacific Ocean and any arm thereof and bed and))~~ shorelands, harbor areas, and the beds of navigable waters.

(2) "Associated substances" means all gaseous or liquid substances produced in association with oil or gas but shall not include coal, lignite, oilshale, similar solid hydrocarbons, minerals, water, steam or any geothermal resources.

~~((2))~~ "Base or primary term" means the first period of time authorized under a lease or the exploration period of the lease.)

(3) "Base lease" means the first issued lease on a tract of land prior to any assignments of the lease or renewals.

(4) "Commissioner" means the commissioner of public lands.

(5) "Completion" means the well is capable of producing oil or gas through wellhead equipment from the producing zone after the production string has been run. A dry hole shall be considered completed when the requirements for plugging and abandonment provided for in chapter 344-12 WAC have been complied with.

~~((5))~~ (6) "Continuous" as in "production in continuous paying quantities" means extracting oil and gas from the earth without cessation for a period of more than ninety days.

~~((6))~~ (7) "Department" means the department of natural resources.

~~((7))~~ (8) "Development" means work which generally occurs after exploration and furthers bringing in production including defining the extent of the oil and gas resource and construction of support facilities.

(9) "Drilling" means the drilling of a well and the activities associated therewith of permitting, staking, site preparation, testing, deepening or redrilling of the well.

~~((8))~~ (10) "Drill pads" means the location and surrounding area necessary to position a drill rig and support equipment.

~~((9))~~ (11) "Exploration" means the investigation of oil and gas resources by any geological, geophysical, geochemical or other suitable means.

~~((10))~~ (12) "Good standing" means in full compliance with all terms and conditions of the lease contract.

~~((11))~~ (13) "Hydrocarbon" means a compound containing only the two elements carbon and hydrogen.

~~((12))~~ (14) "Improvements" means anything considered a fixture in law placed upon or attached to the lease premises that has changed the value of the land or any change(s) in the previous conditions of the fixtures that changes the value of the land.

(15) "Initial term" means the first period of time authorized under a lease or the exploration period of the lease.

~~((13))~~ (16) "In situ" means a process of in-place conversion of an energy resource in the ground by a

thermal or liquifaction process in order to simplify extraction of the resource.

~~((14))~~ (17) "Lands" or "land" means both the surface and subsurface components of the lease or contract premises.

~~((15))~~ (18) "Lease premises" means public land((-)) including ~~((lands of))~~ retained mineral rights held under an oil and gas lease.

~~((16))~~ (19) "Lessee" means any person holding an oil and gas lease.

~~((17))~~ "Logical operating unit" means a contiguous area, independent of ownership, of mineral rights that can be developed and extracted in an efficient and economical manner with due regard to prevention of waste and environmental protection.)

~~((18))~~ (20) "Oil and gas" means all hydrocarbons ~~((and other substances and elements))~~ which are present in the earth in a gaseous or liquid form and produced therefrom. It shall not include coal, lignite, oilshale, or similar solid hydrocarbons. ~~((Nor shall it include minerals, waters, steam or any geothermal resource:))~~

~~((19))~~ (21) "Paying quantities" means extraction of oil and/or gas in a sufficient amount to generate oil and gas production royalties to the state.

~~((20))~~ (22) "Person" means any natural person, corporation, association, organization, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind.

~~((21))~~ (23) "Plug and abandon" means to place permanent seals in well casings or drill holes in the manner as provided by chapter ~~((78.52 RCW))~~ 344-12 WAC and applicable regulations and in a way and at such intervals as are necessary to prevent future contamination; to remove all equipment from the site and rehabilitate the surface to its former state or usage as prescribed by the department.

~~((22))~~ (24) "Posted field price" means the announced price at which a crude oil or gas purchaser will buy the oil or gas of specified quality from a field.

(25) "Preliminary investigation" means geological, geophysical or geochemical investigation.

~~((23))~~ (26) "Production" means extracting oil and/or gas in paying quantities.

~~((24))~~ (27) "Public auction" means competitive lease offers either by oral or sealed bidding by qualified bidders or a combination of both.

~~((25))~~ (28) "Public lands" means lands and areas belonging to or held in trust by the state including ~~((tide and submerged lands of the Pacific Ocean or any arm thereof, beds and shorelands of navigable waters;))~~ state-owned aquatic lands and lands of every kind and nature including mineral rights reserved to the state, the trust or the department.

~~((26))~~ (29) "Reclamation" means the reasonable protection and rehabilitation of all land subject to disruption from exploration, development, and production of an oil and gas resource.

~~((27))~~ (30) "Refining" means improving the physical or chemical properties of oil or gas.

~~((28))~~ (31) "Shut-in" means to adequately cap or seal a well to control the contained oil and/or gas for an interim period.

~~((29))~~ (32) "String of tools" means a cable or rotary drill rig.

~~((30))~~ (33) "Surface rights" means full fee ownership of the surface of the property and the resources on and attached thereto, not including the mineral estate.

~~((31))~~ (34) "Undivided interest" means a total assignment of the lease to one person or an assignment which causes the total lease rights to be held jointly by more than one person including but not limited to joint or common tenancy and community property.

~~((32))~~ (35) "Waste" means the physical loss of a subsurface resource through damage, escape or inefficient extraction and as defined in ~~((WAC 344-12-040(46)))~~ chapter 78.52 RCW.

~~((33))~~ (36) "Well" means any bored, drilled, or redrilled hole for the exploration or production of oil, gas, and other hydrocarbon substances.

**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.

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

✓ WAC 332-12-260 TERM OF LEASE. ~~((+))~~ Oil and gas leases ~~((shall))~~ may be for an initial term ~~((s))~~ of from five up to ten years and shall be extended for so long thereafter as lessee shall produce oil ~~((or))~~ gas or associated substances in paying quantities from the leased lands ~~((, and as long thereafter as the lessee shall comply with the provisions hereof))~~ or is prosecuting development on the leased land with due diligence of a prudent operator upon encountering oil, gas or associated substances; or shall be engaged in drilling, deepening, repairing, or redrilling any well thereon ~~((, or be thereafter excused therefrom but not to exceed a period of twenty years including the initial five-year term)); or shall be participating in a unit plan in accordance with RCW 79.14.020; or shall be prosecuting operations with due diligence of a prudent operator in accordance with RCW 79.14.050.~~

~~((2))~~ The lessee shall have a preference right to a new lease covering the leased area for an additional twenty-year period. An application for renewal of the original lease shall be filed with the department at least ninety days, but not more than six months, prior to the expiration of the lease.

NEW SECTION

✓ WAC 332-12-262 PRELIMINARY INVESTIGATION PERMIT. Entry to state lands not currently under lease as provided in chapter 79.14 RCW is permitted for preliminary investigations by obtaining a "preliminary investigation permit" from the department and paying required fees as determined by the board of natural resources. Such permits are valid for one year from the date of issuance unless an earlier term is specified or it is revoked by the department. Permits will not be required for preliminary investigation activities that have little surface impact such as geological mapping.

AMENDATORY SECTION (Amending Order 393, Resolution No. 409, filed 3/16/83 and Order 387, filed 11/16/82)

✓ WAC 332-12-310 ANNUAL RENTAL OR MINIMUM ROYALTY. (1) The department shall require payment of not less than one dollar twenty-five cents per acre per year in annual rental. The lessee shall pay the first year's annual rental upon execution of the lease and pay a like rental in advance each year the lease remains in force: PROVIDED, That at any time the lease starts production, a minimum royalty of five dollars per acre per year shall replace the annual rental ~~((f))~~ and shall be credited against production royalties ~~((f))~~. Minimum royalties shall be paid at the end of the lease year in which production starts and annually at the end of the lease year for the remainder of the term. When the ~~((required minimum))~~ production royalty is greater than the ~~((production))~~ minimum royalt ~~((ies))~~ paid during any lease year, the lessee shall pay, in addition to the minimum royalty, the difference between the minimum royalty and the ~~((paid))~~ production royalties. Minimum royalties paid during the term of the lease are nonrefundable and nontransferable.

~~((f))~~(2) On lands which the state owns less than entire fee simple mineral rights in common tenancy (undivided interests), the lessee shall pay the department rentals and minimum royalties in the amount ~~((as if))~~ equal to the state's ~~((owned in fee simple the entire mineral rights of the leased acreage))~~ undivided mineral interest percentage in such lands.

(3) If the annual rental or minimum royalty is not paid as prescribed in the lease, the lease shall be terminated ~~((automatically as required by law))~~ as provided by RCW 79.14.090. ~~((f))~~

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

✓ WAC 332-12-360 PLAN OF OPERATIONS. ~~((The))~~ An applicant or lessee shall submit to the department and obtain approval of an acceptable plan of operations ~~((prior to))~~ when applying for a preliminary investigation permit or prior to applying for a drilling permit required under oil and gas conservation act chapter 78.52 RCW. The purpose of the plan of operations is to provide detailed information for intended activities regarding ~~((proposed lease activities in))~~ exploration ~~((, development, production,))~~ and reclamation ~~((, and all other activities on the lease premises)).~~ The plan of operations shall be ~~((updated by the lessee))~~ reformulated to include development, production and additional reclamation or prior to making any ~~((substantial))~~ material change in ~~((its))~~ operations or when requested by the department ~~((and submitted for approval to the department)).~~

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

✓ WAC 332-12-390 DUE DILIGENCE. Oil and gas leases ~~((shall be for a base term of five years and))~~ shall continue ~~((only))~~ after ~~((the base))~~ their initial term

((for a period not to exceed twenty years in total)) as provided by RCW 79.14.020 and RCW 79.14.050 if:

~~(1) The lessee has ((and is)) compl((ying))ied with ((all rules and regulations and)) the ((terms and)) conditions of the lease(;) and is actively exploring in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or~~

~~(2) The lessee shall be producing oil and/or gas in continuous paying quantities; or~~

~~((3) The lessee shall be engaged in drilling, deepening, repairing, or redrilling any production well without a ninety-day cessation of operation; or))~~

~~((4) The lessee shall be actively exploring with due diligence in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or))~~

~~((5)) (3) The lessee is proceeding and actively pursuing development in the opinion of the department to efficiently extract oil ((and/or)), gas or associated substances after discovery(;) or~~

~~(4) The lessee engages in drilling, deepening, repairing or redrilling any production well without a ninety-day cessation of such activities; or~~

~~(5) The lessee has constructed a well capable of producing oil, gas or associated substances in paying quantities which is shut-in by consent or order of the oil and gas conservation committee. Such lease extension shall continue for the duration of such consent or order.~~

**WSR 86-07-028**  
**ADOPTED RULES**  
**LOTTERY COMMISSION**  
[Order 88—Filed March 13, 1986]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-11-190 Definitions for Instant Game Number 19 ("Three Cards Up").
- New WAC 315-11-191 Criteria for Instant Game Number 19.
- New WAC 315-11-192 Ticket validation requirements for Instant Game Number 19.

This action is taken pursuant to Notice No. WSR 86-03-079 filed with the code reviser on January 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 7, 1986.

By Duane Kovacevich  
Deputy Director

NEW SECTION

WAC 315-11-190 DEFINITIONS FOR INSTANT GAME NUMBER 19 ("THREE CARDS UP"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; "9"; "7"; "6"; "5"; "4"; "3"; "2". One of these symbols appears under each of the three rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right of the main portion (leftside) of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 9000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 19 constitute the "pack number" which starts at 9000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 19, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL CAPTION

A	ELV
K	TEN
Q	TEN
J	TEN
10	TEN
9	NIN
7	SEV
6	SIX
5	FIV
4	FOR
3	THR
2	TWO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 19, the agent verification code is a three-letter code, with each letter appearing in a varying three of four locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTO	\$21.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the front of the stub portion (right side) of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

#### NEW SECTION

WAC 315-11-191 CRITERIA FOR INSTANT GAME NUMBER 19. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having play symbols in the three spots beneath the removable covering on the front of the ticket shall win the following corresponding prize:

14	- Free Ticket
15	- \$2.00
16	- \$5.00
17	- \$10.00
18	- \$21.00
19	- \$50.00
20	- \$100.00
21	- \$5,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 19 set forth in WAC 315-11-192, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 19 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols.

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," Washington Lottery, Tacoma, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) Any entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING". All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within fourteen days after the drawing. If the winner fails, within that required time, to make a selection and/or

tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 19, shall conduct a retailer game pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall award a prize of two thousand one hundred dollars to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The prize shall be awarded to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailer winners will be selected as follows:

(i) The \$2,100 prize will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount of the prize will be credited to any overdue balance owed the lottery.

(ii) The balance of the prize, if any, will be paid to the lottery retailer(s).

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 19; and/or

(b) Vary the number of tickets sold in Instant Game Number 19 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

✓ WAC 315-11-192 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 19. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 19 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the three rub-off spots on the front of the ticket.

(b) Each of the three play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Mead 18 Point font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font
Stub Play Symbols	Mead 9 x 12 Matrix font
Stub Number	Mead 5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-190(1) and each of the captions must be exactly one of those described in WAC 315-11-190(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-190(7) and the stub number as described in WAC 315-11-190(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-07-029**  
**EMERGENCY RULES**  
**LOTTERY COMMISSION**  
 [Order 89—Filed March 13, 1986]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 315-04-190	Compensation.
New	WAC 315-11-200	Definitions for Instant Game Number 20 ("Cash Code").
New	WAC 315-11-201	Criteria for Instant Game Number 20.
New	WAC 315-11-202	Ticket validation requirements for Instant Game Number 20.

We, the Washington State Lottery Commission, find that an emergency exists and that this 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 the emergency is these rules inform the public, lottery retailers and lottery players of the definitions, criteria and validation requirements for Instant Game 20 and change the requirements for additional compensation. These rules are required before permanent rules can be adopted. Delay in implementation would be contrary to public interest.

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

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 7, 1986.

By Duane Kovacevich  
Deputy Director

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-04-190 COMPENSATION. (1) Lottery retailers shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) Lottery retailers authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Lottery retailers may receive additional compensation through ((incentive)) programs including but not limited to additional discounts, retailer games, retailer awards, and retailer bonuses.

NEW SECTION

WAC 315-11-200 DEFINITIONS FOR INSTANT GAME NUMBER 20 ("CASH CODE"). (1) Play symbols: The following are the "play symbols": "9"; "8"; "7"; "6"; "5"; "4"; "3"; "2"; "1"; and "0." One of these symbols appears in each of the ten blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the upper center of the main (upper) portion of the front of the ticket. The number is covered by latex which is overprinted "DO NOT REMOVE."

(3) Pack-ticket number: The ten-digit number of the form 1000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 20 constitute the "pack number" which starts at 1000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 20, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
9	NINE
8	EHT
7	SEV
6	SIX

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
5	FIVE
4	FOUR
3	THR
2	TWO
1	ONE
0	ZERO

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 20, the agent verification code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTY	\$20.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

(7) Stub play symbol: The stub play symbol is a "W" found under the rub-off material on the right front of the stub (lower) portion of the ticket. There will be from one to three "W's" on each stub.

(8) Stub number: The stub number is the pack-ticket number less the leading identifier and the dash. It will be printed above the stub play symbol(s).

NEW SECTION

WAC 315-11-201 CRITERIA FOR INSTANT GAME NUMBER 20. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having a play symbol in the code key which matches a play symbol in any one of the nine prize keys all of which are beneath the removable covering on the front of the ticket shall win the prize corresponding to that prize key.

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 20 set forth in WAC 315-11-202, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) There will be a total of three grand prize drawings held in conjunction with the lottery's 1986 instant games. They will be conducted at times and places and pursuant to procedures to be established and announced by the director. The prize awarded at each of the grand prize drawings will be \$5,000.00 per month for life. Qualifying entries from Instant Game Number 20 will be entered into one or more of these grand prize drawings. In the event that an entry is not included in the grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent grand prize drawing process.

(a) To be eligible for entry into the grand prize drawings, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67-.70 RCW and Title 315 WAC.

(ii) Collect stubs with a total of ten "W" stub play symbols. The stubs may be from Instant Game Number 19, "Three Cards Up," and/or Instant Game Number 20, "Cash Code."

(iii) Write or print legibly, the entrant's name, address, and telephone number on the one or more stubs or on a separate sheet of paper. An entry containing more than one name shall be disqualified.

(iv) Place the stubs in an envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("GRAND PRIZE DRAWING," WASHINGTON LOTTERY, TACOMA, WA 98455), or deliver it in person during normal business hours to lottery headquarters or any of the regional offices at the address listed in the player's brochure.

(b) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(c) An entry which contains one or more stolen tickets may be disqualified by the director.

(d) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(e) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "GRAND PRIZE DRAWING." All mail not drawn will be incinerated unopened.

(f) The lottery shall not be responsible for, nor place in the grand prize drawing, any entries mailed or delivered to the wrong address.

(6) Supplemental drawings will be held each week using grand prize drawing entries received since the previous supplemental drawing. Entries received by the lottery at lottery headquarters by 9:00 a.m. local time on the day of a supplemental drawing shall be entitled to participation in that drawing. Entries received at headquarters after that time will be entered in the next supplemental drawing. The supplemental drawings will be conducted at times, places, and pursuant to procedures to be established and announced by the director. Entries

selected during the supplemental drawings will be retained and be eligible for the next grand prize drawing provided they have not been disqualified pursuant to these rules. The director reserves the right to place an entry which was entitled to, but which was not entered into a supplemental drawing, into a subsequent supplemental drawing. The deadline for entry and the date of supplemental drawings may vary at the discretion of the director. The prize awarded at the supplemental drawing will be:

(a) \$21,000 cash; or

(b) The director may offer an alternate prize package valued at \$21,000 or more based on the suggested retail price for goods and services or face value for cash and securities.

(c) Selection of the cash prize or alternative prize package, if offered, shall be at the sole option of the winner. Provided, the selection must be made within five days after the drawing. If the winner fails, within that required time, to make a selection and/or tender any moneys required pursuant to (f) of this subsection, the winner will be deemed to have selected the prize of \$21,000 cash.

(d) Composition of the alternate prize package shall be at the discretion of the director.

(e) Total cost to the lottery of the alternate prize package, including but not limited to cost of the prizes, taxes, and fees shall not exceed \$21,000.

(f) All taxes and fees including any cash payments necessary to satisfy withholding obligations pursuant to requirements of the Internal Revenue Service or other taxing unit shall be the responsibility of the winner. Provided, the director may include sufficient cash in the alternate prize package to satisfy tax obligations and/or fees due at the time the prize is awarded. Taxes and fees payable subsequent to that time shall be the responsibility of the winner.

(7) The lottery, in conjunction with Instant Game Number 20, shall provide additional compensation for lottery retailers pursuant to WAC 315-04-190(3). The purpose of the program is to increase the sales of lottery tickets and to encourage lottery retailers to promote the supplemental drawing program.

(a) The lottery shall provide additional compensation of \$2,100 to lottery retailer(s) in conjunction with the supplemental drawings held pursuant to subsection (6) of this section.

(b) The compensation shall be provided to the lottery retailer(s) that sold the lottery tickets whose stubs comprised the winning entry in that week's supplemental drawing.

(c) The lottery retailers will be selected as follows:

(i) The \$2,100 will be divided equally between the number of stubs contained in the entry with each stub receiving one share.

(ii) The lottery retailer(s) will receive one share for each stub of a ticket which they sold that is contained in the entry.

(d) The prize awarded to the lottery retailer(s) will be paid as follows:

(i) The amount received will be credited to any overdue balance owed the lottery.

(ii) The balance, if any, will be paid to the lottery retailer(s).

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 20, and/or

(b) Vary the number of tickets sold in Instant Game Number 20 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

**NEW SECTION**

**WAC 315-11-202 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 20.** (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 20 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the ten rub-off spots on the front of the ticket.

(b) Each of the ten play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	10 point Archer font
Captions	7 x 12 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	7 x 12 Matrix font
Stub Play Symbols	9 x 12 Matrix font
Stub Number	5 x 11 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number, agent verification code, stub play symbols, and the stub number must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-200(1) and each of the captions must be exactly one of those described in WAC 315-11-200(4).

(f) Each of the stub play symbols must be exactly as described in WAC 315-11-200(7) and the stub number as described in WAC 315-11-200(8).

(2) Removal of part or all of the latex overprinted "DO NOT REMOVE" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

**WSR 86-07-030**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 297—Filed March 14, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, conference call, that it does adopt the annexed rules relating to amendment to 1986

Washington game fish seasons and catch limits—Columbia River, WAC 232-28-61507.

We, the State Game Commission, find that an emergency exists and that this 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 the emergency is Oregon Department of Fish and Wildlife regulations for concurrent waters of the Columbia River from the Megler-Astoria Bridge to the I-5 Bridge allow steelhead fishing from March 16 through March 31. Since the closed period is for the conservation needs of spring chinook and associated enforcement problems, there is no steelhead resource problem per se. The change in Washington regulation will match their steelhead regulations in these concurrent waters.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 27, 1986.

By Archie U. Mills  
Chairman, Game Commission

**NEW SECTION**

**WAC 232-28-61507 AMENDMENT TO 1986 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—COLUMBIA RIVER.** Notwithstanding the provisions of WAC 232-28-615, the seasons and special regulations for the area described below of the Columbia River will be as follows.

From the Megler-Astoria Bridge to the I-5 Bridge, 41	Year around	Closed to the taking of steelhead over 20" Apr. 1-May 15. WILD STEELHEAD RELEASE July 1-Oct. 31, see page 6.
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Seasons and special regulations for other areas of the Columbia River remain unchanged, and are as shown in the 1986 Washington Game Fish Seasons and Catch Limits on page 9.

**WSR 86-07-031**  
**ADOPTED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**  
[Order R-255, Cause No. U-85-80—Filed March 14, 1986]

In the matter of amending WAC 480-90-051 relating to interest on deposits held by gas companies.

This action is taken pursuant to Notice No. WSR 86-03-013 filed with the code reviser on January 6, 1986.

The 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 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 86-03-013 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

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 March 7, 1986. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the March 12, 1986, meeting the commission considered the rule change proposal. No written comments were received; however, oral comments were made by Charles F. Adams on behalf of the public counsel division of the Office of the Attorney General.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-90-051 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-90-051 as amended will prescribe the interest rates on amounts received by gas companies for refundable deposits.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-051 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 12th day of March, 1986.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Commissioner  
Richard D. Casad, Commissioner

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-83, filed 6/30/76)

✓ WAC 480-90-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit — nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location

within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to

the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

## WSR 86-07-032

### ADOPTED RULES

### UTILITIES AND TRANSPORTATION COMMISSION

[Order R-256, Cause No. U-85-81—Filed March 14, 1986]

In the matter of amending WAC 480-100-051 relating to interest on deposits held by electric companies.

This action is taken pursuant to Notice No. WSR 86-03-012 filed with the code reviser on January 6, 1986. The 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 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), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Pursuant to Notice No. WSR 86-03-012 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

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 March 7, 1986. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, March 12, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington.

At the March 12, 1986, meeting the commission considered the rule change proposal. No written comments were received; however, oral comments were made by Charles F. Adams on behalf of the public counsel division of the Office of the Attorney General.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-100-051 should be amended to read as set forth in Appendix A shown below and by this

reference made a part hereof. WAC 480-100-051 as amended will prescribe the interest rates on amounts received by electric companies for refundable deposits.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-100-051 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 12th day of March, 1986.

Washington Utilities and Transportation Commission  
Robert W. Bratton, Commissioner  
Richard D. Casad, Commissioner

#### APPENDIX "A"

#### AMENDATORY SECTION (Amending Order R-84, filed 6/30/76)

WAC 480-100-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit — nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company; or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at ~~((the rate established according to law as interest upon judgments in superior courts of the state of Washington as of January 1 of each year. Interest shall be computed from the time of deposit to the time of termination of service))~~ a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

**WSR 86-07-033**  
**NOTICE OF PUBLIC MEETINGS**  
**SPOKANE COMMUNITY COLLEGES**  
[Memorandum—March 12, 1986]

The regular meeting of the board of trustees of Washington Community College District 17 (the Community Colleges of Spokane) originally scheduled for 1:30 p.m., on April 15, 1986, has been rescheduled for Thursday, April 17, 1986, at 1:30 p.m. in the District Board Room at North 2000 Greene Street, Spokane, WA.

**WSR 86-07-034**  
**ADOPTED RULES**  
**DEPARTMENT OF CORRECTIONS**  
[Order 86-05—Filed March 14, 1986]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to superintendent's procedures, amending WAC 137-54-030.

This action is taken pursuant to Notice No. WSR 86-04-015 filed with the code reviser on January 24, 1986.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090 and 72.09.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 14, 1986.  
By Amos E. Reed  
Secretary

AMENDATORY SECTION (Amending Order 85-03, filed 2/13/85)

✓ WAC 137-54-030 SUPERINTENDENT'S PROCEDURES. (1) Superintendents shall develop written procedures for inmate marriages. Said procedures shall address, but not be limited to:

- (a) The inmate's notice of intent to marry;
- (b) ((Requested)) Premarriage counseling for the inmate and the intended spouse;
- (c) The visitation privileges between the inmate and intended spouse; and
- (d) The conduct of the marriage and related matters, giving due consideration to the requirements of security, safety, health, and orderliness.

(2) Inmates will be advised of such procedures developed by the superintendent.

**WSR 86-07-035**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 86-10—Filed March 14, 1986]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, William R. Wilkerson, find that an emergency exists and that this 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 the emergency is this regulation has been adopted by the Columbia River Compact Commission.

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

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 6, 1986.

By Edward P. Manary  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-32-02000A** **LAWFUL GEAR—SALMON.** *Notwithstanding the provisions of WAC 220-32-020, effective immediately until further notice it is unlawful to fish for salmon or to have on the boat while fishing for salmon monofilament gill-net webbing of any description while fishing in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D, or 1E.*

**WSR 86-07-036**  
**PROPOSED RULES**  
**GAMBLING COMMISSION**  
[Filed March 14, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning new section WAC 230-46-110;

that the agency will at 10:00 a.m., Thursday, May 8, 1986, in the Town Plaza Motor Inn, Yakima, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 9.46.020(10) and 9.46.070 (11), (14) and (20).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 8, 1986.

Dated: March 14, 1986  
By: Ronald O. Bailey  
Deputy Director

**STATEMENT OF PURPOSE**

Title: New section WAC 230-46-110 Video and electronic games—Definitions and prohibitions.

Description of Purpose: Clarifies and limits the use of video and electronic games of chance, amusement devices, amusement games and gambling devices in the state.

Statutory Authority: RCW 9.46.020 (1) and (10) and 9.46.070 (11), (14) and (20).

Summary of Proposed Rules and Reasons Supporting Action: New section WAC 230-46-110 Video and electronic games—Definitions and prohibitions, defines video and electronic games of chance, amusement games and devices, gambling devices, and prohibits video and electronic games of chance.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm; and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rules.

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 federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

**NEW SECTION**

**WAC 230-46-110** **VIDEO AND ELECTRONIC GAMES—DEFINITIONS AND PROHIBITIONS.** (1) "Amusement device" means a game or device which is primarily a game of skill, including, but not limited to, games or devices requiring hand-eye coordination and/or intellectual processes, wherein achieving high scores in playing the game is determined by the skill of the players and not as a result of chance or an element of chance as a part of the game. Amusement devices may confer only an immediate and unrecorded right of replay to the players.

(2) "Amusement games" shall have the same definition as set forth in RCW 9.46.020(1).

(3) "Gambling devices" shall have the same definition as set forth in RCW 9.46.020(10).

(4) "Electronic or video game of chance" means games or devices that simulate games commonly referred to as poker, blackjack, craps, hi-lo, roulette, acey ducey, horse racing or other common gambling forms, though not offering any type of pecuniary award or gain to players. The term also includes any electronic or video game which is primarily a game of chance, has no substantial elements of skill involved, and has one or more of the following characteristics:

- (a) It awards game credits or replays; or
- (b) Contains a meter or device which records unplayed credits or replays; or
- (c) Contains a device that permits unauthorized credits or replays to be cancelled; or
- (d) It permits multiple winnings depending upon the number of coins inserted in the device.

All electronic or video games of chance are gambling devices as defined in RCW 9.46.020(10) and subject to seizure and destruction as set forth in RCW 9.46.230.

(5) A "game of skill" is a game in which the average person, with a reasonable amount of practice, can be expected to improve his performance.

**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 86-07-037**  
**ADOPTED RULES**  
**GAMBLING COMMISSION**  
[Order 155—Filed March 14, 1986]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 230-08-010 Monthly records, details the recordkeeping system for punchboards and pull tabs.
- Amd WAC 230-30-050 Punchboard and pull tab operation, requires records, reports and receipts relating to a punchboard be retained on the licensed premises while the punchboard is in play.

This action is taken pursuant to Notice No. WSR 85-22-006 filed with the code reviser on October 25, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 9.46.070 (4), (8), (11) and (14) and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 13, 1986.

By Ronald O. Bailey  
Deputy Director

AMENDATORY SECTION (Amending Order 134, filed 6/14/83)

✓ WAC 230-08-010 MONTHLY RECORDS. Every person or organization licensed to operate any authorized gambling activity shall keep and maintain permanent monthly records of all of the activities of the licensee related to each licensed activity. These records must include all financial transactions and contain enough detail to determine compliance with the requirements of WAC 230-04-050 and WAC 230-04-080. These records shall be kept separate for each month and ~~((shall))~~ shall include, but not necessarily be limited to, all details of the following:

(1) The gross receipts from the conduct of each of the activities licensed.

(2) Full details on all expenses related to each of the activities licensed.

(3) The total cost of all prizes paid out for each of the activities licensed.

(4) With respect to those ~~((licensees receiving such))~~ organizations license((s))d as qualified bona fide charitable or bona fide nonprofit organizations, except agricultural fairs, records which clearly show in detail how those proceeds from each licensed activity obtained by the licensee were used or disbursed by that licensee.

(5) With respect to persons licensed to stimulate food and drink business, records shall include at least the following details:

(a) Food and drink sales for consumption on their licensed premises;

(b) Food and drink sales for off premises consumption; and

(c) All other business transactions directly related to the licensed business.

(6) In addition to any other requirement set forth in these rules, licensees for the operation of punchboards and pull tabs shall be required to prepare a detailed monthly record for punchboards and pull tab series removed from play during that month. This detailed monthly record shall be recorded in a standard format prescribed by the commission and shall disclose for each set at minimum the following information:

(a) The name of the punchboard or pull tab series;

(b) The Washington state identification stamp number issued by the commission and placed thereon;

(c) The series number of each pull tab series or punchboard;

(d) The date placed out for play;

(e) The date removed from play;

(f) The total number of tabs in each pull tab series or the total number of punches in each punchboard;

(g) The number of pull tabs or punches remaining after removal from play;

(h) The number of pull tabs or punches played from the pull tab series or punchboard;

(i) The cost to the players to purchase one pull tab or one punch;

(j) The gross receipts as defined in WAC 230-02-110;

(k) The total prizes paid, including both cash and merchandise (calculated by the cost to the licensee) prizes;

(l) The net receipts (gross receipts less total prizes paid);

(m) The cash over or short determined by (1) subtracting actual cash from net receipts for punchboards and pull tabs which pay cash prizes, and (2) subtracting actual cash from gross receipts for punchboards and pull tabs which award merchandise prizes; and

(n) The actual cash received from the operation of each pull tab series or punchboard; and,

In the alternative, with written commission approval, licensees operating pull tabs may record (m) and (n) in total on a daily, weekly, or monthly basis.

~~((7))~~ (7) Copies of all additional financial data which support tax reports to any and all governmental agencies.

Each of these records shall be maintained by the licensee for a period of not less than three years from the end of the fiscal year for which the record is kept unless the licensee is released by the commission from this requirement as to any particular record or records.

**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.

AMENDATORY SECTION (Amending Order 150, filed 5/13/85)

✓ WAC 230-30-050 PUNCHBOARD AND PULL TAB OPERATION. (1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play or sell any punchboard or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punchboard or pull tab device to determine that no unauthorized person is allowed to play or sell.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

(4) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:

- (a) The date of purchase;
- (b) The company's name and adequate business address;
- (c) A full description of each item purchased;
- (d) The quantity of items purchased;
- (e) The cost per individual items purchased; and
- (f) The sales invoice or receipt must be maintained by the operator for at least three years.

**WSR 86-07-038**

**EMERGENCY RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 86-5—Filed March 14, 1986]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Washington state honors award program, chapter 392-210 WAC.

I, Frank B. Brouillet, find that an emergency exists and that this 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 the emergency is the state honors award program was established by chapter 62, Laws of 1985. In order to commence the program in a timely manner the agency promulgated rules without the empirical data necessary to determine the validity of assumptions regarding student progress prior to the senior year in high school. In the initial implementation, the agency became aware that the data did not support certain assumptions and that implementation of certain qualifications would violate the agency's perception of legislative intent regarding the class of students for which the honors program should award. Therefore, for the first year of implementation, the agency has eliminated the specific subject area requirements and returned to the general language in RCW 28A.03.442.

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

This rule is promulgated pursuant to RCW 28A.03.044 [28A.03.440] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 14, 1986.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 85-13, filed 12/9/85)

**WAC 392-210-025 CREDITS EARNED IN ACADEMIC CORE SUBJECTS.** To be considered for a Washington state honors award, a student must have earned, during grades nine through eleven, at least seventy-five percent of the credits required for graduation from his or her high school including a minimum of ten credits in the academic core subjects ((as follows:)) English, mathematics, science, social studies, and foreign language.

<del>English</del>	<del>3 credits</del>
<del>Mathematics</del>	<del>2 credits</del>
<del>Science</del>	<del>2 credits</del>
<del>Social Studies</del>	<del>2 credits</del>
<del>Foreign Language</del>	<del>1 credit</del>

Each participating high school principal shall verify, on forms provided by the superintendent of public instruction, that each candidate has completed at least seventy-five percent of the school's total graduation credit requirements. The superintendent of public instruction shall require each student's high school transcript to be verified to assure that each student has earned the minimum credits in each of the academic core subjects. All participating high schools shall make available the grades nine through eleven transcripts for all participating students on or before August 15 of each year.

**WSR 86-07-039**

**ADOPTED RULES**

**LOTTERY COMMISSION**

[Order 90—Filed March 14, 1986]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to prizes for Lotto, amending WAC 315-32-040.

This action is taken pursuant to Notice No. WSR 86-03-079 filed with the code reviser on January 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 7, 1986.

By Duane Kovacevich  
Deputy Director

AMENDATORY SECTION (Amending Order 81, filed 11/5/85)

WAC 315-32-040 PRIZES FOR LOTTO. (1) The prize amounts to be paid to each Lotto player who selects a winning combination of numbers in the first, second, and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Lotto drawing distributed over the number of winning tickets in each category. The prize amount to be paid in the fourth prize category is a fixed value and shall be the same regardless of the number of fourth prize winners.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>	<u>ODDS OF WINNING (ONE PLAY)</u>
All six winning numbers in one play	First Prize (Jackpot)	1:7,059,052
Any five but not six winning numbers in one play	Second Prize	1:30,960
Any four but not five or six winning numbers in one play	Third Prize	1:670
Any three but not four, five, or six winning numbers in one play	Fourth Prize	1:42

(2) Prize allocation. The prize allocation consists of forty-five percent of Lotto revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—forty-three percent of Lotto revenue and prize reserve—two percent of Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence). The director may increase the cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. Ten percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Nineteen percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Fourth prize. All players who selected three of the six winning numbers in one play (in any sequence) will receive a free ticket of \$1.00 value for a future purchase of Lotto or Daily Number Game tickets.

(e) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(f) All prize allocations will be rounded (~~down~~) to nearest dollar (~~, and the remainder, if any, from the rounding process shall be placed in the prize reserve~~).

(g) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(h) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5)(a) or (b) or this section.

(i) In the event any player who has selected three, four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for further use as prizes, pursuant to RCW 67.70.190.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(d) If no player selects three of the six winning numbers for any given drawing, the fourth prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6), provided, fourth prize winning tickets submitted to the lottery for payment will receive \$1.00 in lieu of a free ticket.

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty (~~equal~~) annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten (~~equal~~) annual payments, provided, if a cash value between \$250,000 and \$500,000 will fund a prize paid over twenty years of \$1,000,000 or more, the director may elect to pay the prize in twenty annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single payment.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form designated by the director.

**WSR 86-07-040**

**EMERGENCY RULES**

**WASHINGTON STATE UNIVERSITY**

[Order 86-1—Filed March 17, 1986]

I, G. A. "Jay" Hartford, Vice President—Business and Finance, of Washington State University, do promulgate and adopt at Pullman, Washington, the annexed rules relating to motorcycle and moped parking regulations, adding new subsection (8) to WAC 504-17-185.

I, G. A. "Jay" Hartford, find that an emergency exists and that this 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 the emergency is current WAC 504-17-185 contains no regulation of some motorcycle and moped parking.

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

This rule is promulgated pursuant to RCW 28B.10-.560 which directs that the Washington State University has authority to implement the provisions of RCW 28B.10.560.

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 7, 1986.

By G. A. Hartford, Jr.  
Vice President—Business and Finance

AMENDATORY SECTION (Amending Order 85-1, filed June 28, 1985)

**WAC 504-17-185 PARKING PERMIT FEES.**

(1) Handicap permits will be issued free of charge to those who have their vehicle identified with a state handicapped license plate or other indicator in accordance with RCW 46.16.380.

(2) Schedules for parking fees, parking administrative fees, meter rates, pro-rate and refund schedules and the effective date thereof will be submitted to the president or his designee and to the Board of Regents for approval by motion and will thereafter be available in the public area of the Parking Services Office.

(3) Refunds in accordance with the refund schedule may be made for purchased permits upon application by the permit holder of record or upon revocation by the Parking Manager. Unpaid citation fines will be deducted from any refund.

(a) The permit holder must surrender the permit to the parking services office before a refund is authorized, a payroll deduction is terminated, or a replacement decal is issued.

(4) Full-time faculty and staff have the option of paying for parking through payroll deduction.

(5) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(6) Staff members whose work hours qualify them for night time differential pay may purchase a permit for one half the regular fee.

(7) Fees for visitor permits may be waived for qualified visitors who, without compensation, volunteer their services to the university (e.g., reading for the blind).

(8) All two- or three-wheeled vehicles with an engine displacement of 55 cc or less are not required to display a WSU motorcycle permit, but must park within the confines of a bicycle rack or designated bicycle area or, with a valid motorcycle permit, they may be parked in a motorcycle or a bicycle area. All two- or three-wheeled vehicles with an engine displacement in excess of 50 cc

are required to display a valid WSU motorcycle permit, and they must be parked in a designated motorcycle parking area. Fines for an infraction of this regulation will be pursuant to WAC 504-17-220.

**WSR 86-07-041**

**EMERGENCY RULES**

**HIGHER EDUCATION COORDINATING BOARD**

[Order 2/86—Filed March 17, 1986]

Be it resolved by the Higher Education Coordinating Board, acting at 908 East Fifth Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to state work study program, WAC 250-40-050, restrictions on student placement and compensation.

We, the Higher Education Coordinating Board, find that an emergency exists and that this 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 the emergency is an extension of emergency rules filed previously to allow for a public hearing on April 22, 1986, and adoption of permanent rule changes.

These 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 Higher Education Coordinating Board as authorized in RCW 28B.12.060.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 17, 1986.

By Neil D. Uhlman  
Acting Executive Director

AMENDATORY SECTION (Amending Order 5-82, filed 7/20/82)

**WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION.** (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular

employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to a Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students (~~employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation~~) shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline

criteria for participation in the 1985-87 Adult Literacy Pilot Program.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the non-resident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

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 86-07-042

#### PROPOSED RULES

#### HIGHER EDUCATION COORDINATING BOARD

[Filed March 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Coordinating Board intends to adopt, amend, or repeal rules concerning state work study program, WAC 250-40-050, restrictions on student placement and compensation;

that the agency will at 9:30 a.m., Tuesday, April 22, 1986, in the Conference Room, Higher Education Coordinating Board, 908 East Fifth Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 28B.12.060.

The specific statute these rules are intended to implement is RCW 28B.12.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 15, 1986.

Dated: March 17, 1986

By: Neil D. Uhlman  
Acting Executive Director

## STATEMENT OF PURPOSE

**Title:** Amendment modifying state work study program rules.

**Description of Purpose:** This statement of purpose is written in compliance with section 23, chapter 186, Laws of 1980, and to accompany the notice of intention to adopt, amend, or repeal rules (CR-1) filed by the Higher Education Coordinating Board.

**Statutory Authority:** RCW 28B.12.060.

**Specific Statute Rule is Intended to Implement:** RCW 28B.12.060.

**Summary of Rule:** These amendments make the following changes to the rules: Clarifies the exceptions to the 80% maximum state match; eliminates the requirement for special agreements between the Higher Education Coordinating Board and common school districts; and allows federal college work study monies to be used as the employer match for state work study students employed by adult literacy service providers.

**Reasons Supporting Proposed Action:** Reduce potential for misinterpretation; eliminate unnecessary administrative rules; and enable adult literacy providers to employ state work study students.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Shirley A. Ort, Associate Director, Higher Education Coordinating Board, 908 East Fifth, Olympia, Washington 98504.

**Person or Organization Proposing Rule, and Whether Public, Private, or Governmental:** Higher Education Coordinating Board, governmental agency.

**Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters:** None.

**Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action:** Not necessary as the result of federal law or court action.

**Small Business Economic Impact Statement:** Not applicable.

AMENDATORY SECTION (Amending Order 5-82, filed 7/20/82)

**WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION.** (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to a Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students (~~employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation~~) shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the non-resident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

**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 86-07-043

PROPOSED RULES

GAMBLING COMMISSION

[Filed March 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State

Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-04-201 and 230-20-064;

that the agency will at 10:00 a.m., Thursday, June 12, 1986, in the Tyee Motor Inn, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 9.46.020 (19) and (23) and 9.46.070 (1), (2), (4), (5), (6), (7), (9), (10), (11), (14) and (17).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 12, 1986.

Dated: March 17, 1986

By: Ronald O. Bailey  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amendatory sections WAC 230-04-201 Fees; and 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required.

Description of Purpose: Increases bingo license fee and annual gross receipts based on the annual inflation factor.

Statutory Authority: RCW 9.46.020 (19) and (23) and 9.46.070 (1), (2), (4), (5), (6), (7), (9), (10), (11), (14) and (17).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-04-201 increases bingo licensee fee based on the annual inflation factor; and 230-20-064 increases the annual gross receipts for bingo classes based on the annual inflation factor.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm; and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rules.

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 federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	FEE
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to <del>(\$10,000)</del> \$10,350	\$ 50
Class B	<del>(\$ 10,001 to 50,000)</del> \$ 10,351 to 51,850	150
Class C	<del>(\$ 50,001 to 100,000)</del> \$ 51,851 to 155,550	500
Class D	<del>(\$ 100,001 to 300,000)</del> \$ 155,551 to 311,100	<del>(800)</del> 850
Class E	<del>(\$ 300,001 to 500,000)</del> \$ 311,101 to 518,500	<del>(1,500)</del> 1,550
Class F	<del>(\$ 500,001 to 1,000,000)</del> \$ 518,501 to 1,037,000	<del>(3,000)</del> 3,100
Class G	<del>(\$1,000,001 to 1,500,000)</del> \$1,037,001 to 1,555,500	<del>(4,000)</del> 4,150
Class H	<del>(\$1,500,001 to 2,000,000)</del> \$1,555,501 to 2,074,000	<del>(5,000)</del> 5,200
Class I	<del>(\$2,000,001 to 2,500,000)</del> \$2,074,001 to 2,592,500	<del>(6,000)</del> 6,200
Class J	<del>(\$2,500,001 to 3,000,000)</del> \$2,592,501 to 3,111,000	<del>(7,000)</del> 7,250
Class K	<del>(\$3,000,001 to 3,500,000)</del> \$3,111,001 to 3,629,500	<del>(8,000)</del> 8,300
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75

4.	CARD GAMES		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games – to hearts, rummy, mah-jongg, pitch, pinochle, coon-can and/or cribbage – (fee to play charged)	150
	Class C	Tournament only – no more than ten consec. days per tournament	50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s))	
		(See WAC 230-04-325)	25
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	25
	IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
6.	FUND RAISING EVENT		
	Class A	One event not more than 24 consec. hrs.	\$ 300
	Class B	One event not more than 72 consec. hrs.	500
	Class C	Additional participant in joint event (not lead organization)	150
7.	PERMITS	Agricultural Fair/Special Property Bingo	
	Class A	One location and event only (See WAC 230-04-191)	\$ 25
8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$10,000	\$ 300
	Class B	Up to \$50,000	475
	Class C	Up to \$100,000	960
	Class D	Up to \$200,000	1,560
	Class E	Up to \$300,000	2,360
	Class F	Up to \$400,000	3,150
	Class G	Up to \$500,000	3,775
	Class H	Up to \$600,000	4,350
	Class I	Up to \$700,000	4,825
	Class J	Up to \$800,000	5,225
	Class K	Over \$800,000	5,900
9.	RAFFLES	(Fee based on annual net receipts)	
	Class C	\$500 or less	\$ 50
	Class D	\$501 – 5,000	100
	Class E	\$5,001 – 15,000	400
	Class F	Over \$15,000	600
10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (see WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
11.	SPECIAL FEES		
	INVESTIGATION	(See WAC 230-04-240)	As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350

	E-2	Up to two tables	600
	E-3	Up to three tables	1,000
	E-4	Up to four tables	2,000
	E-5	Up to five tables	3,000
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2.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	BUSINESS CLASSIFICATION	(Same owners - see WAC 230-04-340(3))	50
	LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
	DUPLICATE LICENSE	(See WAC 230-04-290)	25
	OWNERSHIP OF STOCK	(See WAC 230-04-340(1))	50
	REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
	LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
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3.	DISTRIBUTOR	(Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)	
			Original Renewal
	Class A	up to \$600,000	\$2,750 \$1,250
	Class B	over \$600,000	\$2,750 \$1,700
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4.	DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 220
		Renewal	110
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5.	MANUFACTURER	Original	\$3,300
		Renewal	1,650
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6.	MANUFACTURER'S REPRESENTATIVE	Original	220
		Renewal	110
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7.	PERMITS	Agricultural Fair/Special Property Bingo	
	Class A	One location and event only (See WAC 230-04-191)	\$ 25
	Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	150
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8.	PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
		Renewal	75
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9.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$10,000	\$ 300
	Class B	Up to \$50,000	475
	Class C	Up to \$100,000	960
	Class D	Up to \$200,000	1,560
	Class E	Up to \$300,000	2,360
	Class F	Up to \$400,000	3,150
	Class G	Up to \$500,000	3,775
	Class H	Up to \$600,000	4,350
	Class I	Up to \$700,000	4,825
	Class J	Up to \$800,000	5,225
	Class K	Over \$800,000	5,900
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10.	SPECIAL FEES		
	INVESTIGATION	(See WAC 230-04-240)	As required
	IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required

11.	SPECIAL LOCATION	(Fee based on annual net receipts)	
	AMUSEMENT GAMES		
	Class A	One event per year lasting no longer than 12 consecutive days	\$ 500
	Class B	\$25,000 or less	500
	Class C	\$25,001 - 100,000	1,500
	Class D	\$100,001 - 500,000	3,000
	Class E	Over \$500,000	5,000

**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 151, filed 6/14/85)

WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES—NET INCOME REQUIRED. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Bona fide charitable or nonprofit organizations licensed to operate bingo must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "F" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; and net income predictions; and any other information requested by the commission.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts as percentages of gross receipts shall not exceed the percentages listed in Table 1. by class of

license. Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in any month and/or exceeds its calendar quarter limits during any quarter must report to the commission, no later than 15 days following the end of the month or quarter.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, adjusted net income as a percentage of gross receipts shall not be less than the percentage listed in Table 1. by class of license for any calendar year. Any licensee who reports net income more than two percentage points (2.0%) below the minimum calendar year requirement for its class during any quarter must report to the commission additional information as required.

(4) All administrative procedures, policies, and definitions required to administer this section shall be approved by the commission, and furnished to all affected licensees. Prize payout limits, net income minimum requirements, and administrative procedures will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the March meeting which by law must be held in Olympia and/or periodically by request of the commission with proper and timely notification to the staff.

(5) Effective January 1, 1986, and on each January first thereafter, license class gross receipts limits and license fees shall be adjusted for inflation by a factor to be set by the commission.

Table 1.

License Class	Annual Gross Receipts	Calendar Year Prize Payout Limits	Calendar Quarter Prize Payout Limits	Calendar Year Adjusted Net Income Minimum Requirements
A	<del>((Up to \$ 10,000))</del> Up to \$ 10,350	No Limits	No Limits	None
B	<del>(( \$ 10,001 - 50,000))</del> \$ 10,351 - 51,850	No Limits	No Limits	None
C	<del>((50,001 - 100,000))</del> 51,851 - 155,550	No Limits	No Limits	None
D	<del>((100,001 - 300,000))</del> 155,551 - 311,100	No Limits	No Limits	None
E	<del>((300,001 - 500,000))</del> 311,101 - 518,500	No Limits	No Limits	None
F	<del>((500,001 - 1,000,000))</del> 518,501 - 1,037,800	83.0 - 80.0%	84.0%	4.0 - 5.0%
G	<del>((1,000,001 - 1,500,000))</del> 1,037,001 - 1,555,500	80.0 - 78.0%	81.0%	5.0 - 7.0%
H	<del>((1,500,001 - 2,000,000))</del> 1,555,501 - 2,074,000	78.0 - 76.0%	79.0%	7.0 - 9.0%
I	<del>((2,000,001 - 2,500,000))</del> 2,074,001 - 2,592,500	76.0 - 74.0%	77.0%	9.0 - 11.0%
J	<del>((2,500,001 - 3,000,000))</del> 2,592,501 - 3,111,000	74.0 - 72.0%	75.0%	11.0 - 13.0%
K	<del>((3,000,001 - 3,500,000))</del> 3,111,001 - 3,629,500	72.0 - 70.0%	73.0%	13.0 - 14.0%

**WSR 86-07-044**  
ADOPTED RULES  
**GAMBLING COMMISSION**  
[Order 156—Filed March 17, 1986]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

Rep WAC 230-46-030 Promotional contests—Legality.

- Rep WAC 230-46-040 Promotional contests limited to seven days unless optional methods of entry are included.
- Rep WAC 230-46-050 Promotional contests—Admission fee limitation.
- Rep WAC 230-46-060 Valuable consideration—Lotteries prohibited.

This action is taken pursuant to Notice No. WSR 85-22-006 filed with the code reviser on October 25, 1985. These rules shall take effect thirty days after they are

filed with the code reviser pursuant to RCW 34.04.040(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 13, 1986.

By Ronald O. Bailey  
Deputy Director

**REPEALER**

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

- ✓ (1) WAC 230-46-030 PROMOTIONAL CONTESTS - LEGALITY.
- ✓ (2) WAC 230-46-040 PROMOTIONAL CONTESTS LIMITED TO SEVEN DAYS UNLESS OPTIONAL METHODS OF ENTRY ARE INCLUDED.
- ✓ (3) WAC 230-46-050 PROMOTIONAL CONTESTS - ADMISSION FEE LIMITATION.
- ✓ (4) WAC 230-46-060 VALUABLE CONSIDERATION - LOTTERIES PROHIBITED.

**WSR 86-07-045**  
**NOTICE OF PUBLIC MEETINGS**  
**EDMONDS COMMUNITY COLLEGE**  
 [Memorandum—March 17, 1986]

March 20, 1986  
 Thursday, 7:00 p.m.  
 Board of Trustees Meeting  
 Lynnwood Hall, Room 424

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

**WSR 86-07-046**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed March 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Issuance fee—Restrictions, WAC 314-18-040;

that the agency will at 9:30 a.m., Tuesday, April 22, 1986, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.20.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Dated: March 17, 1986  
 By: L. H. Pedersen  
 Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-18-040 Issuance fee—Restrictions.

Description of Purpose: To allow banquet permits to be issued for functions to be held on the premises of a tavern.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.20.010.

Summary of Rule: The rule presently prohibits issuance of banquet permits on a tavern premises.

Reasons Supporting Proposed Action: The rule change would remove the restrictions regarding banquet permit functions on tavern premises. Taverns are the only class of liquor licensed premises at present where banquet permit functions are not allowed. It does not appear that control problems should be any greater with this change.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This action was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact.

**AMENDATORY SECTION** (Amending Order 153, Resolution No. 162, filed 2/27/85)

WAC 314-18-040 ISSUANCE FEE—RESTRICTIONS. (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued ~~((a))~~ for use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

~~((b) For functions held in a tavern:))~~

(7) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

(8) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

(9) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of Class A, C, D, or H licensed premises, including hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

(10) Where the application is for a banquet permit for an event to be held on a vessel under the jurisdiction of the Washington state ferry system; permits will be issued provided that approval, in writing, by an appropriate official of the Washington state ferry system is furnished with the application.

**WSR 86-07-047**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed March 17, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning "minor prohibited" posting required in classified premises, new section WAC 314-16-025;

that the agency will at 9:30 a.m., Tuesday, April 22, 1986, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.010 and 66.44.310.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Dated: March 17, 1986

By: L. H. Pedersen  
Chairman

**STATEMENT OF PURPOSE**

Title: WAC 314-16-025 "Minor prohibited" posting required in classified premises.

Description of Purpose: To require licensed premises to post notices advising persons under 21 years of age that they are not permitted to enter or remain on the

premises of a tavern or in the cocktail lounge area of a restaurant.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.010 and 66.44.310.

Summary of Rule: The proposed rule would require that premises classified by the board under RCW 66.44-.310 be posted with the classification assigned.

Reasons Supporting Proposed Action: At this time there is no rule that requires posting premises classified as taverns or cocktail lounges. Through the years the enforcement division has been posting such premises by policy and nearly all classified premises are posted. The proposed rule would require either the board notice to be posted or the licensee to post a sign of their own choosing containing standard language spelled out in the rule.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary W. Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This action was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact unless the licensee chooses to print their own sign instead of using the sign provided by the board. Even so, the cost impact would be minimal.

NEW SECTION

WAC 314-16-025 "MINOR PROHIBITED" POSTING REQUIRED IN CLASSIFIED PREMISES. (1) Licensees of licensed premises classified by the board pursuant to RCW 66.44.310(2) shall post a notice in a conspicuous location at each entryway to each such classified tavern or cocktail lounge informing persons under twenty-one years of age that they are not permitted to enter or remain on such classified premises.

(2) The board will provide the notices required by subsection (1) of this rule to licensees without charge: PROVIDED, HOWEVER, That licensees may design and post their own notices. Licensees choosing to do so must ensure that the notices are legible and that they contain, at a minimum, the following language:

(a) For a premises classified as a tavern: "Persons under twenty-one years of age not permitted on these premises."

(b) For a premises classified as the cocktail lounge portion of a class H licensed premises: "Persons under twenty-one years of age not permitted in this area."

**WSR 86-07-048**  
**PROCLAMATION NO. 86-03**  
**OFFICE OF THE GOVERNOR**

Declaring an Emergency in Cowlitz County

Heavy rains starting February 22, 1986, caused severe flooding conditions threatening life and resulting in extensive damage to property in Cowlitz County.

The severity and magnitude of the damage is beyond the capabilities of the affected political subdivisions, thereby constituting an emergency, as defined by the

Washington State Comprehensive Emergency Management Plan and the Revised Code of Washington.

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the state of Washington, as a result of the aforementioned flooding and under the provisions of Chapter 43.06 RCW and RCW 38.52.060, do hereby proclaim that a State of Emergency exists in Washington State and that the Washington State Comprehensive Emergency Management Plan be executed. The resources of the state of Washington are authorized to be employed to assist affected political subdivisions in a concerted effort to cope with the emergency. Additionally, the Department of Emergency Management is instructed to coordinate all state assistance to the affected areas. The Department is also instructed to determine whether Federal disaster 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 14th day of March, Nineteen Hundred and Eighty-Six.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Laura Eckert

Assistant Secretary of State

**WSR 86-07-049**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 85-29—Filed March 18, 1986]

I, Phillip Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to:

- Amd WAC 173-19-430 Wahkiakum County.
- Amd WAC 173-19-3701 Anacortes, city of.

This action is taken pursuant to Notice No. WSR 86-06-057 filed with the code reviser on March 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser 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 the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 12, 1986.

By Phillip Johnson  
Deputy Director

AMENDATORY SECTION (Amending Order DE 81-13, filed 5/21/81)

✓ WAC 173-19-430 WAHIAKUM COUNTY. Wahkiakum County master program approved June 17, 1975. Revision approved January 2, 1980. Revision approved May 20, 1981. Revision approved March 12, 1986.

AMENDATORY SECTION (Amending Order DE 85-05, filed 4/15/85)

✓ WAC 173-19-3701 ANACORTES, CITY OF. City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved July 1, 1981. Revision approved December [15] [23], 1982. Revision approved November 15, 1983. Revision approved March 12, 1986.

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 86-07-050**

**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
[Memorandum—March 18, 1986]

The Washington State Department of Ecology hereby gives notice of a proposed SIP revision concerning:

Regulatory Order DE85-610, issued to Weyerhaeuser Company, Pulp Division, Cosmopolis, Washington, revising an emission limit in order to demonstrate attainment and maintenance of the National Ambient Air Quality Standard for Sulfur Dioxide in the Cosmopolis area.

A public hearing to consider the proposed revision will be held:

Friday, April 25, 1986  
1:00 p.m.

Department of Ecology Headquarters  
Lacey, Washington

Copies of the proposed revision are available from the Department of Ecology, Air Programs, Mailstop PV-11, Olympia, Washington 98504-8711.

Further information can be obtained by contacting Michael Landon, telephone (206) 459-6247.

Written statements received prior to April 25, 1986, will be considered and included in the hearing record.

The written statements should be mailed to the Department of Ecology, Mailstop PV-11, Attention: Hearings Officer, Olympia, Washington 98504-8711.

**WSR 86-07-051**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
**(Tree Fruit Research Commission)**  
 [Filed March 18, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Tree Fruit Research Commission intends to adopt, amend, or repeal rules concerning assessment rates, WAC 16-560-06001;

that the agency will at 10:00 a.m., Friday, May 9, 1986, in the Chelan County Courthouse, 400 Washington Street, Wenatchee, WA 98801, and at 10:00 a.m., Tuesday, May 13, 1986, at Room 231, Yakima County Courthouse, North 1st and B Street, Yakima, WA 98903, conduct public hearings on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing, subject to producer referendum as authorized in RCW 15.26.155.

The authority under which these rules are proposed is chapter 15.26 RCW.

The specific statute these rules are intended to implement is RCW 15.26.155.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: March 18, 1986  
 By: Michael V. Schwisow

**STATEMENT OF PURPOSE**

Title: Washington Tree Fruit Research Commission.

Description of Purpose: Increase the assessment on all pears from twenty-five cents per ton to one dollar per ton.

Statutory Authority: RCW 15.26.155.

Summary of Rule: Provides for an assessment increase to fund more research on several persistent pear crop diseases.

Reasons Supporting Proposed Action: Commission and growers interested in finding solutions to disease problems.

Agency Personnel Responsible for Drafting and Implementation: Roger L. Roberts, Agricultural Programs Administrator, Washington State Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504; and Enforcement: Washington Tree Fruit Research Commission, Route 2, Box 150, White Salmon, Washington 98627.

Persons Proposing Rule: Washington Tree Fruit Research Commission.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

**AMENDATORY SECTION** (Amending Order 7, Resolution No. 7, filed 4/19/85)

WAC 16-560-06001 ASSESSMENT RATES. There is hereby levied on all commercial tree fruit produced in this state or held out as

being produced in this state for fresh or processing use, an assessment of twenty-five cents per ton on all such tree fruit: PROVIDED, That such assessment for cherries shall be two dollars per ton: PROVIDED, That such assessment for pears, shall be one dollar per ton: PROVIDED FURTHER, That such assessment for apples for fresh shipment shall be at the rate of one and one-quarter cents per hundred pounds gross billing weight.

There is hereby established pursuant to RCW 15.26.155 an additional assessment for an industry services fund for programs related to sanitation, planting, production, harvesting, handling, processing and shipping. The assessment shall be set annually by the commission, upon approval of two-thirds of the voting members of the commission, to create and maintain this fund at or near one hundred thousand dollars. If this fund should inadvertently exceed one hundred thousand dollars due to larger crops than estimated or the addition of interest earned, the excess shall be credited to the following year's fund.

In consideration of maintaining this industry services fund, the commission shall annually consult with the affected industry and grower organizations.

**WSR 86-07-052**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 18, 1986]

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 hearing aids, amending WAC 388-86-040;

that the agency will at 10:00 a.m., Tuesday, April 22, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel  
 Department of Social and Health Services  
 Mailstop OB 14  
 Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by April 8, 1986. The meeting site is in a location which is barrier free.

Dated: March 17, 1986  
 By: Lee D. Bomberger, Acting Director  
 Division of Administration and Personnel

## STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-86-040.

Purpose of this Rule Change: To remove the requirement that hearing aid requests for nursing home recipients be reviewed by the nursing care consultant.

Reason the Rule Change is Necessary: The determination of medical necessity for hearing aids is not an appropriate responsibility of the nursing care consultant.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Subsection (3) is deleted removing the review requirement of the nursing care consultant. Payment for hearing aids is subject to review and approval per WAC 388-87-025.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Jim Sparks, MAPM I, Division of Medical Assistance, mailstop HB 41, phone 753-7316.

These rules are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 2278, filed 9/4/85)

WAC 388-86-040 HEARING AIDS. (1) The department shall provide to categorically needy recipients:

(a) One new hearing aid covered by a one-year warranty under the following conditions:

(i) On prescription of an otolaryngologist, or the attending physician where no otolaryngologist is available in the community, and

(ii) With a minimum of 50 decibel loss in the better ear based on auditory screening at 500, 1000, 2000 and 4000 Hertz (Hz) with effective masking as indicated.

(iii) The recipient is responsible for purchase of batteries, any attachments and replacements.

(b) A one-time repair of a state purchased or privately owned hearing aid when covered by a ninety-day warranty. After expiration of the warranty, the recipient is responsible for repairs and for purchase of batteries, any attachments and replacements.

(c) For exceptions to this subsection see WAC 388-87-027.

(2) Group screening for hearing aids is not permitted under the program.

(3) ~~((Requests for hearing aids on behalf of nursing home residents must be reviewed by a department nursing care consultant.~~

~~(4))~~ Individuals under age eighteen must be referred to the crippled children's service conservation of hearing program.

~~((5))~~ (4) Individuals twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

## WSR 86-07-053

## PROPOSED RULES

## DEPARTMENT OF

## SOCIAL AND HEALTH SERVICES

## (Public Assistance)

[Filed March 18, 1986]

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 nursing home discharge allowance, amending WAC 388-15-145;

that the agency will at 10:00 a.m., Tuesday, April 22, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1986.

The authority under which these rules are proposed is RCW 74.08.090.

The specific statute these rules are intended to implement is chapter 74.08 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by April 8, 1986. The meeting site is in a location which is barrier free.

Dated: March 17, 1986

By: Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

## STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-145 Nursing home discharge allowance.

Purpose of the Rule Change: To clarify the intent of the rule, and to simplify and to make more equitable the amount of discharge allowance issued.

These Rule Changes are Necessary: To implement the changes recommended by the DSHS task force on department-wide eligibility issues.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: WAC 388-15-145 (1) and (2)(a), clarify that persons may be eligible for nursing home discharge allowance who have no existing independent residence, or have an existing residence which cannot be reestablished without monetary assistance; and 388-15-145(3), the maximum discharge allowance is changed to \$400 for all clients. The sliding scale for determining discharge allowance amounts based on the client's cash resource level under \$600 is deleted. These cash resources are exempt resources under Medicaid.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dorothy C. Wilke, Community Services Program Manager II, Bureau of Aging and Adult Services, mailstop OB 43G, phone 753-0993.

These rule changes were proposed by the DSHS task force on department-wide eligibility issues.

These rule changes are not necessary as a result of federal law, federal court decision, or state court decision.

AMENDATORY SECTION (Amending Order 1456, filed 11/16/79)

WAC 388-15-145 NURSING HOME DISCHARGE ALLOWANCE. A one-time allowance may be issued to medical care program eligible nursing home residents who have been certified ready for discharge.

(1) The allowance must be used to obtain or re-establish independent housing and to start or resume housekeeping.

(2) Persons eligible for the discharge allowance must:

(a) Have no existing independent residence or have a residence which cannot be re-established without monetary assistance,

(b) Not have a spouse or dependents living in an independent residence to which the person could return, and

(c) Have no more than (((\$600)) six hundred dollars in cash or other liquid resources which could be converted at face value to cash within thirty days.

(3) The discharge allowance issued is based on the actual amount required to establish or ((reestablish)) re-establish an independent residence for the individual((, subject to the following maximums:)) with a maximum of four hundred dollars.

Resource Level	Maximum Discharge Allowance
0 - \$300	\$400
\$301 - \$400	\$300
\$401 - \$500	\$200
\$501 - \$600	\$100))

WSR 86-07-054  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed March 19, 1986]

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 nursing home accounting and reimbursement system, amending chapter 388-96 WAC;

that the agency will at 10:00 a.m., Tuesday, April 22, 1986, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1986.

The authority under which these rules are proposed is RCW 74.46.800.

The specific statute these rules are intended to implement is chapter 74.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Correspondence concerning this notice and proposed rules attached should be addressed to:

Lee D. Bomberger, Acting Director  
Division of Administration and Personnel  
Department of Social and Health Services  
Mailstop OB 14  
Olympia, WA 98504

Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-

7015 by April 8, 1986. The meeting site is in a location which is barrier free.

Dated: March 17, 1986  
By: Lee D. Bomberger, Acting Director  
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

The rule amendments are proposed by the Department of Social and Health Services.

Re: Amending chapter 388-96 WAC.

Purposes of the Rule Amendments: WAC 388-96-122, to clarify that cost report amendments received before notification of field audit may be used to determine audited costs for settlement purposes and to allow amendment of cost reports after receipt by providers of the notification scheduling the department's field audit but only for the purpose of adjusting prospective rates; WAC 388-96-502, to correct confusing terminology; WAC 388-96-533, to require time records for administrative personnel which are adequate for audit and to remove obsolete language; WAC 388-96-535, to clarify when housing and travel expenses of nonresident staff are allowable costs and when they are management fees subject to management fee limits and to clarify when bonuses paid to employees are compensation and when they are management fees subject to management fee limits; WAC 388-96-559, to clarify limits on total maximum depreciation base for Medicaid reimbursement and to clarify how values may be allocated among land, building, improvements and equipment and to clarify that in the future contractors must obtain and provide to the department a lessor's historical cost of leased assets; WAC 388-96-565, to give examples of assets which must be amortized; WAC 388-96-567, to specify leasehold improvements as assets depreciated by the straight line method; WAC 388-96-585, to limit allowable board of directors fees and to clarify when legal and consultant fees in connection with a fair hearing are allowable and unallowable and to clarify that assets leased in the future will be unallowable if a lessor's historical costs are not supplied and to clarify when moving expenses of employees are unallowable and to clarify that suits against the department include appeals of administrative decisions; WAC 388-96-722, to remove obsolete language and conform regulation to legislative intent; WAC 388-96-752, to clarify that in the future contractors must supply a lessor's historical cost of assets leased; WAC 388-96-754, to specify use of audited costs for the purpose of calculating the financing allowance component but not the variable return allowance component of return on investment for final settlement and to remove obsolete language and to clarify how the variable return allowance for a new contractor will be established; and WAC 388-96-769, to clarify procedures for implementing rate adjustments based upon corrected errors or omissions.

The rule changes are necessary to comply further with provisions of ReESSB 3780, effective January 1, 1985, (chapter 67, Laws of 1983 1st ex. sess.) (chapter 74.46 RCW).

Summaries of the Rule Changes: WAC 388-96-122 provides that amendments to cost reports received before notification of field audit may be used to determine audited costs for settlement purposes and that amendments received after notification may be used for rate revision purposes as well pursuant to WAC 388-96-769; WAC 388-96-502 provides that contractors, not nursing homes, must not report as allowable costs any indirect or overhead costs allocated to goods or services not reimbursable; WAC 388-96-533 requires time records for administrative personnel which are adequate for audit even though such records may not be customary; WAC 388-96-535 specifies that costs of visits of nonresident staff of three weeks or less are allowable but costs of visits in excess of three weeks are management fees subject to management fee limits and further specifies that bonuses paid to employees at the nursing facility are compensation but bonuses paid to central office employees are management fees subject to management fee limits; WAC 388-96-559 provides that the depreciation base shall not exceed the lowest of the contractor's appraisal, the department's appraisal or historical cost and further provides that values among land, building, improvements and equipment may be allocated in accordance with the department's appraisal obtained through the Department of General Administration and further provides that a lessor's historical cost of assets leased on or after July 1, 1986, must be provided to the Department of Social and Health Services in order to receive reimbursement of associated costs; WAC 388-96-565 specifies improvements to real property, buildings, equipment and leasehold improvements as examples of assets which must be assigned lives for the purpose of amortization; WAC 388-96-567 specifically includes leasehold improvements as assets to be depreciated on a straight line basis; WAC 388-96-585 limits board of director fees to \$100 per board member per meeting not to exceed twelve meetings per year and clarifies legal and consultant fees relating to a fair hearing are not allowable for issues decided favorably to the department by final administration decision or when no final administrative decision has been rendered or when such fees are not reported as unallowable and identified by fair hearing docket number in the period they are incurred or when such fees are not reported as allowable and identified by fair hearing docket number and prorated by issues in the period a final administrative decision is rendered in favor of the contractor and further provides costs associated with assets leased on or after July 1, 1986, are unallowable if lessor's historical cost is not provided to the department and further provides that moving expenses of employees are not allowable in the absence of a good faith effort to recruit within a one hundred mile radius of the nursing facility; WAC 388-96-722 clarifies that for facilities reporting nursing services cost increases greater than the consumer price index reimbursement will be limited to inflated, adjusted costs for nursing services for the period immediately preceding the most recent cost report period rather than the 1981 cost report period; WAC 388-96-752 provides

that assets leased on or subsequent to July 1, 1986, will be excluded from reimbursement if lessor's acquisition costs are not provided; WAC 388-96-754 subjects to field audit information from the two prior periods serving as a basis for the two prospective return on investment rates in a settlement year and allows for adjustment of the prospective financing allowances but not prospective variable return allowances to the audited level for the purpose of the final settlement and specifies that the variable return allowance of a new contractor shall be that of the preceding contractor; and WAC 388-96-769 provides that adjustments to rates resulting from cost report amendments submitted before or during the rate period shall be made by retroactive payment and by increased future rate payments for the rate period, as appropriate. This section further provides that adjustments for amendments received after the rate period shall be for calculation of preliminary or final settlement only.

Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Mike Wills, Manager, Rate Management Program, Bureau of Nursing Home Affairs, Department of Social and Health Services, mailstop HB-11, (206) 753-3477, scan 234-3477.

These rules are necessary to comply with legislation as referenced above and not necessary as a result of federal or state court decisions.

A small business impact statement is not required for the proposed permanent rules because the above described amendments are expected to have no significant financial impact in cost of compliance on nursing homes whether they are classified as small business or not.

#### AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

WAC 388-96-122 AMENDMENTS TO REPORTS. (1) For ~~((purposes))~~ the purpose of determining audited allowable costs in computing a final settlement, an amendment to an annual report shall be considered only if filed ((if significant errors or omissions are discovered prior to the receipt)) by the provider prior to receipt by the provider of the notification scheduling the department's field audit, except that an amendment may be filed subsequent to such notification and pursuant to the provisions of WAC 388-96-769 solely for the purpose of adjusting reimbursement rates. In order to determine the date of receipt, all notifications scheduling field audits shall be sent by registered mail, return receipt requested. Amendments may be filed by the provider and considered by the department only if errors or omissions are discovered which are significant. Errors or omissions shall be deemed "significant" if the errors or omissions would mean a net difference of two cents or more per patient day or one thousand dollars or more in reported costs, whichever is higher, in any cost area. To file an amendment, only those pages where changes appear need to be filed, together with the certification required by WAC 388-96-117.

(2) If an amendment is filed, a contractor shall also submit with the amendment an account of the circumstances relating to and the reasons for the amendment, along with supporting documentation. The department ~~((may))~~ shall refuse to consider an amendment resulting in a more favorable settlement or rate to a contractor if the amendment is not the result of circumstances beyond the control of the contractor or the result of good-faith error under the system of cost allocation and accounting in effect during the reporting period in question. ~~((Amendments may be submitted for purposes of adjusting reimbursement rates in accordance with WAC 388-96-769; however, use in this regard does not mean an amendment will be used for settlement purposes in the absence of conditions specified in this subsection.))~~

(3) Acceptance or use by the department of an amendment to a cost report shall in no way be construed as a release of applicable civil or criminal liability.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

WAC 388-96-502 INDIRECT AND OVERHEAD COSTS. If a ~~((nursing home))~~ contractor provides goods or services not reimbursable under this chapter, any indirect or overhead costs associated with their provision must be allocated to such goods or services on a reasonable basis approved by the department and must not be reported as allowable costs.

AMENDATORY SECTION (Amending Order 2105, filed 5/30/84)

WAC 388-96-533 MAXIMUM ALLOWABLE COMPENSATION OF CERTAIN ADMINISTRATIVE PERSONNEL. (1) Compensation for administrative personnel shall be an allowable cost, subject to the limits ~~((contained in))~~ promulgated pursuant to subsection (5) of this section.

(2) Total compensation of the licensed administrator for services actually rendered to a nursing home on a full-time basis (at least forty hours per week, including reasonable vacation, holiday, and sick time) will be allowable at the lower of:

- (a) Actual compensation received, or
- (b) The amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section corresponding to the number of beds in the nursing home.

Compensation of the licensed administrator will only be allowable if the department is given written notice of his or her employment within ten days after the employment begins.

(3) Total compensation of not more than one full-time licensed assistant administrator will be allowable if there are at least eighty beds in the nursing home, at the lower of:

- (a) Actual compensation received, or
- (b) Seventy-five percent of the appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section.

(4) Total compensation of not more than one full-time registered administrator-in-training will be allowable at the lower of:

- (a) Actual compensation received, or
- (b) Sixty percent of the appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section.

(5)

~~((TABLE~~

~~Maximum Allowable Total Compensation for Licensed Administrators—Calendar Year 1983~~

<del>BED SIZE</del>	<del>MAXIMUM ALLOWABLE TOTAL COMPENSATION</del>
<del>1-79</del>	<del>\$ 29,716</del>
<del>80-159</del>	<del>\$ 32,884</del>
<del>160 and up</del>	<del>\$ 34,960</del>

~~((A))~~ Tables to be promulgated in writing by the department ~~((will apply))~~ for ~~((subsequent calendar years))~~ 1985 and subsequent years shall determine maximum total compensation for licensed administrators of nursing facilities in various bed size categories.

~~((F))~~ (6) If the licensed administrator, licensed assistant administrator, or registered administrator-in-training regularly work fewer than forty hours per week, allowable compensation shall be the lower of:

- (a) Actual compensation received, or
- (b) The appropriate amount in the table ~~((m))~~ promulgated pursuant to subsection (5) of this section multiplied by the percentage derived from the division of the actual hours worked, plus reasonable vacation, holiday, and sick time normally available to employees working similar hours, by forty hours per week for each week covered by the cost report. Further discounting is required if the person was licensed or registered and/or worked for less than the entire report period.

~~((B))~~ (7) The contractor shall maintain time records ~~((customary for employees))~~ which are adequate for audit for the licensed administrator, assistant administrator, and/or administrator-in-training. Such records must verify the actual hours of service performed for the nursing home.

~~((G))~~ (8) Reimbursement for administrative and management services shall be limited in total amount to allowable compensation for administrative personnel set forth in this section regardless of the provisions of any employment, management or consultation agreement, or other arrangement which exists between the contractor and persons or organizations providing such services.

~~((H))~~ (9) Costs of an administrator-in-training shall not be considered for the purpose of setting the administration and operations prospective rate. The costs of an approved administrator-in-training program shall be reimbursed by an adjustment to current rate. To obtain an adjustment, the contractor must submit a request for an increase in current rate together with necessary documentation which shall include a copy of the department of licensing approval of the administrator-in-training program and a schedule indicating the commencement date, expected termination date, salary or wage, hours, and costs of benefits. The contractor shall notify the department, at least thirty days in advance, of the actual termination date of the administrator-in-training program. Upon termination of the program, the current rate shall be reduced by an amount corresponding to the cost of the program.

AMENDATORY SECTION (Amending Order 2025, filed 9/16/83)

WAC 388-96-535 MANAGEMENT AGREEMENTS, MANAGEMENT FEES, AND CENTRAL OFFICE SERVICES. (1) If a contractor intends to enter into a management agreement with an individual or firm which will manage the nursing home as agent of the contractor, a copy of the agreement must be received by the department at least sixty days before the agreement is to become effective. A copy of any amendment to a management agreement must be received by the department at least thirty days in advance of the date the amendment is to become effective. No management fees for periods prior to the time the department receives a copy of the applicable agreement will be allowable. When necessary for the health and safety of medical care recipients, the sixty-day notice requirement may be waived, in writing, by the department.

(2) Management fees will be allowed only if:

- (a) A written management agreement both creates a principal/agent relationship between the contractor and the manager, and sets forth the items, services, and activities to be provided by the manager; and
- (b) Documentation demonstrates the services contracted for were actually delivered.

To be allowable, fees must be for necessary, nonduplicative services.

(3) Allowable fees for general management services, including corporate or business entity management and board of director's fees and including the portion of a management fee which is not allocated to specific services such as accounting, are limited to:

(a) The maximum allowable compensation under WAC 388-96-533 of the licensed administrator and, if the facility has at least eighty beds, of an assistant administrator, less

(b) Actual compensation received by the licensed administrator and by the assistant administrator and administrator-in-training, if any. In computing maximum allowable compensation under WAC 388-96-533 for a facility with at least eighty set-up beds, include the maximum compensation of an assistant administrator even if no assistant administrator is employed.

(4) A management fee paid to or for the benefit of a related organization will be allowable to the extent the fee does not exceed the lesser of:

- (a) The limits set out in subsection (3) of this section; or
- (b) The lower of the actual cost to the related organization of providing necessary services related to patient care under the agreement, or the cost of comparable services purchased elsewhere. Where costs to the related organization represent joint facility costs, the measurement of such costs shall comply with WAC 388-96-534.

(5) Central office costs, owner's compensation, and other fees or compensation, including joint facility costs, for general administrative and management services, including the portion of a management expense which is not allocated to specific services, shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(6) Necessary travel and housing expenses of nonresident staff working at a contractor's nursing facility are allowable costs if the visit does not exceed three weeks. Travel and housing expenses necessary for visits in excess of three weeks are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

(7) Bonuses paid to employees at a contractor's nursing facility are compensation. Bonuses paid to employees at a contractor's central office or otherwise not employed at the nursing facility are management costs and shall be subject to the management fee limits determined in subsections (3) and (4) of this section.

**AMENDATORY SECTION** (Amending Order 2270, filed 8/19/85)

**WAC 388-96-559 DEPRECIATION BASE.** (1) Effective January 1, 1985, the total depreciation base shall be the lowest of the contractor's appraisal, if any, the department's appraisal obtained through the department of general administration of the state of Washington, if any, or the historical cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation incurred during periods the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsection (4) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. If the department challenges the historical cost of an asset or if the contractor cannot or will not provide the historical cost of a leased asset, the department will have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington. The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal. For leased assets, the department may examine documentation in its files to determine the lessor's acquisition date at the time of the last arm's-length transaction. If the department is unable to determine the lessor's acquisition date by review of its records, the department may use the construction date of the facility, as found in the state fire marshal's records, as the lessor's acquisition date of leased assets in determining fair market value. When the appraisals are conducted, the depreciation base of the asset will not exceed the fair market value of the asset. Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

(2) Effective January 1, 1981, for purposes of setting rates for rate periods beginning July 1, 1982, and subsequently, subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(3) Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."

(4) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(5) If a contractor cannot or will not provide the lessor's acquisition cost of assets leased by the contractor, the appraised asset value of land, building, or equipment, determined by the department of general administration shall be adjusted by the department using the Marshall and Swift Valuation Guide to reflect the value at the lessor's acquisition date. If an appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, pursuant to subsection (7) of this section, the Marshall and Swift Valuation Guide will be used to adjust the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the Marshall and Swift Valuation Guide publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the Western District Index calculated by Marshall and Swift shall be used.

(6) If depreciable assets are acquired which were used in the Medicaid program on or after January 1, 1980, the depreciation base of such assets shall not exceed the net book value existing at the time of acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not in use in or as a nursing care facility.

(7) Subsection (6) of this section shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the previous arm's-length transfer of ownership nor shall subsection (6) of this section apply to the first arm's-length acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program prior to January 1, 1980. The depreciation base for such acquisitions shall not exceed the lesser of the fair market value of the assets determined by an appraisal conducted by the department of general administration and the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a

revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and pursuant to RCW 74.46.840, this subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving subsection (6) of this section to apply without exception to acquisitions occurring on or after July 18, 1984.

(8) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the Marshall and Swift Valuation Guide to reflect the value of the asset at the lessor's acquisition date.

(9) If a contractor leases assets, whether land, building, improvement, equipment, or other assets, on or after July 1, 1986, regardless of whether the lessee is a Medicaid contractor at the time the lease is signed and regardless of whether the assets are or have been used in the Medicaid program at the time the lease is signed, the contractor must obtain from the lessor and provide to the department the lessor's documented historical costs of acquiring such assets. Failure to provide such information and documentation will result in exclusion of the leased assets from reimbursement and rate setting.

**AMENDATORY SECTION** (Amending Order 2025, filed 9/16/83)

**WAC 388-96-565 LIVES.** (1) The contractor shall use lives reflecting the estimated actual useful life of ~~((the))~~ assets, for example, land improvements, buildings, equipment, leasehold improvements, and other assets, and shall be no shorter than guideline lives contained in the Internal Revenue Service class life ADR system or published by the American Hospital Association in computing allowable depreciation. The shortest life which may be used for buildings is thirty years.

(2) Lives shall be measured from the date on which the assets were first used in the medical care program or from the date of the most recent arm's-length acquisition of the asset, whichever is more recent. Lives shall be extended to reflect periods, if any, during which assets were not used to provide nursing care.

(3) Building improvements shall be depreciated over the remaining useful life of the building, as modified by the improvement, but not less than fifteen years.

(4) Improvements to leased property which are the responsibility of the contractor under the terms of the lease shall be depreciated over the useful life of the improvement.

(5) A contractor may change the estimate of an asset's useful life to a longer life for purposes of depreciation.

**AMENDATORY SECTION** (Amending Order 2270, filed 8/19/85)

**WAC 388-96-567 METHODS OF DEPRECIATION.** (1) Buildings, building improvements, land improvements, leasehold improvements, and fixed equipment shall be depreciated using the straight-line method. Major-minor equipment shall be depreciated using either the straight-line method, the sum-of-the-years digits method, or declining balance method not to exceed one hundred fifty percent of the straight-line rate. Contractors which have elected to take either the sum-of-the-years digits method or the declining balance method of depreciation on major-minor equipment may change to the straight-line method without permission of the department.

(2) The annual provision for depreciation shall be reduced by the portion allocable to use of the asset for purposes not both necessary and related to patient care.

(3) No further depreciation shall be claimed after an asset has been fully depreciated unless a new depreciation base is established pursuant to WAC 388-96-559.

**AMENDATORY SECTION** (Amending Order 2105, filed 5/30/84)

**WAC 388-96-585 UNALLOWABLE COSTS.** (1) Costs will be unallowable if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services will be unallowable even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients which are covered by the department's medical care program but not

included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes(:)) or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established there was no likelihood of recovery at any time in the future. Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Dues to national trade associations or that portion of dues paid to local or state trade associations attributable to membership in national associations shall be unallowable. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

(n) Expenses for barber or beautician services not included in routine care.

(o) Funeral and burial expenses.

(p) Costs of gift shop operations and inventory.

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.

(r) Fund-raising expenses, except expenses directly related to the patient activity program.

(s) Penalties and fines.

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.

(u) Federal, state, and other income taxes.

(v) Costs of special care services except where authorized by the department.

(w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees.

(x) Expenses of profit-sharing plans.

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.

(z) Personal expenses and allowances of owners or relatives.

(aa) All expenses of maintaining professional licenses or membership in professional organizations.

(bb) Costs related to agreements not to compete.

(cc) Goodwill and amortization of goodwill.

(dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.

(ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where a final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or in connection with a fair hearing where a final administrative decision has not been rendered; or in connection with a fair hearing where related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred assuming no final administrative decision has been rendered at the end of the report period; or in connection with a fair hearing where related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.

(ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions.

(gg) Lease acquisition costs and other intangibles not related to patient care.

(hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.

(ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.

(jj) Beginning January 1, 1985, interest costs.

(kk) Travel expenses outside the states of Idaho, Oregon, and Washington and the province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.

(ll) Board of director fees in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year.

(mm) Costs associated with assets leased on or after July 1, 1986, for which the lessor's documented historical costs of such assets have not been provided to the department.

(nn) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within a one hundred mile radius of the nursing facility.

#### AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-722 NURSING SERVICES COST AREA RATE. (1) The nursing services cost area reimbursement rate will reimburse for the necessary and ordinary costs of providing routine nursing and related care to recipients. The cost of one-to-one care provided by qualified therapists and their employees are included only to the extent the costs are not covered by Medicare, part B, or any other coverage.

(2) Nursing service costs will be subject to two reasonableness tests:

(a) A test for nursing staff hours; and

(b) A test for cost increases between the current and preceding report period.

(i) The test for nursing staff hours will use a regression of hours reported by facilities for registered nurses, licensed practical nurses, and nurses' aids, including purchased and allocated nursing and aid staff time, and the average Battelle patient debility score for the corresponding facilities as computed by the department. Data for the regression shall be taken from correctly completed cost reports and from patient assessments completed by the department for the corresponding calendar report year, which are available at the time the regression equation is computed. A limit on nursing and nursing aid staffing hours will be calculated and set for each facility at predicted staffing hours plus 1.75 standard errors utilizing the regression equation calculated by the department. Costs for facilities with reported hours exceeding the limit will be reduced by an amount equivalent to the hours exceeding the limit times the average wage rate for nurses and aids indicated on cost reports for the year in question, including benefits and payroll taxes allocated to such staff. Contractors' reporting hours exceeding the limit shall receive the higher of their January 1983 patient care rate or the nursing services rate computed for them according to the provisions of this subsection, plus applicable inflation adjustments.

(ii) The test for cost increases shall compare the percentage change between the most recent cost report period and the next prior cost report period allowable nursing service costs for the facility against the percentage change between July of the most recent cost report period and July of the next prior cost report period medical care component of the consumer price index for urban consumers nationwide. Facilities reporting increases greater than the medical care component of the consumer price index shall be limited to a rate determined by their ((+98+)) adjusted patient care costs for the period immediately preceding the most recent cost report period inflated by the medical care component of the consumer price index. If a facility is affected by this limit due to special or unusual circumstances, such as a decrease in patient days, the department may grant an exception or partial exception to the limit.

#### AMENDATORY SECTION (Amending Order 2172, filed 12/4/84)

WAC 388-96-752 DOCUMENTATION OF LEASED ASSETS. For assets leased by a contractor prior to July 1, 1986, if the department challenges the historical cost of a leased asset or if the contractor cannot or will not provide the lessor's acquisition cost of an asset, the asset will be excluded from reimbursement until a department of general administration appraisal is prepared for the asset. For assets leased on or subsequent to July 1, 1986, the contractor must obtain and provide to the department documentation of the lessor's historical acquisition costs in order to obtain reimbursement related to such assets.

#### AMENDATORY SECTION (Amending Order 2270, filed 8/19/85)

WAC 388-96-754 A CONTRACTOR'S RETURN ON INVESTMENT. (1) The department shall establish for individual Medicaid facilities return on investment allowances composed of a financing allowance and a variable return allowance.

(2)(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by eleven percent and dividing by the contractor's total patient days. Annual patient days taken from the contractor's cost report for the most recent twelve-month cost report period will be used. If the cost report covers less than twelve months, annual patient days will be estimated based upon data in the cost report. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in this chapter, including owned and leased assets, shall be used, except the capitalized cost of land upon which a facility is located and other such contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable or unwilling to provide necessary information to determine net invested funds, the department may determine an amount to be used for net invested funds based upon an appraisal conducted by the department of general administration pursuant to this chapter.

(3) The variable return allowance shall be determined according to the following procedure:

(a) The department shall rank all facilities in numerical order from highest to lowest based upon average per diem allowable costs for the sum of the administration and operations and property cost centers for the preceding cost report period. If the contractor's administration and operations and property rates have been established based on a budget, the variable return allowance shall be calculated based on budgeted costs.

(b) The variable return allowance shall be computed by multiplying the total prospective rate for each facility by the appropriate percentage which shall not be less than one percent nor greater than four percent. The department shall divide the facilities ranked according to subsection (3)(a) of this section into four groups, from highest to lowest, with an equal number of facilities in each group or nearly equal as is possible. Facilities in the highest quarter will be assigned a percentage of one, in the second highest quarter a percentage of two, in the third highest quarter a percentage of three, and in the lowest quarter a percentage of four. The per patient day variable return allowance in the initial rate of a new contractor shall be the same as that in the rate of the preceding contractor, if any.

(4) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility and shall be added to the prospective rate for each facility.

(5) If a facility is leased by a contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement as defined in this chapter, and for which the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to this chapter, is more than the return on investment allowance determined according to this section, the following shall apply:

(a) The financing allowance shall be recomputed substituting the fair market value of the assets, as of January 1, 1982, determined by department of general administration appraisal less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. Said appraisal shall be final unless shown to be arbitrary and capricious.

(b) The sum of the financing allowance computed under this subsection and the variable return allowance shall be compared to the annualized lease payment, plus any interest and depreciation expenses of contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to this chapter. The lesser of the two amounts shall be called the alternate return on investment allowances.

(c) The return on investment allowance determined in accordance with subsections (1), (2), (3), and (4) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rate of the facility.

(d) In the case of a facility leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (5)(a) of this section shall be applied except that in the case of renewals or extensions made on or subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

~~(6) ((In the event the Department of Health and Human Services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities)) The information from the two prior reporting periods used to set the two prospective return on investment rates in effect during the settlement year is subject to field audit. If the financing allowances which can be documented and calculated at audit of the prior periods are different than the prospective financing allowances previously determined by desk-reviewed, reported information, and other relevant information, the prospective financing allowances shall be adjusted to the audited level at final settlement of the year the rates were in effect. Any adjustments to the financing allowances pursuant to this subsection shall be for settlement purposes only. However, the variable return allowances shall be the prospective allowances determined by desk-reviewed, reported information, and other relevant information and shall not be adjusted to reflect prior-period audit findings.~~

#### AMENDATORY SECTION (Amending Order 1808, filed 5/14/82)

WAC 388-96-769 ADJUSTMENTS REQUIRED DUE TO ERRORS OR OMISSIONS. (1) Prospective rates are subject to adjustment by the department in accordance with this section and subject to WAC 388-96-122 as a result of errors or omissions by the department or by the contractor. The department will notify the contractor in writing of each adjustment and of the effective date of the adjustment, and of any amount due to the department or to the contractor as a result of the rate adjustment. Rates adjusted in accordance with this section will be effective as of the effective date of the original rate whether the adjustment is solely for computing a preliminary or final settlement or for the purpose of modifying past or future rate payments as well.

(2) If a contractor claims an error or omission based upon incorrect cost reporting, amended cost report pages shall be prepared and submitted by the contractor. Amended pages shall be accompanied by the

certification required by WAC 388-96-117 and a written justification explaining why the amendment is necessary. Such amendments shall not be accepted (~~for settlement purposes~~) unless the amendments meet the requirements of WAC 388-96-122(~~but may be used for purposes of revising a prospective rate~~). If changes made by the amendments are determined to be material by the department according to standards established by the department, such amended pages shall be subject to field audit. If a field audit or other information available to the department determines the amendments are incorrect or otherwise unacceptable, any rate adjustment based on the amendment shall be null and void and future rate payment increases, if any, scheduled as a result of such an adjustment shall be cancelled immediately. Payments made based upon the rate adjustment shall be subject to repayment as provided in subsection (3) of this section.

(3) The contractor shall pay an amount owed the department resulting from an error or omission or from an improper adjustment, or commence repayment in accordance with a schedule determined by the department, within sixty days after receipt of notification of the rate adjustment or rate adjustment cancellation, unless the contractor contests the department's determination in accordance with the procedures set forth in WAC 388-96-904. If the determination is contested, the contractor shall pay or commence repayment within sixty days after completion of these proceedings. If a refund is not paid when due, the amount thereof may be deducted from current payments by the department.

(4) (~~The department shall pay any amount owed the contractor as a result of a~~) If a cost report amendment is accepted for rate adjustment and was received by the department prior to the end of the period to which the rate is assigned, the department shall make any retroactive payment to which the contractor may be entitled within thirty days after the contractor is notified of the rate adjustment and shall increase future rate payments for the rate period, as appropriate.

(5) If a cost report amendment is received by the department subsequent to the rate period, notification of an adjustment or other disposition shall be made at preliminary or final settlement. Adjustments resulting from amendments received after the rate period shall be for the sole purpose of computing the preliminary or final settlement and no retroactive payment shall be made to the contractor. In accordance with WAC 388-96-229(1), any amount due a contractor as determined at preliminary or final settlement shall be paid within thirty days after the preliminary or final settlement report is submitted to the contractor.

(6) No adjustments for any purpose will be made to a rate more than one hundred twenty days after the final audit narrative and summary for the period the rate was effective is sent to the contractor or more than one hundred twenty days after the preliminary settlement becomes the final settlement. A final settlement may be reopened for the limited purpose of making an adjustment to a prospective rate in accordance with this section. However, only the adjustment and related computation will be subject to review if timely contested pursuant to WAC 388-96-901 and 388-96-904. Other actions relating to a settlement reopened shall not be subject to review unless previously contested in a timely manner.

## WSR 86-07-055

### PROPOSED RULES

#### DEPARTMENT OF LABOR AND INDUSTRIES

[Filed March 19, 1986]

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 amusement rides or structures, chapter 296-403 WAC. These rules are intended to implement the legislation which was passed during the 1985 legislative session. Proposed rules include definitions, insurance requirements, and rules for applying for an operating permit. In addition, operating permit procedures, provision for temporary operating permits, the payment of fees and appeal procedures is provided. A small business impact statement is not required since the statute, chapter

67.42 RCW, contains requirements that each owner or operator have an insurance policy, each ride have a mechanical safety inspection and pay the operating permit fee and these proposed rules impose no additional impact;

that the agency will at 9:00 a.m., Monday, April 28, 1986, in the Directors Conference Room, 3rd Floor, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 67.42 RCW.

The specific statute these rules are intended to implement is chapter 67.42 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 28, 1986.

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 hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the 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:

J. Philip Simmons  
Chief Electrical Inspector  
Department of Labor and Industries  
Electrical Section  
520 South Water Street  
Olympia, WA 98504-9519  
(206) 753-2330

Dated: March 19, 1986

By: R. A. Davis

#### STATEMENT OF PURPOSE

Title and Number of Rule Chapter: New chapter 296-403 WAC, Amusement rides or structures which includes: WAC 296-403-010 Definitions; 296-403-020 Insurance; 296-403-030 Application for operating permit; 296-403-040 Operating permit; 296-403-050 Temporary operating permit; 296-403-060 Fees; and 296-403-070 Appeals.

Statutory Authority: Chapter 67.42 RCW.

Specific Statutes that Rules are Intended to Implement: Chapter 67.42 RCW.

Summary of the Rules: This notice proposes to promulgate new chapter 296-403 WAC to implement chapter 67.42 RCW which was enacted by the 1985 legislature. WAC 296-403-010 contains in addition to those definitions contained in chapter 67.42 RCW, a definition for "certificate of inspection, certificate of insurance, operating permit and operating permit decal"; 296-403-020 contains requirements for filing the insurance policy with the department and notification to the

department by the insurance company at least 30 days prior to cancelling, revoking or the nonrenewal of the policy; 296-403-030 contains requirements for applying for an operating permit; 296-403-040 contains requirements for the effective term, availability, display and revocation of the operating permit and the operating permit decal; 296-403-050 contains procedures for the issuance of a 15 day temporary operating permit while the owner or operator is awaiting the permanent operating permit; 296-403-060 sets the fee for the operating permit and requires that the revenue be deposited in the electrical license fund; and 296-403-070 provides procedures in accordance with chapter 34.04 RCW, the Administrative Procedure Act, for appealing a decision by the department to the Electrical Advisory Board.

**Reasons Supporting the Proposed Rules:** To implement the legislation passed by the 1985 legislature which has an effective date of January 1, 1986.

**Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules:** J. Philip Simmons, Chief Electrical Inspector, Department of Labor and Industries, 520 South Water Street, P.O. Box 9519, Olympia, WA 98504-9519, (206) 753-2330.

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

**Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation and Fiscal Matters Pertaining to the Rules:** None.

The rules are 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 Rules or Their Purpose:** None.

A small business impact statement is not required since these rules do not impose any fiscal requirements other than those contained in the statute the proposed rules are intended to implement.

Chapter 296-403 WAC  
AMUSEMENT RIDES OR STRUCTURES

WAC

296-403-010	Definitions.
296-403-020	Insurance.
296-403-030	Application for operating permit.
296-403-040	Operating permit.
296-403-050	Temporary operating permit.
296-403-060	Fees.
296-403-070	Appeals.

NEW SECTION

WAC 296-403-010 **DEFINITIONS.** (1) "Amusement structure" means any electrical or mechanical devices or combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" does not include games in which a member of the public must perform an act, nor concessions at which customers may make purchases.

(2) "Amusement ride" means any vehicle, boat, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement ride" shall not include: (a) Conveyances for persons in

recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

(3) "Department" means the department of labor and industries.

(4) "Insurance policy" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

(5) "Certificate of inspection" means a document given under oath or affirmation from an insurer or a person with whom the insurer has contracted to make a mechanical safety inspection of the amusement ride or structure. The certificate shall contain the name, address and notarized signature of the inspector, the complete description of the amusement ride or structure and the name and address of the owner or operator.

(6) "Certificate of insurance" means a document certifying that the insurance required by chapter 67.42 RCW is in effect.

(7) "Operating permit" means a permit which is issued by the department.

(8) "Operating permit decal" is a decal issued by the department which shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

NEW SECTION

WAC 296-403-020 **INSURANCE.** An original copy of the insurance policy in an amount not less than one million dollars per occurrence from an insurer authorized to do business in the state of Washington shall be filed with the department. The insurance company shall notify the department at least thirty days prior to cancelling, revoking or the nonrenewal of the policy. A certificate of insurance shall be filed with each sponsor, lessor, landowner, or other person responsible for an amusement ride being offered for use by the public.

NEW SECTION

WAC 296-403-030 **APPLICATION FOR OPERATING PERMIT.** The applicant for an operating permit for an amusement structure or an amusement ride shall provide the following documents:

(1) The name, address and phone number of the owner or operator of the amusement ride or structure together with the name and signature of the applicant.

(2) Description of amusement structure or ride. Each amusement structure or ride shall be individually identified: (a) By a tradename or title and a narrative description from which the amusement structure or ride can be identified; (b) a serial number which is welded onto the frame or contained on an identification plate which is permanently affixed to the amusement structure or ride; and (c) the maximum number of persons for which the amusement structure or ride is designed.

(3) Certificate of inspection. Each application shall have attached a certificate of inspection, on a form approved by the department, which shall certify that the ride or structure has been inspected for safety. The signature of the inspector shall be notarized.

NEW SECTION

WAC 296-403-040 **OPERATING PERMIT.** An amusement ride or structure shall not be operated unless the owner or operator has obtained from the department an operating permit and an operating permit decal. The operating permit decal shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure. The owner or operator of the amusement ride or structure shall have available for inspection, at the location where the amusement ride or structure is to be operated, a copy of the operating permit for each amusement ride or structure. Each operating permit which has been issued to an owner or operator is valid for one year from the date of issue or the date of inspection whichever is less, unless revoked and shall become null and void in the event that the insurance policy is cancelled or is no longer in effect or if an amusement ride or structure is materially rebuilt or materially modified so as to change the original action of the amusement ride or structure.

NEW SECTION

WAC 296-403-050 TEMPORARY OPERATING PERMIT. A temporary operating permit for a period not to exceed fifteen calendar days may be issued by a department electrical inspector who is assured that the insurance policy required by chapter 67.42 RCW is on file with the department, that the safety inspection of the amusement ride or structure has been performed within the last year and that a proper application for an operating permit has been made.

NEW SECTION

WAC 296-403-060 FEES. The fee for issuing each operating permit and operating permit decal shall be ten dollars. All fees shall be deposited by the department in the electrical license fund.

NEW SECTION

WAC 296-403-070 APPEALS. A decision by the department in which an operating permit has been denied or revoked or in case the department has ordered the cessation of the operation of an amusement ride or structure may be appealed to the electrical advisory board. The appeal shall be conducted in accordance with chapter 34.04 RCW. An appeal shall not stay the decision of the department. The appeal shall be filed within fifteen days after notice of the decision of the department is given by certified mail, return receipt requested, or is served upon the owner or operator. The appeal shall be affected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars which shall be returned to the holder of the certificate or permit if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

**WSR 86-07-056**  
**PROPOSED RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed March 19, 1986]

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 Government contracting—Construction, installations, or improvements to government real property, new section WAC 458-20-17001;

that the agency will at 9:00 a.m., Thursday, April 24, 1986, in the Revenue Conference Room, 415 General Administration Building, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1986.

The authority under which these rules are proposed is RCW 82.32.300.

The specific statute these rules are intended to implement is RCW 82.04.190(6) and 82.04.280(7).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 24, 1986.

Dated: March 19, 1986  
 By: Matthew J. Coyle  
 Acting Director

STATEMENT OF PURPOSE

Title: WAC 458-20-17001 Government contracting—Construction, installation, or improvements to government real property.

Description of Purpose: To implement chapter 134, Laws of 1985, which amended RCW 82.04.190(6) by including the activities of clearing land and moving earth, for the U.S. government and certain county and city housing authorities, as activities of a "consumer" under the law; to explain the tax liabilities of such consumers; to incorporate the provisions of existing statutory law and of case law rulings within a WAC rule; and to codify provisions of informal tax bulletins explaining the ramifications of statutory law and case law.

Statutory Authority: RCW 82.32.300.

Specific Statute(s) Rule is Intended to Implement: RCW 82.04.190(6) and 82.04.280(7).

Reasons Supporting Proposed Action: The U.S. Supreme Court ruled in *Washington v. U.S.*, 75 L. Ed. 2d 264 (1983) that the special tax classification for government contractors as "consumers" was constitutionally valid. The statutory law which established this classification was further amended and clarified in 1985 which emphasized the need for a WAC rule to explain tax liabilities attendant to government contracting and to administratively codify former department rulings.

Agency Personnel Responsible for Drafting: Edward L. Faker, 415 General Administration Building, Olympia, WA 98504, phone 753-5579; Implementation: Garry G. Fujita, 415 General Administration Building, Olympia, WA 98504, phone 753-5544; and Enforcement: Department of Revenue, 415 General Administration Building, Olympia, WA 98504, phone 753-5540.

NEW SECTION

WAC 458-20-17001 GOVERNMENT CONTRACTING—CONSTRUCTION, INSTALLATIONS, OR IMPROVEMENTS TO GOVERNMENT REAL PROPERTY. (1) Special business and occupation tax applications and special sales/use tax applications pertain for prime and subcontractors who perform certain construction, installation, and improvements to real property of or for the United States, its instrumentalities, or a county or city housing authority created pursuant to chapter 35.82 RCW. These specific construction activities are excluded from the definition of "sale at retail" under RCW 82.04.050. All other sales to the United States, its agencies or instrumentalities are taxable as retail sales or wholesale sales, as appropriate. See WAC 458-20-190.

(2) The definitions of terms and general provisions contained in WAC 458-20-170 apply equally for this rule, as appropriate. In addition, the terms, "clearing land" and "moving earth" include well drilling, core drilling, and hole digging, whether or not casing materials are installed and any grading or clearing of land, including the razing of buildings or other structures.

BUSINESS AND OCCUPATION TAX

(3) Amounts derived from constructing, repairing, decorating, or improving new or existing buildings or other structures, including installing or attaching tangible personal property therein or thereto, and clearing land or moving earth, of or for the United States, its instrumentalities, or county or city housing authorities of chapter 35.82 RCW are taxable under the government contracting classification of business and occupation tax. The measure of the tax is the gross contract price.

(4) Government contractors who manufacture or produce any tangible personal property for their own commercial or industrial use as consumers in performing government contracting activities are subject to the manufacturing classification of business and occupation tax measured by the value of the property manufactured or produced. See

also, WAC 458-20-134. The manufacturing tax applies even though the property manufactured or produced for commercial use may be subsequently incorporated into buildings or other structures under the government contract and may thereby enhance the gross contract price.

## RETAIL SALES TAX

(5) The retail sales tax does not apply to the gross contract price, or any part thereof, for any business activities taxable under the government contracting classification. Prime and subcontractors who perform such activities are themselves included within the statutory definition of "consumer" under RCW 82.04.190 and are required to pay retail sales tax upon all purchases of materials, including prefabricated and precast items, equipment, and other tangible personal property which is installed, applied, attached, or otherwise incorporated in their government contracting work. This applies for all such purchases of tangible personal property for installation, etc., even though the full purchase price of such property will be reimbursed by the government or housing authority in the gross contract price. It also applies notwithstanding that the contract may contain an immediate title vesting clause which provides that the title to the property vests in the government or housing authority immediately upon its acquisition by the contractor.

(6) Also, the retail sales tax must be paid by government contractors upon their purchases and leases or rentals of tools, consumables, and other tangible personal property used by them as consumers in performing government contracting.

## USE TAX

(7) The use tax applies upon the value of all materials, equipment, and other tangible personal property purchased at retail, acquired as a bailee or donee, or manufactured or produced by the contractor for commercial or industrial use in performing government contracting and upon which no retail sales tax has been paid by the contractor, its bailor or donor.

(8) Thus the use tax applies to all property provided by the federal government to the contractor for installation or inclusion in the contract work as well as to all government provided tooling.

(9) The use tax is to be reported and paid by the government contractor who actually installs or applies the property to the contract. Where the actual installing contractor pays the tax, no further use tax is due upon such property by any other contractor.

(10) NOTE TO CONTRACTORS: The United States Supreme Court has sustained the government contracting tax applications for this state, even though the ultimate economic burden of the tax is borne by the United States Government (Washington v. US, 75 L.Ed 2d 264, 1983).

(11) This rule does not apply to public road construction. See WAC 458-20-171.

**WSR 86-07-057**  
**PROPOSED RULES**  
**CHIROPRACTIC DISCIPLINARY BOARD**  
 [Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Chiropractic Disciplinary Board intends to adopt, amend, or repeal rules concerning the practice of chiropractic:

New WAC 113-12-075 Health food store ownership.  
 Amd WAC 113-12-080 Vitamins, minerals and food supplements;

that the agency will at 9:00 a.m., Thursday, April 24, 1986, in the Sea-Tac Travelodge, A and B Rooms, 2824 South 188th Street, Seattle, WA 98188, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.26.110.

The specific statute these rules are intended to implement is RCW 18.26.110.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 21, 1986.

Dated: March 18, 1986

By: Delores E. Spice  
 Executive Secretary

## STATEMENT OF PURPOSE

Name of Agency: Washington State Chiropractic Disciplinary Board.

Rule Title, Summary and Purpose: WAC 113-12-075 will inform chiropractors of the conditions under which they can own an interest in a health food store; and 113-12-080 will clarify the meaning of dietary advice in the normal regimen of patients.

Statutory Authority: RCW 18.26.110.

Reason Proposed: To clarify permissible dietary advice by chiropractors and the restrictions on chiropractic ownership of a health food store.

Responsible Departmental Personnel: In addition to the Chiropractic Disciplinary Board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Delores Spice, Executive Secretary, Chiropractic Disciplinary Board, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 235-1931 scan, (206) 754-1931 comm.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

## NEW SECTION

WAC 113-12-075 HEALTH FOOD STORE OWNERSHIP.

(1) A chiropractor may own an interest in a retail outlet for the sale of health foods only on the following conditions:

(a) The chiropractor's office(s) or premises are so physically separated from the office(s) or premises of the health food store that patients have a free and untrammled access and exit to and from the chiropractor's office(s) or premises;

(b) The chiropractor refrains from directly or indirectly or by inference referring, directing, suggesting or inviting a patient to purchase any dietary substance recommended for the normal regimen and rehabilitation of the patient (including vitamins, minerals and food supplements), from any health food store in which the chiropractor owns an interest.

(2) Any chiropractor who fails to abide by the conditions set forth above will be subject to charges of unprofessional conduct for the illegal referral of patients within the meaning of RCW 19.68.030 which prohibits the receipt of compensation for such a referral by licensed chiropractors.

AMENDATORY SECTION (Amending Order PL 497, filed 11/15/84)

WAC 113-12-080 VITAMINS, MINERALS AND FOOD SUPPLEMENTS. (1) No chiropractor shall sell or dispense or permit to be sold or dispensed any vitamins, minerals or food supplements.

(2) Dietary advice may include the recommendation of vitamins, minerals and food supplements as long as they are recommended for the normal regimen of the patient and not for treatment of a specific disease. ~~((The normal regimen of the patient shall not include therapeutic levels of vitamins, minerals and food supplements.))~~

(3) The chiropractor shall not receive any direct or indirect profit from the sale of vitamins, minerals and food supplements as provided in chapter 19.68 RCW.

**WSR 86-07-058**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
**(Board of Registration for Landscape Architects)**  
 [Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Registration for Landscape Architects intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-13-015	Powers and duties of the board.
Amd	WAC 308-13-040	Review of examinations.
New	WAC 308-13-041	Appeal of examination score.
New	WAC 308-13-042	Board procedure on examination grading appeals;

that the agency will at 9:00 a.m., Thursday, April 24, 1986, in the Vance Airport Inn, Olympic Room, 18200 Pacific Highway South, Seattle, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.96.060.

Dated: March 18, 1986  
 By: Sydney W. Beckett  
 Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Registration for Landscape Architects.

Purpose: WAC 308-13-015 is changed to be consistent with the board practice of not requiring oral interviews with candidates prior to examination; 308-13-040 is amended to reflect a change in board practice with respect to board review of failed portions of the examination; 308-13-041 is promulgated to spell out in more detail the procedure by which an applicant may appeal failed portions of the examination; and 308-13-042 is promulgated to spell out procedures taken by the board in reviewing a failing score which has been appealed by a candidate.

Statutory Authority: RCW 18.96.060.

Summary of the Rules: WAC 308-13-015(3), the board has repealed the requirement that a candidate have an oral examination prior to sitting for the written examination; 308-13-040, clarifies those portions of the Uniform National Examination which the candidate may appeal; 308-13-041, outlines the procedure that a candidate must follow in appealing an examination score; and 308-13-042, sets forth the procedure that the board is to take in regrading a failed question where the candidate appeals the score originally given.

Responsible Personnel: In addition to the members of the board, the following Board of Registration personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Sydney Beckett, Executive Secretary, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-3873 comm, 234-3873 scan.

The forgoing rule amendments and new rules were not the result of any changes in chapter 18.96 RCW nor were they the result of any federal or state court decision.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact small business as that term is defined by RCW 43.31.920.

#### AMENDATORY SECTION (Amending Order PL 511, filed 1/31/85)

WAC 308-13-015 POWERS AND DUTIES OF THE BOARD. The board shall:

(1) Determine the qualifications ((of candidates)) for examination ((by conducting examination applicant qualification reviews prior to the examination)).

(2) Approve registered colleges of landscape architecture for acceptance of educational qualifications in lieu of experience per RCW 18.96.070.

(3) Hold examinations of qualified persons who shall apply for registration as landscape architects.

(4) Examine and act on applications for registration by reciprocity and make recommendations to the director of licensing for issuance or refusal thereof.

(5) Examine and act on applications for reinstatement of licenses which have been suspended or revoked.

(6) Investigate and hold hearings on complaints against registrants and advise the director of findings of evidence of violation of chapter 18.96 RCW.

**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 PL 343 [511], filed 5/7/80 [1/31/85])

WAC 308-13-040 REVIEW OF EXAMINATIONS. (1) ((Any candidate for examination requesting review before the board of a subject failed must apply within 30 days after release of grades. The applicant may choose one subject only for review. Should the board raise the grade on the reviewed subject to passing, the applicant may, within five days of the notification thereof, apply for review of an additional subject of his choice.)) Candidates who fail to pass design problems of the Uniform National Examination may review the failed portions of the examination subject to the conditions set forth in subsection (2) of this rule. Sections of the examination which have been passed and objective portions of the examination may not be reviewed by the candidate.

(2) ((Examination papers of an individual candidate may be reviewed by the candidate, alone or with an agent, at the board office during normal business hours, but such papers may not be removed from the premises, nor shall they be compared by the candidates with papers of other candidates, nor shall either the questions or answers be reproduced in whole or in part in any manner.)) All examination reviews must be scheduled within thirty (30) days from the date of the examination scores. All examinations must be reviewed at the offices of the Board of Registration for Landscape Architects, between the hours of 8:00 a.m. and 5:00 p.m. during normal working days. All candidates reviewing the Uniform National Examination shall be given a maximum of four (4) hours to review said examination. No examinations may be taken from the offices of the board. Only the candidate may review the failed portion of his or her examination, and only one review per candidate shall be scheduled.

**Reviser's note:** The bracketed material preceding the section above was supplied by the code reviser's office.

**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.

#### NEW SECTION

WAC 308-13-041 APPEAL OF EXAMINATION SCORE (1) Candidates who fail the design problems of the Uniform National Examination may appeal their failing score to the board. The appeal must be in writing and upon a form provided by the board.

(2) The appeal must be filed immediately following the candidate's review and must be given to a member of the board's staff.

(3) When appealing a failing score, the candidate shall identify himself or herself by number, not by name.

(4) When appealing a failing score, the candidates shall specify those areas in which he or she believes that a grading error was made. The candidate must be reasonably specific with regard to what portion or portions of the examination contain a grading error.

#### NEW SECTION

WAC 308-13-042 BOARD PROCEDURE ON EXAMINATION GRADING APPEALS (1) The board shall review all examination appeals in executive session of its meetings and board members shall not discuss the examination results or appeal results until after the board takes final action with respect to an appeal.

(2) The board shall consider only those alleged errors in grading raised by a candidate when he or she appeals an examination. Any errors not brought to the board's attention by the candidate shall not be considered by the board.

(3) The board will increase the score of an applicant only when such increase will result in the applicant's passing a problem. The board will not increase points of an applicant in the instance where even after such an increase, the applicant still fails the problem.

(4) The board may, in its discretion, reduce the points given to an applicant in an appealed question, if, after review, the board determines that an error was made in the candidate's favor.

### WSR 86-07-059

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

#### (Board of Optometry)

[Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Optometry intends to adopt, amend, or repeal rules concerning the amending of WAC 308-53-010 and 308-53-070;

that the agency will at 9:30 a.m., Wednesday, May 14, 1986, in the Quince Street Examination Center, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.54.070.

The specific statute these rules are intended to implement is chapters 18.53 and 18.54 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 13, 1986.

Dated: March 18, 1986

By: James D. Hanson  
Executive Secretary

#### STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Optometry.

Purpose of Proposed Rules: To amend rules of the board relating to failure on the part of licensees to renew their licenses, to amend rules relating to approved schools of optometry.

Statutory Authority: RCW 18.54.070.

Summary of the Rules: WAC 308-53-010(3) is amended to provide for automatic suspension, pending renewal, of the optometrist who fails to renew his or her

license within the time required by the rule; and 308-53-070 is amended to clear up any possible confusion as to what schools and colleges of optometry are approved by the Optometry Board.

Responsible Personnel: The Washington State Board of Optometry and the executive secretary for the board have the responsibility for drafting, implementing and enforcing these rules. The executive secretary is Jim Hanson, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 753-3834.

Proponents of Proposed Rules: Washington State Optometry Board.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required as these rules do not impact small business as that term is defined in RCW 43.31.920.

#### AMENDATORY SECTION (Amending Order PL 239, filed 3/3/76)

WAC 308-53-010 RENEWAL OF LICENSES. (1) The annual license renewal date for licensed optometrists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) In the event of failure to pay the renewal fee, the director shall mail a notice of ~~((such))~~ suspension to the last known post office address of the holder ~~((between the first and fifth days of each of the three succeeding months following the due date of the renewal fee, and)).~~ If the fee is not paid by the first of the ~~((fourth))~~ second month following the month of ~~((renewal))~~ notice of suspension, the director ~~((may))~~ shall declare the ~~((certificate revoked and immediately notify the county clerk of the county in which the certificate is recorded, and the clerk shall mark his records accordingly))~~ license suspended. Reinstatement of the suspended license for failure to renew requires a written request to the board.

(4) All applicants for license renewal must comply with the continuing education requirements set forth in WAC 308-53-100 ~~((to 308-53-180)).~~

#### AMENDATORY SECTION (Amending Order PL 281, filed 1/17/78)

WAC 308-53-070 APPROVAL OF SCHOOLS AND COLLEGES OF OPTOMETRY. To be eligible to take the optometry examination, a person must be a graduate of an accredited school or college of optometry approved by the Washington state board of optometry. The board of optometry adopts ~~((those))~~ the most current standards of the Council on Optometric Education, or its successor organization, of the American Optometric Association ~~((which were relevant to approval of optometric schools and colleges and current on December 15, 1977, and has approved all and only those optometric schools and colleges which were approved by the council on optometric education as of December 15, 1977)).~~ ~~((Other))~~ Optometric schools and colleges which apply for board approval ~~((and which))~~ must meet ~~((these))~~ current Council on Optometric Education standards ~~((to the board's satisfaction will be approved, but)).~~ It is the responsibility of a school to apply for approval and of a student to ascertain whether or not a school has been approved by the board.

The board reserves the right to withdraw approval of a school which ceases to meet the board's standards after notifying the school in writing and granting it an opportunity to contest the board's proposed withdrawal.

**WSR 86-07-060**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-93-010	Definitions.
New	WAC 308-93-072	UCC search requirements.
New	WAC 308-93-073	New vessels.
New	WAC 308-93-074	Class "A" titles issued.
New	WAC 308-93-078	Temporary permits.
New	WAC 308-93-079	Government exempt vessels;

that the agency will at 10:00 a.m., Wednesday, April 23, 1986, in the Sixth Floor Training Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 88.02.100 and 88.02.120.

The specific statute these rules are intended to implement is RCW 88.02.030, 88.02.070, 88.02.100, 88.02.120, 88.02.130, 88.02.140 and 88.02.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1986.

Dated: March 17, 1986

By: Sandra Brooks, Administrator  
 Title and Registration Control

### STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Purpose: To implement the vessel title and registration requirements of chapter 88.02 RCW.

Statutory Authority: RCW 88.02.100 and 88.02.120.

Summary: WAC 308-93-072 sets forth UCC search requirements; 308-93-073 pertains to application for certificate of title to new vessels; 308-93-074 sets forth requirements for issuance of class A titles; 308-93-078 provides for a temporary permit in lieu of a registration certificate; 308-93-079 pertains to government exempt vessels; and 308-93-010 contains definitions.

Reasons Proposed: The rules are proposed as necessary and desirable to the establishment of a system for vessel certificates of title and registration that is patterned on the system established and operating for motor vehicle certificates of title and registration.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following individuals have knowledge of and responsibility for drafting, implementing and enforcing these rules: Donna M. Stringer, Assistant Director, Vehicle Services, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, phone (206) 753-6914 comm or 234-6914 scan; and Sandra Brooks, Administrator, Title

and Registration Control, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, phone (206) 753-6920 comm or 234-6920 scan.

Proponents of the Proposed Rules: Washington State Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: Not required for this statement.

### AMENDATORY SECTION (Amending Order TL-RG 8, filed 9/13/84)

WAC 308-93-010 DEFINITIONS. Unless the context clearly prescribes otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license (~~issued by the department of fisheries~~).

(4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12-.095 or the registered owner of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for lifesaving purposes.

(11) "Manufacturer's (~~certificate~~) statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) (~~"Secured party" means a lender, seller, or other person in whose favor there is a security interest, including a person to whom accounts, contracts, rights, or chattel paper have been sold. When the holders of obligations issued under an indenture of trust, equipment trust agreement or the like are represented by a trustee or other person, the representative is the secured party.~~)

(~~19~~) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(~~20~~) (19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

~~((21))~~ (20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

~~((22))~~ (21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

~~((23))~~ (22) "Waters of this state" means any waters within the territorial limits of this state.

~~((24))~~ (23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

~~((25))~~ (24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

**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.

#### NEW SECTION

WAC 308-93-072 UCC SEARCH REQUIREMENTS. After June 30, 1985 a class "A" title certificate may be issued when an owner presents evidence of ownership of the vessel in the registered owner's name, and evidence of the absence of security interests or claims, except those to be shown on the new title certificate. The absence of outstanding security interests shall be evidenced by a completed UCC search with appropriate releases from all named secured parties on forms provided by the department.

The name(s) on the UCC search must be in exact agreement with the name(s) of the vessel owner(s) as shown on the title application, bill of sale, Washington Coast Guard Registration, or other document approved by the department, subject to the following conditions:

(1) If the applicant for certificate of title obtained ownership of the vessel between July 1, 1982 and July 1, 1985, a UCC search must be completed for the registered owner on the current application and for the immediate previous owner(s).

(2) If the applicant for certificate of title owned the vessel from July 1, 1982 to July 1, 1985 inclusive, the UCC search must be done in the name of the registered owner on the application.

(3) If the applicant for certificate of title obtained ownership of the vessel on or after July 1, 1985, the UCC search must be made in the name of the previous owner.

#### NEW SECTION

WAC 308-93-073 NEW VESSELS. Application for certificate of title to a new vessel never before licensed or titled or sold by an in-state or out-of-state dealer or manufacturer must be accompanied by a manufacturer's statement of origin, carpenters certificate, or a copy of the factory invoice.

If the date of sale shown on the manufacturer's statement of origin, carpenters certificate, or factory invoice was prior to July 1, 1985, a UCC search with appropriate releases must also accompany the application.

The manufacturer's statement of origin, carpenters certificate, or factory invoice must reflect the model year, make and hull identification number of the vessel.

(1) No manufacturer's statement of origin, carpenters certificate, or factory invoice can be accepted for the issuance of a title unless all persons named, including dealers, on the manufacturer's statement of origin have released or assigned their interest thereon, or on a department release of interest form.

(2) Dealer to dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenters certificate, or factory invoice, or by a department release of interest form. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(3) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenters certificate only when such

documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. An affidavit of fact describing why the statement of origin or carpenters certificate is not available must be attached to the photocopy of the factory invoice.

#### NEW SECTION

WAC 308-93-074 CLASS "A" TITLES ISSUED. The department may issue a class "A" certificate of title to a vessel when an application includes one or more of the following:

(1) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale on or after July 1, 1985.

(2) A manufacturer's statement of origin, carpenter certificate, or factory invoice indicating a date of sale prior to July 1, 1985, accompanied by a UCC search and proper releases.

(3) A previously issued and properly released Washington class "A" title for the vessel.

(4) A class "B" title accompanied by UCC search and proper releases.

(5) A certificate of title issued by a foreign state or jurisdiction accompanied by a UCC search conducted in the state or jurisdiction issuing such title and the proper releases of interest.

#### NEW SECTION

WAC 308-93-078 TEMPORARY PERMITS. A notarized bill of sale reflecting the name and address of the purchaser, the model year, make, and hull identification number of the vessel, and the date of sale, may be used as a temporary permit in lieu of the registration certificate for a period not to exceed 15 days from the date of sale reflected on the bill of sale. The notarized bill of sale must be carried on the vessel.

#### NEW SECTION

WAC 308-93-079 GOVERNMENT EXEMPT VESSELS. Any vessel owned by the state of Washington or by any county, city, town or other political subdivision of the state of Washington, clearly identifiable as such and used exclusively by that agency, may obtain a title and valid annual registration upon payment of all fees required under chapter 88.02 RCW but shall be exempt from payment of the excise tax. The department may assign a registration number and issue a decal, which must be displayed as prescribed under WAC 308-93-140.

### WSR 86-07-061 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Department of Licensing, or her designee, intends to adopt, amend, or repeal rules concerning acupuncture:

New	WAC 308-180-100	Acupuncture fees.
New	WAC 308-180-120	License renewal registration date and fee;

that the agency will at 1:30 p.m., Monday, April 28, 1986, in the Department of Licensing Examination Center, 1300 Quince Street, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.06.160.

The specific statute these rules are intended to implement is RCW 18.06.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 25, 1986.

Dated: March 18, 1986  
 By: Linda G. Crerar  
 Executive Secretary  
 for Acupuncture

**WSR 86-07-062**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed March 19, 1986]

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Department of Licensing.

Purpose of Rules: To establish fees to be charged by the Department of Licensing for various activities relating to acupuncture and to establish the renewal date for these licenses.

Statutory Authority: RCW 18.06.160.

Summary of the Rules: WAC 308-180-100 contains the fees to be charged for application, examinations and other fees with respect to acupuncture licensure; and 308-180-120 establishes that licenses will be renewed on the licensee's birth anniversary date. It also provides that the original licensure fee will be for one year from the date of issuance and that the second year will be prorated.

Responsible Personnel: In addition to the director of the Department of Licensing, Linda G. Crerar, Executive Secretary for Acupuncture, has responsibility for drafting, implementing and enforcing these rules: Linda G. Crerar, Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, Washington 98504, phone (206) 586-1867 comm, 234-1867 scan.

Proponents of the Proposed Rules: Washington State Department of Licensing.

Federal Law or State Court Requirements: Not necessitated as a result of federal or state court action.

Small Business Economic Impact Statement: Not required and has not been filed since this rule does not impact small businesses as that term is defined in RCW 19.85.020.

**NEW SECTION**

WAC 308-180-100 ACUPUNCTURE FEES. The following fees shall be charges by the professional licensing division of the department of licensing.

Application	\$500.00
Examination	\$500.00
Re-take Examination	\$500.00
Annual License Renewal	\$500.00
Late Renewal Penalty	\$500.00
Duplicate License (Reported to Professional Licensing Division if lost or stolen)	\$ 50.00
License Verification (to other jurisdictions)	\$ 5.00
Acupuncture Training Program Approval Application	\$200.00

**NEW SECTION**

WAC 308-180-120 LICENSE RENEWAL REGISTRATION DATE AND FEE. (1) The annual license renewal date will coincide with the licensee's birth anniversary date.

(2) The original application fee of \$500.00 will include the license fee for one year from the date of issuance and will require a prorated fee based upon \$500.00 to convert the issue date to birth anniversary date. Prorated fees will be submitted on or before the licensee's birth anniversary date following initial licensure.

(3) Licensees who fail to pay the license renewal fee within thirty (30) days of the license expiration date will be subject to the late penalty fee as set forth in RCW 18.06.120 and established in WAC 308-180-100.

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning the triplicate prescription form program:

New	WAC 308-250-010	Scope and purpose of chapter.
New	WAC 308-250-020	Official triplicate prescription forms.
New	WAC 308-250-030	Distribution and retention of the triplicate prescription forms.
New	WAC 308-250-040	Drugs administered or dispensed by the health care practitioner.
New	WAC 308-250-050	Emergency prescriptions;

that the agency will at 10:00 a.m., Monday, April 28, 1986, in the Examination Center, Division of Professional Licensing, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 69.50.311.

The specific statute these rules are intended to implement is RCW 69.50.311.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 25, 1986.

Dated: March 18, 1986  
 By: Chris Robert Rose  
 Administrator

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Department of Licensing.

Rule Title, Summary and Purpose: WAC 308-250-010 is intended to explain the triplicate prescription form program and its utilization; 308-250-020 is intended to describe the method to be followed in obtaining official triplicate prescription forms when required. It also establishes that a fee will be charged for the forms equal to the cost the department pays. The rule explains the method practitioners will utilize forms when required; 308-250-030 explains the procedures to be followed in accounting for and transmitting copies of the triplicate prescription form; 308-250-040 clarifies participating health care practitioners responsibilities for prescription form completion; and 308-250-050 explains the utilization of the form in case an emergency prescription is issued and a triplicate prescription form is not available.

Statutory Authority: RCW 69.50.311.

Reason Proposed: To implement the triplicate prescription program created by RCW 69.50.311.

Responsible Departmental Personnel: In addition to the director, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Administrator, Division of Professional Licensing, 1300 Quince Street S.E., Olympia, Washington 98504, phone (206) 234-6974 scan, (206) 753-6974 comm.

Proponents: Washington State Department of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

CHAPTER 308-250 WAC  
TRIPLICATE PRESCRIPTION FORM PROGRAM

NEW SECTION

WAC 308-250-010 SCOPE AND PURPOSE OF CHAPTER. This chapter is intended to implement RCW 69.50.311. The purpose of this chapter is to establish a triplicate prescription program participation which may be imposed by the appropriate disciplinary authority upon licensed health care practitioners with prescription or dispensing authority. Participation in this triplicate prescription program may be required of licensees as a part of disciplinary action or board-supervision of the licensee's practice. The determination as to whether to impose participation in this program upon a licensee shall be within the sole discretion of the disciplinary authority.

NEW SECTION

WAC 308-250-020 OFFICIAL TRIPLICATE PRESCRIPTION FORMS. Any licensed health care practitioner upon whom participation in the Triplicate Prescription Form Program is imposed shall obtain official triplicate prescription forms from the Washington State Department of Licensing. The practitioner shall pay a fee for these forms that is equal to the cost to the Department of the forms. The official triplicate prescriptions forms shall be utilized by the practitioner with respect to the drug or drugs specified by the disciplinary authority. The official triplicate prescriptions forms utilized in this program will be sequentially numbered. The practitioner shall account for all numbered prescriptions provided to him or her.

NEW SECTION

WAC 308-250-030 DISTRIBUTION AND RETENTION OF THE TRIPLICATE PRESCRIPTION FORMS. The triplicate prescriptions utilized pursuant to this program shall be retained as follows:

(1) The original prescription shall be provided to the patient unless the drug is dispensed or administered to the patient by the practitioner, or if an emergency prescription is issued. In instances where the drug is dispensed or administered, the provisions of WAC 308-250-040 shall apply. In the case of an emergency prescription, the provisions of WAC 308-250-050 shall apply;

(2) One copy shall be transmitted to the department. These copies shall be transmitted to the department monthly unless otherwise directed by the disciplinary authority;

(3) One copy shall be retained by the health care practitioner and shall be available for inspection by an authorized representative of the department.

(4) Any official triplicate prescription forms improperly completed, damaged or otherwise not utilized shall be accounted for by the practitioner. An explanation and accounting for the forms not properly utilized, along with any improperly completed or damaged triplicate prescriptions forms shall be returned to the department along with the other copies to be submitted pursuant to this rule.

NEW SECTION

WAC 308-250-040 DRUGS ADMINISTERED OR DISPENSED BY THE HEALTH CARE PRACTITIONER. A health care practitioner participating in the triplicate prescription program shall complete a prescription form for all drugs specified by the disciplinary authority. If the drugs are administered or dispensed to the patient, the original shall be transmitted to the department along with the copy as required by WAC 308-250-030.

NEW SECTION

WAC 308-250-050 EMERGENCY PRESCRIPTIONS. In an emergency, unless prohibited by the order of the disciplinary authority,

a practitioner participating in this program may orally prescribe and a pharmacist may dispense a drug specified by the disciplinary authority to be included in the triplicate prescription program. For the purposes of this rule, "emergency" means that the immediate provision of the drug is necessary for proper treatment, that no alternative treatment is available and it is not possible for the practitioner to provide a written prescription for the drug. If such a drug is orally prescribed, the practitioner shall:

(1) Contemporaneously reduce the prescription to writing;

(2) Cause the original of the written prescription to be delivered to the pharmacy filling the prescription within 72 hours; and,

(3) Retain and transmit copies of the prescription as provided in WAC 308-250-030.

WSR 86-07-063  
PROPOSED RULES  
BOARD OF PHARMACY  
[Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning the distribution of sample controlled substances or legend drugs:

New	WAC 360-60-010	Definitions.
New	WAC 360-60-020	Reporting and registration requirements.
New	WAC 360-60-030	Records to be maintained by manufacturer's representative.
New	WAC 360-60-050	Storage of sample drugs by manufacturer's representative.
New	WAC 360-60-060	Requirements for distribution of sample drugs by manufacturer's representatives.
New	WAC 360-60-070	Disposal of sample drugs by manufacturer's representatives.
New	WAC 360-60-080	Manufacturers responsible for distribution of sample drugs by representatives.
New	WAC 360-60-090	Seizure of drugs in violation.
New	WAC 360-60-100	Storage of sample drugs by practitioners.
New	WAC 360-60-110	Labeling and packaging of sample drugs by practitioners.
New	WAC 360-60-120	Delivery and recordkeeping by practitioners.
New	WAC 360-60-130	Disposal of sample drugs by practitioners.
New	WAC 360-60-040	Records to be submitted to the board by manufacturers;

that the agency will at 9:00 a.m., Tuesday, April 22, 1986, in the Highline Community College, Library Board Room, South 240th Street and Pacific Highway South, Midway, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 18, 1986.

Dated: March 18, 1986  
By: Donald H. Williams  
Executive Secretary

## STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Rule Title, Summary and Purpose: WAC 360-60-010 defines the key terms used in the sample drugs regulation, including, "drug samples," "controlled substance," "dispense," "distribute," "legend drug," "practitioner," and "manufacturer's representative." These definitions will aid in understanding the scope and application of these rules; 360-60-020 explains the reporting and registration requirements for manufacturers who will be distributing sample drugs in the state of Washington; 360-60-030 explains the recordkeeping requirements for manufacturers' representatives who are distributing sample drugs; 360-60-040 outlines the reports or records manufacturers distributing sample drugs must submit to the Board of Pharmacy; 360-60-050 will explain the storage requirements so as to minimize loss of drugs or their contamination, deterioration or adulteration; 360-60-060 is intended to inform manufacturer's representatives of the conditions under which the affected sample drugs can be distributed; 360-60-070 explains the disposition of unneeded, outdated or damaged sample drugs; 360-60-080 clarifies the manufacturers responsibilities for the actions of its agents or employees; 360-60-090 provides for seizure or confiscation of any drugs distributed in violation of the rules; 360-60-100 establishes that practitioners responsibilities for sample drugs storage; 360-60-110 establishes labeling and packaging requirements for sample drugs dispensed by practitioners; 360-60-120 establishes the practitioners requirements regarding delivery of drugs and record-keeping for the distribution of sample drugs; and 360-60-130 establishes the requirements for disposition of unneeded, outdated or damaged sample drugs.

Statutory Authority: RCW 18.64.005(11).

Reason Proposed: To regulate the possession and distribution of drug samples for the protection of the public health, safety and welfare.

Responsible Departmental Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East 7th Avenue, W.E.A. Building, FF-21, Olympia, Washington 98504, phone (206) 753-6834.

Proponents: Washington State Board of Pharmacy.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

Chapter 360-60 WAC

SAMPLE DRUGS

NEW SECTION

WAC 360-60-010 DEFINITIONS. (1) "Board" means the Washington State Board of Pharmacy.

(2) "Drug samples" means any controlled substance or legend drug which is distributed, free of charge to a practitioner by a manufacturer or manufacturers representative.

(3) "Controlled substance" means any drug, substance or immediate precursor contained in Schedules I through V of the Uniform Controlled Substances Act (chapter 69.50 RCW), or placed in one of these schedules by a rule promulgated by the board.

(4) "Dispense" means the interpretation of a prescription or order for a legend drug and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(5) "Distribute" means to deliver other than by administering or dispensing a legend drug.

(6) "Legend drug" means any drugs which are required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(7) "Practitioner" means a physician under chapter 18.71 RCW, an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW, a dentist under chapter 18.32 RCW, a podiatrist under chapter 18.22 RCW, a veterinarian under chapter 18.92 RCW, a pharmacist under chapter 18.64 RCW, a commissioned medical or dental officer in the United States armed forces, marine hospital service, or public health service in the discharge of his official duties, a duly licensed physician or dentist employed by the veterans administration in the discharge of his official duties, a registered nurse under chapter 18.88 RCW when authorized by the board of nursing, an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners, or a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(8) "Manufacturer's representative" means an agent or employee of a licensed drug manufacturer who is authorized by the drug manufacturer to possess drug samples for the purpose of distribution to appropriately authorized health care practitioners.

NEW SECTION

WAC 360-60-020 REPORTING AND REGISTRATION REQUIREMENTS. An manufacturer that intends to distribute sample drugs in the state of Washington shall:

(1) Hold a valid current manufacturer's license issued by the board pursuant to RCW 18.64.045;

(2) Provide the board with the addresses of sites in the state of Washington where sample drugs will be stored prior to distribution, and the names and addresses of the individuals who will be responsible for the storage of the sample drugs. Any change in storage sites or of individuals who are responsible for storage of sample drugs shall be reported immediately to the board. The manufacturer shall submit a complete updated list of the sites and individuals to the board annually along with the renewal fee for its manufacturer's license; and,

(3) Provide the board with the names and addresses of the individuals who will be distributing sample drugs in the state of Washington. Any change of individuals who will be distributing sample drugs in the state of Washington shall be reported immediately to the board. The manufacturer shall submit a complete updated list of the individuals to the board annually along with the renewal fee for its manufacturer's 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 360-60-030 RECORDS TO BE MAINTAINED BY MANUFACTURER'S REPRESENTATIVE. The following records shall be maintained by the individual distributing sample drugs in the state of Washington and shall be available for inspection by authorized representatives of the Board:

(1) An inventory of sample drugs taken no less than annually by the supervisor of the individual distributing sample drugs;

(2) Records or documents to account for all sample drugs received;

(3) Records or documents to account for all sample drugs destroyed, including the date and method of destruction;

(4) Records or documents to account for all sample drugs, such as unneeded or outdated drugs, that are returned to the manufacturer, including the dates of any return;

(5) Records or documents to account for all sample drugs distributed, including copies of all written requests for sample drugs required by WAC 360-60-060(2);

(6) Copies of all reports of losses of sample drugs as required by WAC 360-60-040(2);

(7) All required records shall be maintained for five (5) years.

NEW SECTION

WAC 360-60-040 RECORDS TO BE SUBMITTED TO THE BOARD BY MANUFACTURERS. (1) the following reports or records shall be submitted to the Board by the manufacturer:

(a) The list of all sites where sample drugs are stored and the list of the individual responsible for the storage of the sample drugs;

(b) The list of the individuals who will be distributing sample drugs in the state of Washington.

(2) Individuals who distribute sample drugs in the state of Washington shall notify the Board of losses of any sample drugs within thirty days of the loss. A copy of the report of loss shall be maintained for inspection by authorized representatives of the board as provided in WAC 360-60-030(6).

**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 360-60-050 STORAGE OF SAMPLE DRUGS BY MANUFACTURER'S REPRESENTATIVE. (1) All sample drugs shall be stored in compliance with the requirements of this rule and shall be available for inspection by authorized representatives of the board.

(2) Sample drugs shall be maintained in a locked cabinet or locked room to which access is limited to the individual who distributes the sample drugs and to authorized representatives of the manufacturer.

(3) Sample drugs shall be stored in such a manner so as to be free of contamination, deterioration and adulteration.

(4) Sample drugs which have exceeded the expiration date shall be stored separately from other sample drugs until disposed of or returned to the manufacturer.

(5) Sample drugs shall be stored under conditions of temperature, light, moisture and ventilation so as to meet the USP Standards and the label instructions for each drug.

(6) Temporary storage of sample drugs, for example, storage during actual distribution, shall meet the requirements of the USP Standards or the label instructions for each drug.

NEW SECTION

WAC 360-60-060 REQUIREMENTS FOR DISTRIBUTION OF SAMPLE DRUGS BY MANUFACTURER'S REPRESENTATIVES. (1) Sample drugs may only be distributed to practitioners legally authorized to prescribe or dispense such drugs.

(2) Sample drugs may only be distributed pursuant to a written request for such samples. This request shall contain the following:

- (a) The recipient's name, address and professional designation;
- (b) The name and quantity of the sample drugs requested;
- (c) The name of the manufacturer and the individual distributing the sample drug; and,
- (d) The dated signature of the practitioner requesting the sample drugs.

(3) Any sample drugs distributed pursuant to these rules shall be packaged in such a manner that there is space for the practitioner who dispenses the drugs to the ultimate consumer to complete a label which complies with the laws and regulations regarding labeling of drugs.

(4) No fee or charge may be imposed for sample drugs distributed in the state of Washington.

NEW SECTION

WAC 360-60-070 DISPOSAL OF SAMPLE DRUGS BY MANUFACTURER'S REPRESENTATIVES. Unneeded, outdated or damaged sample drugs may be disposed of in any of the following manners:

- (1) Return to the manufacturer; or
- (2) Observed destruction by incineration or burial at a landfill or similar disposal facility.

NEW SECTION

WAC 360-60-080 MANUFACTURERS RESPONSIBLE FOR DISTRIBUTION OF SAMPLE DRUGS BY REPRESENTATIVES. The manufacturer of sample drugs is responsible for the actions and conduct of its employees with regard to sample drugs. Any failure to comply with these rules shall be grounds for the suspension

or revocation of the manufacturer's license pursuant to RCW 18.64.165.

NEW SECTION

WAC 360-60-090 SEIZURE OF DRUGS IN VIOLATION. Any sample drug which is distributed in violation of these rules shall be subject to seizure/confiscation by the board.

NEW SECTION

WAC 360-60-100 STORAGE OF SAMPLE DRUGS BY PRACTITIONERS. Practitioners who receive sample drugs shall store them in a manner consistent with the requirements of WAC 360-60-050. Access to the locked cabinet or locked room in which they are stored shall be restricted to practitioners legally authorized to prescribe or dispense the drugs.

NEW SECTION

WAC 360-60-110 LABELING AND PACKAGING OF SAMPLE DRUGS BY PRACTITIONERS. (1) All sample drugs dispensed by practitioners shall be labeled in accordance with the provisions of RCW 69.41.050. The label shall include the following:

- (a) The practitioner's name;
- (b) Complete directions for use;
- (c) The name of the drug, and strength per dosage unit;
- (d) The name of the patient;
- (e) The date upon which the drug was dispensed;
- (f) Expiration date of the product.

(2) The sample drug must be dispensed to the patient in the manufacturer's package.

(3) Controlled substances will bear the federally required caution label, "Caution: Federal law prohibits the transfer of this drug to any person other than the patient for whom it was prescribed."

NEW SECTION

WAC 360-60-120 DELIVERY AND RECORDKEEPING BY PRACTITIONERS. (1) The practitioner will advise the patient concerning directions for use, side effects and drug interactions relevant to the product. Either oral or written advice may be distributed as appropriate.

(2) Notations in the patient record will provide documentation for distribution. When delivering controlled substances exact quantities must be recorded. Quantities dispensed should be commensurate with accepted medical practices.

NEW SECTION

WAC 360-60-130 DISPOSAL OF SAMPLE DRUGS BY PRACTITIONERS. Unneeded, outdated or damaged sample drugs may be disposed of by the practitioner in any of the following manners:

- (1) Return to the manufacturer's representative; or,
- (2) Observed destruction by incineration or burial at a landfill or similar disposal facility.

Upon closing a practice, the practitioner may notify the board of pharmacy. The board will provide assistance in disposal of unwanted sample drugs.

**WSR 86-07-064****ADOPTED RULES****DEPARTMENT OF LABOR AND INDUSTRIES****(Board of Boiler Rules)**

[Order 86-02—Filed March 19, 1986]

Be it resolved by the Board of Boiler Rules, acting at 905 Plum Street, Olympia, WA 98504, that it does adopt the annexed rules relating to WAC 296-104-210 Inspection of systems—Special designs, amended to delete references to follow the guidelines of adopted national standards published by the American Society of Mechanical Engineers.

This action is taken pursuant to Notice No. WSR 86-04-060 filed with the code reviser on February 4, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Board of Boiler Rules as authorized in RCW 70.79.040 and 70.79.050.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 18, 1986.

By Howard Richardson  
Chairman, Board of Boiler Rules

AMENDATORY SECTION (Amending Order 73-1, filed 3/22/73)

✓ WAC 296-104-210 INSPECTION OF SYSTEMS—SPECIAL DESIGNS ((~~AND/OR GREAT PRESSURES~~)). Prints and calculations shall be supplied for special designs or construction. ((~~and for vessels designed for working pressure in excess of 3,000 psi.~~)) Upon approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular annual inspection in the case of boilers, and biennial inspection in the case of unfired pressure vessels.

**WSR 86-07-065**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
[Memorandum—March 18, 1986]

The commissioners of the Human Rights Commission have agreed to change the date of the April 1986 regular commission meeting from April 24, 1986, to April 23, 1986. This change was made in order to facilitate the attendance of all of the commissioners. The location of the meeting has not yet been designated, however, the public will be notified of the location through the normal channels. The meeting is still scheduled to begin at 3:00 p.m. and will be held in Tacoma, Washington.

**WSR 86-07-066**  
**PROPOSED RULES**  
**DEPARTMENT OF CORRECTIONS**  
[Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning:

Amd WAC 137-08-060 Public records available.  
Amd WAC 137-08-070 Public records officer.  
Amd WAC 137-08-140 Remedy for review of denial of disclosure.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 29, 1986.

The authority under which these rules are proposed is RCW 10.97.080, 42.17.320 and 72.01.090.

The specific statute these rules are intended to implement is RCW 10.97.080 and 42.17.320.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1986.

Dated: March 17, 1986

By: Amos E. Reed  
Secretary

**STATEMENT OF PURPOSE**

Title and Number of Rule: Amending WAC 137-08-060 Public records available; 137-08-070 Public records officer; and 137-08-140 Remedy for review of denial of disclosure.

Statutory Authority: RCW 10.97.080, 42.17.250 and 72.01.090.

Summary and Purpose: To reflect the change of the title of public records officer to public disclosure officer, and to clarify the time within which the public disclosure officer is to review and decide petitions for review of denial of disclosure.

Agency Personnel Responsible for Drafting and Adoption: Robert W. Sampson, Administrator, Office of Contracts and Regulations, mailstop FN-61, scan 234-5770; Implementation and Enforcement: Robert W. Sampson, as Public Disclosure Officer, mailstop FN-61, scan 234-5770, Walter L. Kautzky, Director, Division of Prisons, mailstop FN-61, scan 234-1502, and Ross M. Peterson, Director, Division of Community Services, mailstop FN-61, scan 234-4616.

No other person or organization other than the Department of Corrections is proposing this rule.

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

This rule does not have an impact on small businesses.

AMENDATORY SECTION (Amending Order 85-06, filed 6/10/85)

WAC 137-08-060 PUBLIC RECORDS AVAILABLE. (1) Requests for any identifiable public record may be initiated at any office of the department during normal business hours.

(2) The department shall at all times take the most timely possible action on requests for disclosure, and shall be required to respond in writing within ten working days of receipt of the request for disclosure. The department's failure to so respond shall entitle the person seeking disclosure to petition the public ((records)) disclosure officer pursuant to WAC 137-08-140.

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

WAC 137-08-070 PUBLIC ((RECORDS)) DISCLOSURE OFFICER. The department shall designate a public ((records)) disclosure officer, located in the state administrative office, who shall be responsible for implementing the department's rules regarding disclosure of public records, coordination of staff in this regard, and generally insuring compliance by the staff with public records disclosure requirements.

AMENDATORY SECTION (Amending Order 82-3, filed 1/26/82)

WAC 137-08-140 ((REMEDY FOR)) REVIEW OF DENIAL OF DISCLOSURE. (1) If the person requesting disclosure disagrees with the decision of a public disclosure coordinator denying disclosure of a public record, ((this)) such person may ((at any time)) petition the department's public ((records)) disclosure officer for review of the

decision denying disclosure. The form used by the public disclosure coordinator to deny disclosure of a public record shall clearly indicate this right of review.

(2) ~~Within ten working days after receipt of a petition for review of a decision denying disclosure, the public ((records)) disclosure officer shall review the decision((s)) denying disclosure ((in the most prompt fashion possible)), and advise the petitioner, in writing, of the public disclosure officer's decision on the petition. Such review shall be deemed completed at the end of the second business day following ((receipt by the department of the petition for review. This)) denial of disclosure, and shall constitute final agency action for the purposes of judicial review((, pursuant to RCW 42.17.320)).~~

**WSR 86-07-067**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed March 19, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning ambient air quality standards and emission limits for radionuclides. Allowed concentrations of radionuclides in the ambient air and quantities emitted by point sources are established for all areas and sources in the state. Emission limits are not subject to PSD review nor may point sources be aggregated under the bubble policy;

that the agency will at 1:00 p.m., Friday, April 25, 1986, in the Department Headquarters, Abbot Raphael Hall, Room 153, St. Martins College Campus, Lacey, Washington 98504-8711, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1986.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331, powers and duties of state board, paragraph (2)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 16, 1986.

This notice is connected to and continues the matter in Notice No. WSR 86-04-092 filed with the code reviser's office on February 5, 1986.

Dated: March 19, 1986

By: Phillip C. Johnson  
 Deputy Director

**WSR 86-07-068**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed March 19, 1986]

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 Grays Harbor County, WAC 173-19-220;

that the agency will at 2:00 p.m., Tuesday, April 22, 1986, in the Commissioner's Meeting Room, Grays

Harbor County Courthouse, Montesano, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 15, 1986.

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 before April 29, 1986.

Dated: March 19, 1986

By: Phillip C. Johnson  
 Deputy Director, Programs

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-220 Grays Harbor County.

Description of Purpose: Adoption of a revised shoreline master program into state master program (chapter 173-19 WAC).

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts a revision to the shoreline master program for Grays Harbor County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department 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: Lisa Randlette, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6762.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation 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.

Small Business Economic Impact Statement: On file at the Department of Ecology.

AMENDATORY SECTION (Amending Order DE 80-26, filed 6/6/80)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved May 15, 1986.

**WSR 86-07-069**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed March 19, 1986]

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 the regulation of dangerous wastes, including certain recycled wastes and used oil;

that the agency will at 7:00 p.m., May 5, 1986, in the Department of Ecology, Hearings Room, 3601 West Washington, Yakima, WA, and at 7:00 p.m., May 6, 1986, in the Spokane County Health District, Auditorium, West 1101 College, Spokane, WA, and at 7:00 p.m., May 8, 1986, in the Port of Seattle, Commissioners Chambers, 2201 Alaskan Way South, Pier 66, Seattle, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on June 3, 1986.

The authority under which these rules are proposed is chapter 70.105 RCW.

The specific statute these rules are intended to implement is chapter 70.105 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 17, 1986.

Dated: March 14, 1986

By: Phillip C. Johnson  
Deputy Director

### STATEMENT OF PURPOSE

Title: Chapter 173-303 WAC, Dangerous waste regulation.

Statutory Authority: Chapter 70.105 RCW.

Summary of Rule: The proposed actions amend chapter 173-303 WAC in several areas. Please see summary of changes below.

Agency Personnel Responsible for Drafting: Ross Potter, Department of Ecology, mailstop PV-11, phone 459-6303; Implementation: Tom Cook, Department of Ecology, mailstop PV-11, phone 459-6301; and Enforcement: Mark Horton, Department of Ecology, mailstop PV-11, phone 459-6053.

Person or Organization Proposing Rule: 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: Some changes are necessary as a result of federal RCRA requirements.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20% of all industries or more than 10% of the businesses in any one industry be reviewed and altered to minimize their impact upon small businesses. This regulatory proposal has been reviewed in light of that requirement. The conclusions of this review are summarized below.

The bulk of the proposed amendments to this regulation have been included in order to achieve Department of Ecology consistency with recently adopted federal (Environmental Protection Agency) regulations. Since the department has, essentially, no choice with respect to these, and because they would apply anyway in the absence of any state action, these will not be considered during this review.

The Department of Ecology-initiated amendments appear in large measure to be for the purposes of cleaning up language and/or clarifying procedures. With

modest exceptions, they do not imply any significant increase in the regulatory burdens of small businesses. The one apparent exception appears to be the inclusion of accumulated or stored wastes in the quantity exclusion limits portion of WAC 173-303-070. It is at least possible that some small school laboratories or similar small private sector entities might fall under the requirements of this regulation on this account while they would otherwise be excluded based simply upon their periodic generation of relevant wastes. It is impossible to estimate, at this time, whether or to what extent this may happen, or to assess the potential cost impacts of such developments. This may be a matter that will have to be assessed after some experience with this regulation.

### SUMMARY OF AMENDMENTS TO CHAPTER 173-303 WAC

Chapter 173-303 WAC, Dangerous waste regulations, establish requirements for generators, transporters and management facilities handling dangerous waste in the state of Washington. These regulations provide the basis for the state dangerous waste program to operate in lieu of the federal program. As the federal provisions change, the state requirements must be amended in time to become at least as stringent. These amendments have been prepared to maintain equivalency to the federal program, resolve new state-level issues, and correct typographical and other simple errors.

#### EPA Required

(1) Recycling. These amendments incorporate the revised federal definition of solid waste promulgated in the January 4, 1985, Federal Register. They concern the question of which materials are solid and hazardous wastes when recycled as well as specific standards for various types of recycling activities. Associated changes include the addition of several categories of exempt recycling processes and revision to the existing "accumulation without sufficient reuse" provisions. (Affected sections: WAC 173-303-016, 173-303-017, 173-303-040, 173-303-070, 173-303-081, 173-303-120, 173-303-121, 173-303-400, 173-303-500 through 173-303-525 and 173-303-670.)

(2) Used Oil. These amendments incorporate the finalized portion of the used oil provisions established in the November 29, 1985, Federal Register. They establish requirements for used oil burned for energy recovery. Associated changes include reference to small quantity generators' waste when mixed with used oil and the addition of several categories of oil-related wastes that are exempt from most requirements of chapter 173-303 WAC. (Affected sections: WAC 173-303-070, 173-303-120, 173-303-510, 173-303-515 and 173-303-670.)

(3) Accumulating Waste. (a) For the purposes of the 90-day accumulation allowance, for wastes collected at generator satellite areas the "clock" starts after a container is full. (Affected section: WAC 173-303-200.) (b) Generators of less than 2200 pounds per month are allowed to accumulate wastes up to 180 days rather than 90 days. (Affected section: WAC 173-303-201 (new).)

(4) Paint Filter Test. The paint filter test is required to determine the absence or presence of free liquids in containerized or bulk liquids. (Affected sections: WAC 173-303-110 and 173-303-665.)

(5) Dioxin Wastes. Special management standards are established for listed dioxin-related wastes F020, F021, F022, F023, F026, and F027. The quantity exclusion limit for these wastes is clarified. (Affected sections: WAC 173-303-082, 173-303-110, 173-303-160, 173-303-630, 173-303-640, 173-303-650, 173-303-655, 173-303-660, 173-303-665, 173-303-670, 173-303-9903 and 173-303-9904.)

(6) Reference to 40 CFR. The existing date of reference to 40 CFR has been changed to June 6, 1986, thus incorporating by reference amendments to 40 CFR Part 265 Subparts F through R up to that date, excluding amendments adopted under the authority of the Hazardous and Solid Waste Amendments of 1984, amending the federal Resource Conservation and Recovery Act. (Affected section: WAC 173-303-045.)

(7) Petitions. The public notice process is added to departmental procedures for response to petitions. (Affected section: WAC 173-303-910.)

(8) Newly Listed Wastes. Wastes associated with the production of dinitrotoluene, toluenediamine, and toluene diisocyanate have been added to the dangerous waste sources list. (Affected sections: WAC 173-303-9904 and 173-303-9905.)

### Ecology Initiated

(1) Designation. The designation procedures are streamlined. Additionally, two clarifications have been made concerning: (a) Solid waste generated from the recycling, treatment, storage or disposal of dangerous waste; and (b) Aggregating waste quantities of stored or accumulated wastes. (Affected section: WAC 173-303-070.)

(2) Categorical Exclusions. The following categorical exclusions have been added: Asphaltic materials, lab samples, wastes generated in a product tank until the waste exits the unit, and wastes from burning certain recyclable materials generally limited to the petroleum refining industry. The polychlorinated biphenyl (PCB) exclusion has been clarified and now specifies a threshold concentration limit. (Affected section: WAC 173-303-071.)

(3) Testing. Test methods are adopted by reference for the detection and measurement of dioxin and polychlorinated biphenyls. (Affected section: WAC 173-303-110.)

(4) Triple Rinsing. The requirement to triple rinse containers that held certain extremely hazardous waste is modified. (Affected section: WAC 173-303-160.)

(5) Generator Requirements. (a) A new generator requirement for state-only wastes being sent out of state has been added. (b) Generators shipping labpacs may use dangerous waste numbers WL01 or WL02 for purposes of manifesting. Copies of the lists describing each barrel's contents must be available during shipment and for purposes of annual reporting. (c) The description of the uniform hazardous waste manifest was shortened. Appropriate references to the continuation sheets were

added. (Affected sections: WAC 173-303-141, 173-303-161 and 173-303-180.)

(6) Transporter Requirements. A transporter requirement was clarified concerning the applicability of certain generator requirements. (Affected section: WAC 173-303-240.)

(7) Tank and Container Requirements. Additional tank and container labeling requirements under interim status have been added. The department may require secondary containment for container storage areas. (Affected sections: WAC 173-303-395 and 173-303-400.)

(8) State-only Interim Status. The relationship between interim status granted for newly regulated state-only wastes and interim status granted for federal wastes is clarified. (Affected section: WAC 173-303-805.)

(9) Imminent Hazard. Reinstates the department's special powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health and the environment. (Affected section: WAC 173-303-960 (new).)

(10) Identification Numbers. Requires any person who has obtained an EPA/state identification number to report annually. (Affected section: WAC 173-303-060.)

### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-010 PURPOSE. This regulation implements chapter 70.105 RCW, the Hazardous Waste (~~Disposal~~) Management Act of 1976 as amended in 1980 and 1983, and implements, in part, chapter 70.105A RCW, and Subtitle C of Public Law 94-580, the Resource Conservation and Recovery Act, which the legislature has empowered the department to implement. The purposes of this regulation are to:

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

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

(3) Provide the form and rules necessary to establish a system for manifesting, tracking, reporting, monitoring, recordkeeping, sampling, and labeling dangerous and extremely hazardous wastes;

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

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

(6) Establish and administer a program for permitting dangerous and extremely hazardous waste management facilities; and

(7) Encourage recycling, reuse, reclamation, and recovery to the maximum extent possible.

### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-016 IDENTIFYING SOLID WASTE. (1) Purpose and applicability.

(a) The purpose of this section is to identify those (~~substances (including)~~) materials (~~(- garbage, refuse, sludges, byproducts, and discarded commodities))~~) that are and are not solid wastes.

(b) (~~(Subsection (2) of this section is applicable to all substances except:~~

(i) ~~Those substances which are designated as hazardous wastes under 40 CFR Part 261 Subpart D, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5; and~~

(ii) ~~Those substances which are sludges (as defined in WAC 173-303-040(81)) and are designated as hazardous wastes under 40 CFR Part 261, provided that, subsection (2) of this section is applicable to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5.)~~ (i) The definition of solid waste contained in this section applies only to wastes that also are

dangerous for purposes of the regulations implementing chapter 70.105 RCW. For example, it does not apply to materials (such as nondangerous scrap, paper, textiles, or rubber) that are not otherwise dangerous wastes and that are recycled.

(ii) This section identifies only some of the materials which are solid wastes and dangerous wastes under chapter 70.105 RCW. A material which is not defined as a solid waste in this section, or is not a dangerous waste identified or listed in this section, is still a solid waste and a dangerous waste for purposes of these sections if reason and authority exists under RCW 70.105.145, 70.105A.060, and WAC 173-303-960.

(c) ((All substances to which subsection (2) of this section is not applicable are solid wastes for the purposes of this chapter.)) Certain materials are solid wastes but are excluded from the requirements of this chapter by WAC 173-303-071. ((Unless excluded, all solid wastes are subject to the applicable designation, generator, transporter, and management standards of this chapter.))

(2) ((Any substance which meets the definition for solid waste in WAC 173-303-040(82) and which is not specifically exempted by (a) of this subsection is solid waste for the purposes of this chapter.

(a) Except as provided in (b) of this subsection, the following substances are not solid waste:

(i) Substances used or reused as ingredients in industrial processes to make a product, provided that distinct components of the substance are not recovered as separate end products;

(ii) Substances used or reused as substitutes for raw materials in processes using raw materials as the principal feedstocks;

(iii) Substances used or reused in particular functions or applications as substitutes for commercial products; and

(iv) Substances used or reused within the original process from which they were generated (i.e., "closed-loop" use or reuse).

(b) Any substance listed in (a) of this subsection, is a solid waste if the department determines, on a case-by-case basis, that:

(i) It is being accumulated without sufficient amounts being used or reused, (as this activity is described in WAC 173-303-121);

(ii) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment;

(iii) It is being used or reused in a manner which constitutes disposal and results in the substance being directly placed in or released to the environment; or

(iv) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such solid waste will be listed in this subsection.

(c) Certain solid wastes are excluded from the requirements of this chapter. They are listed in WAC 173-303-071.

(d) Any substance that is a solid waste and that is not excluded or exempted elsewhere in this regulation is subject to all applicable generator, transporter, and management requirements of this chapter.

(e) Some solid wastes identified in this subsection may be involved in exempted recycling processes. These exempted processes are specified in WAC 173-303-017.)) The following terms are used and shall have the meanings as defined in WAC 173-303-040:

(a) Boiler	WAC 173-303-040(8)
(b) By-product	WAC 173-303-040(9)
(c) Incinerator	WAC 173-303-040(41)
(d) Industrial furnace	WAC 173-303-040(43)
(e) Reclaim	WAC 173-303-040(72)
(f) Recover	WAC 173-303-040(73)
(g) Recycle	WAC 173-303-040(74)
(h) Used or reused (see reuse or use)	WAC 173-303-040(77)
(i) Sludge	WAC 173-303-040(81)
(j) Scrap metal	WAC 173-303-040(82)
(k) Spent material	WAC 173-303-040(83)

(3) Definition of solid waste.

(a) A solid waste is any discarded material that is not excluded by WAC 173-303-017(2) or that is not excluded by variance granted under WAC 173-303-017(5).

(b) A discarded material is any material which is:

(i) Abandoned, as explained in subsection (4) of this section; or

(ii) Recycled, as explained in subsection (5) of this section; or

(iii) Considered inherently waste-like, as explained in subsection (6) of this section.

(4) Materials are solid waste if they are abandoned by being:

(a) Disposed of; or

(b) Burned or incinerated; or

(c) Accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

(5) Materials are solid wastes if they are recycled—or accumulated, stored, or treated before recycling—as specified in (a) through (d) of this subsection.

(a) Used in a manner constituting disposal. Materials noted with a "\*" in column 1 of Table 1 are solid wastes when they are:

(i)(A) Applied to or placed on the land in a manner that constitutes disposal; or

(B) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria listed in WAC 173-303-100 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

(b) Burning for energy recovery. Materials noted with a "\*" in column 2 of Table 1 are solid wastes when they are:

(i)(A) Burned to recover energy;

(B) Used to produce a fuel or are otherwise contained in fuels (in which cases the fuel itself remains a solid waste).

(C) Contained in fuels (in which case the fuel itself remains a solid waste).

(ii) However, commercial chemical products listed in WAC 173-303-9903 or which exhibit any of the criteria listed in WAC 173-303-100 are not solid wastes if they are themselves fuels.

(c) Reclaimed. Materials noted with a "\*" in column 3 of Table 1 are solid wastes when reclaimed.

(d)(i) Accumulated speculatively. Materials noted with a "\*" in column 4 of Table 1 are solid wastes when accumulated speculatively.

(ii) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that—during the calendar year (commencing on January 1)—the amount of material that is recycled, or transferred to a different site for recycling, equals at least seventy-five percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the seventy-five percent requirement is to be applied to each material of the same type (e.g., slags from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that would be exempt from regulation under WAC 173-303-071 (3)(n) are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.) Materials are no longer in this category once they are removed from accumulation for recycling, however.

TABLE 1

	Use constituting disposal	Energy recovery/ fuel	Reclamation	Speculative accumulation
	WAC 173-303- 016 (5)(a)	WAC 173-303- 016 (5)(b)	WAC 173-303- 016 (5)(c)	WAC 173-303- 016 (5)(d)
Spent materials	(*)	(*)	(*)	(*)
Commercial chemical products	(*)	(*)	---	---
By-products listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
Sludges listed in WAC 173-303-9904	(*)	(*)	(*)	(*)
By-products exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	---	(*)
Sludges exhibiting a characteristic <sup>1</sup> or criteria <sup>2</sup>	(*)	(*)	---	(*)
Scrap metal	(*)	(*)	(*)	(*)

Note: The terms "spent materials," "sludges," "by-products," and "scrap metal" are defined in WAC 173-303-040.  
<sup>1</sup> The characteristics of dangerous waste are described in WAC 173-303-090.  
<sup>2</sup> The dangerous waste criteria are described in WAC 173-303-084 and 173-303-101 through 173-303-103.

(6) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

(a) Dangerous Waste Nos. F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

(b) The department will use the following criteria to add wastes to that list:

(i)(A) The materials are ordinarily disposed of, burned, or incinerated; or

(B) The materials contain toxic constituents listed in WAC 173-303-9905 and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

(ii) The material may pose a substantial hazard to human health or the environment when recycled.

(7) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(8) Any material that is not defined as a solid waste under this section will be a solid waste if the department determines, on a case-by-case basis, that:

(a) It is being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment; or

(b) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such solid waste will be listed in subsection (6) of this section.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-017 RECYCLING PROCESSES INVOLVING SOLID WASTE. (1) ((This section is not applicable to any solid wastes which are designated as hazardous waste under 40 CFR Part 261 Subpart D, or which are sludges designated as hazardous waste under 40 CFR Part 261, unless such hazardous wastes are subject only to the small quantity generator requirements of 40 CFR 261.5. This section is applicable only to processes which legitimately and beneficially recycle a substance identified as a solid waste in accordance with WAC 173-303-016(2)). The purpose of this section is to identify those materials that are and are not solid wastes when recycled. Certain ((recycling processes)) materials, as ((specified in)) described in

subsection (2) of this section, would not typically be considered to involve waste management and are exempt from the requirements of this chapter. All recycling processes not exempted by subsection (2) of this section are subject to the requirements of this chapter including, but not limited to, the designation requirements of WAC 173-303-070 through 173-303-103 and, if designated as dangerous waste, the recycling requirements of WAC 173-303-120.

(2) ((Except as provided in subsection (3) of this section, the recycling processes listed in this subsection and the generation, transport, accumulation and storage prior to these recycling processes are exempt from the requirements of this chapter, except that this exemption does not apply to the use of piles or surface impoundments for the recycling processes listed in this subsection or for treatment, accumulation or storage in piles or surface impoundments prior to these recycling processes. The recycling processes are:

(a) Reclamation by the person who generates the solid waste, and reclamation by another person who subsequently uses the materials reclaimed from a solid waste in his own operation (except that if such operation involves only the sale or resale of the reclaimed materials, then the process is not exempt). This exemption does not apply to the reclamation of spent lead-acid batteries;

(b) Recovery of precious metals from solid waste. For the purposes of this exemption, precious metals are gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these;

(c) Recycling of oil, gasoline, jet fuel or diesel, and reclamation of oil, gasoline, jet fuel or diesel generated from the cleaning of tanks used only for storage, except that this exemption does not apply to oil, gasoline, jet fuel or diesel mixed with any dangerous waste, unless such dangerous waste is only oil, gasoline, jet fuel or diesel designated by the characteristics described in WAC 173-303-090;

(d) Regeneration of used batteries by a battery manufacturer (e.g., addition of new electrolyte, replacement of defective cells, etc.);

(e) Burning for energy recovery in an industrial furnace or a boiler (as defined in WAC 173-303-040 (43) and (8)) by the person who generates the solid waste to be burned, except that this exemption does not apply to the accumulation, storage, or treatment of the solid waste prior to burning, nor to the use of a solid waste to produce a fuel; and

(f) Reclamation performed pursuant to batch tolling agreements. For the purposes of this exemption, a batch tolling agreement is a contractual arrangement, between a reclaimer and a person producing a solid waste, which contains the following conditions:

(i)(A) The person generating the solid waste retains ownership of it; or

(B) In cases where the person generating the solid waste only rents or leases, but does not buy, materials reclaimed from the solid waste, the reclaimer retains ownership;

(ii) Within a period of two hundred seventy days after the date on which the quantity of solid waste first exceeds four hundred pounds, the solid waste is transferred to the reclaimer, reclamation is conducted, and the reclaimed portion is returned to the user;

(iii) The solid waste is not commingled with any other person's solid waste or material prior to or during reclamation, except that commingling is allowed if such commingling involves only solid wastes or materials that have, or prior to becoming solid wastes had, the same chemical names or similar product specifications. For example, Stoddard solvent from several persons may be commingled, whereas waste acetone from one person and waste toluene from another person may not be commingled;

(iv) The reclaimer is paid according to the amount of the reclaimed portion returned to the user; and

(v) The reclaimer is paid more as the amount of the reclaimed portion returned to the user increases.

The person generating the solid waste must maintain and, at any reasonable place and time, provide to the department records that establish the date(s) on which his solid waste was first generated and which show that he meets the above batch-totling conditions:

(3) Any recycling process listed in subsection (2) of this section is not exempt if the department determines, on a case-by-case basis, that:

(a) The solid waste used in the recycling process is being accumulated without sufficient amounts being recycled (as this activity is described in WAC 173-303-121);

(b) The solid waste used in the recycling process, or the recycling process itself, poses a threat to public health or the environment; or

(c) The recycling process constitutes disposal and results in directly releasing the solid waste to the environment.) General categories of materials that are not solid waste when recycled:

(a) Except as provided in subsection (3) of this section, materials are not solid wastes when they can be shown to be recycled by being:

(i) Used or reused as ingredients in an industrial process to make a product provided the materials are not being reclaimed; or

(ii) Used or reused as effective substitutes for commercial products; or

(iii) Returned to the original process from which they are reclaimed. The material must be returned as a substitute for raw material feedstock, and the process must use raw materials as principal feedstocks.

(b) Except as provided in subsection (3) of this section, the department has determined that the following materials when used as described are not solid wastes:

(i) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process;

(ii) 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;

(iii) Spent sulfuric acid used to produce virgin sulfuric acid.

(3) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (as described in subsection (2)(a) of this section):

(a) Materials used in a manner constituting disposal, or used to produce products that are applied to the land; or

(b) Materials burned for energy recovery, used to produce a fuel, or contained in fuels; or

(c) Materials accumulated speculatively as defined in WAC 173-303-016 (5)(d)(ii); or

(d) Materials listed in WAC 173-303-016(6); or

(e) Any materials that the department determines are being accumulated, used, reused or handled in a manner that poses a threat to public health or the environment.

(4) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing chapter 70.105 RCW who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation, must demonstrate that there is a known market or disposition for the material, and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation (such as contracts showing that a second person uses the material as an ingredient in a production process) to demonstrate that the material is not a waste, or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(5) Variances from classification as a solid waste.

(a) In accordance with the standards and criteria in (b) of this subsection and the procedures in subsection (7) of this section, the department may determine on a case-by-case basis that the following recycled materials are not solid wastes:

(i) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in WAC 173-303-016 (5)(d)(ii));

(ii) Materials that are reclaimed and then reused within the original primary production process in which they were generated;

(iii) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered.

(b) Standards and criteria for variances from classification as a solid waste.

(i) The department may grant requests for a variance from classifying as a solid waste those materials that are accumulated speculatively without sufficient amounts being recycled if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the following year. If a variance is granted, it is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. The department's decision will be based on the following standards and criteria:

(A) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material, or contractual arrangements for recycling);

(B) The reason that the applicant has accumulated the material for one or more years without recycling seventy-five percent of the volume accumulated at the beginning of the year;

(C) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;

(D) The extent to which the material is handled to minimize loss;

(E) Other relevant factors.

(ii) The department may grant requests for a variance from classifying as a solid waste those materials that are reclaimed and then reused as feedstock within the original primary production process in which the materials were generated if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

(A) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;

(B) The prevalence of the practice on an industry-wide basis;

(C) The extent to which the material is handled before reclamation to minimize loss;

(D) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;

(E) The location of the reclamation operation in relation to the production process;

(F) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;

(G) Whether the person who generates the material also reclaims it;

(H) Other relevant factors.

(iii) The department may grant request for a variance from classifying as a solid waste those materials that have been reclaimed but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following factors:

(A) The degree of processing the material has undergone and the degree of further processing that is required;

(B) The value of the material after it has been reclaimed;

(C) The degree to which the reclaimed material is like an analogous raw material;

(D) The extent to which an end market for the reclaimed material is guaranteed;

(E) The extent to which the reclaimed material is handled to minimize loss;

(F) Other relevant factors.

(6) Variance to be classified as a boiler.

In accordance with the standards and criteria in WAC 173-303-040(8) (definition of "boiler"), and the procedures in subsection (7) of this section the department may determine on a case-by-case basis that certain enclosed devices using controlled flame combustion are boilers, even though they do not otherwise meet the definition of boiler contained in WAC 173-303-040(8), after considering the following criteria:

(a) The extent to which the unit has provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(b) The extent to which the combustion chamber and energy recovery equipment are of integral design; and

(c) The efficiency of energy recovery, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(d) The extent to which exported energy is utilized; and

(e) The extent to which the device is in common and customary use as a "boiler" functioning primarily to produce steam, heated fluids, or heated gases; and

(f) Other factors, as appropriate.

(7) Procedures for variances from classification as a solid waste or to be classified as a boiler.

The department will use the following procedures in evaluating applications for variances from classification as a solid waste or applications to classify particular enclosed flame combustion devices as boilers:

(a) The applicant must apply to the department. The application must address the relevant criteria contained in subsections (5)(b) or (6) of this section.

(b) The department will evaluate the application and issue a draft public notice tentatively granting or denying the application. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the locality where the recycler is located. The department will accept comment on the tentative decision for thirty days, and may also hold a public hearing upon request or at its discretion. The department will issue a final decision after receipt of comments and after the hearing (if any), and this decision may not be appealed to the department.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 which is not a closed portion (subsection (11) of this section), and where dangerous waste recycling, reuse, reclamation, transfer, treatment, storage or disposal operations are being or have been conducted after:

(a) The effective date of the waste's designation by 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261. (See also "closed portion" and "inactive portion.")

(2) ("Administrator" means the administrator of the environmental protection agency or his designee.) "Acutely hazardous waste" means dangerous waste sources (listed in WAC 173-303-9904) F020, F021, F022, F023, F026, or F027, and discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the reason for designation column.

(3) "Aquatic LC<sub>50</sub>" (same as TLM<sub>96</sub>) 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" means the shoulder of a dike.

(8) "Boiler" means an enclosed device using controlled flame combustion and having the following ((design)) characteristics:

(a) ((The unit has provision for heat recovery; and

(b) The combustion chamber and heat recovery section are of integral design. The combustion chamber and heat recovery sections are of integral design if formed physically into one manufactured or assembled unit. (A unit in which the furnace or combustion chamber and heat recovery section are joined by ducts or connections carrying flue gas is not integrally designed); and

(c) Significant heat recovery takes place in the combustion chamber section by radiant transfer of heat to the transfer medium;)) (i) The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and

(ii) The unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: Process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

(iii) While in operation, the unit must maintain a thermal energy recovery efficiency of at least sixty percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

(iv) The unit must export and utilize at least seventy-five percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

(b) The unit is one which the department has determined, on a case-by-case basis, to be a boiler, after considering the standards in WAC 173-303-017(6).

(9) "By-product" means a material that is not one of the primary products of a production process and is not solely or separately produced by the production process ((or that is produced incidentally to the primary purpose of a production process)). Examples are process residues such as slags or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.

(10) "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.

(11) "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.

(12) "Closure" means the requirements placed upon all TSD facilities to ensure that all such facilities are closed in an acceptable manner (see also "post-closure").

(13) "Compliance procedure" shall mean any proceedings instituted pursuant to the Hazardous Waste Disposal Act as amended in 1980 and 1983, and chapter 70.105A RCW, 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)) Management Act. A compliance procedure is considered to be pending from the time a notice of violation or of intent to terminate a permit 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.

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

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

(16) "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 or dangerous waste constituents which could threaten the public health or environment.

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

(18) "Dangerous wastes" means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste. As used in this chapter, the words "dangerous waste"

will refer to the full universe of wastes regulated by this chapter (including dangerous and extremely hazardous waste), while the abbreviation "DW" will refer to that part of the regulated universe which is dangerous only, and not extremely hazardous. (See also "extremely hazardous waste" and "hazardous waste" definitions.)

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

(20) "Dermal LD<sub>50</sub>" 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 and which is authorized pursuant to this chapter or RCRA to recycle or manage dangerous waste.

(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 hazardous substances, dangerous waste or dangerous waste constituents such that the substance, waste or a waste constituent may enter or be emitted into the environment. Release includes, but is not limited to, the actions of: Spilling, leaking, pumping, pouring, emitting, dumping, emptying, depositing, placing, or injecting.

(25) "Disposal" means the discharging, 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, air, or water.

(26) "Draft permit" means a document prepared under WAC 173-303-840 indicating the department's tentative decision to issue or deny, 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 TSD facility.

(29) "Extremely hazardous waste" means those dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. The abbreviation "EHW" will be used in this chapter to refer to those dangerous wastes which are extremely hazardous. (See also "dangerous waste" and "hazardous waste" definitions.)

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

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

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

(33) "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.

(34) "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.

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

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

(37) "Halogenated hydrocarbons" (HH) means any organic compounds which, as part of their composition, include one or more atoms of fluorine, chlorine, bromine, iodine, or astatine. The requirements of this chapter apply to 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.

(38) "Hazardous substances" means any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the physical, chemical or biological properties described in WAC 173-303-090, 173-303-101, 173-303-102, or 173-303-103.

(39) "Hazardous wastes" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States EPA. This term will never be abbreviated in this chapter to avoid confusion with the abbreviations "DW" and "EHW." (See also "dangerous waste" and "extremely hazardous waste" definitions.)

(40) "Inactive portion" means that portion of a facility which has not recycled, treated, stored, or disposed dangerous waste after:

(a) The effective date of the waste's designation, for wastes designated under 40 CFR Part 261; and

(b) March 10, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

(41) "Incinerator" means ~~((an))~~ any enclosed device using controlled flame combustion ~~((to burn or reduce dangerous waste and in which the combustion chamber (or chambers) and heat recovery section, if any, are not of integral design (see also "boiler"))~~ that neither meets the criteria for classification as a boiler nor is listed as an industrial furnace.

(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) "Industrial-furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use controlled flame ~~((combustion or elevated temperature))~~ devices to accomplish recovery of materials or energy; cement kilns, lime kilns, aggregate kilns, phosphate kilns, blast furnaces, smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters and foundry furnaces), titanium dioxide chloride process oxidation reactors, coke ovens, methane reforming furnaces, combustion devices used in the recovery of sulfur values from spent sulfuric acid, and pulping liquor recovery furnaces. The department may decide to add devices to this list on the basis of one or more of the following factors:

(a) The device is designed and used primarily to accomplish recovery of material products;

(b) The device burns or reduces secondary materials as ingredients in an industrial process to make a material product;

(c) The device burns or reduces secondary materials as effective substitutes for raw materials in processes using raw materials as principal feedstocks;

(d) The device burns or reduces raw materials to make a material product;

(e) The device is in common industrial use to produce a material product; and

(f) Other factors, as appropriate.

(44) "Infectious waste" means organisms or materials listed in WAC 173-303-083, infectious dangerous wastes.

(45) "Inhalation LC<sub>50</sub>" 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.

(46) "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.

(47) "Interim status permit" means a temporary permit given to TSD facilities which qualify under WAC 173-303-805~~((5))~~.

(48) "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.

(49) "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 will remain after the facility is closed, this practice is disposal.

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

(51) "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.

(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 berms of a surface impoundment, waste pile, or landfill.

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

(54) "Manifest" means the shipping document, prepared in accordance with the requirements of WAC 173-303-180, 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) "Moderate risk waste" means any dangerous waste that is solid only (nonliquid, nonaqueous, nongaseous), that is not a regulated hazardous waste under 40 CFR Part 261, and that is designated as only DW in WAC 173-303-090, 173-303-101, 173-303-102 or 173-303-103. Any solid waste that is EHW or that is regulated by the United States EPA as hazardous waste cannot be a moderate risk waste.

(56) "NIOSH registry" means the registry of toxic effects of chemical substances which is published by the National Institute for Occupational Safety and Health.

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

(58) "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.

(59) "On-site" means the same, geographically contiguous, or bordering property. Travel between two properties divided by a public right of way, and owned, operated, or controlled 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.

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

(61) "Oral LD<sub>50</sub>" 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.

(62) "Permit" means an authorization 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. Permits must be issued by one of the following:

(a) The department, pursuant to this chapter;

(b) United States EPA, pursuant to 40 CFR Part 270; or

(c) Another state authorized by EPA, pursuant to 40 CFR Part 271.

(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. Herbicides, fungicides, insecticides, and rodenticides are pesticides for the purposes of this chapter.

(67) "Pile" means any noncontainerized accumulation of solid, non-flowing dangerous waste that is used for treatment or storage.

(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 those hydrocarbon molecules composed of two or more benzene rings. For the purposes of this chapter, the PAH of concern for designation are only those PAH with more than three rings and less than seven rings.

(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.")

(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) "Reclaim" means to process a ~~((solid or dangerous waste))~~ material in order to recover useable products, or to regenerate the ~~((solid or dangerous waste))~~ material so that it can continue to serve its original purpose. Reclamation is the process of reclaiming.

(73) "Recover" means extract a useable material from a solid or dangerous waste through a physical, chemical, biological, or thermal process. Recovery is the process of recovering.

(74) "Recycle" means to use, reuse, or ~~((recover))~~ reclaim a material ~~((that is, or reclaim a material from, a solid or dangerous waste))~~.

(75) "Regulated unit" means any new or existing surface impoundment, landfill, land treatment area or waste pile that receives any dangerous waste after:

(a) January 26, 1983 for wastes regulated by 40 CFR Part 261;

(b) October 31, 1984 for wastes designated only by this chapter and not regulated by 40 CFR Part 261; or

(c) The date six months after a waste is newly identified by amendments to 40 CFR Part 261 or this chapter which cause the waste to be regulated.

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

(77) "Reuse or use" means ~~((use a solid or dangerous waste without first subjecting it to recovery or reclamation))~~ to employ a material either:

(a) As an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or

(b) In a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).

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

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

(80) "Schedule of compliance" means a schedule of remedial measures in a permit including an enforceable sequence of interim requirements leading to compliance with this chapter.

(81) "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.

(82) "((Solid waste)) Scrap metal" means ((any solid, semi-solid, liquid or contained gaseous material, garbage, refuse, sludge, or discarded commodity resulting from industrial, commercial, mining, agricultural, or community operations or activities that is not a primary product of such operations or activities)) bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled.

(83) "Spent material" means any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.

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

(85) "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 as long as the generator complies with the requirements of WAC 173-303-200.

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

(87) "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 materials (although it may be lined with man-made materials), and which is designed to hold an accumulation of liquid dangerous wastes or dangerous wastes containing free liquids. The term includes holding, storage, settling, and aeration pits, ponds, or lagoons, but does not include injection wells.

(88) "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.

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

(90) "TLm<sub>96</sub>" means the same as "Aquatic LC<sub>50</sub>."

(91) "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 or dangerous waste constituents into the environment during treatment.

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

(93) "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.

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

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

(96) "Travel time" means the period of time necessary for a dangerous waste constituent released to the soil (either by accident or intent) to enter any on-site or off-site aquifer or water supply system.

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

(98) "Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which dangerous wastes are degraded, transformed or immobilized.

(99) "Triple rinsing" means the cleaning of containers in accordance with the requirements of WAC 173-303-160 ~~((12))~~ (3), containers.

(100) "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.

(101) "Unsaturated zone" means the zone between the land surface and the water table.

(102) "Uppermost aquifer" means the geological formation nearest the natural ground surface that is capable of yielding ground water to wells or springs. It includes lower aquifers that are hydraulically interconnected with this aquifer within the facility property boundary.

(103) "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.

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

(a) Is part of a waste water treatment facility which is subject to regulation under either:

(i) Section 402 or section 307(b) of the Federal Clean Water Act; or

(ii) Chapter 90.48 RCW, State Water Pollution Control Act, provided that any dangerous waste treated at the facility is designated only by this chapter 173-303 WAC and is not regulated as hazardous waste under 40 CFR Part 261; and

(b) Handles dangerous waste as defined in WAC 173-303-070 through 173-303-103 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.

(105) "Existing TSD facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982,

for wastes designated only by this chapter and not designated by 40 CFR Part 261. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state and local 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.

(106) "New TSD facility" means a facility which began operation or for which construction commenced after November 19, 1980, for wastes designated by 40 CFR Part 261, or August 9, 1982, for wastes designated only by this chapter and not designated by 40 CFR Part 261.

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 Parts 260, 264, 270, and 124 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.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-045 REFERENCES TO EPA'S HAZARDOUS WASTE AND PERMIT REGULATIONS. Any references in this chapter to any parts, subparts, or sections from EPA's Hazardous Waste Regulations, including 40 CFR Parts 260 through 270 and Part 124, shall be in reference to those rules as they existed on ~~((March 31, 1984))~~ June 6, 1986, with the exception of rules adopted by EPA pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), Public Law 98-616, amending RCRA. Copies of the appropriate referenced federal requirements are available upon request from the department.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-060 NOTIFICATION AND IDENTIFICATION NUMBERS. (1) Any person who generates, transports, offers for transport, or transfers a dangerous waste, or who owns or operates a dangerous waste TSD facility shall have a current EPA/state identification number (EPA/state ID#). Any person who offers a dangerous waste to a transporter or to a dangerous waste TSD facility which does not have an EPA/state ID#, or whose EPA/state ID# has been cancelled, closed, or withdrawn, shall be in violation of this regulation.

(2) 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 of dangerous waste activities, form 2, and submitting the completed form to the department. Any person already assigned an EPA/state ID# must submit a revised notification form 2 to the department prior to any changes to his company's name, mailing address, ownership, physical location, or type of dangerous waste activity. Any change in location will require the issuance of a new EPA/state ID#. An EPA/state ID# may not be used at new company locations. Notification of dangerous waste activities, form 2 and instructions for its completion may be obtained by contacting the department.

(3) Any person with an EPA/state ID# may request that his ID# be withdrawn if he will no longer be handling dangerous waste at the site the ID# has been assigned to. Any person whose ID# has been withdrawn must notify the department before he uses the ID# at any later date. Notification must be in writing, except in the case of emergencies (e.g., fires, spills, etc.) such notification may be provided by telephone first, and followed within one week by a written notification. Withdrawal will only be granted if an ID# will not be used for at least two years.

(4) Any person with an EPA/state ID# may request that his ID# be cancelled or closed if he will no longer occupy the site. Notification must be in writing. An EPA/state ID# shall be considered cancelled or closed only after issuance of written confirmation by the department.

(5) Any person with a current EPA/state ID# must submit an annual report as required by WAC 173-303-220 and 173-303-390. Any person that has withdrawn, closed, or cancelled their ID# and received confirmation from the department must submit an annual report for the calendar year in which their request was approved.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)WAC 173-303-070 DESIGNATION OF DANGEROUS WASTE. (1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

((2) Applicability:)) (b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter. This section does not apply to those persons who handle wastes that are excluded by WAC 173-303-071 or are exempted by the department. Any person who must determine whether or not his solid waste is designated ((shall perform such designation in the following general manner:

(a) List designation. He shall determine whether or not his waste is designated by the dangerous waste lists, WAC 173-303-080 through 173-303-084, and, if not, shall then also determine whether or not his waste is designated by the dangerous waste characteristics, WAC 173-303-090; or

(b) Criteria designation. Except as provided otherwise in subsection (3)(c) of this section, in lieu of (a) of this subsection, he shall determine whether or not his waste is designated by the dangerous waste criteria, WAC 173-303-100 through 173-303-103.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072)) must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the recycling, treatment, storage, or disposal of that dangerous waste, including but not limited to any sludge, spill residue, ash, emission control dust, leachate, or precipitation run-off (unless it can be shown that such run-off has not been contaminated with the dangerous waste) is a dangerous waste unless and until:

(i)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-084 has been exempted pursuant to WAC 173-303-910(3); or

(ii) If originally designated only through the criteria of WAC 173-303-101 through 173-303-103, no longer meets any of those criteria.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(3) Designation procedures.

(a) To determine whether or not his waste is designated ((a person must use certain sections of this chapter in the manner set forth in (a) and (b) of this subsection. Any person who determines by these procedures that his waste is designated DW or EHW 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) List designation. Except as provided in (b) of this subsection:)) 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.

(b) In addition to the designation procedures specified in (a) of this subsection, a person may choose or may be required under subsection (4) of this section to check his waste against the following sections, and in the following order:

(i) First, Toxic dangerous wastes, WAC 173-303-101;

(ii) Second, Persistent dangerous wastes, WAC 173-303-102;

(iii) Last, Carcinogenic dangerous wastes, WAC 173-303-103.

(c) 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) of this section. For the purposes of designating through the criteria, if a person determines that his waste is designated DW, then he must assure that it is not also EHW by checking

it against the remaining sections. If one section results in his waste being both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If he has checked his waste against each section that he is required by this section to check and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

((b) Criteria designation. Except as provided otherwise in (c) of this subsection, in lieu of (a) of this subsection (list designation) a person shall check his waste against the following sections, and in the following order:

(i) First, Toxic dangerous wastes, 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 DW, then he must assure that it is not also EHW by checking it against the remaining sections. If he determines that his waste is designated EHW, then he need not check it against any remaining sections. If designation results in his waste being both EHW and DW (e.g., a waste might be EHW for toxicity and DW for persistence), the waste must be designated EHW. 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.

(c) Designating certain listed wastes by the criteria. Any person who has chosen to designate his waste according to the procedures specified in (b) of this subsection (criteria designation) must, if his waste is listed in WAC 173-303-081 or 173-303-082, comply with the following requirements:

(i) If his waste is designated by the procedures of (b) of this subsection, then his waste will still be designated as a listed waste also, and will be subject to all requirements of this chapter applicable to listed dangerous wastes; and

(ii) If his waste is not designated by the procedures of (b) of this subsection, then:

(A) The person must notify the department of his determination under (b) of this subsection (criteria designation), and request a notice from the department indicating that it agrees with his decision that the waste should not be designated;

(B) Until the department issues a notice of agreement to the person, he must handle his waste in accordance with all requirements of this chapter applicable to listed dangerous wastes;

(C) The department will review the person's request and decide whether or not it agrees with the person's decision that his waste should not be designated. In deciding whether or not to agree, the department will consider:

(1) The person's determination under (b) of this subsection (criteria designation); and

(2) In addition, the factors specified under WAC 173-303-072(4).

The department will request, and the person shall provide, any information it deems necessary to make an accurate decision to agree or disagree. Failure by the person to provide all requested information will form a basis for the department to not issue a notice of agreement; and

(D) If the department agrees that the person's waste should not be designated, then it will issue a notice of agreement to the person and his waste will not be designated a dangerous waste for the purposes of this chapter. If instead the department decides that the person's waste should be designated a dangerous waste, then the department will notify the person of its decision and the person's waste will be designated a listed dangerous waste. For the purposes of this chapter, the person's waste will then be subject to all requirements applicable to listed dangerous wastes:))

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may require any person to determine whether or not his waste is designated under the dangerous waste criteria, WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated DW or EHW by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to the requirements of this subsection, determines that his waste is a dangerous waste or that its designation

must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-084, 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, WAC 173-303-100 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and W001. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to ~~((identify the amount of a dangerous waste that, when generated, causes such waste to be)) distinguish when a dangerous waste is only subject to the small quantity generator provisions, and when a dangerous waste is fully subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.~~

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the ~~((generator)) person~~ must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL'S. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 400 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 400 pounds, respective QEL's). Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)(d) or (e) is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) (Reserved.)

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is ~~((listed in WAC 173-303-9903 or 173-303-9904 or exhibits one or more of the characteristics described under WAC 173-303-090 (5), (6), (7) and (8))) designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all~~

dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter ~~((, and such person cannot be a small quantity generator until after all dangerous waste on-site at the time the QEL was exceeded have been removed, treated, or disposed)).~~ For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 400 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates ~~((or)), accumulates, or stores~~ waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he:

~~((a)) (i)~~ Complies with subsections (1), (2), (3), and (4) of this section; and

~~((b)) (ii)~~ Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

~~((c)) (A)~~ Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

~~((d)) (B)~~ Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

~~((e)) (C)~~ Permitted to manage municipal or industrial solid waste in accordance with ~~((chapter 70-95 RCW and chapter 173-303 WAC)) state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; or~~

~~((f)) (D)~~ A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities.

(c) If a small quantity generator's dangerous wastes are mixed with used oil, the mixture is subject to WAC 173-303-515 if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

AMENDATORY SECTION (Amending Order DE-85-02, filed 4/15/85)

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 dangerous waste, 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) Excluding wastes. Any persons who generate a common class of wastes and who seek to categorically exclude such class of wastes from the requirements of this chapter shall comply with the applicable requirements of WAC 173-303-072. No waste class will be excluded if any of the wastes in the class are regulated as hazardous waste under 40 CFR Part 261.

(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, and any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works (POTW) for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system;

(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) Household wastes, including household waste that has been collected, transported, stored, or disposed. Wastes which are residues from or are generated by the management of household wastes (e.g., leachate, ash from burning of refuse-derived fuel) are not excluded by this provision. "Household wastes" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from

households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas);

(d) Agricultural crops and animal manures which are returned to the soil as fertilizers;

(e) ~~((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))~~ Asphaltic materials designated only for the presence of PAHs by WAC 173-303-084(6) or 173-303-102. For the purposes of this exclusion, asphaltic materials means materials intended and used for structural and construction purposes (e.g., roads, dikes, paving) which are produced from mixtures of oil and sand, gravel, ash or similar substances;

(f) Roofing tars and shingles, except that these wastes are not excluded if mixed with wastes listed in WAC 173-303-081 or 173-303-082, or if they exhibit any of the characteristics specified in WAC 173-303-090;

(g) Waste wood or wood products treated with preservatives if the waste is generated by persons who utilize the treated wood or wood products for these materials' intended end use;

(h) Irrigation return flows;

(i) Materials subjected to in-situ mining techniques which are not removed from the ground during extraction;

(j) Mining overburden returned to the mining site;

(k) ~~((††))~~ Polychlorinated biphenyl (PCB) wastes.

(l) PCB wastes whose disposal is regulated by EPA under 40 CFR 761.60;

(m) ~~((Any transformer or capacitor that contains PCB if the transformer or capacitor, and any liquid from such transformer or capacitor, is))~~ Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when, using EPA's PCB testing method 600/4-81-045, the waste can be shown to contain less than one part per million (ppm) PCB or when, using ASTM method D 4059-83, the waste can be shown to contain less than two parts per million (ppm) PCB;

(n) Wastes that would be designated as dangerous waste under this chapter solely because they are listed as W001 under WAC 173-303-9904 when such wastes are:

(A) Stored in a manner equivalent to the requirements of 40 CFR 761.65; and

(B) Within one year of removal from service, ~~((either burned in an incinerator that complies with 40 CFR 761.70, or disposed of in a landfill that complies with 40 CFR 761.75))~~ disposed of either in an incinerator that complies with 40 CFR 761.70, in a chemical waste landfill that complies with 40 CFR 761.75, in a high efficiency boiler that complies with 40 CFR 761.60 (a)(2)(iii) or (a)(3)(iii), or in a facility otherwise approved in accordance with 40 CFR 761.60(e); ~~((and))~~

(l) Samples.

(i) Except as provided in (l)(ii) of this subsection, a sample of solid waste or a sample of water, soil, or air, which is collected for the sole purpose of testing to determine its characteristics or composition, is not subject to any requirements of this chapter, when:

(A) The sample is being transported to a lab for testing or being transported to the sample collector after testing; or

(B) The sample is being stored by the sample collector before transport, by the laboratory before testing, or by the laboratory after testing prior to return to the sample collector; or

(C) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action).

(ii) In order to qualify for the exemption in (l)(i)(A) of this subsection, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector must:

(A) Comply with United States Department of Transportation (DOT), United States Postal Service (USPS), or any other applicable shipping requirements; or

(B) Comply with the following requirements if the sample collector determines that DOT or USPS, or other shipping requirements do not apply:

(1) Assure that the following information accompanies the sample:

(aa) The sample collector's name, mailing address, and telephone number;

(bb) The laboratory's name, mailing address, and telephone number;

(cc) The quantity of the sample;

(dd) The date of shipment;

(ee) A description of the sample; and

(II) Package the sample so that it does not leak, spill, or vaporize from its packaging.

(iii) This exemption does not apply if the laboratory determines that the waste is dangerous but the laboratory is no longer meeting any of the conditions stated in (l)(i) of this subsection;

(m) Asbestos wastes or asbestos containing wastes which would be designated only as respiratory carcinogens by WAC 173-303-084 or 173-303-103, and any other inorganic wastes which are designated only under WAC 173-303-084 or 173-303-103 because they are respiratory carcinogens, if these wastes are managed in compliance with or in a manner equivalent to the asbestos management procedures of 40 CFR Part 61;

(n) Dangerous waste which is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials;

(o) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC codes 331 and 332), except that these wastes are not excluded if they exhibit one or more of the dangerous waste criteria (WAC 173-303-100 through 173-303-103) or characteristics (WAC 173-303-090);

(p) Wastes from burning any of the materials exempted from regulation by WAC 173-303-120 (2)(a)(v), (vi), (vii), (viii), or (ix).

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-081 DISCARDED CHEMICAL PRODUCTS.

(1) A waste shall be designated as a ~~((discarded chemical product if it is discarded or intended to be discarded in amounts greater than the quantity exclusion limits of subsection (2) of this section, and if it is, or))~~ dangerous waste if it is handled in any of the manners described in (e) of this subsection, and if it is a residue from the management of:

(a) A commercial chemical product or manufacturing chemical intermediate which has 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) Any containers or inner liners that have been used to hold any commercial chemical product or manufacturing chemical intermediate that has, or any off-specification commercial chemical product or manufacturing chemical intermediate which if it had met specifications would have, the generic name listed on the acutely dangerous chemical products list of WAC 173-303-9903, unless the containers or inner liners are empty and have been triple rinsed as described in WAC 173-303-160 (2) and ~~((††))~~ (3);

(d) Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a commercial chemical product or manufacturing chemical intermediate which has, or of 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;

(e) The materials or items described in (a), (b), (c), and (d) of this subsection are dangerous wastes when they are:

(i) Discarded or intended to be discarded as described in WAC 173-303-016 (3)(b)(i);

(ii) Burned for purposes of energy recovery in lieu of their original intended use;

(iii) Used to produce fuels in lieu of their original intended use;

(iv) Applied to the land in lieu of their original intended use; or

(v) Contained in products that are applied to the land in lieu of their original intended use.

(2) Quantity exclusion limits:

(a) A person with a waste or wastes (including residues from the management of wastes) identified in subsection (1) of this section, shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(i) For chemicals designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) per month or per batch. Such wastes are designated EHW;

(ii) For chemicals and for residues from the cleanup of spills involving chemicals designated on the moderately dangerous chemical products list of WAC 173-303-9903 - 400 lbs. (181.8 kg) per month or per batch. Such wastes are designated DW;

(iii) For containers or inner liners which held any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 2.2 lbs. (1.0 kg) of residue remaining in the containers or inner liners per month or per batch ~~((Even if)) unless the containers or inner liners meet the definition of empty and have been triple rinsed as described in WAC 173-303-160 (2) and ((4), the residue quantities remaining in the containers or inner liners must be summed as an aggregate quantity. Such wastes are designated EHW)) (3);~~

(iv) For residues, contaminated soil, water, or other debris from the cleanup of a spill of any chemical designated on the acutely dangerous chemical products list of WAC 173-303-9903 - 220 lbs. (100 kg) per month or per batch. Such wastes are designated EHW.

(b) A person's total monthly waste quantity shall be the sum of all his wastes which share a common quantity exclusion limit (e.g., the total quantity of all EHW discarded chemical products, the total quantity of all residues contaminated by EHW discarded chemical products, etc.) which were generated during a month or a batch operation at each specific waste generation site.

(3) Dangerous waste numbers and mixtures. A waste which has been designated as a discarded chemical product dangerous waste shall be assigned the dangerous waste number or numbers listed in WAC 173-303-9903 next to the generic chemical or chemicals which caused the waste to be designated. 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) For the purposes of this chapter, the term "acutely hazardous waste" shall include discarded chemical products (listed in WAC 173-303-9903) that are identified with a dangerous waste number beginning with a "P" or that show an "X" or "A" in the Reason for Designation column.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-082 DANGEROUS WASTE SOURCES. (1) The dangerous waste sources list appears in WAC 173-303-9904. Any waste which is listed or which is a residue from the management of a waste 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 DW, and shall be assigned the dangerous waste number which corresponds to the waste's listing. Note--)) shall be designated a dangerous waste, and shall be identified as DW, except that WAC 173-303-9904 includes several footnotes describing circumstances under which certain dangerous waste sources should be designated EHW rather than DW.~~

(2) Quantity exclusion limit. A person whose waste is listed in WAC 173-303-9904 (including residues from the management of such wastes) shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the amount of his waste exceeds the following quantity exclusion limits:

(a) 2.2 lbs. (1 kg) per month or per batch for wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027. For the purposes of this chapter, the term "acutely hazardous waste" shall include dangerous waste sources F020, F021, F022, F023, F026, and F027;

(b) 220 lbs. (100 kg) per month or per batch of any residue or contaminated soil, waste or other debris resulting from the cleanup of a spill, into or on any land or water of a waste listed in (a) of this subsection; or

(c) 400 lbs. (181.8 kg) per month or per batch for all other wastes.

(3) Care should be taken in the proper designation of these wastes and of mixtures of these wastes and solid wastes. 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 have the same designation (DW or EHW), and shall have the same dangerous waste number as the dangerous waste source which was mixed with the solid waste.

(4) For the purposes of this section, any dangerous waste source listed in WAC 173-303-9904 which lists more than one chemical compound must be designated as a dangerous waste ~~((source))~~ if it contains any one or any combination of the listed chemical compounds. For example, a spent nonhalogenated solvent containing both xylene and acetone must be designated as dangerous waste source F003.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 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 ~~((H7-3))~~ 302.4 (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 with greater than three rings and less than seven rings; 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 <sub>96</sub> (Fish) or,	Inhalation		
	Aquatic (Fish) LC <sub>50</sub> (ppm)	Oral (Rat) LD <sub>50</sub> (mg/kg)	(Rat) LC <sub>50</sub> (mg/L)	Dermal (Rabbit) LD <sub>50</sub> (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) A person whose waste mixture contains one or more toxic constituents shall determine the equivalent concentration for his waste from the following formula:

$$\text{Equivalent Concentration(\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{1000} + \frac{\Sigma D\%}{10,000}$$

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:

$$\begin{aligned} \text{E.C. (\%)} &= \frac{.01}{10} + \frac{0}{100} + \frac{1}{1000} + \frac{(4 + 2 + 5)}{10,000} + \frac{0}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

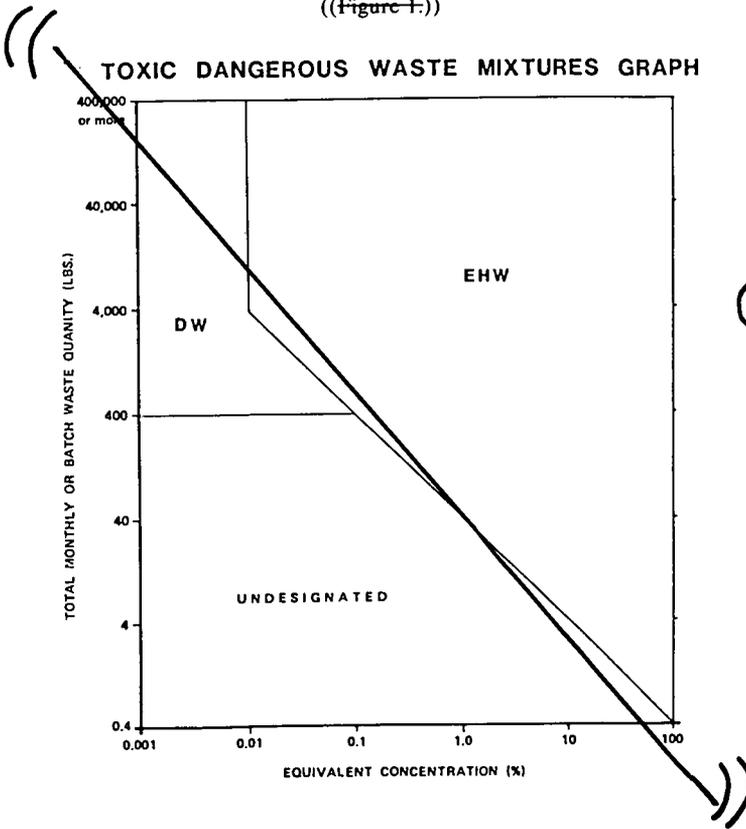
So his equivalent concentration equals .031%.

(c) A person whose waste mixture contains toxic constituents shall determine his designation from the toxic dangerous waste mixtures graph((,-below;)) in WAC 173-303-9906 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 DW, he shall designate his waste as DW; if the plotted point is in the area marked EHW, he shall designate his waste as EHW.

(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 for toxicity under this subsection.

(e) Toxic dangerous waste mixtures graph. ((A larger version of this)) The toxic dangerous waste mixtures graph appears in WAC 173-303-9906.

((Figure 1:))



(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:  
Total HH Concentration (%) = .009% + .012% + .02% = .041%

(b) A person whose waste mixture contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven

rings for which the concentrations are known shall determine his total polycyclic aromatic hydrocarbon concentration by summing the concentration percentages for all of those polycyclic aromatic hydrocarbons with more than three rings and less than seven rings about which he knows the concentration in his waste mixture.

Example 3. A person's waste mixture contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

$$\text{Total PAH Concentration (\%)} = .08\% + 1.22\% = 1.3\%$$

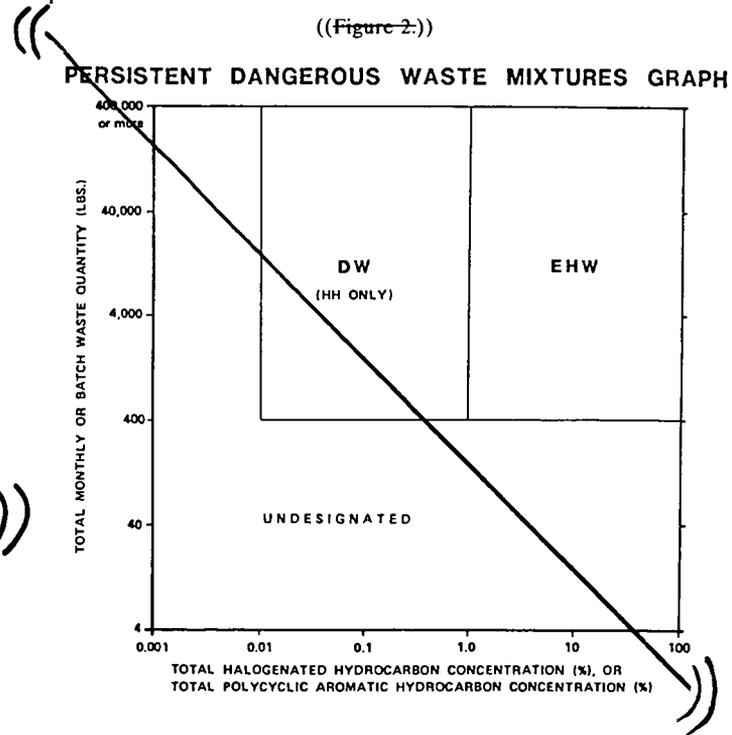
(c) A person whose waste mixture contains halogenated hydrocarbons shall determine his designation from the persistent dangerous waste mixtures graph((,-below;)) in WAC 173-303-9907 by finding the total halogenated hydrocarbon concentration for his waste along the abscissa, finding his total waste mixture 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 total halogenated hydrocarbon concentration. If the plotted point is in the area marked DW, then he shall designate his waste DW; if the plotted point is in the area marked EHW, then he shall designate his waste EHW.

(d) A person whose waste mixture contains polycyclic aromatic hydrocarbons with more than three rings and less than seven rings shall determine his designation from the persistent dangerous waste mixtures graph((,-below;)) in WAC 173-303-9907 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 EHW, then he shall designate his waste EHW. If the plotted point is outside of the area marked EHW, then his waste is not designated.

(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 for persistence under this subsection.

(f) Persistent dangerous waste mixtures graph. ((A larger version of this graph also)) The persistent dangerous waste mixtures graph appears in WAC 173-303-9907.

((Figure 2:))



(7) Carcinogens. Any person whose waste mixture contains one or more IARC human or animal, positive or suspected carcinogen(s) shall designate his 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.).

(c) For designation purposes, any IARC human or animal, positive or suspected carcinogen that is so rated because of studies involving implantation of the substance into test animals as sole cause for the IARC rating, shall not be carcinogenic. This additional information is available in the IARC Monographs on the Evaluation of the Carcinogenic Risk of Chemicals to Humans.

(8) Assigning dangerous waste numbers. A person whose waste is a dangerous waste mixture shall assign a dangerous waste number from the generic dangerous waste numbers table in WAC 173-303-104, Generic dangerous waste numbers. He shall assign the dangerous waste number from the table which corresponds to the designation for his dangerous waste.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

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(2).

(4) Quantity exclusion limit. A solid waste (~~which~~) is a dangerous waste if it exhibits one or more of the dangerous waste characteristics (~~shall be subject to the requirements of this chapter if its quantity~~) described in subsections (5), (6), (7), and (8) of this section. If a person's solid waste exhibits one or more of these characteristics, then he shall be a dangerous waste generator (and may not be considered a small quantity generator as provided in WAC 173-303-070(8)) if the quantity of his waste 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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated 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 one or more 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 Method 5.2 in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, available from the department;

(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; or

(iii) It is solid or semi-solid, and when mixed with an equal weight of water results in a solution, the liquid portion of which has the property specified in (a)(i) of this subsection. Procedures for preparing and extracting the solution and liquid are described in the test procedures of WAC 173-303-110 (3)(a).

(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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated 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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, shall be designated 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 in (c) of this subsection, 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 subsection.

(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, WAC 173-303-080 through 173-303-084, or dangerous waste criteria, WAC 173-303-101 through 173-303-103, 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 EHW range shall cause that waste to be designated EHW. Any waste containing contaminants which occur at concentrations in the DW range only (i.e., no EHW contaminants), shall be designated DW.

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	> 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

EP TOXICITY LIST

Dangerous Waste Number	Contaminant	EHW Maximum Concentration In Extract (mg/L)	DW Maximum Concentration In Extract (mg/L)
D015	Toxaphene	> 50	0.5 - 50
D016	2,4-D	> 1,000	10 - 1,000
D017	2,4,5-TP Silvex	> 100	1 - 100

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 DW or EHW.

(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	TLm96 (Fish) or Aquatic (Fish) LC50(ppm)	Oral (Rat) LD50(mg/kg)	Inhalation (Rat) LC50(mg/L)	Dermal (Rabbit) LD50 (mg/kg)
X	<.1	<.5	<.02	<2
A	.1 - 1	.5 - 5.02	.2 - 2	2 - 20
B	1 - 10	5 - 50	2 - 20	20 - 200
C	10 - 100	50 - 500	20 - 200	200 - 2000
D	100 - 1000	500 - 5000	200 - 2000	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 subsection (3)(a) and (b) of this section, (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 all of these:

(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 ((+7-3)) 302.4 (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 subsection (2) of this section) for the significant toxic constituents in his waste;

(ii) He knows the concentrations of the significant toxic constituents in his waste; and

(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:

$$\text{Equivalent Concentration (\%)} = \frac{\Sigma X\%}{10} + \frac{\Sigma A\%}{100} + \frac{\Sigma B\%}{1000} + \frac{\Sigma C\%}{10000} + \frac{\Sigma D\%}{100000}$$

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

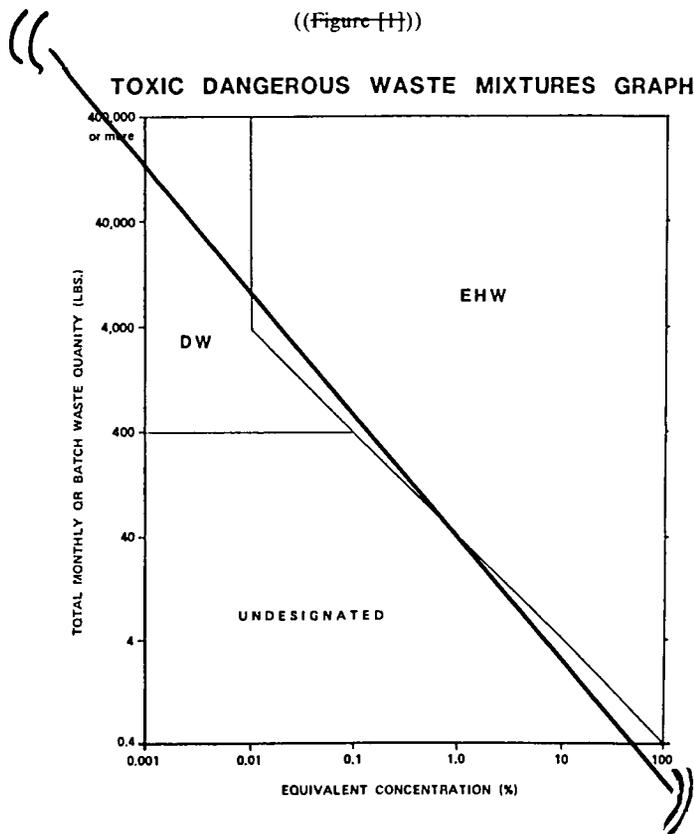
Category) - 2%; Cyclohexane (C Category) - 5%; Water (nontoxic) - 87%. His equivalent concentration (E.C.) would be:

$$\begin{aligned} \text{E.C. (\%)} &= .01\% + \frac{0\%}{10} + \frac{1\%}{100} + \frac{(4\% + 2\% + 5\%)}{1000} + \frac{0\%}{10,000} \\ &= .01\% + 0\% + .01\% + .011\% + 0\% = .031\% \end{aligned}$$

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~~ a larger version of this graph appears)) in 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 DW, he shall designate his waste DW; if the plotted point is in the area marked EHW, he shall designate his waste EHW.

((Figure (+)))



(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), 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)	DW
X, A, B, or C Category	40-400 lbs. (18.2-181.8 kg)	DW
	Greater than 400 lbs. (181.8 kg)	EHW

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

**WAC 173-303-102 PERSISTENT DANGEROUS WASTES.**  
 (1) Purpose. This section describes the procedures for designating wastes which contain halogenated hydrocarbons (HH) and/or polycyclic aromatic hydrocarbons with more than three rings and less than seven rings (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 (a) of this subsection, or by the calculation procedures described in (b) of this subsection.

(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)) (a)(v); and,

(ii) For PAH - By using the testing methods specified in WAC 173-303-110 (3)((c)) (a)(vi).

(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:

Total HH Concentration (%) = .009% + .012% + .02% = .041%

(ii) A person whose waste contains one or more polycyclic aromatic hydrocarbons with more than three rings and less than seven rings 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 polycyclic aromatic hydrocarbons with more than three rings and less than seven rings.

Example 2. A person's waste contains: Chrysene - .08%; 3, 4 - benzopyrene - 1.22%. His total polycyclic aromatic hydrocarbon concentration would be:

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%	DW
Polycyclic Aromatic Hydrocarbons (PAH)	greater than 1.0%	EHW
	greater than 1.0%	EHW*

\* No DW concentration level for PAH.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

**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, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985); and,
- (vii) Liquid waste in pits, ponds, lagoons, and similar reservoirs - "Pond Sampler" described in Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods, SW-846, revised July 1982, as amended by Update 1 (April 1984) and Update 2 (April 1985).

(b) Copies of these representative sampling methods are available from the department except for the ASTM standards which can be obtained by writing to:

ASTM  
 1916 Race Street  
 Philadelphia, PA 19103.

(3) Test procedures. Copies of the test procedures listed in this subsection (~~are available in two documents, copies of which~~) can be obtained from the department by writing to the appropriate address below:

For copies of WDOE test methods:

Attn: Test Procedures  
 Hazardous Waste Section, PV-11  
 Department of Ecology  
 Olympia, Washington 98504

For copies of SW 846:

Superintendent of Documents  
 U.S. Government Printing Office  
 Washington, D.C. 20401

For copies of ASTM methods:

ASTM  
 1916 Race Street  
 Philadelphia, PA 19103

The document titles and included test procedures are as follows:

(a) Chemical Testing Methods for Complying with the Dangerous Waste Regulation, March 1982, revised July 1983, describing methods for testing:

- (i) Ignitability;
- (ii) Corrosivity, including the addendum, Test Method for Determining pH of Solutions in Contact with Solids, March 1984;
- (iii) Reactivity;
- (iv) EP Toxicity;
- (v) Halogenated hydrocarbons; and
- (vi) Polycyclic aromatic hydrocarbons; (~~and~~)

(b) Biological Testing Methods, revised July 1981, describing procedures for:

- (i) Static acute fish toxicity test; and
- (ii) Acute oral rat toxicity test;

(c) Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 (Second Edition, 1982 as amended by Update 1 (April 1984) and Update 2 (April 1985)) is adopted by reference. This includes:

(i) Method 9095 (Paint Filter Liquids Test), demonstrating the absence or presence of free liquids in either a containerized or bulk waste;

(ii) Reserved;

(d) 40 CFR Part 261 Appendix X is adopted by reference for the purpose of analysis for chlorinated dibenzo-p-dioxins and dibenzofurans;

(e)(i) The determination of Polychlorinated Biphenyls in Transformer Fluids and Waste Oils, EPA-600/4-81-045; and

(ii) Analysis of Polychlorinated Biphenyls in Mineral Insulating Oils by Gas Chromatography, ASTM Standard D 4059-83.

(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(2), to the department.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-120 RECYCLED, RECLAIMED, AND RECOVERED WASTES. (1) This section describes the requirements for persons who recycle materials that are solid wastes ((that are designated as dangerous waste by this chapter.)) and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2) ((Unless specified otherwise in WAC 173-303-500 through 173-303-520:

(a) Generators of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recycled dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270; and

(c) Managers of facilities that recycle dangerous waste are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-280 through 173-303-395, 173-303-420 through 173-303-440, and 173-303-800 through 173-303-840 for all recyclers, WAC 173-303-400 for recyclers with interim status permits, and WAC 173-303-600 through 173-303-670 for recyclers with final facility permits:)) (a) The following recyclable materials are solid wastes and have been found by the department to be dangerous wastes. However, except as provided in (b) of this subsection, they are subject only to the requirements of WAC 173-303-070 through 173-303-110, and 173-303-160:

(i) Industrial ethyl alcohol that is reclaimed;

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics of dangerous waste but is recycled in some other manner than being burned for energy recovery;

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(e) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Moderate risk waste, as defined in WAC 173-303-040(55) (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

(d) Used oil that exhibits one or more of the characteristics of dangerous waste is designated only as DW through the criteria of WAC 173-303-100 through 173-303-103, or is a dangerous waste designated solely as W001, and is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-515);

(e) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

(f) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling.

The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section: (a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060, and

(ii) WAC 173-303-370;

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-420 through 173-303-440,

(C) WAC 173-303-800 through 173-303-840;

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-121 ((ACCUMULATION WITHOUT SUFFICIENT USE, REUSE OR RECYCLING.)) (RESERVED.) ((A substance is accumulated without sufficient amounts being used, reused, or recycled if, during the calendar, fiscal, or inventory year period, the amount of substance that is used, reused or recycled (or transferred to a different site for use, reuse or recycling) during the year period does not equal at least seventy-five percent by volume of the amount of that substance accumulated at the beginning of the period. For the purposes of this section, this principle shall be called overaccumulation. Subsections (1) and (2) of this section provide certain exceptions to this principle of overaccumulation.

(1) ~~Substances shall not be considered as overaccumulated once they have been used, reused, or recycled, even though they may previously have been overaccumulated.~~

(2)(a) ~~If a substance accumulates for one year without use, reuse, recycling, or transfer of at least seventy-five percent of the accumulated volume, the department may determine that the substance is not being overaccumulated during the following year. To obtain this determination, the person accumulating the substance must notify the department in writing, submitting the following information:~~

~~(i) The name and address of the person required to notify and the address of the site of accumulation, if different;~~

~~(iii) A description of:~~

~~(A) The substance being accumulated;~~

~~(B) Why the substance is, or if not exempted would be, a dangerous waste (e.g., whether listed, toxic, ignitable, etc.);~~

~~(C) The amount accumulated at the date of notification; and~~

~~(D) The way the substance is stored prior to use, reuse, recycling or transfer; and~~

~~(iii) A statement of:~~

~~(A) What the notifier expects the disposition (use, reuse, transfer, etc.) of the substance to be;~~

~~(B) Why this expectation is reasonable (e.g., because of past practice, market factors or contractual arrangements);~~

~~(C) Why the substance has accumulated for over one year; and~~

~~(D) When the notifier expects the use, reuse, recycling or transfer to occur.~~

~~The department may then use this information to determine whether the substance will not be overaccumulated during the following year, or alternatively, may require further pertinent information from the notifier. Such a determination will be based upon the reasonableness of the notifier's expectation that the substance will be used, reused, recycled or transferred for these purposes, taking into account the past practices, market factors, contractual arrangements, character, and quantity of the substance being accumulated, and the manner in which the substance is being stored. The notifier must keep appropriate records to demonstrate why he reasonably expects the accumulated substance to be used, reused, recycled or transferred for these purposes and must provide these records to the department upon its request.~~

~~(b) After the second year without use, reuse, recycling or transfer of at least seventy-five percent of the total volume accumulated at the beginning of that year, the department may again determine that the accumulated substance is not being overaccumulated during the following year. To do this, it must receive in writing the same information described in (a) of this subsection, from the person accumulating the substance. In addition, at least fifty percent of the total volume accumulated at the beginning of the year must have been used, reused, recycled, or transferred:~~

~~(c) If the substance accumulates for a third year without use, reuse, recycling or transfer of at least seventy-five percent of the total volume accumulated at the beginning of that year, all substance not actually used, reused, recycled, or transferred is being overaccumulated.)~~

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-141 TREATMENT, STORAGE, OR DISPOSAL OF DANGEROUS WASTE. (1) A person shall only offer a designated dangerous waste to a TSD facility which is operating either: Under a permit issued pursuant to the requirements of this chapter; or, if the TSD facility is located outside of this state, under interim status or a permit issued by United States EPA under 40 CFR Part 270, or under interim status or a permit issued by another state which has been authorized by United States EPA pursuant to 40 CFR Part 271.

(2) A person may offer a state only designated dangerous waste (not regulated by RCRA) to a facility which is located outside of this state and which does not meet the requirements of subsection (1) of this section if:

(a) The generator has on file a letter or copy of a letter signed by the regulatory authority in the receiving state that the receiving facility may accept the waste;

(b) The generator uses a transporter with a valid EPA/state identification number;

(c) The generator complies with all other applicable requirements, including manifesting, packaging and labeling, with respect to the shipping of the waste. However, the EPA/state identification number for the receiving facility is not required on the manifest or annual report; and

(d) The generator receives from the receiving facility a signed and dated copy of the manifest.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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. Only the weight of the residues in nonempty or nonrinsed containers or inner liners will be considered when determining waste quantities.

(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, whichever quantity is least, 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 total capacity, or, if the container's total capacity is greater than one hundred ten gallons, the volume of waste remaining in the container or inner liner is no more than 0.3 percent of the container's total capacity. A container which held compressed gas is empty when the pressure inside the container equals or nearly equals atmospheric pressure.

(3) ~~((Residues remaining in a container or inner liner which held DW need not be designated if the container or inner liner is empty, as defined in subsection (2) of this section:~~

~~(4)) Residues remaining in a container or inner liner which held ((EHW)) acutely hazardous waste, as defined in WAC 173-303-040(2), or pesticides bearing the danger or warning label, need not be designated if the container or inner liner is empty, as defined in subsection (2) of this section, and if the container or inner liner 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, with the open end of the container up, 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. Equipment used for the vacuum cleaning of residues from containers or inner liners must be decontaminated before discarding, in accordance with procedures approved by the department.~~

Any rinsate or vacuumed residue which results from the cleaning of containers or inner liners shall whenever possible be reused in a manner consistent with the original intended purpose of the substance in the container or inner liner. In the case of a farmer, if the rinsate is a pesticide residue then the rinsate shall be managed or reused in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property. Otherwise, the rinsate shall be checked against the designation requirements (WAC 173-303-070 through 173-303-103) and, if designated, managed according to the requirements of this chapter ~~((173-303-WAC))~~.

(4) Any residues remaining in empty containers that meet the applicable requirements of subsections (2) and (3) of this section will not be subject to the requirements of this chapter, and will not be considered as accumulated wastes for the purposes of calculating waste quantities.

(5) A person may petition the department to approve alternative container rinsing processes in accordance with WAC 173-303-910(1).

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-161 OVERPACKED CONTAINERS (LABPACKS). Small containers of dangerous waste may be placed in overpacked drums (or labpacks) provided that the following conditions are met:

(1) Hazardous waste must be packaged in nonleaking inside containers. The inside containers must be of a design and constructed of a material that will not react dangerously with, be decomposed by, or be ignited by the contained waste. Inside containers must be tightly and securely sealed and, to the extent possible, should be full and have as little air as possible in them to minimize voids. The inside containers must be of the size and type specified in the Department of Transportation (DOT) hazardous materials regulations (49 CFR Parts 173,

178, and 179), if those regulations specify a particular inside container for the waste;

(2) The inside containers must be overpacked in an open head DOT-specification metal shipping container (49 CFR Parts 178 and 179) of no more than 416-liter (110 gallon) capacity and surrounded by, at a minimum, a sufficient quantity of absorbent material to completely absorb all of the liquid contents of the inside containers. The metal outer container must be full after packing with inside containers and absorbent material;

(3) The absorbent material used must not be capable of reacting dangerously with, being decomposed by, or being ignited by the contents of the inside containers in accordance with WAC 173-303-395 (1)(b);

(4) Incompatible wastes, as defined in WAC 173-303-040, must not be placed in the same outside container; and

(5) Reactive wastes, other than cyanide- or sulfide-bearing waste as defined in WAC 173-303-090 (7)(a)(v), must be treated or rendered nonreactive prior to packaging in accordance with subsections (1) through (4) of this section. Cyanide- and sulfide-bearing reactive waste may be packed in accordance with subsections (1) through (4) of this section without first being treated or rendered nonreactive.

(6) An itemized listing of the chemicals, their concentrations and quantities per labpack must be kept by the generator and must be readily available in case of an emergency during shipment, and for the purposes of preparing annual reports under WAC 173-303-220.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 173-303-103.

(a) The generator shall be responsible for designating his waste as DW or EHW.

(b) The generator may request an exemption for his dangerous waste according to the procedures of WAC 173-303-072.

(2) A dangerous waste generator shall notify the department and obtain an EPA/state identification number as required by WAC 173-303-060, and shall comply with the requirements of WAC 173-303-170 through 173-303-230.

(3) Except for the accumulation and storage of dangerous wastes for less than ninety days as allowed under WAC 173-303-200, any generator who transfers, stores, treats, or disposes of dangerous waste on-site shall perform his operations in accordance with the TSD facility requirements of this chapter.

(4) The generator of a moderate risk waste may, upon approval by the department, for moderate risk waste only:

(a) Develop and implement an alternative manifest mechanism in lieu of the requirements of WAC 173-303-180 for moderate risk waste shipments. Such alternative mechanism might employ a single manifest for multiple shipments of the same moderate risk waste, might not require signatures or multiple copies for transporters or designated receiving facilities, and might include such other factors as the generator might develop and the department approve. The generator must, however, demonstrate to the department's satisfaction before implementing the alternative mechanism that it will assure accurate tracking and recording of waste shipments, and that the mechanism provides for the proper submission of exception reports as specified in WAC 173-303-220(2). The generator shall be responsible for assuring that all transporters and facilities involved in implementing the alternative manifest mechanism are complying with the terms and conditions of the mechanism as approved by the department; and

(b) Pursuant to the requirements of WAC 173-303-200, accumulate moderate risk waste in containers and tanks for up to one hundred eighty days, and accumulate moderate risk waste in piles for up to ninety days provided that he complies with WAC 173-303-660 (2), (3)(a), (b)(i), (ii)(A), (7), (8), and (9)(a).

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-180 MANIFEST. Before transporting dangerous waste or offering dangerous waste for transport off the site of generation, the generator shall prepare a manifest and shall follow all applicable procedures described in this section.

(1) This subsection describes the form and contents of dangerous waste manifests. (~~Until September 20, 1984, the manifest must meet~~

the requirements of either (a) or (b) of this subsection. On September 20, 1984 and thereafter, all manifests must meet the requirements of (b) of this subsection, and (a) of this subsection will no longer be in effect.

(a) ~~Required information for manifests. The manifest information requirements specified herein are only applicable until September 20, 1984. On September 20, 1984 and thereafter, manifests must be in the form and must contain the information required by (b) of this subsection. The manifest shall contain at least the following information:~~

~~(i) A manifest document number;~~  
~~(ii) The generator's name, address, telephone number, and EPA/state identification number;~~

~~(iii) The name, address, telephone number, and EPA/state identification number of each transporter used;~~

~~(iv) The name, address, and EPA/state identification number of the designated receiving facility (such facility must be permitted to handle the waste identified on the manifest) and, if the generator so chooses, of an alternate facility permitted to handle the waste in the event an emergency prevents delivery to the primary designated receiving facility;~~

~~(v) The total quantity of each dangerous waste, and the type and number of containers identified by units of weight or volume to be received by the transporter;~~

~~(vi) 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;~~

~~(vii) Measures to be taken in case of accident, the National Response Center phone number, 1-800-424-8802, and the CHEMTREC phone number, 1-800-424-9300;~~

~~(viii) Such other information as required by the department to implement chapter 70-105 RCW; and~~

~~(ix) 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, EPA, and the Washington state department of ecology."~~

~~(b) Uniform dangerous waste manifest. The requirements specified herein are applicable to all manifests used on and after September 20, 1984.) 40 CFR Part 262 Appendix - Uniform Hazardous Waste Manifest and Instructions (EPA Forms 8700-22 and 8700-22A and Their Instructions) is adopted by reference. The manifest shall be EPA Form 8700-22 and, if necessary, EPA Form 8700-22A. The manifest must be prepared in accordance with the instructions for these forms, as described in the uniform manifest Appendix of 40 CFR Part 262, and in addition must contain the following information in the specified shaded items of the uniform manifest:~~

~~((i+)) (a) Item D, and O if the continuation sheet 8700-22A is used - The first transporter's telephone number must be provided in this space;~~

~~((ii+)) (b) Item F, and Q if the continuation sheet 8700-22A is used - If a second transporter is used, then the second transporter's telephone number must be provided in this space;~~

~~((iii+)) (c) Item H - The designated receiving facility's telephone number must be provided in this space; and~~

~~((iv+)) (d) Item I, and R if the continuation sheet 8700-22A is used - The dangerous waste number (e.g., F001, D006, W02, P102) must be provided in this space for each corresponding waste entered and described under Item I, and 28 if the continuation sheet 8700-22A is used. As discussed in subsection (5) of this section, dangerous waste numbers WL01 or WL02 may be used in this space for labpacks.~~

~~(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 handwritten 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) If the transporter is unable to deliver the dangerous waste shipment to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste shipment.

(d) 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.

(e) 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 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.

(5) Special instructions for shipment of labpacks. For purposes of completing the uniform dangerous waste manifest, dangerous waste numbers WL01 (for labpacks containing wastes designated as EHW) or WL02 (for labpacks containing wastes designated only as DW) may be used to complete Items I and R in lieu of the dangerous waste numbers that would otherwise be assigned to the contents of the labpack.

AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-200 ACCUMULATING DANGEROUS WASTE ON-SITE. (1) A generator, not to include transporters as referenced in WAC 173-303-240(3), may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation, provided that:

(a) 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. The department may, on a case-by-case basis, grant a maximum thirty day extension to this ninety day period if dangerous wastes must remain on-site due to unforeseen, temporary and uncontrollable circumstances. A generator who accumulates dangerous waste for more than ninety days is an operator of a storage facility and is subject to the facility requirements of this chapter and the permit requirements of this chapter as a storage facility unless he has been granted an extension to the ninety day period allowed pursuant to this subsection;

(b) The waste is placed in containers and the generator complies with WAC 173-303-630 (2), (3), (4), (5), (6), (8), and (9), or the waste is placed in tanks and the generator complies with WAC 173-303-640 (3), (4), (5), (6), and (7), except that in lieu of the "sufficient freeboard" requirement of WAC 173-303-640 (3)(b)(ii) for uncovered tanks, the generator must maintain a minimum freeboard of two feet. For container accumulation, the department may require that the accumulation area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being accumulated, or due to a history of spills or releases from accumulated containers. In addition, any new container accumulation areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7);

(c) The date upon which each period of accumulation begins is marked and clearly visible for inspection on each container;

(d) While being accumulated on site, each container and tank is labeled or marked clearly with the words "dangerous waste" or "hazardous waste." Each container or tank must also be marked with a label or sign which identifies the major risk(s) associated with the waste in the container or tank for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state, or federal regulations, then such system will be adequate); and

(e) The generator complies with the requirements for facility operators contained in WAC 173-303-330 through 173-303-360 (personnel training, preparedness and prevention, contingency plan and emergency procedures, and emergencies): PROVIDED, That if none of the dangerous wastes he generates are regulated as EHW under WAC 173-303-081 and no quantity of dangerous wastes he generates in one month or one batch ever exceeds 2200 pounds (1000 kilograms), then the generator need comply with the requirements of WAC 173-303-330 through 173-303-360 only if:

(i) He accumulates dangerous waste on-site for ten or more calendar days; or

(ii) He is directed by the department to so comply, due to potential threats to public health or the environment. In such case, the department may require that he comply with all of or only parts of WAC 173-303-330 through 173-303-360, as necessary to mitigate the potential threats to public health or the environment.

(2) For the purposes of this section, the ninety-day accumulation period begins on the date that:

(a) The generator first generates a dangerous waste; or

(b) The quantity (or aggregated quantity) of dangerous waste being accumulated by a small quantity generator first exceeds the quantity exclusion limit for such waste (or wastes); or

(c) ~~((A container used for receiving and accumulating waste(s) is full, provided that:~~

~~(i) None of the wastes being accumulated on-site are regulated as EHW pursuant to WAC 173-303-081, and~~

~~(ii) The total quantity of all wastes being accumulated on-site does not exceed 2200 pounds prior to the date the container is full.)) The quantity of dangerous waste being accumulated in containers in satellite areas exceeds fifty-five gallons of dangerous waste or one quart of acutely hazardous waste (see WAC 173-303-040(2)). For the purposes of this section, satellite areas shall be locations at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste.~~

#### NEW SECTION

WAC 173-303-201 SPECIAL ACCUMULATION STANDARDS. (1) This section applies to persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste. The special provisions of this section do not apply to any acutely hazardous wastes (as defined in WAC 173-303-040(2)) that are being generated or accumulated by the generator.

(2) For purposes of accumulating dangerous waste, persons who generate less than 2200 pounds (1000 kg) per month of dangerous waste are subject to all applicable provisions of WAC 173-303-200 except that in lieu of the ninety-day accumulation period, dangerous waste may be accumulated for one hundred eighty days or less.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-210 GENERATOR RECORDKEEPING. (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 TSD.

(4) Any other records required for generators accumulating wastes on-site as described in WAC 173-303-170 (4)(b) or 173-303-200

must be retained for at least three years, including, but not limited to such items as inspection logs and operating records.

(5) The periods of retention for any records described in this section shall be automatically extended during the course of any unresolved enforcement action requiring those records or upon request by the director.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 obtains and holds an active EPA/state identification number or who generates or ships any dangerous waste off-site shall submit annual reports to the department, on the Generator Annual Dangerous Waste Report - Form 4 according to the instructions on the form (copies are available from the department), no later than March 1 for the preceding calendar year.

(b) In addition, any generator who stores, treats, or disposes of dangerous waste on-site shall comply with the annual 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.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 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), 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 if the containers are empty as defined in WAC 173-303-160(2), and if used to hold EHW, have been triple rinsed according to WAC 173-303-160 ~~((4))~~(3), and either:

(a) The rinsate is not a dangerous waste under this chapter (~~((73-303-WAC))~~); or

(b) He reuses the rinsate in a manner consistent with the original product or, if he is a farmer and the rinsate contains pesticide residues, he reuses or manages the rinsate in a manner consistent with the instructions on the pesticide label, provided that when the label instructions specify disposal or burial, such disposal or burial must be on the farmer's own (including rented, leased or tenanted) property.

(4) Tank cars. A person rinsing out dangerous waste tote tanks, truck or railroad tank cars shall handle the rinsate according to this chapter, (~~((73-303-WAC))~~) and according to chapter 90.48 RCW, Water pollution control.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

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. Transporters who are involved in interstate transport shall use the identification number assigned to their national headquarters office, unless the department requires, on a case-by-case basis, that a transporter obtain his own unique EPA/state ID#. Transporters who are involved only in intrastate transport shall use the identification number assigned to their headquarters office located within the state. Transporters who must comply with the generator requirements as a result of a spill at a terminal or during transport shall obtain a separate generator EPA/state ID# for such spill or terminal.

(2) Any person who transports a dangerous waste shall comply with the requirements of WAC 173-303-240 through 173-303-270, when such dangerous waste is required to be manifested by WAC 173-303-180.

Any person who transports moderate risk waste shall, if the generator of the waste has implemented an alternative manifest mechanism approved by the department under WAC 173-303-170 (2)(b)(i), comply with the terms and conditions specified by the generator and approved by the department for the alternative manifest mechanism.

(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 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 by owners/operators of permitted TSD facilities.

(5) Transporters may store manifested shipments of dangerous waste in containers meeting the requirements of WAC 173-303-190 (1), (2), and (3) for ten days or less. Transporters may not accumulate or store manifested shipments of dangerous waste for more than ten days. Reference to WAC 173-303-200 in WAC 173-303-240(3) does not constitute authority for storage in excess of ten days for transporters. Transporters who do not comply with these conditions are subject to all applicable TSD facility requirements.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 (~~((transfer))~~) 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. The owner or operator of a facility which manages moderate risk waste may comply with the special requirements specified in WAC 173-303-550 through 173-303-560 in lieu of the general requirements of WAC 173-303-280 through 173-303-395, but only for those moderate risk wastes which he manages. ~~((Owners and operators of transfer or collection facilities shall also comply with the applicable provisions specified in 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 apply for an EPA/state identification number from the department in accordance with WAC 173-303-060.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 and properties of all wastes handled, 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 (~~area~~) areal 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. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste, and removing or isolating containers.

(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 (i) of this subsection 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.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

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 or managed on-site, and the method(s) and date(s) of its treatment, storage, or disposal at the facility as required by subsection (2) of this section, 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 40 CFR Part 265 Subparts F through R for interim status facilities, and by WAC 173-303-630 through 173-303-670 for final status facilities;

(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 or managed 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

TABLE 1

Unit of Measure	Symbol	Density
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 or managed (treated, recycled, stored, or disposed of) 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 Electrolysis
- 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 or tank
  - 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, including plans, 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.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

**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 the Unmanifested Dangerous Waste Report - Form ((5)) 6 (which may be obtained from the department) must be used for this report. The report must include at least 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 of a facility that holds an active EPA/state identification number 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 the TSD Facility Annual Dangerous Waste Report - Form 5 (which may be obtained from the department) must be used for this report. In addition, any facility which ships dangerous waste off-site must comply with the annual reporting requirements of WAC 173-303-220. The annual report must cover facility activities during the previous calendar year and must include, but is not limited to 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) (or 40 CFR 265.142 for interim status facilities), and for disposal facilities, the most recent post-closure cost estimate under WAC 173-303-620(5) (or 40 CFR 265.144 for interim status facilities); and

(g) The certification signed in accordance with the requirements of WAC 173-303-810(12).

(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) and interim status groundwater monitoring data, as specified in 40 CFR 265.94 (a)(2) and (b)(2).

In addition, the owner or operator shall submit any other reports required by the department.

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

##### 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 (a) and (b) of this subsection, 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 Part 61 Subpart M. Such sites will not need to comply with any other standards of chapter 173-303 WAC, if they comply with 40 CFR Part 61 ((~~Subpart M~~)).

(4) Loading and unloading areas. TSD facilities which receive or ship manifested shipments of liquid dangerous waste for treatment, storage or disposal must provide for and use an area (or areas) for loading and unloading waste shipments. The loading and unloading area(s) must be designed, constructed, operated and maintained to:

(a) Contain spills and leaks that might occur during loading or unloading;

(b) Prevent release of dangerous waste or dangerous waste constituents to ground or surface waters;

(c) Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and

(d) Allow for removal, as soon as possible, of collected wastes resulting from spills, leaks and equipment cleaning (if any) in a manner which assures compliance with (b) of this subsection.

(5) Storage time limit for impoundments and piles.

(a) Except as provided in (b) or (c) of this subsection, dangerous waste shall not be stored in a surface impoundment or waste pile for more than five years after the waste was first placed in the impoundment or pile. For the purposes of this requirement, the five-year limit, for waste regulated under this chapter and being stored in impoundments or piles on the effective date of this requirement, will begin on August 1, 1984. The age of stored wastes must be determined on a monthly basis.

The owner/operator of a surface impoundment or waste pile used for storing dangerous waste must develop a written plan, to be kept at the facility, for complying with the five-year storage limit. The plan must describe the operating conditions, waste identification procedures (for keeping track of the age of the wastes), and a waste removal schedule, and at a minimum the plan must include the following elements:

(i) Methods for identifying the age of dangerous wastes placed in the impoundment or pile;

(ii) Where practical, procedures for segregating wastes of different ages. If the wastes cannot be practically segregated, then the age of all wastes placed in the impoundment or pile shall be deemed the same age as the oldest waste in the impoundment or pile;

(iii) A schedule for removing dangerous waste from the impoundment or pile, or for disposing of them in a timely manner to assure compliance with the five-year limit;

(iv) A description of the actions to be taken according to the schedule required by (a)(iii) of this subsection;

(v) Procedures for noting in the operating record required by WAC 173-303-380(1) that the requirements of this subsection have been satisfied; and

(vi) Such other requirements as the department specifies.

(b) If the owner/operator of a surface impoundment or waste pile can develop a written plan and schedule for developing and implementing a recycling or treatment process for the wastes stored in his impoundment or pile, then the department may grant an extension to the storage time limit required in (a) of this subsection. Such extension will be granted only once, will only apply to those dangerous wastes covered by the recycling or treatment plan and which are less than five years old on the date that the plan is approved by the department, and will not exceed five years: PROVIDED, That on a case-by-case basis the department may grant an extension of longer than five years, but in no case will any extension be granted for longer than ten years, if the owner/operator of the impoundment or pile can demonstrate to the department's satisfaction that an extension of more than five years will not pose a threat to public health or the environment, and is necessary because: Other treatment or recycling options of shorter durations are

not available; the treatment or recycling plan developed by the owner/operator cannot be implemented within five years due to technological circumstances; or, such other reasons as are determined acceptable by the department. Until the department grants the extension by approving the recycling or treatment plan, the owner/operator must continue to comply with the requirements of (a) of this subsection. The recycling or treatment plan and schedule, at a minimum, must:

(i) Specify the wastes which will be recycled or treated in accordance with the plan;

(ii) Describe in detail the recycling or treatment which the owner/operator intends to perform. If the recycling or treatment will involve physical changes to the owner's/operator's facility, the plan must include descriptions of all necessary equipment, processes to be used, site plans, and maps to show any new structures, pipes, channels, waste handling areas, roads, etc.;

(iii) Discuss any permit actions (including issuance or modification) necessary under this chapter, and any other permits which will be required under other federal, state or local laws;

(iv) Establish a schedule for complying with the plan. The schedule must, at a minimum, cover:

(A) The rate at which wastes will be recycled or treated in order to comply with the extension granted by the department;

(B) Construction and equipment installation times as appropriate;

(C) Timing for complying with all required permit actions; and

(D) Such other elements as the department might require;

(v) Describe how the owner/operator will continue to comply with the requirements of (a) of this subsection for all wastes not specified in (b)(i) of this subsection;

(vi) Identify any future occurrences or situations which the owner/operator could reasonably expect to occur and which might cause him to fail to comply with his recycling or treatment plan. The owner/operator must also describe what actions he would take in the event that such occurrences or situations happen;

(vii) Be approved by the department. The plan shall not be implemented until it is approved by the department including, if necessary, issuance or modification of a facility permit as required by this chapter. Any extension granted by the department will begin on the date that the plan is approved, or the date five years after the effective date of this subsection, whichever is later; and

(viii) Include any other elements that the department might require.

(c) The owner/operator of a surface impoundment or waste pile is exempted from the requirements of (a) and (b) of this subsection if:

(i) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that the impoundment or pile is not used primarily for storage, but that it is primarily used to actively and effectively neutralize, detoxify, or otherwise treat dangerous waste; or

(ii) The owner/operator of a surface impoundment or waste pile can demonstrate to the department's satisfaction that dangerous waste is removed on a frequent basis (at least four times a year) for treatment, recycling or disposal, provided that the amount of waste removed during any five-year period must equal or exceed the amount of waste placed in the impoundment or pile during that five-year period. However, this exemption does not apply to waste removal which is being performed pursuant to a recycling or treatment plan developed and approved under (b) of this subsection; or

(iii) The owner/operator of a surface impoundment or waste pile has demonstrated, through his permit, closure plan or other instrument, that the impoundment or pile is being operated as a land disposal unit and that it will be closed as a landfill.

(6) Labeling for containers and tanks. The owner or operator must label containers and tanks in a manner which adequately identifies the major risk(s) associated with the contents for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must ensure that labels are not obscured, removed, or otherwise unreadable in the course of inspection required under WAC 173-303-320. For tanks, the label or sign shall be legible at a distance of at least fifty feet. For containers, the owner or operator must affix labels upon transfer of dangerous waste from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

(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 173-303-805. The interim status standards shall also apply to those owners and operators of facilities in existence on November 19, 1980, for RCRA wastes and those facilities in existence on August 9, 1982, for state only wastes who have failed to provide the required notification pursuant to WAC 173-303-060 or failed to file Part A of the permit application pursuant to WAC 173-303-805 (4) and (5). Interim status shall end after final administrative disposition of the Part B permit application is completed, or may be terminated for the causes described in WAC 173-303-805(7).

(b) Interim status facilities must meet the interim status standards by November 19, 1980, except that:

(i) Interim status facilities which handle only state designated wastes (i.e., not designated by 40 CFR Part 261) must meet the interim status standards by August 9, 1982; and

(ii) Interim status facilities must comply with the additional state interim status requirements specified in subsection (3)(c)(ii), (iii) and (v), of this section, by August 9, 1982.

(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 or elementary neutralization or wastewater treatment units as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5);

(v) Generators accumulating waste for less than ninety days except to the extent WAC 173-303-200 provides otherwise; and

(vi) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(d) The owner or operator of an interim status facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the interim status facility standards of this section, but only for those moderate risk wastes which he manages and only after the owner or operator has requested and the department has issued a notice of interim status modification.

(3) Standards.

(a) Interim status standards shall be standards set forth by the Environmental Protection Agency in 40 CFR Part 265 Subparts F through R which are incorporated by reference into this regulation (including, by reference, any EPA requirements specified in those subparts which are not otherwise explicitly described in this chapter ((173-303-WAC))), ~~((the general requirements for dangerous waste management facilities, WAC 173-303-280 through 173-303-395, and the applicable requirements of WAC 173-303-420, Siting standards, 173-303-430, Performance standards, and 173-303-440, Buffer monitoring zones))~~ and:

(i) WAC 173-303-280 through 173-303-440;

(ii) WAC 173-303-630(3), for containers. In addition, for container storage, the department may require that the storage area include secondary containment in accordance with WAC 173-303-630(7), if the department determines that there is a potential threat to public health or the environment due to the nature of the wastes being stored, or due to a history of spills or releases from stored containers. Any new container storage areas constructed or installed after September 30, 1986, must comply with the provisions of WAC 173-303-630(7).

(iii) WAC 173-303-640 (2)(c), for tanks; and

(iv) WAC 173-303-805.

(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 (and in the case of the wording used in the financial instruments referenced in Subpart H of Part 265, shall be replaced with) 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 (b) of this subsection, the following modifications shall be made to interim status standards of 40 CFR Part 265 Subparts F through R:

(i) The words "the effective date of these regulations" shall mean:

(A) November 19, ((+1981)) 1980, for facilities which manage any wastes designated by 40 CFR Part 261; and

(B) March 12, 1982, for facilities which manage wastes designated only by WAC 173-303-080 through 173-303-103 and not designated by 40 CFR Part 261;

(ii) "Subpart N - landfills" shall have an additional section added which reads: "An owner/operator shall not landfill an organic carcinogen or an EHW, as defined by WAC 173-303-080 to 173-303-103, except at the EHW facility at Hanford";

(iii) "Subpart R - underground injection" shall have an additional section which reads: "Owners and operators of wells are prohibited from disposing of EHW or an organic carcinogen designated under WAC 173-303-080 through 173-303-103";

(iv) "Subpart M - land treatment," section ((+65.273)) 265.273(b) shall be modified to replace the words "Part 261, Subpart D of this chapter" with "WAC 173-303-080";

(v) "Subpart F - ground water monitoring," section 265.91(c) shall include the requirement that: "Groundwater monitoring wells shall be designed, constructed, and operated so as to prevent groundwater contamination. Chapter 173-160 WAC may be used as guidance in the installation of wells"; and

(vi) "Subpart H - financial requirements" shall have an additional section which reads: "Any owner or operator who can provide financial assurances and instruments which satisfy the requirements of WAC 173-303-620 will be deemed to be in compliance with 40 CFR Part 265 Subpart H."

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-500 SPECIAL REQUIREMENTS FOR RECYCLED DANGEROUS WASTE. (1) Unless a recycled dangerous waste has ((less stringent)) operational requirements specified in WAC ((+173-303-505)) 173-303-500 through ((+173-303-520)) 173-303-525, all generation, transportation and recycling of dangerous waste is subject to the requirements specified in WAC 173-303-120.

(2) The department may, on a case-by-case basis, determine that generators, transporters and/or recyclers regulated by WAC ((+173-303-505)) 173-303-500 through ((+173-303-520 are overaccumulating the dangerous waste prior to recycling (as this practice is described in WAC 173-303-121), or otherwise)) 173-303-525 pose a threat to public health or the environment and therefore should be subject to the requirements under WAC 173-303-120(4).

(3) Special requirements for recycled moderate risk waste. In lieu of the requirements described in WAC 173-303-505 through 173-303-525, persons who generate, transport or recycle moderate risk waste as defined in WAC 173-303-040 may for such moderate risk waste only, comply with the requirements for moderate risk waste described in:

(a) WAC 173-303-170(2) for generators;

(b) WAC 173-303-240 for transporters; and

(c) WAC 173-303-550 through 173-303-560 for facilities.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-505 SPECIAL REQUIREMENTS FOR ((RECYCLED MODERATE RISK WASTE)) RECYCLABLE MATERIALS USED IN A MANNER CONSTITUTING DISPOSAL. ((In lieu of the requirements described in WAC 173-303-510 through 173-303-520, persons who generate, transport or recycle moderate risk waste as defined in WAC 173-303-040 may for such moderate risk waste only, comply with the requirements for moderate risk waste described in:

(+)) WAC 173-303-170(2) for generators;

(2) WAC 173-303-240 for transporters; and

(3) WAC 173-303-550 through 173-303-560 for facilities:)) (1) Applicability.

(a) This section applies to recyclable materials that are applied to or placed on the land:

(i) Without mixing with any other substance(s); or

(ii) After mixing with any other substance(s), unless the recyclable material undergoes a chemical reaction so as to become inseparable from the other substance(s) by physical means; or

(iii) After combination with any other substance(s) if the resulting combined material is not produced for the general public's use. These materials will be referred to as "materials used in a manner that constitutes disposal."

(b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation if the recyclable materials have undergone a chemical reaction in the course of producing the product so as to become inseparable by physical means. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation.

(2) Except as provided in subsection (1)(b) of this section, recyclable materials used in a manner that constitutes disposal are dangerous wastes and are subject to all applicable generator, transporter, and treatment, storage, or disposal facility requirements. Any person who does not qualify for the exemption under subsection (1)(b) of this section will not be relieved from any of the requirements of this chapter.

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-510 SPECIAL REQUIREMENTS FOR ((CERTAIN RECYCLED CHARACTERISTIC)) DANGEROUS WASTES BURNED FOR ENERGY RECOVERY. (1) ((This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. Generators, transporters and recycling facilities who handle dangerous waste in a manner described in this subsection, are subject to the requirements described in subsection (2) of this section:

(a) Wastes that are dangerous solely because they exhibit the ignitability characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) or (viii) and that are either stored at facilities producing fuels for their own subsequent use or stored by facilities that ultimately burn these wastes or waste derived fuels containing these wastes;

(b) Byproducts designated by the ignitability characteristics of WAC 173-303-090(5), or the reactivity characteristics of WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) or (viii) only that are burned for energy recovery or used to produce fuels; and

(c) Byproducts designated by one or more characteristics (WAC 173-303-090) only that are reclaimed;

(2) All generators, transporters, and recyclers who handle dangerous wastes that are recycled or held for recycling in a manner described in subsection (1) of this section, are subject to the following requirements:

(a) WAC 173-303-060, notification for all persons;

(b) WAC 173-303-145, spills and discharges for all persons;

(c) WAC 173-303-220(1), annual report for generators only; and

(d) WAC 173-303-390(2), annual report for facilities only:))

Applicability.

(a) This section applies to dangerous wastes that are burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (b) of this subsection. Such dangerous wastes burned for energy recovery are termed "dangerous waste fuel." Fuel produced from dangerous waste by processing, blending, or other treatment is also dangerous waste fuel. (These regulations do not apply, however, to gas recovered from dangerous waste management activities when such gas is burned for energy recovery.)

(b) The following dangerous wastes are not subject to regulation under this section:

(i) Used oil burned for energy recovery if it is a dangerous waste because it:

(A) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or

(B) Is designated as DW only through the criteria of WAC 173-303-101 through 173-303-103; or

(C) Is a dangerous waste designated solely as W001.

Such used oil is subject to regulation under WAC 173-303-515 rather than this section.

Note: Used oil burned for energy recovery containing a listed waste (unless such listed waste is only state source W001) or a waste designated as EHW through the criteria of WAC 173-303-101 through 173-303-103 is subject to this section.

(ii) (Reserved.)

(2) Prohibitions.

(a) A person may market dangerous waste fuel only:

(i) To persons who have notified the department of their dangerous waste fuel activities under WAC 173-303-060 and have an EPA/state identification number; and

(ii) If the fuel is burned, to persons who burn the fuel in boilers or industrial furnaces identified in (b) of this subsection.

(b) Dangerous waste fuel may be burned for energy recovery in only the following devices:

(i) Industrial furnaces identified in WAC 173-303-040;

(ii) Boilers, as defined in WAC 173-303-040, that are identified as follows:

(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or

(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale.

(c) No fuel which contains any dangerous waste may be burned in any cement kiln which is located within the boundaries of any incorporated municipality with a population greater than five hundred thousand (based on the most recent census statistics) unless such kiln fully complies with regulations under this chapter that are applicable to incinerators.

(3) Standards applicable to generators of dangerous waste fuel.

(a) Generators of dangerous waste that is used as a fuel or used to produce a fuel are subject to WAC 173-303-170 through 173-303-230.

(b) Generators who market dangerous waste fuel to a burner also are subject to subsection (5) of this section.

(c) Generators who are burners also are subject to subsection (6) of this section.

(4) Standards applicable to transporters of dangerous waste fuel. Transporters of dangerous waste fuel (and dangerous waste that is used to produce a fuel) are subject to the requirements of WAC 173-303-240 through 173-303-270 except when they transport dangerous waste fuel from marketers, who are not also the generator of the waste, to burners or other marketers.

(5) Standards applicable to marketers of dangerous waste fuel.

Persons who market dangerous waste fuel are termed "marketers," and are subject to the following requirements. Marketers include generators who market dangerous waste fuel directly to a burner, persons who receive dangerous waste from generators and produce, process, or blend dangerous waste fuel from these dangerous wastes, and persons who distribute but do not process or blend dangerous waste fuel.

(a) Prohibitions. The prohibitions under subsection (2) of this section:

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a marketer has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage.

(i) For short term accumulation by marketers of dangerous waste fuel, the applicable provisions of WAC 173-303-200;

(ii) For all marketers who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440;

(C) WAC 173-303-800 through 173-303-840;

(iii) For marketers with interim status permits who store dangerous waste fuel, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For marketers with final status permits who store dangerous waste fuel, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Off-site shipment. The standards for generators in WAC 173-303-170 through 173-303-230 when a marketer initiates a shipment of dangerous waste fuel:

(e) Required notices.

(i) Before a marketer initiates the first shipment of dangerous waste fuel to a burner or another marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(A) The burner or marketer has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(B) If the recipient is a burner, the burner will burn the dangerous waste fuel only in an industrial furnace or boiler identified in subsection (2)(b) of this section.

(ii) Before a marketer accepts the first shipment of dangerous waste fuel from another marketer, he must provide the other marketer with a one-time written and signed certification that he has notified the department under WAC 173-303-060 and identified his dangerous waste fuel activities; and

(f) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-210 and 173-303-380, a marketer must keep a copy of each certification notice he receives or sends for three years from the date he last engages in a dangerous waste fuel marketing transaction with the person who sends or receives the certification notice.

(g) Standards applicable to burners of dangerous waste fuel.

Owners and operators of industrial furnaces and boilers identified in subsection (2)(b) of this section that burn dangerous waste fuel are "burners" and are subject to the following requirements:

(a) Prohibitions. The prohibitions under subsection (2)(b) of this section:

(b) Notification. Notification requirements under WAC 173-303-060 for dangerous waste fuel activities. Even if a burner has previously notified the department of his dangerous waste management activities and obtained an EPA/state identification number, he must renotify to identify his dangerous waste fuel activities.

(c) Storage. For short term accumulation by generators who burn their dangerous waste fuel on site, the applicable provisions of WAC 173-303-200.

(ii) For all burners who store dangerous waste fuel, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395;

(B) WAC 173-303-420 through 173-303-440; and

(C) WAC 173-303-800 through 173-303-840;

(iii) For burners under interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iv) For burners with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650; and

(B) WAC 173-303-660.

(d) Required notices. Before a burner accepts the first shipment of dangerous waste fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department under WAC 173-303-060 and identified his waste-as-fuel activities; and

(ii) He will burn the fuel only in a boiler or furnace identified in subsection (2)(b) of this section.

(e) Recordkeeping. In addition to the applicable recordkeeping requirements of WAC 173-303-380, a burner must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives dangerous waste fuel from that marketer.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-515 SPECIAL REQUIREMENTS FOR ((RECYCLING OF DANGEROUS WASTE PURSUANT TO NONBATCH TOLLING AGREEMENTS)) USED OIL BURNED FOR ENERGY RECOVERY. (1) ((This section applies only to those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5. The requirements listed in subsection (2) of this section apply to generators, and transporters of dangerous waste being reclaimed pursuant to nonbatch tolling agreements. The requirements listed in subsection (3) of this section apply to owners, or operators of facilities that store recycled dangerous waste pursuant to

~~nonbatch tolling agreements. For the purposes of this section, "nonbatch tolling agreement" is a contractual agreement pursuant to which the person generating the dangerous waste transfers the waste to a claimer who returns material reclaimed from the waste to the person generating the dangerous waste.~~

~~(2) Generators and transporters of recycled dangerous waste reclaimed pursuant to nonbatch tolling agreements and who are not exempted by WAC 173-303-017 or regulated under WAC 173-303-120 are subject to the following requirements:~~

~~(a) Generators:~~

~~(i) WAC 173-303-060;~~

~~(ii) WAC 173-303-190;~~

~~(iii) WAC 173-303-200;~~

~~(iv) WAC 173-303-210 except for subsection (1);~~

~~(v) WAC 173-303-220 except for subsection (2); and~~

~~(vi) WAC 173-303-230; and~~

~~(b) Transporters:~~

~~(i) WAC 173-303-060;~~

~~(ii) WAC 173-303-240 (3) and (4); and~~

~~(iii) WAC 173-303-270.~~

~~(3) Facilities. Owners or operators of facilities that store dangerous waste being reclaimed pursuant to nonbatch tolling agreements are subject to the following requirements:~~

~~(a) Reclaiming facilities that have an interim status permit:~~

~~(i) 40 CFR Part 265 Subpart A;~~

~~(ii) 40 CFR Part 265 Subpart B except for 265.13;~~

~~(iii) 40 CFR Part 265 Subpart C;~~

~~(iv) 40 CFR Part 265 Subpart D;~~

~~(v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;~~

~~(vi) 40 CFR Part 265 Subparts F through L; and~~

~~(vii) All applicable requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;~~

~~(b) Reclaiming facilities that have a final facility permit:~~

~~(i) WAC 173-303-280 (2) and (3);~~

~~(ii) WAC 173-303-290;~~

~~(iii) WAC 173-303-310 through 173-303-360;~~

~~(iv) WAC 173-303-380 except for subsection (1)(h);~~

~~(v) WAC 173-303-390 (2) and (3);~~

~~(vi) WAC 173-303-395;~~

~~(vii) WAC 173-303-610 through 173-303-650;~~

~~(viii) WAC 173-303-660; and~~

~~(ix) All applicable requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits.))~~

~~Applicability.~~

~~(a) This section applies to used oil specified in (d) of this subsection that is burned for energy recovery in any boiler or industrial furnace that is not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, except as provided by (c) and (e) of this subsection. Such used oil is termed "used oil fuel." Used oil fuel includes any fuel produced from used oil by processing, blending, or other treatment.~~

~~(b) "Used oil" means any oil that has been refined from crude oil, used, and, as a result of such use, is contaminated by physical or chemical impurities.~~

~~(c) Except as provided by (d) of this subsection, used oil that is mixed with dangerous waste and burned for energy recovery is subject to regulation as dangerous waste fuel under WAC 173-303-510. Used oil containing more than 1000 ppm of total halogens is presumed to be a dangerous waste because it has been mixed with halogenated dangerous waste listed in WAC 173-303-9903 or 173-303-9904. Persons may rebut this presumption by demonstrating that the used oil does not contain dangerous waste (for example, by showing that the used oil does not contain significant concentrations of halogenated dangerous constituents listed in WAC 173-303-9905).~~

~~(d) Used oil burned for energy recovery is subject to regulation under this section rather than as dangerous waste fuel under WAC 173-303-510 if it is a dangerous waste because it:~~

~~(i) Exhibits a characteristic of dangerous waste identified in WAC 173-303-090; or~~

~~(ii) Is designated as DW only through the criteria of WAC 173-303-101 through 173-303-103; or~~

~~(iii) Is a dangerous waste designated solely as W001; or~~

~~(iv) Contains dangerous waste generated only by a person subject to the special requirements for small quantity generators under WAC 173-303-070(8).~~

~~(e) Except as provided by (c) of this subsection, used oil burned for energy recovery, and any fuel produced from used oil by processing, blending, or other treatment is subject to regulation under this section~~

~~unless it is shown not to exceed any of the allowable levels of the constituents and properties in the specification shown in the following table. Used oil fuel that meets the specification is subject only to the analysis and recordkeeping requirements under subsections (4)(b)(i) and (vi) of this section.~~

~~Used oil fuel that exceeds any specification level is termed "off-specification used oil fuel."~~

~~USED OIL EXCEEDING ANY SPECIFICATION LEVEL IS SUBJECT TO THIS SECTION WHEN BURNED FOR ENERGY RECOVERY<sup>a</sup>~~

Constituent/property	Allowable level
Arsenic .....	5 ppm maximum
Cadmium .....	2 ppm maximum
Chromium .....	10 ppm maximum
Lead .....	100 ppm maximum
Flash Point .....	100° F minimum
Total Halogens .....	4,000 ppm maximum
Polychlorinated Biphenyls ....	2 ppm maximum <sup>b</sup>

~~<sup>a</sup>The specification does not apply to used oil fuel mixed with a dangerous waste other than small quantity generator dangerous waste.~~

~~<sup>b</sup>Used oil containing more than 1,000 ppm total halogens is presumed to be a dangerous waste under the rebuttable presumption provided under WAC 173-303-515 (1)(e). Such used oil is subject to WAC 173-303-510 rather than this section when burned for energy recovery unless the presumption of mixing can be successfully rebutted.~~

~~(2) Prohibitions.~~

~~(a) A person may market off-specification used oil for energy recovery only:~~

~~(i) To burners or other marketers who have notified the department of their used oil management activities stating the location and general description of such activities, and who have an EPA/state identification number; and~~

~~(ii) To burners who burn the used oil in an industrial furnace or boiler identified in (b) of this subsection.~~

~~(b) Off-specification used oil may be burned for energy recovery in only the following devices:~~

~~(i) Industrial furnaces identified in WAC 173-303-040; or~~

~~(ii) Boilers, as defined in WAC 173-303-040 that are identified as follows:~~

~~(A) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes;~~

~~(B) Utility boilers used to produce electric power, steam, or heated or cooled air or other gases or fluids for sale; or~~

~~(C) Used oil-fired space heaters provided that:~~

~~(I) The heater burns only used oil that the owner or operator generates or used oil received from do-it-yourself oil changers who generate used oil as household waste;~~

~~(II) The heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour; and~~

~~(III) The combustion gases from the heater are vented to the ambient air.~~

~~(3) Standards applicable to generators of used oil burned for energy recovery.~~

~~(a) Except as provided in (b) and (c) of this subsection generators of used oil are not subject to this section.~~

~~(b) Generators who market used oil directly to a burner are subject to subsection (4) of this section.~~

~~(c) Generators who burn used oil are subject to subsection (5) of this section.~~

~~(4) Standards applicable to marketers of used oil burned for energy recovery.~~

~~(a) Persons who market used oil fuel are termed "marketers." However, the following persons are not marketers subject to this section:~~

~~(i) Used oil generators, and collectors who transport used oil received only from generators, unless the generator or collector markets the used oil directly to a person who burns it for energy recovery. However, persons who burn some used oil fuel for purposes of processing or other treatment to produce used oil fuel for marketing are considered to be burning incidentally to processing. Thus, generators and~~

collectors who market to such incidental burners are not marketers subject to this section;

(ii) Persons who market only used oil fuel that meets the specification under subsection (1)(e) of this section and who are not the first person to claim the oil meets the specification (i.e., marketers who do not receive used oil from generators or initial transporters and marketers who neither receive nor market off-specification used oil fuel).

(b) Marketers are subject to the following requirements:

(i) Analysis of used oil fuel. Used oil fuel is subject to regulation under this section unless the marketer obtains analyses or other information documenting that the used oil fuel meets the specification provided under subsection (1)(e) of this section.

(ii) Prohibitions. The prohibitions under subsection (2)(a) of this section;

(iii) Notification. Notification to the department stating the location and general description of used oil management activities. Even if a marketer has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an EPA/state identification number, he must renotify to identify his used oil management activities.

(iv) Invoice system. When a marketer initiates a shipment of off-specification used oil, he must prepare and send the receiving facility an invoice containing the following information:

(A) An invoice number;

(B) His own EPA/state identification number and the EPA/state identification number of the receiving facility;

(C) The names and addresses of the shipping and receiving facilities;

(D) The quantity of off-specification used oil to be delivered;

(E) The date(s) of shipment or delivery; and

(F) The following statement: "This used oil subject to Washington state department of ecology regulation under WAC 173-303-515;

Note—Used oil that meets the definition of combustible liquid (flash point below 200° F but at or greater than 100° F) or flammable liquid (flash point below 100° F) is subject to Department of Transportation Hazardous Materials Regulations at 49 CFR Parts 100-177.

(v) Required notices.

(A) Before a marketer initiates the first shipment of off-specification used oil to a burner or other marketer, he must obtain a one-time written and signed notice from the burner or marketer certifying that:

(I) The burner or marketer has notified the department stating the location and general description of his used oil management activities; and

(II) If the recipient is a burner, the burner will burn the off-specification used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(B) Before a marketer accepts the first shipment of off-specification used oil from another marketer subject to the requirements of this subsection, he must provide the marketer with a one-time written and signed notice certifying that he has notified the department of his used oil management activities; and

(vi) Recordkeeping.

(A) Used oil fuel that meets the specification. A marketer who first claims under (b)(i) of this subsection that used oil fuel meets the specification must keep copies of analysis (or other information used to make the determination) of used oil for three years. Such marketers must also record in an operating log and keep for three years the following information on each shipment of used oil fuel that meets the specification. Such used oil fuel is not subject to further regulation, unless it is subsequently mixed with dangerous waste or unless it is mixed with used oil so that it no longer meets the specification.

(I) The name and address of the facility receiving the shipment;

(II) The quantity of used oil fuel delivered;

(III) The date of shipment or delivery; and

(IV) A cross-reference to the record of used oil analysis (or other information used to make the determination that the oil meets the specification) required under (b)(vi)(A) of this subsection.

(B) Off-specification used oil fuel. A marketer who receives or initiates an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received or prepared. In addition, a marketer must keep a copy of each certification notice that he receives or sends for three years from the date he last engages in an off-specification used oil fuel marketing transaction with the person who sends or receives the certification notice.

(5) Standards applicable to burners of used oil burned for energy recovery.

Owners and operators of facilities that burn used oil fuel are "burners" and are subject to the following requirements:

(a) Prohibition. The prohibition under subsection (2)(b) of this section;

(b) Notification. Burners of off-specification used oil fuel must notify the department stating the location and general description of used oil management activities, except that owners and operators of used oil-fired space heaters that burn used oil fuel under the provisions of subsection (2)(b)(ii) of this section are exempt from these notification requirements. Even if a burner has previously notified the department of his dangerous waste management activities under WAC 173-303-060 and obtained an identification number, he must renotify to identify his used oil management activities.

(c) Required notices. Before a burner accepts the first shipment of off-specification used oil fuel from a marketer, he must provide the marketer a one-time written and signed notice certifying that:

(i) He has notified the department stating the location and general description of his used oil management activities; and

(ii) He will burn the used oil only in an industrial furnace or boiler identified in subsection (2)(b) of this section; and

(d) Used oil fuel analysis. Used oil fuel burned by the generator is subject to regulation under this section unless the burner obtains analysis (or other information) documenting that the used oil meets the specification provided under subsection (1)(e) of this section.

(ii) Burners who treat off-specification used oil fuel by processing, blending, or other treatment to meet the specification provided under subsection (1)(e) of this section must obtain analyses (or other information) documenting that the used oil meets the specification.

(c) Recordkeeping. A burner who receives an invoice under the requirements of this section must keep a copy of each invoice for three years from the date the invoice is received. Burners must also keep for three years copies of analyses of used oil fuel as may be required by (d) of this subsection. In addition, he must keep a copy of each certification notice that he sends to a marketer for three years from the date he last receives off-specification used oil from that marketer.

**AMENDATORY SECTION** (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-520 SPECIAL REQUIREMENTS FOR RECLAIMING SPENT LEAD ACID BATTERY WASTES. This section applies ((only)) to ((those dangerous wastes which are not also designated as hazardous waste under 40 CFR Part 261 Subpart D or, if sludges (as defined in WAC 173-303-040(81)), are not also designated as hazardous waste under 40 CFR Part 261, provided that, this section does apply to such hazardous wastes if they are subject only to the small quantity generator requirements of 40 CFR 261.5)) persons who reclaim spent lead-acid batteries that are recyclable materials ("spent batteries").

(1) Persons who generate, transport, or who store spent batteries but do not reclaim them are ((not)) subject only to the requirements of ((this chapter)) WAC 173-303-070 through 173-303-110 and 173-303-160 if such spent batteries are going to a battery reclaimer.

(2) Owners and operators of battery reclaiming facilities that store spent lead acid batteries prior to reclaiming them are subject to the following requirements:

(a) ((For reclaiming facilities with an interim status permit:

(i) 40 CFR Part 265 Subpart A;

(ii) 40 CFR Part 265 Subpart B except for 265.13;

(iii) 40 CFR Part 265 Subpart C;

(iv) 40 CFR Part 265 Subpart D;

(v) 40 CFR Part 265 Subpart E except for 265.71 and 265.72;

(vi) 40 CFR Part 265 Subpart F through L; and

(vii) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to interim status permits;

(b) For reclaiming facilities with a final facility permit)) For all reclaimers, the applicable storage provisions of:

(i) WAC 173-303-280 (2) and (3);

(ii) WAC 173-303-290;

(iii) WAC 173-303-310 through 173-303-360;

(iv) WAC 173-303-380 ((except for subsection (1)(h)));

(v) WAC 173-303-390 (2) and (3);

(vi) WAC 173-303-395;

(vii) WAC ((173-303-610)) 173-303-420 through ((173-303-650)) 173-303-440; and

(viii) WAC ((173-303-660); and

(ix) All requirements of WAC 173-303-800 through 173-303-840 that are applicable to final facility permits)) 173-303-800 through 173-303-840.

(b) For reclaimers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(c) For reclaimers with final facility permits, the applicable storage provisions of:

(i) WAC 173-303-600 through 173-303-650; and

(ii) WAC 173-303-660.

#### NEW SECTION

WAC 173-303-525 SPECIAL REQUIREMENTS FOR RECYCLABLE MATERIAL UTILIZED FOR PRECIOUS METAL RECOVERY. (1) Applicability and requirements.

(a) This section applies to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, irridium, osmium, rhodium, ruthenium, or any combination of these.

(b) Persons who generate, transport, or store recyclable materials that are regulated under this section are subject to the following requirements:

(i) Notification requirements under WAC 173-303-060;

(ii) WAC 173-303-180 (for generators), 173-303-250 (for transporters), and 173-303-370 (for persons who store).

(c) Persons who store recycled materials that are regulated under this section must keep the following records to document that they are not accumulating these materials speculatively (as defined in WAC 173-303-016 (5)(d)(ii));

(i) Records showing the volume of these materials stored at the beginning of the calendar year;

(ii) The amount of these materials generated or received during the calendar year; and

(iii) The amount of materials remaining at the end of the calendar year.

(d) Recyclable materials that are regulated under this section that are accumulated speculatively (as defined in WAC 173-303-016 (5)(d)(ii)) are dangerous wastes and are subject to all applicable provisions of this chapter.

(2) Additional regulation of recyclable materials utilized for precious metal recovery on a case-by-case basis.

The department may decide on a case-by-case basis that persons accumulating or storing recyclable materials utilized for precious metal recovery should be regulated under WAC 173-303-120(4). The basis for this decision is that the materials are being accumulated or stored in a manner that does not protect human health and the environment because the materials or their toxic constituents have not been adequately contained, or because the materials being accumulated or stored together are incompatible. In making this decision, the department will consider the following factors:

(a) The types of materials accumulated or stored and the amounts accumulated or stored;

(b) The method of accumulation or storage;

(c) The length of time the materials have been accumulated or stored before being reclaimed;

(d) Whether any contaminants are being released into the environment, or are likely to be so released; and

(e) Other relevant factors.

The procedures for this decision are set forth in subsection (3) of this section.

(3) Procedures for case-by-case regulation of recyclable materials utilized for precious metal recovery.

The department will use the following procedures when determining whether to regulate recyclable materials utilized for precious metal recovery under the provisions of WAC 173-303-120(4), rather than under the provisions of subsection (1) of this section.

(a) If a generator is accumulating the waste, the department will issue a notice setting forth the factual basis for the decision and stating that the person must comply with the applicable requirements of WAC 173-303-170 and 173-303-190 through 173-303-230. The notice will become final within thirty days, unless the person served requests a public hearing to challenge the decision. Upon receiving such a request, the department will hold a public hearing. The department will provide notice of the hearing to the public and allow public participation at the hearing. The department will issue a final order after the hearing stating whether or not compliance with WAC 173-303-170 and 173-303-190 through 173-303-230 is required. The order becomes effective thirty days after service of the decision unless the department specifies a later date or unless review by the department is requested. The order may be appealed to the pollution control hearings

board, in accordance with WAC 173-303-845, by any person who participated in the public hearing.

(b) If the person is accumulating the recyclable material as a storage facility, the notice will state that the person must obtain a permit in accordance with all applicable provisions of WAC 173-303-800 through 173-303-840. The owner or operator of the facility must apply for a permit within no less than sixty days and no more than six months of notice, as specified in the notice. If the owner or operator of the facility wishes to challenge the department's decision he may do so in his permit application, in a public hearing held on the draft permit, or in comments filed on the draft permit or on the notice of intent to deny the permit. The fact sheet accompanying the permit will specify the reasons for the department's determination. The question of whether the department's decision was proper will remain open for consideration during the public comment period discussed under WAC 173-303-840 (4)(d) and in any subsequent hearing.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 describe the acceptable management of dangerous waste. 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 173-303-420 through 173-303-440.

(2) The final facility standards apply to owners and operators of all facilities which treat, store or dispose of dangerous waste, and which are not exempted by subsection (3) of this section.

(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 173-303-802(4);

(d) A generator accumulating waste on site in compliance with WAC 173-303-200;

(e) The owner or operator of a facility which is permitted to manage solid waste pursuant to chapter 173-301 WAC, if the only dangerous waste the facility manages is excluded from regulation under this chapter by WAC 173-303-070(8);

(f) A farmer disposing of waste pesticides from his own use provided he complies with WAC 173-303-160 ((4))~~(3)~~;

(g) A transporter storing a manifested shipment of dangerous waste for ten days or less in accordance with WAC 173-303-240(5);

(h) Any person, other than an owner or operator who is already subject to the final facility standards, who is carrying out an immediate or emergency response to contain or treat a discharge or potential discharge of a dangerous waste or hazardous substance;

(i) The owner or operator of a facility which is in compliance with the interim status requirements of WAC 173-303-400 and 173-303-805, until final administrative disposition of his final facility permit;

(j) The owner or operator of a totally enclosed treatment facility or elementary neutralization or wastewater treatment unit as defined in WAC 173-303-040, provided that he complies with the permit by rule requirements of WAC 173-303-802(5); and

(k) The addition, by a generator, of absorbent material to waste in a container, or of waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in containers and the generator complies with WAC 173-303-200 (1)(b) and 173-303-395 (1)(a) and (b).

(4) The owner or operator of a final status TSD facility which manages moderate risk waste may comply with the special requirements selected under WAC 173-303-550 through 173-303-560 in lieu of the final facility standards of WAC 173-303-600 through 173-303-670, but only for those moderate risk wastes which he manages and only after the department has issued or modified his final facility permit in accordance with WAC 173-303-800 through 173-303-840 to incorporate the special requirements.

(5) The owner or operator of a facility which recycles dangerous waste may, for such recycled wastes only, comply with the applicable recycling standards specified in WAC 173-303-120 and 173-303-500 through ~~((+73-303-520))~~ 173-303-525 in lieu of the final facility standards.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-630 USE AND MANAGEMENT OF CONTAINERS. (1) Applicability. The regulations in this section 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 label containers in a manner which adequately identifies the major risk(s) associated with the contents of the containers for employees, emergency response personnel and the public (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate). The owner or operator must affix labels upon transfer of dangerous wastes from one container to another. The owner or operator must destroy or otherwise remove labels from the emptied container, unless the container will continue to be used for storing dangerous waste at the facility. The owner or operator must ensure that labels are not obscured, removed, or otherwise 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 and leaks. In addition to the necessary leak containment capacity, uncovered storage areas must be capable of holding the additional volume that would result from the precipitation of a maximum ~~((25))~~ twenty-five year storm of ~~((24))~~ twenty-four 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. The base must be sloped or the containment system must be otherwise designed and operated to drain and remove liquids resulting from leaks, spills, or precipitation, unless the containers are elevated or are otherwise protected from contact with accumulated liquids;

(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. Spilled or leaked waste and accumulated precipitation must be removed from the containment system in as timely a manner as is necessary to prevent overflow; and

(iii) Have sufficient capacity to contain ten percent of the volume of all containers or the volume of the largest container, whichever is greater. ~~((Containers that do not contain free liquids))~~ Only containers holding free liquids and wastes designated as F020, F021, F022, F023, F026, and F027 need ~~((not))~~ to be considered in this determination.

(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 (a)(iii) of this subsection to accommodate any run-on which might enter the system.

(c) Storage areas that store containers holding only wastes that ~~((both))~~ do not contain free liquids, ~~((and))~~ do not exhibit either the characteristic of ignitability or reactivity as described in WAC 173-303-090 (5) or (7), and are not designated as F020, F021, F022, F023, F026, or F027, need not have a containment system as described in this subsection: PROVIDED, That:

(i) The storage area is sloped or is otherwise designed and operated to drain and remove liquid resulting from precipitation; or

(ii) The containers are elevated or are otherwise protected from contact with accumulated liquids.

(d) EHW in containers must be protected from the elements by means of a building or other protective covering that otherwise allows adequate inspection under subsection (6) of this section.

(8) Special requirements for ignitable or reactive waste.

(a) Containers holding reactive waste exhibiting a characteristic specified in WAC 173-303-090 (7)(a)(vi), (vii) or (viii) 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 waste and reactive waste (other than a reactive waste which must meet (a) of this subsection) 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).

(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.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

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 (b) ~~((and (c)))~~ of this subsection provides otherwise.

(b) Facilities shall not treat or store dangerous waste in covered underground tanks that cannot be entered for inspection, unless such tanks are used for treating or storing only moderate risk wastes (as defined in WAC 173-303-040(55)) and can be externally inspected or have secondary containment structures that allow for monitoring, containment and removal of leaks or can be tested for leakage using methods and testing frequencies approved by the department.

(2) Design of tanks.

(a) The owner or operator shall design tanks including the foundation, structural support, seams and pressure controls to assure that they will not collapse or rupture, by providing 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 173-303-806(4), 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 a licensed professional engineer. The department will review and approve tank design.

(b) New tanks holding dangerous waste shall be constructed above ground and shall be protected against spills, leaks, and precipitation by a containment system which must include 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 ((+H0)) one hundred ten percent of the volume of the largest tank in the storage area and, for uncovered areas, have sufficient capacity to contain additionally the precipitation of a maximum ((25)) twenty-five year storm of ((24)) twenty-four hours duration.

(c) All tanks holding dangerous 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 fifty feet, and shall bear a legend which identifies the waste in a manner which adequately warns employees, emergency response personnel, and the public of the major risk(s) associated with the waste being stored or treated in the tanks (Note—If there is already a system in use that performs this function in accordance with local, state or federal regulations, then such system will be adequate).

(d) All tanks holding EHW which is acutely or chronically toxic by inhalation must be designed to prevent escape of vapors, fumes, or other emissions into the air.

(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 subsection (3)(b) of this section;

(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), and the specific requirements of this subsection, 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 subsection (2) of this section. 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 nature 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, containment systems and underlying bases (where present), and discharge confinement structures. Any tanks, bases, liners and soils containing or contaminated with dangerous waste or dangerous waste residues must be removed or decontaminated.

(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 when such codes are more stringent. The owner or operator shall also comply with the requirements of WAC 173-303-395 (1)(d).

(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.

(8) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

In addition to the other requirements of this section, the following requirements apply to tanks storing or treating dangerous wastes F020, F021, F022, F023, F026, or F027.

(a) Tanks must have systems designed and operated to detect and adequately contain spills or leaks. The design and operation of any containment system must reflect consideration of all relevant factors, including:

(i) Capacity of the tank;

(ii) Volumes and characteristics of wastes stored or treated in the tank;

(iii) Method of collection of spills or leaks;

(iv) The design and construction materials of the tank and containment system; and

(v) The need to prevent precipitation and run-on from entering into the system.

(b) As part of the contingency plan required by WAC 173-303-350, the owner or operator must specify such procedures for responding to a spill or leak from the tank into the containment system as may be necessary to protect human health and the environment. These procedures shall include measures for immediate removal of the waste from the system and replacement or repair of the leaking tank.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-650 SURFACE IMPOUNDMENTS. (1) Applicability. The regulations in this section apply to owners and operators of facilities that use surface impoundments to treat, store, or dispose of dangerous waste.

(2) Design and operating requirements.

(a)(i) A surface impoundment (except for an existing portion of a surface impoundment) must have a liner that is designed, constructed, and installed to prevent any migration of wastes out of the impoundment to the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the impoundment. The liner may be constructed of materials that may allow wastes to migrate into the liner (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility, provided that the impoundment is closed in accordance with subsection (6)(a)(i) of this section. For impoundments that will be closed in accordance with subsection (6)(a)(ii) of this section, the liner must be constructed of materials that can prevent wastes from migrating into the liner during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the

liner to prevent failure of the liner due to settlement, compression, or uplift;

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(D) For EHW management, the owner or operator shall submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report shall be certified by a licensed professional engineer.

(ii) The owner or operator of a new surface impoundment installed after October 31, 1984, and in which liquid EHW is managed must:

(A) Install a double lined system which incorporates the specifications of subsection (3)(a), (b), and (c) of this section; and

(B) Must comply with either the ground water monitoring requirements of WAC 173-303-645, or the unsaturated zone monitoring requirements of WAC 173-303-655(6).

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents listed in WAC 173-303-9905, or which otherwise cause his wastes to be regulated under this chapter, into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the impoundment and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) A surface impoundment must be designed, constructed, maintained, and operated to prevent overtopping resulting from normal or abnormal operations; overfilling; wind and wave action; rainfall; run-on; malfunctions of level controllers, alarms, and other equipment; and human error.

(d) 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.

(e) A surface impoundment must be designed to repel birds.

(f) A surface impoundment shall be located so as to meet the buffer zone requirements of WAC 173-303-440.

(g) A surface impoundment must have dikes that are designed, constructed, and maintained with sufficient structural integrity to prevent their failure. In ensuring structural integrity, it must not be presumed that the liner system will function without leakage during the active life of the unit.

(h) Earthen dikes must be kept free of:

(i) Perennial woody plants with root systems which could weaken its structural integrity; and

(ii) Burrowing mammals which could weaken its structural integrity or create leaks through burrows.

(i) Earthen dikes must have a protective cover, such as grass, shale or rock to minimize wind and water erosion and to preserve their structural integrity.

(j) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined surface impoundments; exemption from WAC 173-303-645, ground water protection requirements.

(a) Except as provided in subsection (2)(a)(ii) of this section, the owner or operator of a double-lined surface impoundment is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The impoundment (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The impoundment must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) A leachate detection, collection and removal system must be designed and operated to remove accumulated liquids from the system as quickly as possible so as to avoid unnecessary buildup of hydrostatic pressure in the system.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within a period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this section are satisfied.

(4) Monitoring and inspection.

(a) During construction and installation, liners (except in the case of existing portions of surface impoundments exempt from subsection (2)(a)(i) of this section) and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a surface impoundment is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of overtopping control systems;

(ii) Sudden drops in the level of the impoundment's contents;

(iii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section; and

(iv) Severe erosion or other signs of deterioration in dikes or other containment devices.

(c) Prior to the issuance of a permit, and after any extended period of time (at least six months) during which the impoundment was not in service, the owner or operator must obtain a certification from a qualified engineer that the impoundment's dike, including that portion of any dike which provides freeboard, has structural integrity. The certification must establish, in particular, that the dike:

(i) Will withstand the stress of the pressure exerted by the types and amounts of wastes to be placed in the impoundment; and

(ii) Will not fail due to scouring or piping, without dependence on any liner system included in the surface impoundment construction.

(5) Emergency repairs; contingency plans.

(a) A surface impoundment must be removed from service in accordance with (b) of this subsection when:

(i) Unexpected changes of liquid levels occur; or

(ii) The dike leaks.

(b) When a surface impoundment must be removed from service as required by (a) of this subsection, the owner or operator must:

(i) Immediately shut off the flow or stop the addition of wastes into the impoundment;

(ii) Immediately contain any surface leakage which has occurred or is occurring;

(iii) Immediately stop the leak;

(iv) Take any other necessary steps to stop or prevent catastrophic failure;

(v) Empty the impoundment, if a leak cannot be stopped by any other means; and

(vi) Notify the department of the problem in writing within seven days after detecting the problem.

(c) As part of the contingency plan required in WAC 173-303-340 through 173-303-360, the owner or operator must specify:

(i) A procedure for complying with the requirements of (b) of this subsection; 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; description of a schedule of actions to be taken in the event of a possible failure; and the repair techniques and materials (and their

availability) 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.

(d) No surface impoundment that has been removed from service in accordance with the requirements of this section may be restored to service unless the portion of the impoundment which was failing is repaired and the following steps are taken:

(i) If the impoundment was removed from service as the result of actual or imminent dike failure, the dike's structural integrity must be recertified in accordance with subsection (4)(c) of this section;

(ii) If the impoundment was removed from service as the result of a sudden drop in the liquid level, then:

(A) For any existing portion of the impoundment, a liner must be installed in compliance with subsection (2)(a)(i) or (3) of this section; and

(B) For any other portion of the impoundment, the repaired liner system must be certified by a qualified engineer as meeting the design specifications approved in the permit.

(e) A surface impoundment that has been removed from service in accordance with the requirements of this section and that is not being repaired must be closed in accordance with the provisions of subsection (6) of this section.

(6) Closure and postclosure care.

(a) At closure, the owner or operator must:

(i) Remove or decontaminate all dangerous waste and dangerous waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with dangerous waste and leachate, and manage them as dangerous waste; or

(ii) If the surface impoundment will be closed as a landfill, except that this option is prohibited if EHW would remain in the closed unit(s):

(A) Eliminate free liquids by removing liquid wastes or solidifying the remaining wastes and waste residues;

(B) Stabilize remaining wastes to a bearing capacity sufficient to support a final cover; and

(C) Cover the surface impoundment with a final cover designed and constructed to:

(I) Provide long-term minimization of the migration of liquids through the closed impoundment with a material that has a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present;

(II) Function with minimum maintenance;

(III) Promote drainage and minimize erosion or abrasion of the final cover; and

(IV) Accommodate settling and subsidence so that the cover's integrity is maintained.

(b) If some waste residues or contaminated materials are left in place at final closure (except that no EHW may ever be left in place), the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10), including maintenance and monitoring throughout the postclosure care period (specified in the permit). The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Maintain and monitor the ground water monitoring system and comply with all applicable requirements of WAC 173-303-645; and

(iv) Prevent run-on and run-off from eroding or otherwise damaging the final cover.

(c)(i) If an owner or operator plans to close a surface impoundment in accordance with (a)(i) of this subsection, and the impoundment does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (2)(b) of this section, then:

(A) The closure plan for the impoundment under WAC 173-303-610(3) must include both a plan for complying with (a)(i) of this subsection, and a contingent plan for complying with (a)(ii) of this subsection in case not all contaminated subsoils can be practicably removed at closure; and

(B) The owner or operator must prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and postclosure care of an impoundment subject to (c) of this subsection must include the cost of complying with the contingent closure plan and the contingent postclosure plan, but are not required to include the cost of expected closure under (a)(i) of this subsection.

(d) During the postclosure care period, if liquids leak into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will then modify the permit to require compliance with applicable requirements of WAC 173-303-645, or, if so requested by the owner or operator, to require removal of all materials in accordance with (a)(i) of this subsection.

(7) 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.

(8) Special requirements for incompatible wastes. Incompatible wastes and materials must not be placed in the same surface impoundment, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) The wastes F020, F021, F022, F023, F026, or F027 must not be placed in a surface impoundment unless the owner or operator operates the surface impoundment in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this section. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-655 LAND TREATMENT. (1) Applicability. The regulations in this subpart apply to owners and operators of facilities that treat or dispose of dangerous waste in land treatment units, except as WAC 173-303-600 provides otherwise.

(2) Treatment program.

(a) An owner or operator subject to this section must establish a land treatment program that is designed to ensure that dangerous constituents placed in or on the treatment zone are degraded, transformed, or immobilized within the treatment zone. The department will specify in the facility permit the elements of the treatment program, including:

(i) The wastes that are capable of being treated at the unit based on a demonstration under subsection (3) of this section;

(ii) Design measures and operating practices necessary to maximize the success of degradation, transformation, and immobilization processes in the treatment zone in accordance with subsection (4)(a) of this section; and

(iii) Unsaturated zone monitoring provisions meeting the requirements of subsection (6) of this section.

(b) The department will specify in the facility permit the dangerous constituents that must be degraded, transformed, or immobilized under this section. Dangerous constituents are constituents identified in WAC 173-303-9905, and any other constituents which, although not listed in WAC 173-303-9905, cause a waste to be regulated under this

chapter, that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(c) The department will specify the vertical and horizontal dimensions of the treatment zone in the facility permit. The treatment zone is the portion of the unsaturated zone below, and including, the land surface in which the owner or operator intends to maintain the conditions necessary for effective degradation, transformation, or immobilization of dangerous constituents. The maximum depth of the treatment zone must be:

(i) No more than 1.5 meters (5 feet) below the initial soil surface; and

(ii) More than 3 meters (10 feet) above the seasonal high water table; except that the owner or operator may demonstrate to the satisfaction of the department that a distance of less than 3 meters will be adequate. In no case shall the distance be less than 1 meter.

(3) Treatment demonstration.

(a) For each waste that will be applied to the treatment zone, the owner or operator must demonstrate, prior to application of the waste, that dangerous constituents in the waste can be completely degraded, transformed, or immobilized in the treatment zone.

(b) In making this demonstration, the owner or operator may use field tests, laboratory analyses, available data, or, in the case of existing units, operating data. If the owner or operator intends to conduct field tests or laboratory analyses in order to make the demonstration required under (a) of this subsection, he must obtain a land treatment demonstration permit under WAC 173-303-808. The department will specify in this permit the testing, analytical, design, and operating requirements (including the duration of the tests and analyses, and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone, monitoring procedures, closure, and clean-up activities) necessary to meet the requirements in (c) of this subsection.

(c) Any field test or laboratory analysis conducted in order to make a demonstration under (a) of this subsection must:

(i) Accurately simulate the characteristics and operating conditions for the proposed land treatment unit including:

(A) The characteristics of the waste and of dangerous constituents present;

(B) The climate in the area;

(C) The topography of the surrounding area;

(D) The characteristics and depth of the soil in the treatment zone; and

(E) The operating practices to be used at the unit;

(ii) Be likely to show that dangerous constituents in the waste to be tested will be completely degraded, transformed, or immobilized in the treatment zone of the proposed land treatment unit; and

(iii) Be conducted in a manner that protects human health and the environment considering:

(A) The characteristics of the waste to be tested;

(B) The operating and monitoring measures taken during the course of the test;

(C) The duration of the test;

(D) The volume of waste used in the test; and

(E) In the case of field tests, the potential for migration of dangerous constituents to ground water or surface water.

(4) Design and operating requirements. The department will specify in the facility permit how the owner or operator will design, construct, operate, and maintain the land treatment unit in compliance with this subsection.

(a) The owner or operator must design, construct, operate, and maintain the unit to maximize the degradation, transformation, and immobilization of dangerous constituents in the treatment zone. The owner or operator must design, construct, operate, and maintain the unit in accordance with all design and operating conditions that were used in the treatment demonstration under subsection (3) of this section. At a minimum, the department will specify in the facility permit:

(i) The rate and method of waste application to the treatment zone;

(ii) Measures to control soil pH;

(iii) Measures to enhance microbial or chemical reactions (e.g., fertilization, tilling); and

(iv) Measures to control the moisture content of the treatment zone.

(b) The owner or operator must design, construct, operate, and maintain the treatment zone to minimize run-off of dangerous constituents during the active life of the land treatment unit.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the treatment zone during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain the design capacity of the system.

(f) If the treatment zone contains particulate matter which may be subject to wind dispersal, the owner or operator must control wind dispersal.

(g) The owner or operator must inspect the unit weekly and after storms to detect evidence of:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems; and

(ii) Improper functioning of wind dispersal control measures.

(5) Food chain crops. The department may allow the growth of food chain crops in or on the treatment zone only if the owner or operator satisfies the conditions of this subsection. The department will specify in the facility permit the specific food chain crops which may be grown.

(a)(i) The owner or operator must demonstrate that there is no substantial risk to human health caused by the growth of such crops in or on the treatment zone by demonstrating, prior to the planting of such crops, that dangerous constituents other than cadmium:

(A) Will not be transferred to the food or feed portions of the crop by plant uptake or direct contact, and will not otherwise be ingested by food chain animals (e.g., by grazing); or

(B) Will not occur in greater concentrations in or on the food or feed portions of crops grown on the treatment zone than in or on identical portions of the same crops grown on untreated soils under similar conditions in the same region.

(ii) The owner or operator must make the demonstration required under (a)(i) of this subsection prior to the planting of crops at the facility for all dangerous constituents that are reasonably expected to be in, or derived from, waste placed in or on the treatment zone.

(iii) In making such a demonstration, the owner or operator may use field tests, greenhouse studies, available data, or, in the case of existing units, operating data, and must:

(A) Base the demonstration on conditions similar to those present in the treatment zone, including soil characteristics (e.g., pH, cation exchange capacity), specific wastes, application rates, application methods, and crops to be grown; and

(B) Describe the procedures used in conducting any tests, including the sample selection criteria, sample size, analytical methods, and statistical procedures.

(iv) If the owner or operator intends to conduct field tests or greenhouse studies in order to make the demonstration he must obtain a permit for conducting such activities.

(b) The owner or operator must comply with the following conditions if cadmium is contained in wastes applied to the treatment zone;

(i)(A) The pH of the waste and soil mixture must be 6.5 or greater at the time of each waste application, except for waste containing cadmium at concentrations of 2 mg/kg (dry weight) or less;

(B) The annual application of cadmium from waste must not exceed 0.5 kilograms per hectare (kg/ha) on land used for production of tobacco, leafy vegetables, or root crops grown for human consumption. For other food chain crops, the annual cadmium application rate must not exceed:

Time period	Annual Cd application rate (kilograms per hectare)
Present to June 30, 1984 . . . . .	2.0
July 1, 1984 to Dec. 31, 1986 . . . . .	1.25
Beginning Jan. 1, 1987 . . . . .	0.5

(C) The cumulative application of cadmium from waste must not exceed 5kg/ha if the waste and soil mixture has a pH of less than 6.5; and

(D) If the waste and soil mixture has a pH of 6.5 or greater or is maintained at a pH of 6.5 or greater during crop growth, the cumulative application of cadmium from waste must not exceed: 5 kg/ha if soil cation exchange capacity (CEC) is less than 5 meq/100g; 10

kg/ha if soil CEC is 5-15 meq/100g; and 20 kg/ha if soil CEC is greater than 15 meq/100g; or

(ii)(A) Animal feed must be the only food chain crop produced;

(B) The pH of the waste and soil mixture must be 6.5 or greater at the time of waste application or at the time the crop is planted, whichever occurs later, and this pH level must be maintained whenever food chain crops are grown;

(C) There must be an operating plan which demonstrates how the animal feed will be distributed to preclude ingestion by humans. The operating plan must describe the measures to be taken to safeguard against possible health hazards from cadmium entering the food chain, which may result from alternative land uses; and

(D) Future property owners must be notified by a stipulation in the land record or property deed which states that the property has received waste at high cadmium application rates and that food chain crops must not be grown except in compliance with (b)(ii) of this subsection.

(6) Unsaturated zone monitoring. An owner or operator subject to this section must establish an unsaturated zone monitoring program to discharge the responsibilities described in this subsection.

(a) The owner or operator must monitor the soil and soil-pore liquid to determine whether dangerous constituents migrate out of the treatment zone.

(i) The department will specify the dangerous constituents to be monitored in the facility permit. The dangerous constituents to be monitored are those specified under subsection (2)(b) of this section.

(ii) The department may require monitoring for principal dangerous constituents (PDCs) in lieu of the constituents specified under subsection (2)(b) of this section. PDCs are dangerous constituents contained in the wastes to be applied at the unit that are the most difficult to treat, considering the combined effects of degradation, transformation, and immobilization. The department will establish PDCs if it finds, based on waste analyses, treatment demonstrations, or other data, that effective degradation, transformation, or immobilization of the PDCs will assure treatment at at least equivalent levels for the other dangerous constituents in the wastes.

(b) The owner or operator must install an unsaturated zone monitoring system that includes soil monitoring using soil cores and soil-pore liquid monitoring using devices such as lysimeters. The unsaturated zone monitoring system must consist of a sufficient number of sampling points at appropriate locations and depths to yield samples that:

(i) Represent the quality of background soil-pore liquid quality and the chemical make-up of soil that has not been affected by leakage from the treatment zone; and

(ii) Indicate the quality of soil-pore liquid and the chemical make-up of the soil below the treatment zone.

(c) The owner or operator must establish a background value for each dangerous constituent to be monitored under (a) of this subsection. The permit will specify the background values for each constituent or specify the procedures to be used to calculate the background values.

(i) Background soil values may be based on a one-time sampling at a background plot having characteristics similar to those of the treatment zone.

(ii) Background soil-pore liquid values must be based on at least quarterly sampling for one year at a background plot having characteristics similar to those of the treatment zone.

(iii) The owner or operator must express all background values in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(iv) In taking samples used in the determination of all background values, the owner or operator must use an unsaturated zone monitoring system that complies with (b)(i) of this subsection.

(d) The owner or operator must conduct soil monitoring and soil-pore liquid monitoring immediately below the treatment zone. The department will specify the frequency and timing of soil and soil-pore liquid monitoring in the facility permit after considering the frequency, timing, and rate of waste application, and the soil permeability. The owner or operator must express the results of soil and soil-pore liquid monitoring in a form necessary for the determination of statistically significant increases under (f) of this subsection.

(e) The owner or operator must use consistent sampling and analysis procedures that are designed to ensure sampling results that provide a reliable indication of soil-pore liquid quality and the chemical make-up of the soil below the treatment zone. At a minimum, the owner or operator must implement procedures and techniques for:

(i) Sample collection;

(ii) Sample preservation and shipment;

(iii) Analytical procedures; and

(iv) Chain of custody control.

(f) The owner or operator must determine whether there is a statistically significant change over background values for any dangerous constituent to be monitored under (a) of this subsection, below the treatment zone each time he conducts soil monitoring and soil-pore liquid monitoring under (d) of this subsection.

(i) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent, as determined under (d) of this subsection, to the background value for that constituent according to the statistical procedure specified in the facility permit under this subsection.

(ii) The owner or operator must determine whether there has been a statistically significant increase below the treatment zone within a reasonable time period after completion of sampling. The department will specify that time period in the facility permit after considering the complexity of the statistical test and the availability of laboratory facilities to perform the analysis of soil and soil-pore liquid samples.

(iii) The owner or operator must determine whether there is a statistically significant increase below the treatment zone using a statistical procedure that provides reasonable confidence that migration from the treatment zone will be identified. The department will specify a statistical procedure in the facility permit that it finds:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying migration from the treatment zone and the probability of failing to identify real migration from the treatment zone.

(g) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he must:

(i) Notify the department of his finding in writing within seven days. The notification must indicate what constituents have shown statistically significant increases;

(ii) Within forty-five days, submit to the department an application for a permit modification to amend the operating practices at the facility in order to maximize the success of degradation, transformation, or immobilization processes in the treatment zone; and

(iii) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(h) If the owner or operator determines, pursuant to (f) of this subsection, that there is a statistically significant increase of dangerous constituents below the treatment zone, he may demonstrate that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. While the owner or operator may make a demonstration under this subsection, he is not relieved of the requirement to submit concurrently a permit modification application within the forty-five-day period, unless the demonstration made under this subsection successfully shows that a source other than regulated units caused the increase or that the increase resulted from an error in sampling, analysis, or evaluation. In making a demonstration under this subsection, the owner or operator must:

(i) Notify the department in writing within seven days of determining a statistically significant increase below the treatment zone that he intends to make a demonstration under this subsection;

(ii) Within forty-five days, submit a report to the department demonstrating that a source other than the regulated units caused the increase or that the increase resulted from error in sampling, analysis, or evaluation;

(iii) Within forty-five days, submit to the department an application for a permit modification to make any appropriate changes to the unsaturated zone monitoring program at the facility; and

(iv) Continue to monitor in accordance with the unsaturated zone monitoring program established under this subsection.

(7) Recordkeeping. The owner or operator must include dangerous waste application dates and rates in the operating record required under WAC 173-303-380.

(8) Closure and postclosure care.

(a) During the closure period the owner or operator must:

(i) Continue all operations (including pH control) necessary to maximize degradation, transformation, or immobilization of dangerous constituents within the treatment zone as required under subsection (4)(a) of this section, except to the extent such measures are inconsistent with (a)(viii) of this subsection;

(ii) Continue all operations in the treatment zone to minimize run-off of dangerous constituents as required under subsection (4)(b) of this section;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section;

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated ninety days after the last application of waste to the treatment zone; and

(viii) Establish a vegetative cover on the portion of the facility being closed at such time that the cover will not substantially impede degradation, transformation, or immobilization of dangerous constituents in the treatment zone. The vegetative cover must be capable of maintaining growth without extensive maintenance.

(b) For the purpose of complying with WAC 173-303-610(6) when closure is completed, the owner or operator may submit to the department a certification by an independent qualified soil scientist, in lieu of a licensed professional engineer, that the facility has been closed in accordance with the specifications in the approved closure plan.

(c) During the postclosure care period the owner or operator must:

(i) Continue all operations (including pH control) necessary to enhance degradation and transformation and sustain immobilization of dangerous constituents in the treatment zone to the extent that such measures are consistent with other postclosure care activities;

(ii) Maintain a vegetative cover over closed portions of the facility;

(iii) Maintain the run-on control system required under subsection (4)(c) of this section;

(iv) Maintain the run-off management system required under subsection (4)(d) of this section;

(v) Control wind dispersal of dangerous waste, if required under subsection (4)(f) of this section;

(vi) Continue to comply with any prohibitions or conditions concerning growth of food chain crops under subsection (5) of this section; and

(vii) Continue unsaturated zone monitoring in compliance with subsection (6) of this section, except that soil-pore liquid monitoring may be terminated one hundred eighty days after the last application of waste to the treatment zone.

(d) The owner or operator is not subject to regulation under (a)(viii) and (c) of this subsection, if the department finds that the level of dangerous constituents in the treatment zone soil does not exceed the background value of those constituents by an amount that is statistically significant when using the test specified in (d)(iii) of this subsection. The owner or operator may submit such a demonstration to the department at any time during the closure or postclosure care periods. For the purposes of this subsection:

(i) The owner or operator must establish background soil values and determine whether there is a statistically significant increase over those values for all dangerous constituents specified in the facility permit under subsection (2)(b) of this section;

(A) Background soil values may be based on a one-time sampling of a background plot having characteristics similar to those of the treatment zone;

(B) The owner or operator must express background values and values for dangerous constituents in the treatment zone in a form necessary for the determination of statistically significant increases under (d)(iii) of this subsection;

(ii) In taking samples used in the determination of background and treatment zone values, the owner or operator must take samples at a sufficient number of sampling points and at appropriate locations and depths to yield samples that represent the chemical make-up of soil that has not been affected by leakage from the treatment zone and the soil within the treatment zone, respectively;

(iii) In determining whether a statistically significant increase has occurred, the owner or operator must compare the value of each constituent in the treatment zone to the background value for that constituent using a statistical procedure that provides reasonable confidence that constituent presence in the treatment zone will be identified. The owner or operator must use a statistical procedure that:

(A) Is appropriate for the distribution of the data used to establish background values; and

(B) Provides a reasonable balance between the probability of falsely identifying dangerous constituent presence in the treatment zone and the probability of failing to identify real presence in the treatment zone.

(e) The owner or operator is not subject to regulation under WAC 173-303-645 if the department finds that the owner or operator satisfies (d) of this subsection, and if unsaturated zone monitoring under subsection (6) of this section, indicates that dangerous constituents have not migrated beyond the treatment zone during the active life of the land treatment unit.

(9) Special requirements for ignitable or reactive waste. The owner or operator must not apply ignitable or reactive waste to the treatment zone unless:

(a) The waste is immediately incorporated into the soil 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 (5) and (7); and

(ii) WAC 173-303-395 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.

(10) Special requirements for incompatible wastes. The owner or operator must not place incompatible wastes, or incompatible wastes and materials, in or on the same treatment zone, unless WAC 173-303-395 (1)(b) is complied with.

(11) Special requirements for extremely hazardous waste. Under no circumstances will EHW be allowed to remain in a closed land treatment unit after concluding the postclosure care period. If EHW remains at the end of the scheduled postclosure care period specified in the permit, then the department will either extend the postclosure care period, or require that all EHW be disposed of off-site or that it be treated. In deciding whether to extend postclosure care or require disposal or treatment, the department will take into account the likelihood that the waste will or will not continue to degrade in the land treatment unit to the extent that it is no longer EHW. For the purposes of this subsection, EHW will be considered to remain in a land treatment unit if representative samples of the treatment zone are designated as EHW. Procedures for representative sampling and testing will be specified in the permit.

(12) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a land treatment unit unless the owner or operator operates the facility in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for land treatment facilities managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-660 WASTE PILES. (1) Applicability.

(a) The regulations in this section apply to owners and operators of facilities that store or treat dangerous waste in piles.

(b) The regulations in this section do not apply to owners or operators of waste piles that will be closed with wastes left in place. Such waste piles are subject to regulation under WAC 173-303-665 (Landfills).

(c) The owner or operator of any waste pile that is inside or under a structure that provides protection from precipitation so that neither run-off nor leachate is generated is not subject to regulation under subsection (2) of this section, or under WAC 173-303-645, provided that:

(i) Liquids or materials containing free liquids are not placed in the pile;

(ii) The pile is protected from surface water run-on by the structure or in some other manner;

(iii) The pile is designed and operated to control dispersal of the waste by wind, by means other than wetting; and

(iv) The pile will not generate leachate through decomposition or other reactions.

(d) All EHW and respiratory carcinogens stored in waste piles must be protected from dispersal by precipitation or wind (e.g., covered, stored inside a building, etc.).

(2) Design and operating requirements.

(a) A waste pile (except for an existing portion of a waste pile) must have:

(i) A liner that is designed, constructed, installed and maintained to prevent any migration of wastes out of the pile into the adjacent subsurface soil or ground water or surface water at any time during the active life (including the closure period) of the waste pile. The liner may be constructed of materials that may allow waste to migrate into the liner itself (but not into the adjacent subsurface soil or ground water or surface water) during the active life of the facility. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the pile. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the pile and to the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent collapse under the pressures exerted by overlaying wastes, waste cover materials, and by any equipment used at the pile; and

(B) Designed and operated to function without clogging through the scheduled closure of the waste pile.

(b) A liner and leachate collection and removal system must be protected from plant growth which could adversely affect any component of the system.

(c) For EHW management, the owner or operator shall submit an engineering report with his permit application stating the basis for selecting the liner required in subsection (2)(a)(i) of this section. The statement shall be certified by a licensed professional engineer.

(d) The owner or operator will be exempted from the requirements of (a), (b), and (c) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternate design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents identified under WAC 173-303-645(4) into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including attenuative capacity and thickness of the liners and soils present between the pile and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(e) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto any portion of the pile during peak discharge from at least a twenty-five-year storm.

(f) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least

the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(g) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(h) If the pile contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the pile to control wind dispersal.

(i) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined piles; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined waste pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by two liners which are designed and constructed in a manner that prevents the migration of liquids into or out of the space between the liners. Both liners must meet all the specifications of subsection (2)(a)(i) and (c) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquids into the space between the liners; and

(iv) The pile must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii) (A) Within the period of time specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Inspection of liners; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a pile is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The pile (including its underlying liner) must be located entirely above the seasonal high water table;

(ii) The pile must be underlain by a liner (base) that meets all the specifications of subsection (2)(a)(i) of this section;

(iii) The wastes in the pile must be removed periodically, and the liner must be inspected for deterioration, cracks, or other conditions that may result in leaks. The frequency of inspection will be specified in the inspection plan required in WAC 173-303-320 and must be based on the potential for the liner (base) to crack or otherwise deteriorate under the conditions of operation;

(iv) The liner 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; and

(v) The pile must have a leachate collection and removal system above the liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If deterioration, cracking, or other condition is identified that is causing or could cause a leak, the owner or operator must:

(i) Notify the department of the condition in writing within seven days after detecting the condition; and

(ii) (A) Repair or replace the liner (base) and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the liner (base) has been repaired and leakage will not occur; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been defined in the permit (to be complied with only if a leak occurs), begin to comply with that program and any

other applicable requirements of WAC 173-303-645 within the period of time specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(5) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of piles exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a waste pile is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(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 (d) of this subsection. Indications of possible failure of the containment system include liquid detected in the leachate detection system, 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, 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 (b) of this subsection, 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 (c) of this subsection; 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 and materials (and their availability) 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 piles, the owner or operator must submit with his permit application a statement signed by a licensed 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 pursuant to (b) of this subsection, 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 pursuant to (b) of this subsection, and will not be repaired, must be closed in accordance with subsection (9) of this section.

(7) Special requirements for ignitable or reactive waste. Ignitable or reactive waste must not be placed in a pile, unless:

(a) 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

(b) (i) 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; and

(ii) The generator complies with WAC 173-303-395 (1)(d).

(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.

(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 and postclosure care.

(a) At closure, the owner or operator must remove or decontaminate all dangerous waste, waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them in accordance with this chapter.

(b) If, after removing or decontaminating all residues and making all reasonable efforts regarding removal or decontamination of contaminated components, subsoils, structures, and equipment as required in (a) of this subsection, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated (except that no EHW may ever be left in place), he must close the facility and perform postclosure care in accordance with the closure and postclosure care requirements that apply to landfills, WAC 173-303-665(6).

(c) (i) The owner or operator of a waste pile that does not comply with the liner requirements of subsection (2)(a)(i) of this section, and is not exempt from them in accordance with subsection (1)(c) or (2)(d) of this section, must:

(A) Include in the closure plan for the pile under WAC 173-303-610(3) both a plan for complying with (a) of this subsection, and a contingent plan for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure; and

(B) Prepare a contingent postclosure plan under WAC 173-303-610(8) for complying with (b) of this subsection, in case not all contaminated subsoils can be practicably removed at closure.

(ii) The cost estimates calculated under WAC 173-303-620 (3) and (5) for closure and postclosure care of a pile must include the cost of complying with the contingent closure plan and the contingent postclosure plan.

(10) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, and F027 must not be placed in waste piles that are not enclosed (as defined in subsection (1)(c) of this section) unless the owner or operator operates the waste pile in accordance with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection, and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring techniques.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary in order to reduce the possibility of migration of these wastes to ground water, to surface water, or air so as to protect human health and the environment.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-665 LANDFILLS. (1) Applicability. The regulations in this section apply to owners and operators of facilities that dispose of dangerous waste in landfills, except as WAC 173-303-600

provides otherwise. No landfill shall be permitted to dispose of EHW, except for the Hanford facility under WAC 173-303-700.

(2) Design and operating requirements.

(a) A landfill (except for an existing portion of a landfill) must have:

(i) A liner that is designed, constructed, and installed to prevent any migration of wastes out of the landfill to the adjacent subsurface soil or ground water or surface water at anytime during the active life (including the closure period) of the landfill. The liner must be constructed of materials that prevent wastes from passing into the liner during the active life of the facility. The owner or operator must submit an engineering report with his permit application under WAC 173-303-806(4) stating the basis for selecting the liner(s). The report must be certified by a licensed professional engineer. The liner must be:

(A) Constructed of materials that have appropriate chemical properties and sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrogeologic forces), physical contact with the waste or leachate to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation;

(B) Placed upon a foundation or base capable of providing support to the liner and resistance to pressure gradients above and below the liner to prevent failure of the liner due to settlement, compression, or uplift; and

(C) Installed to cover all surrounding earth likely to be in contact with the waste or leachate; and

(ii) A leachate collection and removal system immediately above the liner that is designed, constructed, maintained, and operated to collect and remove leachate from the landfill. The department will specify design and operating conditions in the permit to ensure that the leachate depth over the liner does not exceed 30 cm (one foot). The leachate collection and removal system must be:

(A) Constructed of materials that are:

(I) Chemically resistant to the waste managed in the landfill and the leachate expected to be generated; and

(II) Of sufficient strength and thickness to prevent failure under the pressures exerted by overlying wastes, waste cover materials, and by any equipment used at the landfill; and

(B) Designed and operated to function without clogging through the scheduled closure of the landfill.

(b) The owner or operator will be exempted from the requirements of (a) of this subsection, if the department finds, based on a demonstration by the owner or operator, that alternative design and operating practices, together with location characteristics, will prevent the migration of any dangerous constituents into the ground water or surface water at any future time. In deciding whether to grant an exemption, the department will consider:

(i) The nature and quantity of the wastes;

(ii) The proposed alternate design and operation;

(iii) The hydrogeologic setting of the facility, including the attenuative capacity and thickness of the liners and soils present between the landfill and ground water or surface water; and

(iv) All other factors which would influence the quality and mobility of the leachate produced and the potential for it to migrate to ground water or surface water.

(c) The owner or operator must design, construct, operate, and maintain a run-on control system capable of preventing flow onto the active portion of the landfill during peak discharge from at least a twenty-five-year storm.

(d) The owner or operator must design, construct, operate, and maintain a run-off management system to collect and control at least the water volume resulting from a twenty-four-hour, twenty-five-year storm.

(e) Collection and holding facilities (e.g., tanks or basins) associated with run-on and run-off control systems must be emptied or otherwise managed expeditiously and in accordance with this chapter after storms to maintain design capacity of the system.

(f) If the landfill contains any particulate matter which may be subject to wind dispersal, the owner or operator must cover or otherwise manage the landfill to control wind dispersal.

(g) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(3) Double-lined landfills; exemption from WAC 173-303-645, ground water protection requirements.

(a) The owner or operator of a double-lined landfill is not subject to regulation under WAC 173-303-645 if the following conditions are met:

(i) The landfill (including its underlying liners) must be located entirely above the seasonal high water table;

(ii) The landfill must be underlain by two liners which are designed and constructed in a manner to prevent the migration of liquids into or out of the space between the liners. Both liners must meet the specifications of subsection (2)(a)(i) of this section;

(iii) A leak detection system must be designed, constructed, maintained, and operated between the liners to detect any migration of liquid into the space between the liners; and

(iv) The landfill must have a leachate collection and removal system above the top liner that is designed, constructed, maintained, and operated in accordance with subsection (2)(a)(ii) of this section.

(b) If liquid leaks into the leak detection system, the owner or operator must:

(i) Notify the department of the leak in writing within seven days after detecting the leak; and

(ii)(A) Within the time period specified in the permit, remove accumulated liquid, repair or replace the liner which is leaking to prevent the migration of liquids through the liner, and obtain a certification from a qualified engineer that, to the best of his knowledge and opinion, the leak has been stopped; or

(B) If a detection monitoring program pursuant to WAC 173-303-645(9) has already been established in the permit (to be complied with only if a leak occurs), begin to comply with that program and any other applicable requirements of WAC 173-303-645 within the time period specified in the permit.

(c) The department will specify in the permit all design and operating practices that are necessary to ensure that the requirements of this subsection are satisfied.

(4) Monitoring and inspection.

(a) During construction or installation, liners (except in the case of existing portions of landfills exempt from subsection (2)(a) of this section), and cover systems (e.g., membranes, sheets, or coatings) must be inspected for uniformity, damage, and imperfections (e.g., holes, cracks, thin spots, or foreign materials). Immediately after construction or installation:

(i) Synthetic liners and covers must be inspected to ensure tight seams and joints and the absence of tears, punctures, or blisters; and

(ii) Soil-based and admixed liners and covers must be inspected for imperfections including lenses, cracks, channels, root holes, or other structural nonuniformities that may cause an increase in the permeability of the liner or cover.

(b) While a landfill is in operation, it must be inspected weekly and after storms to detect evidence of any of the following:

(i) Deterioration, malfunctions, or improper operation of run-on and run-off control systems;

(ii) The presence of liquids in leak detection systems, where installed to comply with subsection (3) of this section;

(iii) Proper functioning of wind dispersal control systems; and

(iv) The presence of leachate in and proper functioning of leachate collection and removal systems.

(5) Surveying and recordkeeping. The owner or operator of a landfill must maintain the following items in the operating record required under WAC 173-303-380:

(a) On a map, the exact location and dimensions, including depth, of each cell with respect to permanently surveyed benchmarks; and

(b) The contents of each cell and the approximate location of each dangerous waste type within each cell.

(6) Closure and postclosure care.

(a) At final closure of the landfill or upon closure of any cell, the owner or operator must cover the landfill or cell with a final cover designed and constructed to:

(i) Provide long-term minimization of migration of liquids through the closed landfill;

(ii) Function with minimum maintenance;

(iii) Promote drainage and minimize erosion or abrasion of the cover;

(iv) Accommodate settling and subsidence so that the cover's integrity is maintained; and

(v) Have a permeability less than or equal to the permeability of any bottom liner system or natural subsoils present.

(b) After final closure, the owner or operator must comply with all postclosure requirements contained in WAC 173-303-610 (7), (8), (9), and (10) including maintenance and monitoring throughout the postclosure care period. The owner or operator must:

(i) Maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events;

(ii) Maintain and monitor the leak detection system in accordance with subsection (3) of this section, where such a system is present between double liner systems;

(iii) Continue to operate the leachate collection and removal system until leachate is no longer detected;

(iv) Maintain and monitor the ground water monitoring system and comply with all other applicable requirements of WAC 173-303-645;

(v) Prevent run-on and run-off from eroding or otherwise damaging the final cover; and

(vi) Protect and maintain surveyed benchmarks used in complying with subsection (5) of this section.

(c) During the postclosure care period, if liquid leaks into a leak detection system installed under subsection (3) of this section, the owner or operator must notify the department of the leak in writing within seven days after detecting the leak. The department will modify the permit to require compliance with the requirements of WAC 173-303-645.

(7) Special requirements for ignitable or reactive waste.

(a) Except as provided in (b) of this subsection, and in subsection (10) of this section, ignitable or reactive waste must not be placed in a landfill, unless the waste is treated, rendered, or mixed before or immediately after placement in a landfill 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 (5) and (7); and

(ii) WAC 173-303-395 (1)(b) is complied with.

(b) Ignitable wastes in containers may be landfilled without meeting the requirements of (a) of this subsection, provided that the wastes are disposed of in such a way that they are protected from any material or conditions which may cause them to ignite. At a minimum, ignitable wastes: Must be disposed of in nonleaking containers which are carefully handled and placed so as to avoid heat, sparks, rupture, or any other condition that might cause ignition of the wastes; must be covered daily with soil or other noncombustible material to minimize the potential for ignition of the wastes; and must not be disposed of in cells that contain or will contain other wastes which may generate heat sufficient to cause ignition of the waste.

(8) Special requirements for incompatible wastes. Incompatible wastes, or incompatible wastes and materials must not be placed in the same landfill cell, unless WAC 173-303-395 (1)(b) is complied with.

(9) Special requirements for liquid waste.

(a) Bulk or noncontainerized liquid waste or waste containing free liquids must not be placed in a landfill unless, before disposal, the liquid waste or waste containing free liquids is treated or stabilized, chemically or physically (e.g., by mixing with an absorbent solid), so that free liquids are no longer present.

(b) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." (EPA Publication No. SW-846).

(c) Containers holding free liquids must not be placed in a landfill unless:

(i) All free-standing liquid:

(A) Has been removed by decanting, or other methods;

(B) Has been mixed with absorbent or solidified so that free-standing liquid is no longer observed; or

(C) Has been otherwise eliminated; or

(ii) The container is very small, such as an ampule; or

(iii) The container is a lab pack as defined in subsection (10) of this section, and is disposed of in accordance with that subsection.

(10) Special requirements for containers.

(a) Unless they are very small, such as an ampule, containers must be either:

(i) At least ninety percent full when placed in the landfill; or

(ii) Crushed, shredded, or similarly reduced in volume to the maximum practical extent before burial in the landfill.

(b) Small containers of dangerous waste in overpacked drums (lab packs) may be placed in a landfill if the procedures of WAC 173-303-161 are met.

(11) Special requirements for dangerous wastes F020, F021, F022, F023, F026, and F027.

(a) Dangerous wastes F020, F021, F022, F023, F026, or F027 must not be placed in a landfill unless the owner or operator operates the

landfill in accord with a management plan for these wastes that is approved by the department pursuant to the standards set out in this subsection and in accord with all other applicable requirements of this chapter. The factors to be considered are:

(i) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through the soil or to volatilize or escape into the atmosphere;

(ii) The attenuative properties of underlying and surrounding soils or other materials;

(iii) The mobilizing properties of other materials co-disposed with these wastes; and

(iv) The effectiveness of additional treatment, design, or monitoring requirements.

(b) The department may determine that additional design, operating, and monitoring requirements are necessary for landfills managing dangerous wastes F020, F021, F022, F023, F026, or F027 in order to reduce the possibility of migration of these wastes to ground water, surface water, or air so as to protect human health and the environment.

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-670 INCINERATORS. (1) Applicability.

(a) ((The regulations in WAC 173-303-670)) Except as WAC 173-303-600 provides otherwise, the regulations in this section apply to owners and operators of facilities that incinerate dangerous waste and to owners and operators who burn dangerous waste in boilers or industrial furnaces in order to destroy them, or who burn dangerous waste in boilers or in industrial furnaces for any recycling purpose and elect to be regulated under this section.

(b) The department may, in establishing permit conditions, exempt the facility from all requirements of this section except subsection (2) of this section, waste analysis, and subsection (8) of this section, 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)(A) Is either listed as a dangerous waste in WAC 173-303-080 only because it is ignitable or, that the waste is designated only as an ignitable dangerous waste under WAC 173-303-090; or

(B) Is either listed in WAC 173-303-080 or is designated under WAC 173-303-090 solely because it is reactive for the characteristics described in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii) and (viii), and will not be burned when other dangerous wastes are present in the combustion zone; and

(ii) Contains none of the dangerous constituents listed in WAC 173-303-9905 above significant concentration limits; and

(iii) Is not designated by the dangerous waste criteria of WAC 173-303-101, Toxic dangerous wastes, nor of WAC 173-303-102, Persistent dangerous wastes, nor of WAC 173-303-103, Carcinogenic dangerous wastes.

(c) The owner or operator of an incinerator may conduct trial burns, subject only to the requirements of WAC 173-303-807, trial burn permits.

(2) Waste analysis.

(a) As a portion of a trial burn plan required by WAC 173-303-807, 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 173-303-807 or 173-303-806 (3) and (4).

(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 subsection (6)(b) of this section).

(3) Designation of principal organic dangerous constituents and dangerous combustion byproducts. Principal organic dangerous constituents (PODCs) and dangerous combustion byproducts must be treated to the extent required by the performance standards specified in subsection (4) of this section. For each waste feed to be burned, one or more PODCs and dangerous combustion byproducts will be specified in the facility's permit from among those constituents listed in WAC 173-303-9905 and, to the extent practical, from among those constituents which contribute to the toxicity, persistence, or carcinogenicity of wastes designated under WAC 173-303-084 or 173-303-101 through 173-303-103. This specification will be based on the degree of difficulty of incineration of the organic constituents of the waste feed and its combustion byproducts and 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 PODCs and dangerous combustion byproducts. Constituents are more likely to be designated as PODCs or dangerous combustion byproducts if they are present in large quantities or concentrations. Trial PODCs will be designated for performance of trial burns in accordance with the procedure specified in WAC 173-303-807 for obtaining trial burn permits. Trial dangerous 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 subsection (6) of this section, it will meet the following performance standards:

(a)(i) Except as provided in (a)(ii) of this subsection, an incinerator burning dangerous waste must achieve a destruction and removal efficiency (DRE) of 99.99 percent for each PODC designated (under subsection (3) of this section) in its permit for each waste feed. DRE is determined for each PODC from the following equation:

$$DRE = \frac{(W_{in} - W_{out})}{W_{in}} \times 100\%$$

Where:

$W_{in}$  = Mass feed rate of one PODC in the waste stream feeding the incinerator, and

$W_{out}$  = Mass emission rate of the same PODC present in exhaust emissions prior to release to the atmosphere.

(ii) An incinerator burning dangerous wastes F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each principal organic dangerous constituent (PODCs) designated (under subsection (3) of this section) in its permit. This performance must be demonstrated on PODCs that are more difficult to incinerate than tetra-, penta-, and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each PODCs from the equation in subsection (4)(a)(i) of this section. In addition, the owner or operator of the incinerator must notify the department of his intent to incinerate dangerous wastes F020, F021, F022, F023, F026, or F027.

(b) Incinerators burning dangerous waste must destroy dangerous combustion byproducts designated under subsection (3) of this section 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 PODCs fed into the incinerator.

(c)(i) An incinerator burning dangerous waste and producing stack emissions of more than 1.8 kilograms per hour (4 pounds per hour) of hydrogen chloride (HCl) must control HCl emissions such that the rate of emission is no greater than the larger of either 1.8 kilograms per hour or one percent of the HCl in the stack gas prior to entering any pollution control equipment.

(ii) An incinerator burning dangerous waste must not emit particulate matter in excess of 180 milligrams per dry standard cubic meter (0.08 grains per dry standard cubic foot) when corrected for the amount of oxygen in the stack gas according to the formula:

$$P_c = P_m \times \frac{14}{21 - Y}$$

Where  $P_c$  is the corrected concentration of particulate matter,  $P_m$  is the measured concentration of particulate matter, and  $Y$  is the measured concentration of oxygen in the stack gas, using the Orsat method for oxygen analysis of dry flue gas, presented in 40 CFR Part 60, Appendix A (Method 3). This correction procedure is to be used by all dangerous waste incinerators except those operating under conditions of oxygen enrichment. For these facilities, the department will select an appropriate correction procedure to be specified in the facility permit.

(d) The emission standards specified in (c) of this subsection shall be met when no other more stringent standards exist. Where a state or local air pollution control authority has jurisdiction and has more stringent emission standards, an incinerator burning dangerous 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 subsection (6) of this

section), will be regarded as compliance with subsection (4) of this section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the performance requirements of subsection (4) of this section, may be evidence justifying modification, revocation, or reissuance of a permit under WAC 173-303-830.

(5) Trial burns and 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 subsection (6) of this section, except:

(i) In approved trial burns under WAC 173-303-807; or

(ii) Under exemptions created by WAC 173-303-670(1).

(b) New dangerous wastes may be burned only after operating conditions have been specified in a trial burn permit or a permit modification has been issued, 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 173-303-806(4).

(c) The permit for a new dangerous waste incinerator must establish appropriate conditions for each of the applicable requirements of this section, including but not limited to allowable waste feeds and operating conditions necessary to meet the requirements of subsection (6) of this section, sufficient to comply with the following standards:

(i) For the period beginning with initial introduction of dangerous waste to the incinerator and ending with initiation of the trial burn, and only for the minimum time required to establish operating conditions required in (c)(ii) of this subsection, not to exceed a duration of seven hundred twenty hours operating time for treatment of dangerous waste. The operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment. The department may extend the duration of this period once for up to seven hundred twenty additional hours when good cause for the extension is demonstrated by the applicant;

(ii) For the duration of the trial burn, the operating requirements must be sufficient to demonstrate compliance with the performance standards of subsection (4) of this section, and must be in accordance with the approved trial burn plan;

(iii) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data computation, and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the department, the operating requirements must be those most likely to ensure compliance with the performance standards of subsection (4) of this section, based on the department's engineering judgment;

(iv) For the remaining duration of the permit, the operating requirements must be those demonstrated, in a trial burn or by alternative data specified in WAC 173-303-806 (4)(f)(iii)(G), as sufficient to ensure compliance with the performance standards of subsection (4) of this section.

(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 subsection (5)(b) of this section and included with Part B of a facility's permit application) to be sufficient to comply with the performance standards of subsection (4) of this section.

(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 subsection (4) of this section) 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) An appropriate indicator of combustion gas velocity;

(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 subsection (4) of this section are met.

(c) During startup and shutdown of an incinerator, dangerous waste (except waste exempted in accordance with subsection (1)(b) of this

section) 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 (a) of this subsection.

(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 the indicator of combustion gas velocity specified in the facility permit 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) As required 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 subsection (4) of this section.

(b) The incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) must be completely inspected at least daily for leaks, spills, fugitive emissions, and signs of tampering. All emergency waste feed cutoff controls and system alarms must be tested at least weekly to verify proper operation, unless the owner or operator demonstrates to the department that weekly inspections will unduly restrict or upset operations and that less frequent inspection will be adequate. At a minimum, emergency cutoff and alarm systems must be tested at least monthly.

(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. Remaining equipment, bases, liners, soil, and debris containing or contaminated with dangerous waste or waste residues must be decontaminated or removed.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-802 PERMITS BY RULE. (1) Purpose and applicability. This section provides for permit by rule for particular facilities and activities managing dangerous wastes, provided that certain conditions are met. These facilities, activities, and conditions are listed in this section. Owners and operators of facilities with permits by rule are not required to submit an application for a dangerous waste facility permit.

(2) Ocean disposal barges or vessels. The owner or operator of a barge or other vessel which accepts dangerous waste for ocean disposal, shall have a permit by rule if the owner or operator:

(a) 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.);

(b) Complies with the conditions of that permit; and

(c) Complies with the following dangerous waste regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste report.

(3) Underground injection wells. Underground injection wells with an underground injection control (UIC) permit for underground injection shall have a permit by rule 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 144.14 and applicable state waste discharge rules. All underground injection wells must comply with WAC 173-303-060, notification and identification numbers. However, underground injection wells disposing of EHW are prohibited.

(4) Publicly owned treatment works (POTW). The owner or operator of a POTW which accepts dangerous waste for treatment, shall have a permit by rule if the owner or operator:

(a) Has a National Pollutant Discharge Elimination System (NPDES) permit;

(b) Complies with the conditions of that permit;

(c) Complies with the following regulations:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-170 through 173-303-230 when initiating shipments of dangerous waste;

(iii) WAC 173-303-370, manifest system;

(iv) WAC 173-303-380 (1)(a), operating record;

(v) WAC 173-303-390(2), annual report; and

(vi) WAC 173-303-390(1), unmanifested waste reports;

(d) Accepts the waste only if it 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

(e) Accepts no EHW for disposal at the POTW.

(5) Totally enclosed treatment facilities and elementary neutralization or wastewater treatment units.

(a) The owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit shall have a permit by rule, except as provided in (b) or (c) of this subsection, if he complies with:

(i) WAC 173-303-060, notification and identification numbers;

(ii) WAC 173-303-310, 173-303-350, 173-303-360, 173-303-370, 173-303-380 (1)(d), and 173-303-390 of the general facility standards; and

((iii)) (iii) WAC 173-303-430, performance standards.

(b) A facility is not required to have a permit by rule under this subsection if the owner or operator can demonstrate to the department's satisfaction that:

(i) The facility already has an existing permit (or permits) issued under federal, state or local authority (such as NPDES, state waste discharge, pretreatment, etc.); and

(ii) The permit (or permits) include, either separately or jointly in the case of multiple permits, all requirements specified in (a) of this subsection.

(c) The department may require the owner or operator of a totally enclosed treatment facility or an elementary neutralization or wastewater treatment unit subject to either (a) or (b) of this subsection to apply for and obtain a final facility permit in accordance with WAC 173-303-800 through 173-303-840, if:

(i) The owner or operator violates the general facility or performance requirements specified in (a) of this subsection;

(ii) The owner or operator is conducting other activities which require him to obtain a final facility permit; or

(iii) The department determines that the general facility or performance requirements specified in (a) of this subsection, are not sufficient to protect public health or the environment and that additional requirements under chapter 173-303 WAC are necessary to provide such protection.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-804 EMERGENCY PERMITS. Requirements for an 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:

(1) May be oral or written. If oral, it shall be followed within five days by a written emergency permit;

(2) Shall not exceed ninety days in duration for dangerous wastes;

(3) Shall not exceed one hundred eighty days in duration for moderate risk wastes;

(4) Shall clearly specify the dangerous wastes to be received, and the manner and location of their treatment, storage, or disposal;

~~((4))~~ (5) May be terminated by the department at any time without following the decisionmaking procedures of WAC 173-303-840 if the department determines that termination is appropriate to protect public health and the environment;

~~((5))~~ (6)(a) 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; and

(b) Shall be given public notice by:

(i) Publication in a daily newspaper within the area affected;

(ii) By radio broadcast within the area affected;

(iii) By mailing a copy of the public notice to the persons described in WAC 173-303-840 (3)(e)(i); and

(iv) Any other method reasonably determined to give actual notice of the emergency permit to persons potentially affected by it; and

~~((6))~~ (7) Shall incorporate, to the extent possible and not inconsistent with the emergency situation, all applicable requirements of this chapter.

#### AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-805 INTERIM STATUS PERMITS. (1) Applicability. This section applies to all facilities eligible for an interim status permit. When a facility is owned by one person but is operated by another person, it is the operator's duty to qualify for interim status, except that the owner must also sign an interim status application.

(2) Failure to qualify for interim status. If the department has reason to believe upon examination of a Part A application that it fails to provide the required information, it shall notify the owner or operator in writing of the apparent deficiency. Such notice shall specify the grounds for the department's belief that the application is deficient. The owner or operator shall have thirty days from receipt to respond to such a notification and to explain or cure the alleged deficiency in his Part A application. If, after such notification and opportunity for response, the department determines that the application is deficient it may take appropriate enforcement action.

(3) 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 chapter 173-303 WAC provided that the owner/operator complies with the applicable requirements of WAC 173-303-400 and this section.

~~((3))~~ (4) Interim status for facilities managing state-designated (non-RCRA) dangerous wastes. Any existing facility which does not satisfy subsection ~~((2))~~ (3) of this section, but which is only managing dangerous wastes that are not hazardous wastes under 40 CFR Part 261, shall be deemed to have an interim status permit provided that the owner/operator of the facility has complied with the notification requirements of WAC 173-303-060 by May 11, 1982 and has submitted Part A of his permit application by August 9, 1982. If an existing facility ~~((is managing a waste that has become designated as a dangerous waste))~~ becomes subject to this chapter due to amendments to this chapter and the facility was not previously ~~((managing dangerous waste))~~ subject to this chapter, then the owner/operator of ~~((the))~~ an existing facility may qualify for an interim status permit by complying with the notification requirements of WAC 173-303-060 within three months, and submitting Part A of his permit application within six months, after the ~~((effective))~~ adoption date of the amendments which ~~((newly designate his dangerous waste))~~ cause the facility to be subject to the requirements of this chapter. Facilities qualifying for interim status under this subsection shall not be deemed to have interim status under section 3005 of RCRA, and may only manage non-RCRA wastes until they either qualify separately for interim status under section 3005 of RCRA or receive a final status facility permit allowing them to manage RCRA wastes.

~~((4))~~ (5) Maintaining the interim status permit.

(a) Timely notification and submission of a Part A application qualifies the owner/operator of the existing TSD facility for the interim status permit, until the department terminates interim status pursuant to subsection ~~((7))~~ (8) of this section.

(b) Interim status for the existing TSD facility shall be maintained while the department makes final administrative disposition of a final facility permit pursuant to WAC 173-303-806 if:

(i) The owner/operator has submitted his final facility permit application (as described in WAC 173-303-806) within six months of the written request by the department to submit such application; and

(ii) Grounds for terminating interim status (as described in subsection ~~((7))~~ (8) of this section) do not exist.

(c) The owner/operator of an interim status facility must update his Part A whenever he is managing wastes that are newly regulated under this chapter, and as necessary to comply with subsection ~~((6))~~ (7) of this section. Failure to comply with this updating requirement is a violation of interim status.

~~((5))~~ (6) Prohibitions for interim status permits. 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.

~~((6))~~ (7) Changes during interim status.

(a) Dangerous wastes not previously identified in Part A of the application may be treated, stored, or disposed at a facility with interim status if the owner/operator submits to the department a revised Part A permit application prior to accepting the new dangerous wastes.

(b) Increases in the design capacity of processes used at a facility with interim status 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 with interim status, 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 public health or the environment because of an emergency situation; or

(ii) It is necessary to comply with state, local, or federal regulations.

(d) Changes in the ownership or operational control of a facility with interim status 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 interim status financial requirements of 40 CFR Part 265 subpart H (as referenced in WAC 173-303-400), 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 the interim status financial requirement, the department shall notify the old owner or operator in writing that he no longer needs to comply with the interim status financial 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.

(f) Any revisions to an existing interim status permit must be made on the applicable Part A form(s), (forms 1 or 3 are available from the department). The owner and operator certification page must be signed and included with those sections completed.

~~((7))~~ (8) Termination of interim status permit. The following are causes for terminating an interim status permit:

(a) Final administrative disposition of a final facility permit application is made pursuant to WAC 173-303-806;

(b) When the department on examination or reexamination of a Part A application determines that it fails to meet the applicable standards of this chapter, it may notify the owner or operator that the

application is deficient and that the interim status permit has been revoked. The owner or operator will then be subject to enforcement for operating without a permit;

(c) Failure to submit a requested Part B application on time, or to provide in full the information required in the Part B application; or

(d) Violation of applicable interim status standards.

~~((#))~~ (9) Moderate risk waste facilities. If the department determines, pursuant to WAC 173-303-550 through 173-303-560, that interim status standards can be reduced, the department will issue a notice of interim status modification stating what standards will be applied. Failure to comply with the conditions and standards as stated in the notice of modification or with the requirements of this section shall form a basis for revoking the notice. Upon revocation of the notice of interim status modification by the department, the owner or operator shall be subject to all of the requirements applicable to interim status dangerous waste management facilities. Before issuing the notice of modification, the department shall provide public notice of its intent, shall allow thirty days for public comment, and shall hold a public hearing if there is a significant degree of public interest or there is written notice of opposition and the department receives a request for a hearing during the comment period. Notice of a public hearing shall be provided at least fifteen days in advance, and the public comment period shall be extended to include the date of the hearing if it will occur after the initial thirty-day comment period. Within fifteen days of the end of the public comment period the department shall, based on comments received, issue, modify and issue, or deny the notice of interim status modification.

**AMENDATORY SECTION** (Amending Order DE 83-36, filed 4/18/84)

**WAC 173-303-806 FINAL FACILITY PERMITS.** (1) Applicability. This section applies to all dangerous waste facilities required to have a final facility permit. The final facility permit requirements are applicable to:

- (a) Final status TSD facilities;
- (b) Moderate risk waste management facilities; and
- (c) Certain recycling facilities that are not exempt from the permit requirements.

(2) Application. Any person subject to the permit requirements of this section who intends to operate a new TSD facility must apply for a final facility permit. The department may, at any time, require the owner or operator of an existing TSD facility to apply for a final facility permit. Such owner or operator will be allowed one hundred eighty days to submit his application; the department may extend the length of the application period if it finds that there are good reasons to do so. The owner or operator of an existing TSD facility may voluntarily apply for a final facility permit at any time. Any person seeking a final facility permit shall complete, sign, and submit an application to the department. An application shall consist of a Part A permit form (which can be obtained from the department), and the contents of Part B as specified in subsection (4) of this section.

(3) Effective regulations. A final facility permit will include all applicable requirements of this chapter which are in effect on the date that the application for the permit is submitted to the department. If new regulations become effective between the date that the permit application is submitted and the date that public notice of the draft permit is issued under WAC 173-303-840(3), then the permit applicant may, at his option, request that the final facility permit include the new regulatory requirements and provide the additional information necessary to do so. Any other changes to the final facility permit will be in accordance with the permit modification requirements of WAC 173-303-830.

(4) Contents of Part B. Part B of a permit application shall consist of the information required in (a) through (h) of this subsection.

(a) General requirements. Part B of the permit application consists of the general information requirements of this subsection, and the specific information requirements in (b) through (h) of this subsection as applicable to the facility. The Part B information requirements presented in (a) through (h) of this subsection, reflect the standards promulgated in WAC 173-303-600. These information requirements are necessary in order for the department to determine compliance with WAC 173-303-600 through 173-303-670. If owners and operators of TSD facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the department may make allowance for submission of such information on a case-by-case basis. Information required in Part B shall be submitted to the department and signed in accordance with requirements in WAC 173-303-

810(12). Certain technical data, such as design drawings and specifications, and engineering studies shall be certified by a registered professional engineer. The following information is required for all TSD facilities, except as WAC 173-303-600(3) provides otherwise.

(i) A general description of the facility.

(ii) Chemical, biological, and physical analyses of the dangerous waste to be handled at the facility. At a minimum, these analyses shall contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with WAC 173-303-600.

(iii) A copy of the waste analysis plan required by WAC 173-303-300(5) and, if applicable WAC 173-303-300 (5)(g).

(iv) A description of the security procedures and equipment required by WAC 173-303-310, or a justification demonstrating the reasons for requesting a waiver of this requirement.

(v) A copy of the general inspection schedule required by WAC 173-303-320(2): Include where applicable, as part of the inspection schedule, specific requirements in WAC 173-303-395 (1)(d), 173-303-630(6), 173-303-640(4), 173-303-650(4), 173-303-660 (4) and (5), 173-303-665(4), and 173-303-670(7).

(vi) A justification of any request for a waiver(s) of the preparedness and prevention requirements of WAC 173-303-340.

(vii) A copy of the contingency plan required by WAC 173-303-350: Include, where applicable, as part of the contingency plan, specific requirements in WAC 173-303-650(5) and 173-303-660(6).

(viii) A description of procedures, structures, or equipment used at the facility to:

(A) Prevent hazards and contain spills in unloading/loading operations (for example, ramps, berms, pavement, special forklifts);

(B) Prevent run-off from dangerous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, trenches);

(C) Prevent contamination of water supplies;

(D) Mitigate effects of equipment failure and power outages; and

(E) Prevent undue exposure of personnel to dangerous waste (for example, protective clothing).

(ix) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes as required to demonstrate compliance with WAC 173-303-395 including documentation demonstrating compliance with WAC 173-303-395 (1)(c).

(x) Traffic pattern, estimated volume (number, types of vehicles) and control (for example, show turns across traffic lanes, and stacking lanes (if appropriate); describe access road surfacing and load bearing capacity; show traffic control signals).

(xi) Facility location information;

(A) In order to determine the applicability of the earthquake fault criteria (WAC 173-303-420(3)) the owner or operator of a new facility must identify the county in which the facility is proposed to be located.

(Comment: If the county is not listed in WAC 173-303-420 (3)(c), no further information is required to demonstrate compliance with WAC 173-303-420(3).)

(B) If the facility is proposed to be located in a county listed in WAC 173-303-420 (3)(c), the owner or operator shall demonstrate compliance with the seismic standard. This demonstration may be made using either published geologic data or data obtained from field investigations carried out by the applicant. The information provided must be of such quality to be acceptable to geologists experienced in identifying and evaluating seismic activity. The information submitted must show that either:

(I) No faults which have had displacement in Holocene time are present, or no lineations which suggest the presence of a fault (which have displacement in Holocene time) within three thousand feet of a facility are present, based on data from: Published geologic studies; aerial reconnaissance of the area within a five-mile radius from the facility; an analysis of aerial photographs covering a three thousand foot radius of the facility; and if needed to clarify the above data, a reconnaissance based on walking portions of the area within three thousand feet of the facility; or

(II) If faults (to include lineations) which have had displacement in Holocene time are present within three thousand feet of a facility, no faults pass within two hundred feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted, based on data from a comprehensive geologic analysis of the site. Unless a site analysis is otherwise conclusive concerning the absence of faults within two hundred feet of such portions of the facility data shall be obtained from a subsurface exploration (trenching) of the area within a distance no less than two hundred feet from portions of the

facility where treatment, storage, or disposal of dangerous waste will be conducted. Such trenching shall be performed in a direction that is perpendicular to known faults (which have had displacement in Holocene time) passing within three thousand feet of the portions of the facility where treatment, storage, or disposal of dangerous waste will be conducted. Such investigation shall document with supporting maps and other analyses, the location of faults found.

(C) Owners and operators of all facilities shall provide an identification of whether the facility is located within a one hundred-year floodplain. This identification must indicate the source of data for such determination and include a copy of the relevant Federal Insurance Administration (FIA) flood map, if used, or the calculations and maps used where an FIA map is not available. Information shall also be provided identifying the one hundred-year flood level and any other special flooding factors (e.g., wave action) which must be considered in designing, constructing, operating, or maintaining the facility to withstand washout from a one hundred-year flood.

(Comment: Where maps for the National Flood Insurance Program produced by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency are available, they will normally be determinative of whether a facility is located within or outside of the one hundred-year floodplain. However, if the FIA map excludes an area (usually areas of the floodplain less than two hundred feet in width), these areas must be considered and a determination made as to whether they are in the one hundred-year floodplain. Where FIA maps are not available for a proposed facility location, the owner or operator must use equivalent mapping techniques to determine whether the facility is within the one hundred-year floodplain, and if so located, what the one hundred-year flood elevation would be.)

(D) Owners and operators of facilities located in the one hundred-year floodplain must provide the following information:

(I) Engineering analysis to indicate the various hydrodynamic and hydrostatic forces expected to result at the site as the consequence of a one hundred-year flood;

(II) Structural or other engineering studies showing the design of operational units (e.g., tanks, incinerators) and flood protection devices (e.g., floodwalls, dikes) at the facility and how these will prevent washout;

(III) If applicable, and in lieu of (a)(xi)(D)(I) and (II) of this subsection, a detailed description of procedures to be followed to remove dangerous waste to safety before the facility is flooded, including: Timing of such movement relative to flood levels, including estimated time to move the waste, to show that such movement can be completed before floodwaters reach the facility; a description of the location(s) to which the waste will be moved and demonstration that those facilities will be eligible to receive dangerous waste in accordance with the regulations under this chapter; the planned procedures, equipment, and personnel to be used and the means to ensure that such resources will be available in time for use; and the potential for accidental discharges of the waste during movement.

(E) Existing facilities not in compliance with WAC 173-303-420(4) shall provide a plan showing how the facility will be brought into compliance and a schedule for compliance.

(F) Owners and operators of all facilities shall provide all information necessary to demonstrate compliance with the shoreline siting standards of WAC 173-303-420(5).

(G) The owner or operator of a new disposal facility must provide all information necessary to demonstrate compliance with the sole source aquifer siting standards of WAC 173-303-420(6).

(xii) An outline of both the introductory and continuing training programs by owners or operators to prepare persons to operate or maintain the TSD facility in a safe manner as required to demonstrate compliance with WAC 173-303-330. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in WAC 173-303-330 (1)(d).

(xiii) A copy of the closure plan and, where applicable, the postclosure plan required by WAC 173-303-610 (3) and (8). Include, where applicable, as part of the plans, specific requirements in WAC 173-303-630(10), 173-303-640(5), 173-303-650(6), 173-303-655(8), 173-303-660(9), and 173-303-665(6).

(xiv) For existing disposal facilities, documentation that a notice has been placed in the deed or appropriate alternate instrument as required by WAC 173-303-610(10).

(xv) The most recent closure cost estimate for the facility prepared in accordance with WAC 173-303-620(3) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(4).

(xvi) Where applicable, the most recent postclosure cost estimate for the facility prepared in accordance with WAC 173-303-620(5) plus a copy of the financial assurance mechanism adopted in compliance with WAC 173-303-620(6).

(xvii) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of WAC 173-303-620(8). For a new facility, documentation showing the amount of insurance meeting the specification of WAC 173-303-620 (8)(a) and, if applicable, WAC 173-303-620 (8)(b), that the owner or operator plans to have in effect before initial receipt of dangerous waste for treatment, storage, or disposal. A request for a variance in the amount of required coverage, for a new or existing facility, may be submitted as specified in WAC 173-303-620 (8)(c).

(xviii) A topographic map showing a distance of one thousand feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of TSD facilities located in mountainous areas should use large contour intervals to adequately show topographic profiles of facilities. The map shall clearly show the following:

- (A) Map scale and date;
- (B) One hundred-year floodplain area;
- (C) Surface waters including intermittent streams;
- (D) Surrounding land uses (residential, commercial, agricultural, recreational);
- (E) A wind rose (i.e., prevailing windspeed and direction);
- (F) Orientation of the map (north arrow);
- (G) Legal boundaries of the TSD facility site;
- (H) Access control (fences, gates);
- (I) Injection and withdrawal wells both on-site and off-site;
- (J) Buildings; treatment, storage, or disposal operations; or other structure (recreation areas, run-off control systems, access and internal roads, storm, sanitary, and process sewerage systems, loading and unloading areas, fire control facilities, etc.);
- (K) Barriers for drainage or flood control; and
- (L) Location of operational units within the TSD facility site, where dangerous waste is (or will be) treated, stored, or disposed (include equipment clean-up areas).

(Note - For large TSD facilities the department will allow the use of other scales on a case-by-case basis.)

(ix) Applicants may be required to submit such information as may be necessary to enable the department to carry out its duties under other state or federal laws as required.

(xx) Additional information requirements. The following additional information regarding protection of ground water is required from owners or operators of dangerous waste surface impoundments, waste piles, land treatment units, and landfills except as otherwise provided in WAC 173-303-645 (1)(b):

(A) A summary of the ground water monitoring data obtained during the interim status period under 40 CFR 265.90 through 265.94, where applicable;

(B) Identification of the uppermost aquifer and aquifers hydraulically interconnected beneath the facility property, including ground water flow direction and rate, and the basis for such identification (i.e., the information obtained from hydrogeologic investigations of the facility area);

(C) On the topographic map required under (a)(xviii) of this subsection, a delineation of the waste management area, the property boundary, the proposed "point of compliance" as defined under WAC 173-303-645(6), the proposed location of ground water monitoring wells as required under WAC 173-303-645(8), and, to the extent possible, the information required in (a)(xx)(B) of this subsection;

(D) A description of any plume of contamination that has entered the ground water from a regulated unit at the time that the application was submitted that:

(I) Delineates the extent of the plume on the topographic map required under (a)(xviii) of this subsection;

(II) Identifies the concentration of each constituent throughout the plume or identifies the maximum concentrations of each constituent in the plume. (Constituents are those listed in WAC 173-303-9905, and any other constituents not listed there which have caused a managed waste to be regulated under this chapter.);

(E) Detailed plans and an engineering report describing the proposed ground water monitoring program to be implemented to meet the requirements of WAC 173-303-645(8);

(F) If the presence of dangerous constituents has not been detected in the ground water at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a detection monitoring program which meets the requirements of WAC 173-303-645(9). This submission must address the following items specified under WAC 173-303-645(9):

(I) A proposed list of indicator parameters, waste constituents, or reaction products that can provide a reliable indication of the presence of dangerous constituents in the ground water;

(II) A proposed ground water monitoring system;

(III) Background values for each proposed monitoring parameter or constituent, or procedures to calculate such values; and

(IV) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data;

(G) If the presence of dangerous constituents has been detected in the ground water at the point of compliance at the time of permit application, the owner or operator must submit sufficient information, supporting data, and analyses to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10). The owner or operator must also submit an engineering feasibility plan for a corrective action program necessary to meet the requirements of WAC 173-303-645(11) except as provided in WAC 173-303-645(9)(h)(v). To demonstrate compliance with WAC 173-303-645(10), the owner or operator must address the following items:

(I) A description of the wastes previously handled at the facility;

(II) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(III) A list of constituents and parameters for which compliance monitoring will be undertaken in accordance with WAC 173-303-645(8) and (10);

(IV) Proposed concentration limits for each dangerous constituent and parameter, based on the criteria set forth in WAC 173-303-645(5)(a), including a justification for establishing any alternate concentration limits;

(V) Detailed plans and an engineering report describing the proposed ground water monitoring system, in accordance with the requirements of WAC 173-303-645(8); and

(VI) A description of proposed sampling, analysis and statistical comparison procedures to be utilized in evaluating ground water monitoring data; and

(H) If dangerous constituents or parameters have been measured in the ground water which exceed the concentration limits established under WAC 173-303-645(5), Table 1, or if ground water monitoring conducted at the time of permit application under 40 CFR 265.90 through 265.94 at the waste boundary indicates the presence of dangerous constituents from the facility in ground water over background concentrations, the owner or operator must submit sufficient information, supporting data, and analyses to establish a corrective action program which meets the requirements of WAC 173-303-645(11). However, an owner or operator is not required to submit information to establish a corrective action program if he demonstrates to the department that alternate concentration limits will protect human health and the environment after considering the criteria listed in WAC 173-303-645(5). An owner or operator who is not required to establish a corrective action program for this reason must instead submit sufficient information to establish a compliance monitoring program which meets the requirements of WAC 173-303-645(10) and (a)(xx)(F) of this subsection. To demonstrate compliance with WAC 173-303-645(11), the owner or operator must address, at a minimum, the following items:

(I) A characterization of the contaminated ground water, including concentrations of dangerous constituents and parameters;

(II) The concentration limit for each dangerous constituent and parameter found in the ground water as set forth in WAC 173-303-645(5);

(III) Detailed plans and an engineering report describing the corrective action to be taken; and

(IV) A description of how the ground water monitoring program will demonstrate the adequacy of the corrective action.

(b) Specific Part B information requirements for containers. Except as otherwise provided in WAC 173-303-600(3), owners or operators of facilities that store containers of dangerous waste must provide the following additional information:

(i) A description of the containment system to demonstrate compliance with WAC 173-303-630(7). Show at least the following:

(A) Basic design parameters, dimensions, and materials of construction including allowance for a twenty-five-year, twenty-four-hour storm;

(B) How the design promotes positive drainage control or how containers are kept from contact with standing liquids in the containment system;

(C) Capacity of the containment system relative to the volume of the largest container to be stored;

(D) Provisions for preventing or managing run-on;

(E) How accumulated liquids can be analyzed and removed to prevent overflow; and

(F) A description of the building or other protective covering for EHW containers;

(ii) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with WAC 173-303-630(7)(c), including:

(A) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and

(B) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids;

(iii) A description of the procedures for labeling containers;

(iv) Sketches, drawings, or data demonstrating compliance with WAC 173-303-630(8) (location of buffer zone and containers holding ignitable or reactive wastes) and WAC 173-303-630(9)(c) (location of incompatible wastes), where applicable; and

(v) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with WAC 173-303-630(9)(a) and (b), and 173-303-395(1)(b) and (c).

(c) Specific Part B information requirements for tanks. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use tanks to store or treat dangerous waste must provide the following information:

(i) References to design standards or other available information used (or to be used) in design and construction of the tank;

(ii) A description of design specifications including identification of construction materials and lining materials (include pertinent characteristics such as corrosion or erosion resistance);

(iii) Tank dimensions, capacity, and the basis for selecting shell thickness, certified by a licensed professional engineer;

(iv) A diagram of piping, instrumentation, and process flow;

(v) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);

(vi) Description of procedures for handling incompatible ignitable, or reactive wastes, including the use of buffer zones;

(vii) A description of the containment system to demonstrate compliance with WAC 173-303-640(2)(b). Show at least the following:

(A) How the design meets the capacity of containment requirements, and;

(B) How the design contains the precipitation of a maximum twenty-five year storm of twenty-four hours duration;

(viii) A description of the marking and/or labeling of tanks; and

(ix) Tank design to prevent escape of vapors and emissions of acutely or chronically toxic (upon inhalation) EHW.

(d) Specific Part B information requirements for surface impoundments. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store, treat, or dispose of dangerous waste in surface impoundments must provide the following additional information:

(i) A list of the dangerous wastes placed or to be placed in each surface impoundment;

(ii) Detailed plans and an engineering report describing how the surface impoundment is or will be designed, constructed, operated and maintained to meet the requirements of WAC 173-303-650(2). This submission must address the following items as specified in WAC 173-303-650(2):

(A) The liner system (except for an existing portion of a surface impoundment), including the certification required by WAC 173-303-650(2)(a)(i)(D) for EHW management. If an exemption from the requirement for a liner is sought as provided by WAC 173-303-650(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the

migration of any dangerous constituents into the ground water or surface water at any future time;

(B) Prevention of overtopping; and

(C) Structural integrity of dikes;

(iii) If any exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-650(3), detailed plans and an engineering report explaining the location of the saturated zone in relation to the surface impoundment, and the design of a double-liner system that incorporates a leak detection system between the liners;

(iv) A description of how each surface impoundment, including the liner and cover systems and appurtenances for control of overtopping, will be inspected in order to meet the requirements of WAC 173-303-650 (4)(a) and (b). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under WAC 173-303-650 (4)(c). For new units, the owner or operator must submit a statement by a qualified engineer that he will provide such a certification upon completion of construction in accordance with the plans and specifications;

(vi) A description of the procedure to be used for removing a surface impoundment from service, as required under WAC 173-303-650 (5)(b) and (c). This information should be included in the contingency plan submitted under (a)(vii) of this subsection;

(vii) A description of how dangerous waste residues and contaminated materials will be removed from the unit at closure, as required under WAC 173-303-650 (6)(a)(i). For any wastes not to be removed from the unit upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-650 (6)(a)(ii) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection;

(viii) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how WAC 173-303-650(7) will be complied with; and

(ix) If incompatible wastes, or incompatible wastes and materials will be placed in a surface impoundment, an explanation of how WAC 173-303-650(8) will be complied with.

(e) Specific Part B information requirements for waste piles. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that store or treat dangerous waste in waste piles must provide the following additional information:

(i) A list of dangerous wastes placed or to be placed in each waste pile;

(ii) If an exemption is sought to WAC 173-303-660(2), and 173-303-645 as provided by WAC 173-303-660 (1)(c), an explanation of how the standards of WAC 173-303-660 (1)(c) will be complied with;

(iii) Detailed plans and an engineering report describing how the pile is or will be designed, constructed, operated, and maintained to meet the requirements of WAC 173-303-660(2). This submission must address the following items as specified in WAC 173-303-660(2):

(A) The liner system (except for an existing portion of a pile), including the licensed engineer's certification when required by WAC 173-303-660 (2)(c). If an exemption from the requirement for a liner is sought, as provided by WAC 173-303-660 (2)(d), the owner or operator must submit detailed plans and engineering and hydrogeologic reports, as applicable, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous constituents into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding units associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iv) If an exemption from WAC 173-303-645 is sought as provided by WAC 173-303-660 (3) or (4), submit detailed plans and an engineering report describing how the requirements of WAC 173-303-660 (3)(a) or (4)(a) will be complied with;

(v) A description of how each waste pile, including the liner and appurtenances for control of run-on and run-off, will be inspected in order to meet the requirements of WAC 173-303-660(5). This information should be included in the inspection plan submitted under (a)(v) of this subsection. If an exemption is sought to WAC 173-303-645 pursuant to WAC 173-303-660(4), describe in the inspection plan

how the inspection requirements of WAC 173-303-660 (4)(a)(iii) will be complied with;

(vi) If treatment is carried out on or in the pile, details of the process and equipment used, and the nature and quality of the residuals;

(vii) If ignitable or reactive wastes are to be placed in a waste pile, an explanation of how the requirements of WAC 173-303-660(7) will be complied with;

(viii) If incompatible wastes, or incompatible wastes and materials will be placed in a waste pile, an explanation of how WAC 173-303-660(8) will be complied with;

(ix) A description of how dangerous waste, waste residues and contaminated materials will be removed from the waste pile at closure, as required under WAC 173-303-660 (9)(a). For any waste not to be removed from the waste pile upon closure, the owner or operator must submit detailed plans and an engineering report describing how WAC 173-303-665 (6)(a) and (b) will be complied with. This information should be included in the closure plan and, where applicable, the postclosure plan submitted under (a)(xiii) of this subsection.

(f) Specific Part B information requirements for incinerators. Except as WAC 173-303-670(1) provides otherwise, owners and operators of facilities that incinerate dangerous waste must fulfill the informational requirements of (f) of this subsection.

(i) When seeking an exemption under WAC 173-303-670 (1)(b) (ignitable or reactive wastes only):

(A) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is ignitable; or

(B) Documentation that the waste is listed as a dangerous waste in WAC 173-303-080, solely because it is reactive for characteristics other than those listed in WAC 173-303-090 (7)(a)(iv) and (v), and will not be burned when other dangerous wastes are present in the combustion zone; or

(C) Documentation that the waste is a dangerous waste solely because it possesses the characteristic of ignitability, as determined by the tests for characteristics of dangerous waste under WAC 173-303-090; or

(D) Documentation that the waste is a dangerous waste solely because it possesses the reactivity characteristics listed in WAC 173-303-090 (7)(a)(i), (ii), (iii), (vi), (vii), and (viii), and that it will not be burned when other dangerous wastes are present in the combustion zone.

(ii) Submit a trial burn plan or the results of a trial burn, including all required determinations, in accordance with WAC 173-303-807.

(iii) In lieu of a trial burn, the applicant may submit the following information;

(A) An analysis of each waste or mixture of wastes to be burned including:

(I) Heating value of the waste in the form and composition in which it will be burned;

(II) Viscosity (if applicable), or description of physical form of the waste, and specific gravity of the waste;

(III) An identification of any dangerous organic constituents listed in WAC 173-303-9905 or, if not listed, which cause the waste(s) to be regulated, which are present in the waste to be burned, except that the applicant need not analyze for constituents which would reasonably not be expected to be found in the waste. 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(3), or their equivalent;

(IV) An approximate quantification of the dangerous constituents identified in the waste, within the precision produced by the analytical methods specified in WAC 173-303-110(3); and

(V) A quantification of those dangerous constituents in the waste which may be designated as principal organic dangerous constituents (PODC's) based on data submitted from other trial or operational burns which demonstrate compliance with the performance standards in WAC 173-303-670(4);

(B) A detailed engineering description of the incinerator, including:

(I) Manufacturer's name and model number of incinerator;

(II) Type of incinerator;

(III) Linear dimension of incinerator unit including cross sectional area of combustion chamber;

(IV) Description of auxiliary fuel system (type/feed);

(V) Capacity of prime mover;

(VI) Description of automatic waste feed cutoff system(s);

(VII) Stack gas monitoring and pollution control monitoring system;

(VIII) Nozzle and burner design;

(IX) Construction materials; and

(X) Location and description of temperature, pressure, and flow indicating devices and control devices;

(C) A description and analysis of the waste to be burned compared with the waste for which data from operational or trial burns are provided to support the contention that a trial burn is not needed. The data should include those items listed in (f)(iii)(A) of this subsection. This analysis should specify the principal organic dangerous constituents (PODC's) which the applicant has identified in the waste for which a permit is sought, and any differences from the PODC's in the waste for which burn data are provided;

(D) The design and operating conditions of the incinerator unit to be used, compared with that for which comparative burn data are available;

(E) A description of the results submitted from any previously conducted trial burn(s) including:

(I) Sampling and analysis techniques used to calculate performance standards in WAC 173-303-670(4); and

(II) Methods and results of monitoring temperatures, waste feed rates, carbon monoxide, and an appropriate indicator of combustion gas velocity (including a statement concerning the precision and accuracy of this measurement);

(F) The expected incinerator operation information to demonstrate compliance with WAC 173-303-670 (4) and (6), including:

(I) Expected carbon monoxide (CO) level in the stack exhaust gas;

(II) Waste feed rate;

(III) Combustion zone temperature;

(IV) Indication of combustion gas velocity;

(V) Expected stack gas volume, flow rate, and temperature;

(VI) Computed residence time for waste in the combustion zone;

(VII) Expected hydrochloric acid removal efficiency;

(VIII) Expected fugitive emissions and their control procedures; and

(IX) Proposed waste feed cutoff limits based on the identified significant operating parameters;

(G) Such supplemental information as the department finds necessary to achieve the purposes of this subsection;

(H) Waste analysis data, including that submitted in (f)(iii)(A) of this subsection, sufficient to allow the department to specify as permit principal organic dangerous constituents (permit PODC's) those constituents for which destruction and removal efficiencies will be required; and

(I) Test protocols and sampling and analytical data to demonstrate the designation status under WAC 173-303-070 of:

(I) Incinerator ash residues, if any; and

(II) Residues from the air pollution control devices.

(iv) The department shall approve a permit application without a trial burn if the department finds that:

(A) The wastes are sufficiently similar; and

(B) The incinerator units are sufficiently similar, and the data from other trial burns are adequate to specify (under WAC 173-303-670(6)) operating conditions that will ensure that the performance standards in WAC 173-303-670(4) will be met by the incinerator.

(g) Specific Part B information requirements for land treatment facilities. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that use land treatment to dispose of dangerous waste must provide the following additional information:

(i) A description of plans to conduct a treatment demonstration as required under WAC 173-303-655(3). The description must include the following information:

(A) The wastes for which the demonstration will be made and the potential dangerous constituents in the waste;

(B) The data sources to be used to make the demonstration (e.g., literature, laboratory data, field data, or operating data);

(C) Any specific laboratory or field test that will be conducted, including:

(I) The type of test (e.g., column leaching, degradation);

(II) Materials and methods, including analytical procedures;

(III) Expected time for completion; and

(IV) Characteristics of the unit that will be simulated in the demonstration, including treatment zone characteristics, climatic conditions, and operating practices;

(ii) A description of a land treatment program, as required under WAC 173-303-655(2). This information must be submitted with the plans for the treatment demonstration, and updated following the treatment demonstration. The land treatment program must address the following items:

(A) The wastes to be land treated;

(B) Design measures and operating practices necessary to maximize treatment in accordance with WAC 173-303-655 (4)(a) including:

(I) Waste application method and rate;

(II) Measures to control soil pH;

(III) Enhancement of microbial or chemical reactions; and

(IV) Control of moisture content;

(C) Provisions for unsaturated zone monitoring, including:

(I) Sampling equipment, procedures, and frequency;

(II) Procedures for selecting sampling locations;

(III) Analytical procedures;

(IV) Chain of custody control;

(V) Procedures for establishing background values;

(VI) Statistical methods for interpreting results; and

(VII) The justification for any dangerous constituents recommended for selection as principal dangerous constituents, in accordance with the criteria for such selection in WAC 173-303-655 (6)(a);

(D) A list of dangerous constituents reasonably expected to be in, or derived from, the wastes to be land treated based on waste analysis performed pursuant to WAC 173-303-300;

(E) The proposed dimensions of the treatment zone;

(iii) A description of how the unit is or will be designed, constructed, operated, and maintained in order to meet the requirements of WAC 173-303-655(4). This submission must address the following items:

(A) Control of run-on;

(B) Collection and control of run-off;

(C) Minimization of run-off of dangerous constituents from the treatment zone;

(D) Management of collection and holding facilities associated with run-on and run-off control systems;

(E) Periodic inspection of the unit. This information should be included in the inspection plan submitted under (a)(v) of this subsection; and

(F) Control of wind dispersal of particulate matter, if applicable;

(iv) If food-chain crops are to be grown in or on the treatment zone of the land treatment unit, a description of how the demonstration required under WAC 173-303-655(5) will be conducted including:

(A) Characteristics of the food-chain crop for which the demonstration will be made;

(B) Characteristics of the waste, treatment zone, and waste application method and rate to be used in the demonstration;

(C) Procedures for crop growth, sample collection, sample analysis, and data evaluation;

(D) Characteristics of the comparison crop including the location and conditions under which it was or will be grown; and

(E) If cadmium is present in the land treated waste, a description of how the requirements of WAC 173-303-655 (5)(b) will be complied with;

(v) A description of the vegetative cover to be applied to closed portions of the facility, and a plan for maintaining such cover during the postclosure care period, as required under WAC 173-303-655 (8)(a)(viii) and (c)(ii). This information should be included in the closure plan and, where applicable, the postclosure care plan submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be placed in or on the treatment zone, an explanation of how the requirements of WAC 173-303-655(9) will be complied with; and

(vii) If incompatible wastes, or incompatible wastes and materials, will be placed in or on the same treatment zone, an explanation of how WAC 173-303-655(10) will be complied with.

(h) Specific Part B information requirements for landfills. Except as otherwise provided in WAC 173-303-600(3), owners and operators of facilities that dispose of dangerous waste in landfills must provide the following additional information;

(i) A list of the dangerous wastes placed or to be placed in each landfill or landfill cell;

(ii) Detailed plans and an engineering report describing how the landfill is or will be designed, constructed, operated and maintained to comply with the requirements of WAC 173-303-665(2). This submission must address the following items as specified in WAC 173-303-665(2):

(A) The liner system and leachate collection and removal system (except for an existing portion of a landfill), including the licensed engineer's certification required by WAC 173-303-665 (2)(a)(i). If an exemption from the requirements for a liner and a leachate collection and removal system is sought, as provided by WAC 173-303-665

(2)(b), submit detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any dangerous constituent into the ground water or surface water at any future time;

(B) Control of run-on;

(C) Control of run-off;

(D) Management of collection and holding facilities associated with run-on and run-off control systems; and

(E) Control of wind dispersal of particulate matter, where applicable;

(iii) If an exemption from WAC 173-303-645 is sought, as provided by WAC 173-303-665(3), the owner or operator must submit detailed plans and an engineering report explaining the location of the saturated zone in relation to the landfill, the design of a double-liner system that incorporates a leak detection system between the liners, and a leachate collection and removal system above the liners;

(iv) A description of how each landfill, including the liner and cover systems, will be inspected in order to meet the requirements of WAC 173-303-665(4). This information should be included in the inspection plan submitted under (a)(v) of this subsection;

(v) Detailed plans and an engineering report describing the final cover which will be applied to each landfill or landfill cell at closure in accordance with WAC 173-303-665 (6)(a), and a description of how each landfill will be maintained and monitored after closure in accordance with WAC 173-303-665 (6)(b) and (c). This information should be included in the closure and postclosure plans submitted under (a)(xiii) of this subsection;

(vi) If ignitable or reactive wastes will be landfilled, an explanation of how the standards of WAC 173-303-665(7) will be complied with;

(vii) If incompatible wastes, or incompatible wastes and materials will be landfilled, an explanation of how WAC 173-303-665(8) will be complied with;

(viii) If bulk of noncontainerized liquid waste or wastes containing free liquids is to be landfilled, an explanation of how the requirements of WAC 173-303-665(9) will be complied with; and

(ix) If containers of dangerous waste are to be landfilled, an explanation of how the requirements of WAC 173-303-665(10) will be complied with.

(5) Construction. A person may begin physical construction of a new facility, or of new portions of an existing facility if the new portions would amount to reconstruction under interim status (WAC 173-303-805 ((6)) (7)), only after submitting Part A and Part B of the permit application and receiving a final facility permit. All permit applications must be submitted at least one hundred eighty days before physical construction is expected to begin.

(6) Reapplications. Any dangerous waste facility with an effective final facility 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 provided that such date will never be later than the expiration date of the effective permit.

(7) Continuation of expiring permits.

(a) When the owner/operator submits a timely application for a final facility permit and the application is determined by the department to be complete pursuant to subsection (8) of this section, the facility is allowed to continue operating under the expiring or expired permit until the effective date of the new permit.

(b) When the facility is not in compliance with the conditions of the expiring or expired permit, the department may choose to do any 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; and/or

(iv) Take other actions authorized by this chapter.

(8) Completeness. The department shall not issue a final facility permit before receiving a complete application, except for permits by rule or emergency permits. An application for a permit is complete when the application form and any supplemental information has been submitted 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.

(9) 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.

(10) General permit conditions. All final facility permits shall contain general permit conditions described in WAC 173-303-810.

(11) Permit duration.

(a) Final facility permits shall be effective for a fixed term not to exceed ten years.

(b) The department may issue any final facility permit for a duration that is less than the full allowable term.

(c) The term of a final facility permit shall not be extended beyond ten years, unless otherwise authorized under WAC 173-303-806(7).

(12) Grounds for termination. The following are causes for terminating a final facility 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 public health or the environment and the hazard can only be controlled by permit modification or termination.

(13) Permit changes. All final facility permits shall be subject to the requirements of permit changes, WAC 173-303-830.

(14) Procedures for decision making. Issuance of final facility permits will be subject to the procedures for decision making described in WAC 173-303-840.

(15) Other requirements for final moderate risk and recycling facility permits. In lieu of issuing a final moderate risk or recycling facility permit, the department may, after providing opportunity for public comment in accordance with WAC 173-303-840, defer to a permit already issued under other statutory authority administered by the department (such as the State Water Pollution Control Act, chapter 90.48 RCW, the State Clean Air Act, chapter 70.94 RCW, etc.) which incorporates the requirements of this section, and WAC 173-303-500 through 173-303-520 for recycling facilities or WAC 173-303-550 through 173-303-560 for moderate risk facilities.

#### AMENDATORY SECTION (Amending Order DE 84-22, filed 6/27/84)

WAC 173-303-910 PETITIONS. (1) General petitions.

(a) Any person may petition the department to modify or revoke any provision in this chapter. This subsection sets forth general requirements which apply to all such petitions. The remaining subsections of this section 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) The department will make a tentative decision to grant or deny the petition and give public notice of the tentative decision in writing. The notice shall be distributed to interested persons on a mailing list developed specifically for petitions and persons expressing interest in amendments to this chapter. The public comment period shall be a minimum of forty-five days.

(d) 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))~~ (e) After evaluating all public comments the department will make a final decision in accordance with RCW 34.04.060 or 34.04.080. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, 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 subsection (1) of this section:

(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 173-303-103.

(b) To be successful, the generator must make the demonstrations required in WAC 173-303-072(3) and, where applicable, (4) and (5).

(c) Each petition must include, in addition to the information required by subsection (1) of this section:

(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 monthly and annual quantities of waste covered by the demonstration;

(vii) Pertinent data on and discussion of the factors delineated in WAC 173-303-072(3) and, where applicable, (4) and (5);

(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.

(d) After receiving a petition for a dangerous waste exemption, the department may request any additional information which it may reasonably require to evaluate the petition.

(e) 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.

(f) 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.

(g) The department may (but shall not be required to) grant a temporary exemption before making a final decision under subsection (1) of this section, whenever it finds that there is a substantial likelihood that an exemption will be finally granted.

(h) Any waste for which an exemption is sought will remain designated and be subject to the applicable requirements of this chapter until the generator of the waste is notified by the department that his waste is exempt.

(4) Petition for exclusion.

(a) Any generators seeking exclusion of a class of similar or identical wastes under WAC 173-303-071, excluded categories of waste, may petition the department for exclusion. To be successful, the generator(s) must make the demonstrations required in WAC 173-303-072(6) for all those wastes generated in the state which might be excluded pursuant to granting a petition submitted under this subsection. No class of wastes will be excluded if any of the wastes are regulated as hazardous waste under 40 CFR Part 261.

(b) Each petition for exclusion must include the information required by subsections (1) and (3)(c) of this section and any other information required by the department.

(c) After receiving a petition for exclusion, the department may request any additional information it deems necessary to evaluate the petition.

(5) Petition for designation change. The provisions of (a)(i) of this subsection do not apply to any dangerous waste which is also designated as a hazardous waste under 40 CFR Part 261 Subpart D.

(a) A generator may petition the department to change the designation of his waste as follows:

(i) A waste which is designated only for toxicity pursuant to WAC 173-303-084 or 173-303-101 but which is toxic solely because it is highly acidic or basic (i.e., due to high or low pH) may be subject only to the requirements for corrosive dangerous wastes, provided that the generator can demonstrate this fact to the department's satisfaction through information provided under (b) of this subsection; and

(ii) A waste which is designated EHW may be redesignated DW, provided that the generator can demonstrate that such redesignation is appropriate through information provided under (b) of this subsection.

(b) A petition under this subsection must include:

(i) The information required by subsections (1) and (3)(c) of this section; and

(ii) Such other information as required by the department.

(c) A designation change under this subsection will become effective only after the department has approved the change and notified the generator of such approval.

#### NEW SECTION

WAC 173-303-960 SPECIAL POWERS AND AUTHORITIES OF THE DEPARTMENT. (1) Applicability. This section applies to departmental powers and authorities when taking actions against activities that may present an imminent and substantial endangerment to health and the environment.

(2) Notwithstanding any other provision of this chapter, upon receipt of evidence or with due cause the department believes that the handling, storage, treatment, transportation, recycling, or disposal of any dangerous waste or solid waste may present an imminent and substantial endangerment to health or the environment, the department may:

(a) Authorize an agency inspector to enter at reasonable times establishments regulated under this chapter for the purposes of inspection, monitoring, and sampling; and

(b) Direct the attorney general to bring suit on behalf of the state to immediately restrain any person contributing to such handling, storage, treatment, transportation, recycling, or disposal to immediately stop such handling, storage, treatment, transportation, recycling, or disposal or to take such other action as may be necessary.

#### AMENDATORY SECTION (Amending Order DE 81-33, filed 2/10/82)

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)(c) (a larger version of the PDWM 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, WAC 173-303-090(4); Corrosivity, WAC 173-303-090(5); Reactivity, WAC 173-303-090(6), or, EP toxicity, WAC 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.) (Reserved.)

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-9903 DISCARDED CHEMICAL PRODUCTS LIST.

DISCARDED CHEMICAL PRODUCTS LIST

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
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ACUTELY DANGEROUS CHEMICAL PRODUCTS

P023	Acetaldehyde, chloro-	EHW	B H
U001	Acetaldehyde	EHW	C
U034	Acetaldehyde, trichloro-	EHW	H

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
P002	Acetamide, N-(aminothioxomethyl)-	EHW	B	U197	p-Benzoquinone	EHW	C
P057	Acetamide, 2-fluoro-	EHW	B H	U023	Benzotrithloride	EHW	H O R
P058	Acetic acid, fluoro-, sodium salt	EHW	A H	U050	1,2-Benzphenanthrene	EHW	P +
U144	Acetic acid, lead salt	EHW	D E P	P028	Benzyl chloride	EHW	B H +
P066	Acetimidic acid, N-[(methylcarbamoyl)oxy]thio-, methyl ester	EHW	B	P015	Beryllium dust	EHW	C +
U003	Acetonitrile	EHW	C I	U085	2,2'-Bioxirane	EHW	B I
P001	3-(alpha-Acetylbenzyl)-4-hydroxycoumarin and salts	EHW	A	U021	'1,1"-Biphenyl)-4,4'-diamine	EHW	B +
P002	1-Acetyl-2-thiourea	EHW	B	U073	(1,1'-Biphenyl-4,4'-diamine, 3,3'-dichloro-	EHW	H +
U006	Acetyl chloride	EHW	C H O R	U095	(1,1'-Biphenyl)-4,4'-diamine, 3,3'-dimethyl-	EHW	C +
P003	Acrolein	EHW	X I	U024	Bis(2-chloroethoxy) methane	EHW	C H
U007	Acrylamide	EHW	C	U027	Bis(2-chloroisopropyl) ether	EHW	C H O
U008	Acrylic acid	EHW	C O I	P016	Bis(chloromethyl) ether	EHW	B H +
U009	Acrylonitrile	EHW	C + I	U246	Bromine cyanide	EHW	C H
P070	Aldicarb	EHW	B	P017	Bromoacetone	EHW	C H
P004	Aldrin	EHW	X H	U225	Bromoforn	EHW	H
P005	Allyl alcohol	EHW	B I	U030	4-Bromophenyl phenyl ether	EHW	H
P006	Aluminum phosphide	EHW	B R	P018	Brucine	EHW	A
P007	5-(Aminomethyl)-3-isoxazolol	EHW	B	U128	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	EHW	C H
P008	4-Aminopyridine	EHW	B	U035	Butanoic acid, 4-[bis(2-chloroethyl)amino] benzene-	EHW	H +
P009	Ammonium picrate	EHW	R	U160	2-Butanone peroxide	EHW	B R
P119	Ammonium vanadate	EHW	B	U053	2-Butenal	EHW	B I
U012	Aniline	EHW	C I	U074	2-Butene, 1,4-dichloro-	EHW	C H I
P010	Arsenic acid	EHW	B	U032	Calcium chromate	EHW	C + EP
P012	Arsenic (III) oxide	EHW	B +	P021	Calcium cyanide	EHW	B
P011	Arsenic (V) oxide	EHW	B	P123	Camphene, octachloro-	EHW	X H
P011	Arsenic pentoxide	EHW	B	U178	Carbamic acid, methylnitroso-, ethyl ester	EHW	C +
P012	Arsenic trioxide	EHW	B +	U176	Carbamide, N-ethyl-N-nitroso-	EHW	C +
P038	Arsine, diethyl-	EHW	B	U177	Carbamide, N-methyl-N-nitroso-	EHW	C +
U015	Azaserine	EHW	C +	U219	Carbamide, thio-	EHW	C +
P054	Aziridine	EHW	B +	P103	Carbamimidoseleonic acid	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 +	U097	Carbamoyl chloride, dimethyl-	EHW	D H +
P013	Barium cyanide	EHW	A	P022	Carbon bisulfide	EHW	D I ?
U157	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	EHW	H P	P022	Carbon disulfide	EHW	D I ?
U017	Benzal chloride	EHW	D H	U156	Carbonochloridic acid, methyl ester	EHW	B H I
U018	Benz[a]anthracene	EHW	P +	U033	Carbon oxyfluoride	EHW	B H R
U018	1,2-Benzanthracene	EHW	P +	U211	Carbon tetrachloride	EHW	C H +
U094	1,2-Benzanthracene, 7,12-dimethyl-	EHW	C P	P095	Carbonyl chloride	EHW	B H
U012	Benzenamine	EHW	C I	U033	Carbonyl fluoride	EHW	B H R
P024	Benzenamine, 4-chloro-	EHW	C H	U035	Chlorambucil	EHW	H +
U049	Benzenamine, 4-chloro-2-methyl-	EHW	H	U036	Chlordane, technical	EHW	X H
U093	Benzenamine, N,N-dimethyl-4-(phenylazo)-	EHW	C +	P033	Chlorine cyanide	EHW	A H
U158	Benzenamine, 4,4-methylenebis(2-chloro-	EHW	H +	U026	Chlornaphazine	EHW	H +
P077	Benzenamine, 4-nitro-	EHW	D ?	P023	Chloroacetaldehyde	EHW	B H
P028	Benzene, (chloromethyl)-	EHW	B H +	P024	p-Chloroaniline	EHW	C H
U019	Benzene	EHW	C + I	U037	Chlorobenzene	EHW	B H I
U038	Benzenecetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy, ethyl ester	EHW	H	U039	4-Chloro-m-cresol	EHW	H
U030	Benzene, 1-bromo-4-phenoxy-	EHW	H	U041	1-Chloro-2,3-epoxypropane	EHW	C H + I
U037	Benzene, chloro-	EHW	B H I	U042	2-Chloroethyl vinyl ether	EHW	C H
U190	1,2-Benzenedicarboxylic acid anhydride	EHW	C	U044	Chloroform	EHW	C H +
U070	Benzene, 1,2-dichloro-	EHW	B H	U046	Chloromethyl methyl ether	EHW	D H + I
U071	Benzene, 1,3-dichloro-	EHW	B H	U047	beta-Chloronaphthalene	EHW	D H
U072	Benzene, 1,4-dichloro-	EHW	B H	U048	o-Chlorophenol	EHW	D H
U017	Benzene, (dichloromethyl)-	EHW	D H	P026	1-(o-Chlorophenyl)thiourea	EHW	A H
U223	Benzene, 1,3-diisocyanatomethyl-	EHW	B R	P027	3-Chloropropionitrile	EHW	B H
U239	Benzene, dimethyl-	EHW	C I	U049	4-Chloro-o-toluidine, hydrochloride	EHW	H
U201	1,3-Benzenediol	EHW	C	U032	Chromic acid, calcium salt	EHW	C + EP
U127	Benzene, hexachloro-	EHW	H	U050	Chrysene	EHW	P +
U056	Benzene, hexahydro-	EHW	C I	P029	Copper cyanides	EHW	B
U188	Benzene, hydroxy-	EHW	C	(U051-Cresote	EHW	B)	
U220	Benzene, methyl-	EHW	C I	U052	Cresols	EHW	B
U105	Benzene, 1-methyl-1-2,4-dinitro	EHW	C	U052	Cresylic acid	EHW	B
U106	Benzene, 1-methyl-2,6-dinitro-	EHW	C	U053	Crotonaldehyde	EHW	B I
U055	Benzene, (1-methylethyl)-	EHW	C I	U055	Cummene	EHW	C I
U169	Benzene, nitro-	EHW	C I	P030	Cyanides (soluble cyanide salts), not elsewhere specified	EHW	A
U183	Benzene, pentachloro	EHW	H	P031	Cyanogen	EHW	B I
U185	Benzene, pentachloronitro-	EHW	D H +	U246	Cyanogen bromide	EHW	C H
U020	Benzenesulfonic acid chloride	EHW	D H O R	P033	Cyanogen chloride	EHW	A H
U020	Benzenesulfonyl chloride	EHW	D H O R	U197	1,4-Cyclohexadienedione	EHW	C
U207	Benzene, 1,2,4,5-tetrachloro-	EHW	D H	U056	Cyclohexane	EHW	C I
U023	Benzene, (trichloromethyl)-	EHW	H O R	U057	Cyclohexanone	EHW	C I
P042	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-	EHW	B	U130	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	EHW	X H
P014	Benzenethiol	EHW	A	U058	Cyclophosphamide	EHW	C H + I
U021	Benzidine	EHW	B +	U240	2,4-D. salts and esters	EHW	B H
U022	Benzo[a]pyrene	EHW	P +	U060	DDD	EHW	C H +
U022	3,4-Benzopyrene	EHW	P +	U061	DDT	EHW	X H +
				U142	Decachlorooctahydro-1,3,4-metheno-2H-cyclobuta[c,d]-pentalen-2-one	EHW	X H
				U062	Diallate	EHW	C H +

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U133	Diamine	EHW	B + R	U209	Ethane, 1,1,2,2-Tetrachloro-	EHW	H
U063	Dibenz[a,h]anthracene	EHW	A P +	U227	Ethane, 1,1,2-trichloro-	EHW	C H
U063	1,2:5,6-Dibenzanthracene	EHW	P + A	P084	Ethenamine, N-methyl-N-nitroso	EHW	B +
U064	1,2:7,8-Dibenzopyrene	EHW	P +	U043	Ethene, chloro-	EHW	D H +
U064	Dibenz[a,i]pyrene	EHW	P +	U042	Ethane, 2-chloroethoxy-	EHW	C H
U066	1,2-Dibromo-3-chloropropane	EHW	C H +	U078	Ethene, 1,1-dichloro-	EHW	C H +
U062	S-(2,3-Dichloroallyl) diisopropylthiocarbamate	EHW	C H +	U079	Ethene, trans-1,2-dichloro-	EHW	D H
U070	o-Dichlorobenzene	EHW	B H	U210	Ethene, 1,1,2,2-tetrachloro-	EHW	C H
U071	m-Dichlorobenzene	EHW	B H	U006	Ethanoyl chloride	EHW	C H O R
U072	p-Dichlorobenzene	EHW	B H	P101	Ethyl cyanide	EHW	B
U073	3,3'-Dichlorobenzidine	EHW	H +	U038	Ethyl 4,4'-dichlorobenzilate	EHW	D H
U074	1,4-Dichloro-2-butene	EHW	C H I	U114	Ethylenebis(dithiocarbamic acid), salts and esters	EHW	B
U075	Dichlorodifluoromethane	EHW	H	U067	Ethylene dibromide	EHW	C H
U060	Dichloro diphenyl dichloroethane	EHW	C H +	U077	Ethylene dichloride	EHW	D H
U061	Dichloro diphenyl trichloroethane	EHW	X H +	U115	Ethylene oxide	EHW	C I
U078	1,1-Dichloroethylene	EHW	C H +	P054	Ethylenimine	EHW	B +
U079	1,2-Dichloroethylene	EHW	D H	U076	Ethylidene dichloride	EHW	D H
U025	Dichloroethyl ether	EHW	C H	P097	Famphur	EHW	A
U081	2,4-Dichlorophenol	EHW	D H	P056	Fluorine	EHW	B
U082	2,6-Dichlorophenol	EHW	D H	P057	Fluoroacetamide	EHW	B H
U240	2,4-Dichlorophenoxyacetic acid, salts and esters	EHW	B H	P058	Fluoroacetic acid, sodium salt	EHW	A H
P036	Dichlorophenylarsine	EHW	B H	U122	Formaldehyde	EHW	C
U083	1,2-Dichloropropane	EHW	C H I	P065	Fulminic acid, mercury (II) salt	EHW	R ?
U084	1,3-Dichloropropane	EHW	C H	U125	2-Furancarboxaldehyde	EHW	C I
P037	Dieldrin	EHW	X H +	U147	2,5-Furandione	EHW	C
U085	1,2:3,4-Diepoxybutane	EHW	B I	U125	Furfural	EHW	C I
P038	Diethylarsine	EHW	B	U126	Glycidylaldehyde	EHW	C +
P039	O,O-Diethyl S-[2-(ethylthio)ethyl] phosphorodithioate	EHW	A	U163	Guanidine, N-nitroso-N-methyl-N'nitro-	EHW	C +
U087	O,O-Diethyl-S-methyl-dithiophosphate	EHW	B	P059	Heptachlor	EHW	X H +
P041	Diethyl-p-nitrophenyl phosphate	EHW	A	U127	Hexachlorobenzene	EHW	H
P040	O,O-Diethyl O-pyrazenyl phosphorothioate	EHW	A	U128	Hexachlorobutadiene	EHW	C H
P043	Diisopropyl fluorophosphate	EHW	B H	U129	Hexachlorocyclohexane (gamma isomer)	EHW	H +
P044	Dimethoate	EHW	A	U130	Hexachlorocyclopentadiene	EHW	X H
U092	Dimethylamine	EHW	C I	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-dimethanonaphthalene	EHW	X H
U093	Dimethylaminoazobenzene	EHW	C +	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 +
U094	7,12-Dimethylbenz[a]anthracene	EHW	C P	U131	Hexachloroethane	EHW	H
U095	3,3'-Dimethylbenzidine	EHW	C +	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
U096	alpha, alpha-Dimethylbenzylhydroperoxide	EHW	C R	P004	1,2,3,4,10,10-Hexachloro-1,4,4a,5,8,8a-hexahydro-1,4,5,8-endo, exodimethanonaphthalene	EHW	B H
U097	Dimethylcarbamoyl chloride	EHW	D H +	P060	Hexachlorohexahydro-endo, endo-dimethanonaphthalene	EHW	B H
U099	1,2-Dimethylhydrazine	EHW	C + I	U132	Hexachlorophene	EHW	C H
P045	3,3-Dimethyl-1-(methylthio)-2-butanone, O-[(methylamino)carbonyl] oxime	EHW	B	U243	Hexachloropropene	EHW	H
P071	O,O-Dimethyl O-p-nitrophenyl phosphorothioate	EHW	A	P062	Hexaethyl tetraphosphate	EHW	B
P082	Dimethylnitrosamine	EHW	B +	U133	Hydrazine	EHW	B + R
P046	alpha, alpha-Dimethylphenethylamine	EHW	C	P116	Hydrazinecarbothioamide	EHW	B
U103	Dimethyl sulfate	EHW	C O +	U099	Hydrazine, 1,2-dimethyl-	EHW	C + I
P047	4,6-Dinitro-o-cresol and salts	EHW	B	U109	Hydrazine, 1,2-diphenyl-	EHW	C
P034	4,6-Dinitro-o-cyclohexylphenol	EHW	C	P068	Hydrazine, methyl-	EHW	A I
P048	2,4-Dinitrophenol	EHW	B	P063	Hydrocyanic acid	EHW	A
U105	2,4-Dinitrotoluene	EHW	C	P063	Hydrogen cyanide	EHW	A
U106	2,6-Dinitrotoluene	EHW	C	P096	Hydrogen phosphide	EHW	B I
P020	Dinoseb	EHW	B	U135	Hydrogen sulfide	EHW	B I
U109	1,2-Diphenylhydrazine	EHW	C	U096	Hydroperoxide, 1-methyl-1-phenylethyl-	EHW	C R
P035	Diphosphoramidate, octamethyl	EHW	?	U245	Indomethacin	EHW	B H
U110	Dipropylamine	EHW	C I	P064	Isocyanic acid, methyl ester	EHW	I ?
U111	Di-n-propylnitrosamine	EHW	C +	P007	3(2H)-Isoxazolone, 5-(aminomethyl)-	EHW	B
P039	Disulfoton	EHW	A	U142	Kepon	EHW	X H
P049	2,4-Dithiobiuret	EHW	A	U143	Lasiocarpine	EHW	C +
P109	Dithiopyrophosphoric acid, tetraethyl ester	EHW	A	U129	Lindane	EHW	D EP
P050	Endosulfan	EHW	X H	U147	Maleic anhydride	EHW	H +
P088	Endothall	EHW	B	U149	Malonitrile	EHW	C
P051	Endrin	EHW	X H	U151	Mercury	EHW	EP
P042	Epinephrine	EHW	B	P092	Mercury, (acetato-O)phenyl-	EHW	B
U001	Ethanal	EHW	C	P065	Mercury fulminate	EHW	R ?
U174	Ethanamine, N-ethyl-N-nitroso-	EHW	C +	U152	Methacrylonitrile	EHW	B I
P046	Ethanamine, 1,1-dimethyl-2-phenyl-	EHW	C	U092	Methanamine, N-methyl-	EHW	C I
U067	Ethane, 1,2-dibromo-	EHW	C H +	P016	Methane, oxybis(chloro)-	EHW	B H +
U076	Ethane, 1,1-dichloro-	EHW	D H	P112	Methane, tetranitro-	EHW	A R
U077	Ethane, 1,2-dichloro-	EHW	D H	U029	Methane, bromo-	EHW	H
U114	1,2-Ethanediybiscarbamodithioic acid	EHW	B	U045	Methane, chloro-	EHW	H I
U131	Ethane, 1,1,1,2,2,2-hexachloro-	EHW	H	U046	Methane, chloromethoxy-	EHW	D H + I
U024	Ethane, 1,1'-[methylenebis(oxy)] bis[2-chloro-	EHW	C H	U068	Methane, dibromo-	EHW	C H +
U247	Ethane, 1,1,1-trichloro-2,2-bis(p-methoxy phenyl)	EHW	D H	U080	Methane, dichloro-	EHW	C H
U003	Ethanenitrile	EHW	C	U075	Methane, dichlorodifluoro-	EHW	H
U025	Ethane, 1,1'-oxybis[2-chloro-	EHW	C H				
U184	Ethane, pentachloro-	EHW	A H				
U208	Ethane, 1,1,1,2-tetrachloro-	EHW	H				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
U138	Methane, iodo-	EHW	H +	U185	Pentachloronitrobenzene	EHW	D H +
U211	Methane, tetrachloro-	EHW	C H +	((U242))			
P118	Methanethiol, trichloro-	EHW	H	See F027	Pentachlorophenol	EHW	A H
U153	Methanethiol	EHW	B I	U188	Phenol	EHW	C
U225	Methane, tribromo	EHW	H	P034	Phenol, 2-cyclohexyl-4,6-dinitro-	EHW	C
U121	Methane, trichlorofluoro-	EHW	H	P048	Phenol, 2,4-dinitro-	EHW	B
U044	Methane, trichloro-	EHW	C H +	P047	Phenol, 2,4-dinitro-6-methyl-, and salts	EHW	B
P059	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	EHW	X H +	P020	Phenol, 2,4-dinitro-6-(1-methylpropyl)-	EHW	B
U036	4,7-Methanoindan, 1,2,4,5,6,7,8,8-octa-chloro-3a,4,7,7a-tetrahydro-	EHW	X H	P009	Phenol, 2,4,6-trinitro-, ammonium salt	EHW	R
P066	Methomyl	EHW	B	U048	Phenol, 2-chloro-	EHW	D H
P067	2-Methylaziridine	EHW	B + I	U039	Phenol, 4-chloro-3-methyl-	EHW	H
P068	Methyl hydrazine	EHW	A I	U081	Phenol, 2,4-dichloro-	EHW	D H
P064	Methyl isocyanate	EHW	I ?	U082	Phenol, 2,6-dichloro-	EHW	D H
P069	2-Methylacetonitrile	EHW	A	U170	Phenol, 4-nitro-	EHW	C
P071	Methyl parathion	EHW	A	((U242))			
U029	Methyl bromide	EHW	H	See F027	Phenol, pentachloro-	EHW	A H
U045	Methyl chloride	EHW	H I	((U212))			
U156	Methyl chlorocarbonate	EHW	B H I	See F027	Phenol, 2,3,4,6-tetrachloro-	EHW	C H
U226	Methylchloroform	EHW	C H	((U230))			
U157	3-Methylcholanthrene	EHW	H P	See F027	Phenol, 2,4,5-trichloro-	EHW	A H
U158	4,4'-Methylenebis(2-chloroaniline)	EHW	H +	((U231))			
U132	2,2'-Methylenebis(3,4,6-trichlorophenol)	EHW	C H	See F027	Phenol, 2,4,6-trichloro-	EHW	A H
U068	Methylene bromide	EHW	C H +	P036	Phenyl dichloroarsine	EHW	B H
U080	Methylene chloride	EHW	C H	P092	Phenylmercuric acetate	EHW	B
U122	Methylene oxide	EHW	C	P093	N-Phenylthiourea	EHW	A
U160	Methyl ethyl ketone peroxide	EHW	B R	P094	Phorate	EHW	X
U138	Methyl iodide	EHW	H +	P095	Phosgene	EHW	B H
U163	N-Methyl-N'-nitro-N-nitrosoguanidine	EHW	C + R	P096	Phosphine	EHW	B I
U010	Mitomycin C	EHW	B +	P041	Phosphoric acid, diethyl p-nitrophenyl ester	EHW	A
U165	Naphthalene	EHW	B	P044	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	EHW	A
U047	Naphthalene, 2-chloro-	EHW	D H	P043	Phosphorofluoric acid, bis(1-methyl-ethyl)-ester	EHW	B H
U166	1,4-Naphthalenedione	EHW	C	P094	Phosphorothioic acid, O,O-diethyl S-(ethylthio)methyl ester	EHW	X
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 +	P097	Phosphorothioic acid, O,O-dimethyl O-[p-((dimethylamino)-sulfonyl)phenyl]ester	EHW	A
U166	1,4-Naphthoquinone	EHW	C	P089	Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl)ester	EHW	X
U167	1-Naphthylamine	EHW	B +	P040	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	EHW	A
U168	2-Naphthylamine	EHW	B +	U189	Phosphorous sulfide	EHW	B I R
U167	alpha-Naphthylamine	EHW	B +	U190	Phthalic anhydride	EHW	C
U168	beta-Naphthylamine	EHW	B +	U191	2-Picoline	EHW	C
U026	2-Naphthylamine, N,N'-bis(2-chloro-methyl)-	EHW	H +	P110	Plumbane, tetraethyl-	EHW	A
P072	alpha-Naphthylthiourea	EHW	B	P098	Potassium cyanide	EHW	A
P073	Nickel carbonyl	EHW	B	P099	Potassium silver cyanide	EHW	A
P074	Nickel cyanide	EHW	D R ?	P070	Propanal, 2-methyl-2(methylthio)-O-[(methylamino)carbonyl]oxime	EHW	B
P074	Nickel (II) cyanide	EHW	D R ?	U194	1-Propanamine	EHW	C I
P073	Nickel tetracarbonyl	EHW	B	U110	1-Propanamine, N-propyl-	EHW	C I
P075	Nicotine and salts	EHW	B	U066	Propane, 1,2-dibromo-3-chloro-	EHW	C H +
P076	Nitric oxide	EHW	B	U149	Propanedinitrile	EHW	C
P077	p-Nitroaniline	EHW	D ?	P101	Propanenitrile	EHW	B
U169	Nitrobenzene	EHW	C I	P027	Propanenitrile, 3-chloro-	EHW	B H
P078	Nitrogen dioxide	EHW	A	P079	Propanenitrile, 2-hydroxy-2-methyl-	EHW	A
P076	Nitrogen (II) oxide	EHW	B	U171	Propane, 2-nitro-	EHW	C I
P078	Nitrogen (IV) oxide	EHW	A	U027	Propane, 2,2'oxybis[2-chloro-	EHW	C H O
P081	Nitroglycerine	EHW	R ?	P081	1,2,3-Propanetriol, trinitrate-	EHW	R ?
U170	p-Nitrophenol	EHW	C	U235	1-Propanol, 2,3-dibromo-, phosphate (3:1)	EHW	D H
U171	2-Nitropropane	EHW	C I	U126	1-Propanol, 2,3-epoxy-	EHW	C +
U174	N-Nitrosodiethylamine	EHW	C +	P017	2-Propanone, 1-bromo-	EHW	C H
P082	N-Nitrosodimethylamine	EHW	B +	P102	Propargyl alcohol	EHW	X
U176	N-Nitroso-N-ethylurea	EHW	C +	P003	2-Propanol	EHW	X
U177	N-Nitroso-N-methylurea	EHW	C +	U007	2-Propanamide	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))			
P087	Osmium tetroxide	EHW	B	See F027	Propionic acid, 2-(2,4,5-trichlorophenoxy)-	EHW	B H
P088	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	EHW	B	U194	n-Propylamine	EHW	C I
U058	2H-1,3,2-Oxazaphosphorine, 2-[bis(2-chloro-ethyl)amino]tetrahydro-, oxide 2-	EHW	C H I +	U083	Propylene dichloride	EHW	C H I
U115	Oxirane	EHW	C I	P067	1,2-Propylenimine	EHW	B + I
U041	Oxirane, 2-(chloromethyl)-	EHW	C H + I	P102	2-Propyn-1-ol	EHW	X
P089	Parathion	EHW	X	P008	4-Pyridinamine	EHW	B
U183	Pentachlorobenzene	EHW	H	P075	Pyridine, (S)-3-(1-methyl-2-	EHW	B
U184	Pentachloroethane	EHW	A H				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*	Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
	pyrrolidiny)-, and salts			U002	Acetone	DW	D I
U196	Pyridine	EHW	C I	U004	Acetophenone	DW	D
U179	Pyridine, hexahydro-N-nitroso-	EHW	C +	U005	2-Acetylaminofluorene	DW	?
U191	Pyridine, 2-methyl-	EHW	C	U150	Alanine, 3-[p-bis(2-chloroethyl)amino]phenyl-, L-	DW	+
P111	Pyrophosphoric acid, tetraethyl ester	EHW	A	U328	2-Amino-1-methylbenzene	DW	D +
U201	Resorcinol	EHW	C	U353	4-Amino-1-methylbenzene	DW	D
P103	Selenourea	EHW	B	U011	Amitrole	DW	D +
U015	L-Serine, diazoacetate (ester)	EHW	C +	U014	Auramine	DW	+
P104	Silver cyanide	EHW	C	U016	Benz[c]acridine	DW	+
((U233))	See F027 Silvec	EHW	B H	U016	3,4-Benzacridine	DW	+
P105	Sodium azide	EHW	A	U014	Benzenamine, 4,4-carbonimidoylbis(N,N-dimethyl-	DW	+
P106	Sodium cyanide	EHW	A	U222	Benzenamine, 2-methyl-, hydrochloride	DW	D +
P107	Strontium sulfide	EHW	R	U181	Benzenamine, 2-methyl-5-nitro	DW	D
P108	Strychnidin-10-one, and salts	EHW	B	U028	1,2-Benzenedicarboxylic acid, [bis(2-ethyl-hexyl)] ester	DW	?
P018	Strychnidin-10-one, 2,3-dimethoxy-	EHW	A	U069	1,2-Benzenedicarboxylic acid, dibutyl ester	DW	D
P108	Strychnine and salts	EHW	B	U088	1,2-Benzenedicarboxylic acid, diethyl ester	DW	?
U135	Sulfur hydride	EHW	B I	U102	1,2-Benzenedicarboxylic acid, dimethyl ester	DW	?
U103	Sulfuric acid, dimethyl ester	EHW	C O +	U107	1,2-Benzenedicarboxylic acid, di-n-octyl ester	DW	?
P115	Sulfuric acid, thallium (I) salt	EHW	B	U203	Benzene, 1,2-methylenedioxy-4-allyl-	DW	D +
U189	Sulfur phosphide	EHW	B I R	U141	Benzene, 1,2-methylenedioxy-4-propenyl-	DW	D +
((U232))	See F027 2,4,5-T	EHW	B H +	U090	Benzene, 1,2-methylenedioxy-4-propyl-	DW	D +
((U207))	See F027 1,2,4,5-Tetrachlorobenzene	EHW	D H	U234	Benzene, 1,3,5-trinitro-	DW	D R
U208	1,1,1,2-Tetrachloroethane	EHW	H	U202	1,2-Benzisothiazolin-3-one, 1,1-dioxide, and salts	DW	+
U209	1,1,2,2-Tetrachloroethane	EHW	H	U120	Benzo[j,k]fluorene	DW	D
((U210 Tetrachloroethylene	EHW	C H))		U091	(1,1'-Biphenyl)-4'-diamine, 3,3'-dimethoxy-	DW	D +
U210	Tetrachloroethylene	EHW	C H +	U244	Bis(dimethylthiocarbomoyl) disulfide	DW	D
U212	2,3,4,6-Tetrachlorophenol	EHW	C H	U028	Bis(2-ethylthoxyl) phthalate	DW	?
P109	Tetraethylthiopyrophosphate	EHW	A	U172	1-Butanamine, N-butyl-N-nitroso-	DW	D +
P110	Tetraethyl lead	EHW	A	U031	1-Butanol	DW	D I
P111	Tetraethylpyrophosphate	EHW	A	U159	2-Butanone	DW	D I
P112	Tetranitromethane	EHW	A R	U031	n-Butyl alcohol	DW	D I
P062	Tetra phosphoric acid, hexaethyl ester	EHW	B	U136	Cacodylic acid	DW	D
P113	Thallic oxide	EHW	B	U238	Carbamic acid, ethyl ester	DW	+
P113	Thallium (III) oxide	EHW	B	U215	Carbonic acid, dithallium(I) salt	DW	?
P114	Thallium (I) selenide	EHW	C	U051	Creosote	DW	D
P115	Thallium (I) sulfate	EHW	B	U059	Daunomycin	DW	+
P045	Thiofanox	EHW	B	U221	Diaminotoluene	DW	D
P049	Thioimidocarbonic diamide	EHW	A	U069	Dibutyl phthalate	DW	D
U153	Thiomethanol	EHW	B I	U192	3,5-Dichloro-N-(1,1-dimethyl-2-propynyl) benzamide	DW	?
P014	Thiophenol	EHW	A	U108	1,4-Diethylene dioxide	DW	D +
P116	Thiosemicarbazide	EHW	B H +	U086	N,N-Diethylhydrazine	DW	+
U219	Thiourea	EHW	C +	U088	Diethyl phthalate	DW	?
P026	Thiourea, (2-chlorophenyl)-	EHW	A H	U089	Diethylstilbestrol	DW	+
P072	Thiourea, 1-naphthalenyl-	EHW	B	U148	1,2-Dihydro-3,6-pyridizinedione	DW	D
P093	Thiourea, phenyl-	EHW	A	U090	Dihydrosofrole	DW	D +
U220	Toluene	EHW	C I	U091	3,3'-Dimethoxybenzidine	DW	D +
U223	Toluene diisocyanate	EHW	B R	U098	1,1-Dimethylhydrazine	DW	+
P123	Toxaphene	EHW	X H	U101	2,4-Dimethylphenol	DW	D
U226	1,1,1-Trichloroethane	EHW	C H	U102	Dimethyl phthalate	DW	?
U227	1,1,2-Trichloroethane	EHW	C H	U107	Di-n-octyl phthalate	DW	?
U228	Trichloroethene	EHW	C H +	U108	1,4-Dioxane	DW	D +
U228	Trichloroethylene	EHW	C H +	U117	Ethane, 1,1'-oxybis-	DW	D I
P118	Trichloromethanethiol	EHW	H	U218	Ethanethioamide	DW	+
U121	Trichloromonofluoromethane	EHW	H	U173	Ethanol, 2,2-(nitrosoimino)bis-	DW	+
((U230))	See F027 2,4,5-Trichlorophenol	EHW	A H	U004	Ethanone, 1-phenyl-	DW	D
((U231))	See F027 2,4,6-Trichlorophenol	EHW	A H	U112	Ethyl acetate	DW	D I
((U232))	See F027 2,4,5-Trichlorophenoxyacetic acid	EHW	B H +	U113	Ethyl acrylate	DW	D I
U235	Tris(2,3-dibromopropyl) phosphate	EHW	D H	U238	Ethyl carbamate (urethan)	DW	+
U236	Trypan blue	EHW	H +	U116	Ethylene thiourea	DW	D +
U237	Uracil, 5[bis(2-chloromethyl)amino]-	EHW	B H +	U117	Ethyl ether	DW	D I
U237	Uracil mustard	EHW	B H +	U118	Ethyl methacrylate	DW	I
P119	Vanadic acid, ammonium salt	EHW	B	U119	Ethyl methanesulfonate	DW	+
P120	Vanadium pentoxide	EHW	B	U139	Ferric dextran	DW	+
P120	Vanadium (V) oxide	EHW	B	U120	Fluoranthene	DW	D
U043	Vinyl chloride	EHW	D H +	U123	Formic Acid	DW	D O
P001	Warfarin	EHW	A	U124	Furan	DW	I
U239	Xylene	EHW	C I	U213	Furan, tetrahydro-	DW	I
P121	Zinc cyanide	EHW	C	U124	Furfuran	DW	I
P122	Zinc phosphide	EHW	B R	U206	D-Glucopyranose, 2-deoxy-2(3-methyl-3-nitrosoureido)-	DW	+
MODERATELY DANGEROUS CHEMICAL PRODUCTS				U086	Hydraxine, 1,2-diethyl-	DW	+
U187	Acetamide, N-(4-ethoxyphenyl)-	DW	D +	U098	Hydrazine, 1,1-dimethyl-	DW	+
U005	Acetamide, N-9H-fluoren-2-yl-	DW	?	U134	Hydrofluoric acid	DW	D O
U112	Acetic acid, ethyl ester	DW	D I	U134	Hydrogen fluoride	DW	D O
U214	Acetic acid, thallium(I) salt	DW	?				

Dangerous Waste No.	Substance	WDOE Hazard Designation	Reason for Designation*
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	D O
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	Methylthiouacil	DW	+
U059	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-	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)			
U193	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'-Stilbene diol, 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	?
U328	o-Toluidine	DW	D +
U353	p-Toluidine	DW	D
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-trimethoxybenzoyl)oxy]-, methyl ester	DW	?

- 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
- + = IARC Animal or Human, Positive or Suspected 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.

AMENDATORY SECTION (Amending Order DE-85-02, filed 4/15/85)

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 chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations. (See footnote 1, below.)
F002	The following spent halogenated solvents: Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents. (See footnote 1, below.)
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.
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 cyanide plating bath solutions from electroplating operations.
F008	Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.
F010	Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

\* EHW = Extremely Hazardous Waste  
DW = Dangerous Waste

Dangerous Waste No.	Sources
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.
F012	Quenching wastewater treatment sludges from metal heat-treating operations where cyanides are used in the process.
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol.) (See footnote 2, below.)
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives. (See footnote 2, below.)
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions. (See footnote 2, below.)
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (See footnote 2, below.) (This listing does not include wastes from equipment used only for the production or use of hexachlorophene from highly purified 2,4,5-trichlorophenol.)
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions. (See footnote 2, below.)
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (See footnote 2, below.) (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with nonspecific sources wastes F020, F021, F022, F023, F026 and F027.
F024	Wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor cleanout wastes from the production of chlorinated aliphatic hydrocarbons, having carbon content from one to five, utilizing free radical catalyzed processes. (See footnote 1, below.) (This listing does not include light ends, spent filters and filter aids, spent desiccants, wastewater, wastewater treatment sludges, spent catalysts, and wastes listed under specific sources, below.)

(† Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste F001 or F002 contains greater than one percent of these listed halogenated solvents to designate their waste EHW:))

Dangerous Waste No.	Sources
	Specific Sources
	Wood Preservation:
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol. (See footnote ((2)) 1, below.)
	Inorganic Pigments:
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.
K003	Wastewater treatment sludge from the production of molybdate orange pigments.
K004	Wastewater treatment sludge from the production of zinc yellow pigments
K005	Wastewater treatment sludge from the production of chrome green pigments.
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).
K007	Wastewater treatment sludge from the production of iron blue pigments.
K008	Oven residue from the production of chrome oxide green pigments.
	Organic Chemicals:
K009	Distillation bottoms from the production of acetaldehyde from ethylene.
K010	Distillation side cuts from the production of acetaldehyde from ethylene.
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.
K015	Still bottoms from the distillation of benzyl chloride. (See footnote ((2)) 1, below.)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride. (See footnote ((2)) 1, below.)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin. (See footnote ((2)) 1, below.)
K018	Heavy ends from the fractionation column in ethyl chloride production. (See footnote ((2)) 1, below.)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production. (See footnote ((2)) 1, below.)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production. (See footnote ((2)) 1, below.)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production. (See footnote ((2)) 1, below.)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Dangerous Waste No.	Sources	Dangerous Waste No.	Sources
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production. (See footnote ((2)) 1, below.)
K026	Stripping still tails from the production of methyl ethyl pyridines.	K106	Wastewater treatment sludge from the mercury cell process in chlorine production.
K027	Centrifuge and distillation residues from toluene diisocyanate production.	Petroleum Refining:	
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K049	Slop oil emulsion solids from the petroleum refining industry.
K095	Distillation bottoms from the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane. (See footnote ((2)) 1, below.)	K051	API separator sludge from the petroleum refining industry.
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene. (See footnote ((2)) 1, below.)	K052	Tank bottoms (leaded) from the petroleum refining industry.
K083	Distillation bottoms from aniline production.	Iron and Steel:	
K103	Process residues from aniline extraction from the production of aniline.	K061	Emission control dust/sludge from the primary production of steel in electric furnaces.
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	K062	Spent pickle liquor from steel finishing operations.
K085	Distillation of fractionation column bottoms from the production of chlorobenzenes. (See footnote ((2)) 1, below.)	Pesticides:	
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes. (See footnote ((2)) 1, below.)	K031	Byproduct salts generated in the production of MSMA and cacodylic acid.
<u>K111</u>	<u>Product washwaters from the production of dinitrotoluene via nitration of toluene.</u>	K032	Wastewater treatment sludge from the production of chlordane. (See footnote 3, below.)
<u>K112</u>	<u>Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane. (See footnote 3, below.)
<u>K113</u>	<u>Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane. (See footnote 3, below.)
<u>K114</u>	<u>Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane. (See footnote 3, below.)
<u>K115</u>	<u>Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.</u>	K035	Wastewater treatment sludges generated in the production of creosote.
<u>K116</u>	<u>Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. (See footnote 1, below.)</u>	K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.
Explosives:		K037	Wastewater treatment sludges from the production of disulfoton.
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	K038	Wastewater from the washing and stripping of phorate production. (See footnote 3, below.)
K045	Spent carbon from the treatment of wastewater containing explosives.	K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate. (See footnote 3, below.)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	K040	Wastewater treatment sludge from the production of phorate. (See footnote 3, below.)
K047	Pink/red water from TNT operations.	K041	Wastewater treatment sludge from the production of toxaphene. (See footnote 3, below.)
Inorganic Chemicals:		K098	Untreated process wastewater from the production of toxaphene. (See footnote 3, below.)
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T. (See footnote ((2)) 1, below.)
		K043	2,6-Dichlorophenol waste from the production of 2,4-D. (See footnote ((2)) 1, below.)
		K099	Untreated wastewater from the production of 2,4-D. (See footnote ((2)) 1, below.)

Dangerous Waste No.	Sources
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## 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.  
(2) 1 These wastes contain or may contain halogenated hydrocarbons. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than one percent of these listed halogenated hydrocarbons to designate their waste EHW.  
2 For wastes listed with the dangerous waste numbers F020, F021, F022, F023, F026, or F027 the quantity exclusion limit is 2.2 lbs. (1 kg) per month or per batch.  
3 These wastes contain or may contain X Category toxic constituents. Although WAC 173-303-082 states that these wastes are DW, WAC 173-303-070(5), special knowledge, requires generators who know that their waste contains greater than 0.1 percent of these listed toxic constituents to designate their waste EHW.

## State Sources

- W001 The following wastes generated from the salvaging, rebuilding, or discarding of transformers or capacitors which contain polychlorinated biphenyls (PCB): Cooling and insulating fluids; cores, including core papers, from unrinsed transformers and capacitors; transformers and capacitors which will no longer be used for their intended use, except for those transformers or capacitors which have been rinsed; and, rinsate from the rinsing of transformers and capacitors. For the purposes of this listing, the rinsing of PCB containing items shall be conducted as follows: First, the item is drained of all free flowing liquid; second, the item is filled with solvent and allowed to stand for at least eighteen hours; last, the item is drained thoroughly and the solvent is collected. Solvents may include kerosene, xylene, toluene and other solvents in which PCB are readily soluble. (Note—Certain PCB wastes are excluded from this listing under WAC 173-303-071 (3)(k). The generator should check that section to determine if his PCB waste is excluded from the requirements of chapter 173-303 WAC.)

## AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

## 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-fluorene-2-yl)-  
Acetyl chloride (Ethanoyl chloride)  
1-Acetyl-2-thiourea (Acetamide, N-(aminothioxomethyl)-  
Acrolein (2-Propenal)  
Acrylamide (2-Propenamamide)  
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-methy-)  
5-(Aminomethyl)-3-isoxazolol (3(2H)-Isoxazolone, 5-(aminomethyl)-)-4  
Aminopyridine (4-Pyridinamine)<sup>1</sup>  
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)  
Benzencarsonic acid (Arsonic acid, phenyl-)  
Benzene, 2-amino-1-methyl (o-Toluidine)  
Benzene, 4-amino-1-methyl (p-Toluidine)  
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)  
Benzotrifluoride (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 (Benzenecetic 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) (Phosphorofluoric 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-Ethanediybis carbamodithioic 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-)
- Hexachlorodibenzo-p-dioxins
- Hexachlorodibenzofurans
- 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-)
- ((Kapon)) Kepone (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 hydrazine (Hydrazine, methyl-)  
2-Methylacetonitrile (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-)  
Nitrobenzene (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 (Nicotinic acid, 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-trimethyl-)  
Parathion (Phosphorothioic acid, O,O-diethyl O-(p-nitrophenyl) ester)  
Pentachlorobenzene (Benzene, pentachloro-)  
Pentachlorodibenzo-p-dioxins  
Pentachlorodibenzofurans  
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-Benzoisothiazolin-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-)  
Tetrachlorodibenzo-p-dioxins  
Tetrachlorodibenzofurans  
 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-)<sup>1</sup>  
 Tetrachloromethane (Carbon tetrachloride)  
 2,3,4,6-Tetrachlorophenol (Phenol, 2,3,4,6-tetrachloro-)  
 Tetraethylthiopyrophosphate  
 (Dithiopyrophosphoric acid, tetraethyl-ester)  
 Tetraethyl lead (Plumbane, tetraethyl-)  
 Tetraethylpyrophosphate (Pyrophosphoric acid, tetraethyl ester)  
 Tetranitromethane (Methane, tetranitro-)  
 Thallium and compounds, N.O.S.\*  
 Thallous 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(dimethylthioucarbamoil) disulfide)  
 Toluene (Benzene, methyl-)  
 Toluenediamine (Diaminotoluene)  
2,4-Toluenediamine  
2,6-Toluenediamine  
3,4-Toluenediamine  
 o-Toluidine hydrochloride (Benzenamine, 2-methyl-, hydrochloride)  
 Toluene 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-aziridiny) phosphine sulfide

(Phosphine sulfide, tris(1-aziridiny)-)  
 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.

## Table of WAC Sections Affected

### KEY TO TABLE

**Symbols:**

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding 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 #
16-86-092	AMD-E 86-04-050	51-12-426	AMD-E 86-06-059	132Q-01-005	NEW 86-04-010
16-86-092	AMD-P 86-04-051	51-12-601	AMD-P 86-06-058	132Q-01-010	NEW 86-04-010
16-108-010	AMD 86-04-027	51-12-601	AMD-E 86-06-059	132Q-01-020	NEW 86-04-010
16-400-010	AMD-P 86-04-029	51-12-602	AMD-P 86-06-058	132Q-01-030	NEW 86-04-010
16-400-010	AMD-E 86-06-038	51-12-602	AMD-E 86-06-059	132Q-01-040	NEW 86-04-010
16-400-040	AMD-P 86-04-029	51-12-608	AMD-P 86-06-058	132Q-01-050	NEW 86-04-010
16-400-040	AMD-E 86-06-038	51-12-608	AMD-E 86-06-059	136-130-030	AMD 86-06-005
16-400-050	AMD-P 86-04-029	67-35-150	AMD-P 86-04-063	136-130-050	AMD 86-06-005
16-400-050	AMD-E 86-06-038	67-35-230	AMD-P 86-04-063	136-130-070	AMD 86-06-005
16-400-100	AMD-P 86-04-029	113-12-075	NEW-P 86-07-057	136-150-010	AMD 86-06-005
16-400-100	AMD-E 86-06-038	113-12-080	AMD-P 86-07-057	136-150-020	AMD 86-06-005
16-400-210	AMD-P 86-04-029	114-12-115	NEW-P 86-03-082	136-150-024	NEW 86-06-005
16-400-210	AMD-E 86-06-038	114-12-115	NEW 86-06-043	136-150-040	AMD 86-06-005
16-425-001	REP-P 86-04-070	114-12-155	NEW-P 86-03-082	136-160-060	AMD 86-06-005
16-425-010	REP-P 86-04-070	114-12-155	NEW 86-06-043	137-08-060	AMD-P 86-07-066
16-425-015	REP-P 86-04-070	114-12-165	NEW-P 86-03-082	137-08-070	AMD-P 86-07-066
16-462-001	REP-P 86-04-070	114-12-165	NEW 86-06-043	137-08-140	AMD-P 86-07-066
16-462-010	AMD-P 86-04-070	118-06-010	REP-P 86-06-037	137-54-030	AMD-P 86-04-015
16-462-015	AMD-P 86-04-070	118-06-020	REP-P 86-06-037	137-54-030	AMD 86-07-034
16-462-020	AMD-P 86-04-070	118-06-030	REP-P 86-06-037	137-56-010	AMD 86-06-012
16-462-025	AMD-P 86-04-070	118-06-040	REP-P 86-06-037	137-56-015	NEW-E 86-03-058
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173-480-040	NEW-C	86-07-067	220-57-175	AMD-C	86-03-089	240-10-040	AMD-P	86-05-023
173-480-050	NEW-P	86-04-092	220-57-200	AMD-C	86-03-089	240-10-055	NEW-P	86-05-023
173-480-050	NEW-C	86-07-067	220-57-220	AMD-C	86-03-089	248-16-900	AMD-P	86-03-070
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296-21-080	AMD 86-06-032	296-22-063	AMD 86-06-032	296-22-165	AMD 86-06-032
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296-21-090	AMD-C 86-04-036	296-22-073	AMD-C 86-04-036	296-22-190	AMD-C 86-04-036
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296-56-60155	AMD	86-03-064	296-86-030	AMD	86-03-026	296-94-210	NEW	86-03-032
296-56-60157	AMD	86-03-064	296-86-060	AMD	86-03-026	296-94-220	NEW	86-03-032
296-56-60159	AMD	86-03-064	296-86-070	AMD	86-03-026	296-94-230	NEW	86-03-032
296-56-60161	AMD	86-03-064	296-86-075	AMD	86-03-026	296-94-240	NEW	86-03-032
296-56-60167	AMD	86-03-064	296-87-001	NEW	86-03-033	296-94-250	NEW	86-03-032
296-56-60169	AMD	86-03-064	296-87-020	AMD	86-03-033	296-100-001	NEW	86-03-031
296-56-60171	AMD	86-03-064	296-87-040	AMD	86-03-033	296-100-050	NEW	86-03-031
296-56-60180	AMD	86-03-064	296-87-060	AMD	86-03-033	296-100-060	NEW	86-03-031
296-56-60183	AMD	86-03-064	296-87-080	AMD	86-03-033	296-104-210	AMD-P	86-04-060
296-56-60189	AMD	86-03-064	296-87-120	AMD	86-03-033	296-104-210	AMD	86-07-064
296-56-60191	AMD	86-03-064	296-88-001	REP	86-03-027	296-104-500	AMD	86-04-059
296-56-60193	AMD	86-03-064	296-88-010	REP	86-03-027	296-104-501	NEW	86-04-059
296-56-60195	AMD	86-03-064	296-88-020	REP	86-03-027	296-104-515	AMD	86-04-059
296-56-60199	AMD	86-03-064	296-88-030	REP	86-03-027	296-116-080	AMD	86-07-010
296-56-60201	AMD	86-03-064	296-88-040	REP	86-03-027	296-127-010	AMD	86-03-063
296-56-60205	AMD	86-03-064	296-88-050	REP	86-03-027	296-127-020	AMD	86-03-063
296-56-60207	AMD	86-03-064	296-88-060	REP	86-03-027	296-127-130	NEW	86-03-063
296-56-60209	AMD	86-03-064	296-88-070	REP	86-03-027	296-127-140	NEW	86-03-063
296-56-60211	AMD	86-03-064	296-88-080	REP	86-03-027	296-127-150	NEW	86-03-063
296-56-60215	AMD	86-03-064	296-88-090	REP	86-03-027	296-127-160	NEW	86-03-063
296-56-60217	AMD	86-03-064	296-88-100	REP	86-03-027	296-127-170	NEW	86-03-063
296-56-60219	AMD	86-03-064	296-88-110	REP	86-03-027	296-127-180	NEW	86-03-063
296-56-60221	AMD	86-03-064	296-88-120	REP	86-03-027	296-127-190	NEW	86-03-063
296-56-60223	AMD	86-03-064	296-88-130	REP	86-03-027	296-127-200	NEW	86-03-063
296-56-60229	AMD	86-03-064	296-90-010	REP	86-03-028	296-127-210	NEW	86-03-063
296-56-60231	AMD	86-03-064	296-90-020	REP	86-03-028	296-127-220	NEW	86-03-063
296-56-60233	AMD	86-03-064	296-90-030	REP	86-03-028	296-127-300	NEW	86-03-063
296-56-60235	AMD	86-03-064	296-90-040	REP	86-03-028	296-127-310	NEW	86-03-063
296-56-60237	AMD	86-03-064	296-90-050	REP	86-03-028	296-127-320	NEW	86-03-063
296-56-60239	AMD	86-03-064	296-90-060	REP	86-03-028	296-132-005	REP-P	86-05-027
296-56-60241	AMD	86-03-064	296-90-070	REP	86-03-028	296-132-010	REP-P	86-05-027
296-56-60243	AMD	86-03-064	296-90-080	REP	86-03-028	296-132-015	REP-P	86-05-027
296-56-60245	AMD	86-03-064	296-90-090	REP	86-03-028	296-132-050	REP-P	86-05-027
296-56-60249	AMD	86-03-064	296-92-010	REP	86-03-029	296-132-055	REP-P	86-05-027
296-56-60251	AMD	86-03-064	296-92-020	REP	86-03-029	296-132-060	REP-P	86-05-027
296-56-60253	AMD	86-03-064	296-92-030	REP	86-03-029	296-132-065	REP-P	86-05-027
296-56-990	REP	86-03-064	296-92-040	REP	86-03-029	296-132-100	REP-P	86-05-027
296-56-99001	REP	86-03-064	296-92-050	REP	86-03-029	296-132-105	REP-P	86-05-027
296-56-99002	AMD	86-03-064	296-92-060	REP	86-03-029	296-132-110	REP-P	86-05-027
296-56-99003	AMD	86-03-064	296-92-070	REP	86-03-029	296-132-115	REP-P	86-05-027
296-56-99004	REP	86-03-064	296-92-080	REP	86-03-029	296-132-120	REP-P	86-05-027
296-56-99005	REP	86-03-064	296-92-090	REP	86-03-029	296-132-125	REP-P	86-05-027
296-56-99006	REP	86-03-064	296-92-100	REP	86-03-029	296-132-130	REP-P	86-05-027
296-62-05403	AMD-P	86-06-051	296-92-110	REP	86-03-029	296-132-135	REP-P	86-05-027
296-62-05405	AMD-P	86-06-051	296-93-010	AMD	86-03-030	296-132-140	REP-P	86-05-027
296-62-05407	AMD-P	86-06-051	296-93-050	AMD	86-03-030	296-132-145	REP-P	86-05-027
296-62-05413	AMD-P	86-06-051	296-93-060	REP	86-03-030	296-132-150	REP-P	86-05-027
296-62-05415	AMD-P	86-06-051	296-93-070	AMD	86-03-030	296-132-151	REP-P	86-05-027
296-62-05417	AMD-P	86-06-051	296-93-110	REP	86-03-030	296-132-152	REP-P	86-05-027
296-62-05425	AMD-P	86-06-051	296-93-120	AMD	86-03-030	296-132-155	REP-P	86-05-027
296-62-05427	NEW-P	86-06-051	296-93-130	REP	86-03-030	296-132-160	REP-P	86-05-027
296-64-400	REP-P	86-06-051	296-93-170	AMD	86-03-030	296-132-200	REP-P	86-05-027
296-64-405	REP-P	86-06-051	296-93-180	REP	86-03-030	296-132-205	REP-P	86-05-027
296-64-410	REP-P	86-06-051	296-93-200	AMD	86-03-030	296-132-210	REP-P	86-05-027
296-64-415	REP-P	86-06-051	296-93-210	AMD	86-03-030	296-132-215	REP-P	86-05-027
296-64-420	REP-P	86-06-051	296-93-220	AMD	86-03-030	296-132-220	REP-P	86-05-027
296-64-425	REP-P	86-06-051	296-93-230	AMD	86-03-030	296-132-225	REP-P	86-05-027
296-81-007	AMD	86-03-024	296-94-010	NEW	86-03-032	296-132-226	REP-P	86-05-027
296-81-010	AMD	86-03-024	296-94-020	NEW	86-03-032	296-132-250	REP-P	86-05-027
296-81-260	AMD	86-03-024	296-94-030	NEW	86-03-032	296-132-255	REP-P	86-05-027
296-83-010	REP	86-03-025	296-94-040	NEW	86-03-032	296-132-260	REP-P	86-05-027
296-83-015	REP	86-03-025	296-94-050	NEW	86-03-032	296-132-265	REP-P	86-05-027
296-83-020	REP	86-03-025	296-94-060	NEW	86-03-032	296-132-301	REP-P	86-05-027
296-83-025	REP	86-03-025	296-94-070	NEW	86-03-032	296-132-302	REP-P	86-05-027
296-83-030	REP	86-03-025	296-94-080	NEW	86-03-032	296-132-306	REP-P	86-05-027
296-83-035	REP	86-03-025	296-94-090	NEW	86-03-032	296-132-311	REP-P	86-05-027
296-83-040	REP	86-03-025	296-94-100	NEW	86-03-032	296-132-316	REP-P	86-05-027
296-83-045	REP	86-03-025	296-94-110	NEW	86-03-032	296-132-350	REP-P	86-05-027
296-83-050	REP	86-03-025	296-94-120	NEW	86-03-032	296-132-360	REP-P	86-05-027
296-83-055	REP	86-03-025	296-94-130	NEW	86-03-032	296-132-370	REP-P	86-05-027
296-83-060	REP	86-03-025	296-94-140	NEW	86-03-032	296-132-380	REP-P	86-05-027
296-83-065	REP	86-03-025	296-94-150	NEW	86-03-032	296-155-003	AMD-C	86-03-073
296-83-070	REP	86-03-025	296-94-160	NEW	86-03-032	296-155-003	AMD	86-03-074
296-83-075	REP	86-03-025	296-94-170	NEW	86-03-032	296-155-005	AMD-C	86-03-073
296-83-080	REP	86-03-025	296-94-180	NEW	86-03-032	296-155-005	AMD	86-03-074
296-83-085	REP	86-03-025	296-94-190	NEW	86-03-032	296-155-009	NEW-C	86-03-073
296-86-020	AMD	86-03-026	296-94-200	NEW	86-03-032	296-155-009	NEW	86-03-074

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-155-010	AMD-C	86-03-073	296-155-355	AMD	86-03-074	296-155-530	AMD-C	86-03-073
296-155-010	AMD	86-03-074	296-155-360	AMD-C	86-03-073	296-155-530	AMD	86-03-074
296-155-012	AMD-C	86-03-073	296-155-360	AMD	86-03-074	296-155-545	AMD-C	86-03-073
296-155-012	AMD	86-03-074	296-155-363	NEW-C	86-03-073	296-155-545	AMD	86-03-074
296-155-020	AMD-C	86-03-073	296-155-363	NEW	86-03-074	296-155-570	AMD-C	86-03-073
296-155-020	AMD	86-03-074	296-155-36301	NEW-C	86-03-073	296-155-570	AMD	86-03-074
296-155-035	AMD-C	86-03-073	296-155-36301	NEW	86-03-074	296-155-575	AMD-C	86-03-073
296-155-035	AMD	86-03-074	296-155-36303	NEW-C	86-03-073	296-155-575	AMD	86-03-074
296-155-100	AMD-C	86-03-073	296-155-36303	NEW	86-03-074	296-155-576	AMD-C	86-03-073
296-155-100	AMD	86-03-074	296-155-36305	NEW-C	86-03-073	296-155-580	AMD-C	86-03-073
296-155-110	AMD-C	86-03-073	296-155-36305	NEW	86-03-074	296-155-580	AMD	86-03-074
296-155-110	AMD	86-03-074	296-155-36307	NEW-C	86-03-073	296-155-605	AMD-C	86-03-073
296-155-120	AMD-C	86-03-073	296-155-36307	NEW	86-03-074	296-155-605	AMD	86-03-074
296-155-120	AMD	86-03-074	296-155-36309	NEW-C	86-03-073	296-155-610	AMD-C	86-03-073
296-155-125	AMD-C	86-03-073	296-155-36309	NEW	86-03-074	296-155-610	AMD	86-03-074
296-155-125	AMD	86-03-074	296-155-36311	NEW-C	86-03-073	296-155-615	AMD-C	86-03-073
296-155-130	AMD-C	86-03-073	296-155-36311	NEW	86-03-074	296-155-615	AMD	86-03-074
296-155-130	AMD	86-03-074	296-155-36313	NEW-C	86-03-073	296-155-617	NEW-C	86-03-073
296-155-140	AMD-C	86-03-073	296-155-36313	NEW	86-03-074	296-155-617	NEW	86-03-074
296-155-140	AMD	86-03-074	296-155-36315	NEW-C	86-03-073	296-155-61701	NEW-C	86-03-073
296-155-155	AMD-C	86-03-073	296-155-36315	NEW	86-03-074	296-155-61701	NEW	86-03-074
296-155-155	AMD	86-03-074	296-155-36317	NEW-C	86-03-073	296-155-61703	NEW-C	86-03-073
296-155-160	AMD-C	86-03-073	296-155-36317	NEW	86-03-074	296-155-61703	NEW	86-03-074
296-155-160	AMD	86-03-074	296-155-36319	NEW-C	86-03-073	296-155-61705	NEW-C	86-03-073
296-155-165	AMD-C	86-03-073	296-155-36319	NEW	86-03-074	296-155-61705	NEW	86-03-074
296-155-165	AMD	86-03-074	296-155-36321	NEW-C	86-03-073	296-155-61707	NEW-C	86-03-073
296-155-200	AMD-C	86-03-073	296-155-36321	NEW	86-03-074	296-155-61707	NEW	86-03-074
296-155-200	AMD	86-03-074	296-155-365	AMD-C	86-03-073	296-155-61709	NEW-C	86-03-073
296-155-201	AMD-C	86-03-073	296-155-365	AMD	86-03-074	296-155-61709	NEW	86-03-074
296-155-201	AMD	86-03-074	296-155-367	NEW-C	86-03-073	296-155-61711	NEW-C	86-03-073
296-155-203	NEW-C	86-03-073	296-155-367	NEW	86-03-074	296-155-61711	NEW	86-03-074
296-155-203	NEW	86-03-074	296-155-370	AMD-C	86-03-073	296-155-61713	NEW-C	86-03-073
296-155-20301	NEW-C	86-03-073	296-155-370	AMD	86-03-074	296-155-61713	NEW	86-03-074
296-155-20301	NEW	86-03-074	296-155-400	AMD-C	86-03-073	296-155-625	AMD-C	86-03-073
296-155-20303	NEW-C	86-03-073	296-155-400	AMD	86-03-074	296-155-625	AMD	86-03-074
296-155-20305	NEW-C	86-03-073	296-155-405	AMD-C	86-03-073	296-155-650	AMD-C	86-03-073
296-155-20307	NEW-C	86-03-073	296-155-405	AMD	86-03-074	296-155-650	AMD	86-03-074
296-155-20307	NEW	86-03-074	296-155-407	NEW-C	86-03-073	296-155-655	AMD-C	86-03-073
296-155-205	AMD-C	86-03-073	296-155-407	NEW	86-03-074	296-155-655	AMD	86-03-074
296-155-205	AMD	86-03-074	296-155-425	AMD-C	86-03-073	296-155-65505	NEW-C	86-03-073
296-155-211	NEW-C	86-03-073	296-155-425	AMD	86-03-074	296-155-65505	NEW	86-03-074
296-155-211	NEW	86-03-074	296-155-430	AMD-C	86-03-073	296-155-660	AMD-C	86-03-073
296-155-212	AMD-C	86-03-073	296-155-430	AMD	86-03-074	296-155-660	AMD	86-03-074
296-155-212	AMD	86-03-074	296-155-435	AMD-C	86-03-073	296-155-66005	NEW-C	86-03-073
296-155-225	AMD-C	86-03-073	296-155-435	AMD	86-03-074	296-155-66005	NEW	86-03-074
296-155-225	AMD	86-03-074	296-155-440	AMD-C	86-03-073	296-155-665	AMD-C	86-03-073
296-155-230	AMD-C	86-03-073	296-155-440	AMD	86-03-074	296-155-665	AMD	86-03-074
296-155-230	AMD	86-03-074	296-155-475	AMD-C	86-03-073	296-155-66501	AMD-C	86-03-073
296-155-250	AMD-C	86-03-073	296-155-475	AMD	86-03-074	296-155-66501	AMD	86-03-074
296-155-250	AMD	86-03-074	296-155-480	AMD-C	86-03-073	296-155-66502	AMD-C	86-03-073
296-155-260	AMD-C	86-03-073	296-155-480	AMD	86-03-074	296-155-680	AMD-C	86-03-073
296-155-260	AMD	86-03-074	296-155-485	AMD-C	86-03-073	296-155-680	AMD	86-03-074
296-155-270	AMD-C	86-03-073	296-155-485	AMD	86-03-074	296-155-690	AMD-C	86-03-073
296-155-270	AMD	86-03-074	296-155-48523	NEW-C	86-03-073	296-155-690	AMD	86-03-074
296-155-275	AMD-C	86-03-073	296-155-48523	NEW	86-03-074	296-155-695	AMD-C	86-03-073
296-155-275	AMD	86-03-074	296-155-48525	NEW-C	86-03-073	296-155-695	AMD	86-03-074
296-155-300	AMD-C	86-03-073	296-155-48525	NEW	86-03-074	296-155-700	AMD-C	86-03-073
296-155-300	AMD	86-03-074	296-155-48527	NEW-C	86-03-073	296-155-700	AMD	86-03-074
296-155-305	AMD-C	86-03-073	296-155-48527	NEW	86-03-074	296-155-705	AMD-C	86-03-073
296-155-305	AMD	86-03-074	296-155-48529	NEW-C	86-03-073	296-155-705	AMD	86-03-074
296-155-325	AMD-C	86-03-073	296-155-48529	NEW	86-03-074	296-155-720	AMD-C	86-03-073
296-155-325	AMD	86-03-074	296-155-48531	NEW-C	86-03-073	296-155-720	AMD	86-03-074
296-155-330	AMD-C	86-03-073	296-155-48531	NEW	86-03-074	296-155-725	AMD-C	86-03-073
296-155-330	AMD	86-03-074	296-155-48533	NEW-C	86-03-073	296-155-725	AMD	86-03-074
296-155-335	AMD-C	86-03-073	296-155-48533	NEW	86-03-074	296-155-730	AMD-C	86-03-073
296-155-335	AMD	86-03-074	296-155-500	AMD-C	86-03-073	296-155-730	AMD	86-03-074
296-155-34911	AMD-C	86-03-073	296-155-500	AMD	86-03-074	296-155-750	AMD-C	86-03-073
296-155-34911	AMD	86-03-074	296-155-505	AMD-C	86-03-073	296-155-750	AMD	86-03-074
296-155-34912	AMD-C	86-03-073	296-155-505	AMD	86-03-074	296-155-760	REP-C	86-03-073
296-155-34912	AMD	86-03-074	296-155-50503	NEW-C	86-03-073	296-155-760	REP	86-03-074
296-155-34913	AMD-C	86-03-073	296-155-50503	NEW	86-03-074	296-155-765	AMD-C	86-03-073
296-155-34913	AMD	86-03-074	296-155-50505	NEW-C	86-03-073	296-155-765	AMD	86-03-074
296-155-34914	AMD-C	86-03-073	296-155-50505	NEW	86-03-074	296-155-775	AMD-C	86-03-073
296-155-34914	AMD	86-03-074	296-155-510	AMD-C	86-03-073	296-155-775	AMD	86-03-074
296-155-34920	AMD-C	86-03-073	296-155-510	AMD	86-03-074	296-155-830	AMD-C	86-03-073
296-155-34920	AMD	86-03-074	296-155-515	NEW-C	86-03-073	296-155-830	AMD	86-03-074
296-155-355	AMD-C	86-03-073	296-155-515	NEW	86-03-074	296-155-850	REP-C	86-03-073

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-155-850	REP	86-03-074	308-61-108	NEW	86-03-011	308-102-200	AMD-P	86-03-083
296-155-855	REP-C	86-03-073	308-61-110	REP	86-03-011	308-102-200	AMD	86-07-018
296-155-855	REP	86-03-074	308-61-115	NEW	86-03-011	308-102-265	NEW-P	86-03-083
296-155-860	REP-C	86-03-073	308-61-120	REP	86-03-011	308-102-265	NEW	86-07-018
296-155-860	REP	86-03-074	308-61-125	NEW	86-03-011	308-104-012	NEW-P	86-03-083
296-155-865	REP-C	86-03-073	308-61-130	REP	86-03-011	308-104-012	NEW	86-07-018
296-155-865	REP	86-03-074	308-61-135	NEW	86-03-011	308-104-056	AMD-P	86-03-083
296-155-870	REP-C	86-03-073	308-61-140	REP	86-03-011	308-104-056	AMD	86-07-018
296-155-870	REP	86-03-074	308-61-145	NEW	86-03-011	308-104-058	REP-P	86-03-083
296-155-875	REP-C	86-03-073	308-61-150	REP	86-03-011	308-104-058	REP	86-07-018
296-155-875	REP	86-03-074	308-61-155	REP	86-03-011	308-104-080	AMD-P	86-03-083
296-155-880	REP-C	86-03-073	308-61-158	NEW	86-03-011	308-104-080	AMD	86-07-018
296-155-880	REP	86-03-074	308-61-160	REP	86-03-011	308-104-090	AMD-P	86-03-083
296-155-885	REP-C	86-03-073	308-61-165	REP	86-03-011	308-104-090	AMD	86-07-018
296-155-885	REP	86-03-074	308-61-168	NEW	86-03-011	308-104-100	AMD-P	86-03-083
296-155-890	REP-C	86-03-073	308-61-170	REP	86-03-011	308-104-100	AMD	86-07-018
296-155-890	REP	86-03-074	308-61-175	NEW	86-03-011	308-104-105	NEW-P	86-03-083
296-155-895	REP-C	86-03-073	308-61-180	REP	86-03-011	308-104-105	NEW-E	86-03-084
296-155-895	REP	86-03-074	308-61-185	NEW	86-03-011	308-104-105	NEW	86-07-018
296-155-900	REP-C	86-03-073	308-61-190	NEW	86-03-011	308-104-130	AMD-P	86-03-083
296-155-900	REP	86-03-074	308-79-050	NEW-E	86-03-071	308-104-130	AMD	86-07-018
296-155-905	REP-C	86-03-073	308-79-050	NEW-P	86-06-042	308-104-135	NEW-P	86-03-083
296-155-905	REP	86-03-074	308-93-010	AMD-P	86-07-060	308-104-135	NEW	86-07-018
296-155-910	REP-C	86-03-073	308-93-072	NEW-P	86-07-060	308-104-160	AMD-P	86-03-083
296-155-910	REP	86-03-074	308-93-073	NEW-P	86-07-060	308-104-160	AMD	86-07-018
296-155-915	REP-C	86-03-073	308-93-074	NEW-P	86-07-060	308-122-060	NEW	86-04-087
296-155-915	REP	86-03-074	308-93-078	NEW-P	86-07-060	308-122-215	AMD	86-04-087
296-155-920	REP-C	86-03-073	308-93-079	NEW-P	86-07-060	308-122-500	AMD	86-04-087
296-155-920	REP	86-03-074	308-96A-005	AMD-P	86-03-010	308-122-505	AMD	86-04-087
296-155-950	AMD-C	86-03-073	308-96A-010	AMD-P	86-03-010	308-122-525	AMD	86-04-087
296-155-950	AMD	86-03-074	308-96A-015	AMD-P	86-03-010	308-122-630	NEW	86-04-087
296-350-300	NEW	86-06-002	308-96A-020	AMD-P	86-03-010	308-122-640	AMD	86-04-087
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296-403-070	NEW-P	86-07-055	308-96A-100	AMD-P	86-03-010	308-124H-037	NEW-P	86-04-091
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304-25-560	AMD-P	86-03-048	308-96A-115	REP-P	86-03-010	308-124H-040	AMD	86-06-011
308-04-010	AMD-P	86-04-090	308-96A-120	AMD-P	86-03-010	308-124H-043	NEW	86-06-011
308-12-050	AMD	86-04-088	308-96A-125	REP-P	86-03-010	308-124H-045	AMD	86-06-011
308-12-081	AMD	86-04-088	308-96A-130	REP-P	86-03-010	308-151-110	NEW-P	86-05-033
308-12-135	NEW-P	86-06-053	308-96A-135	AMD-P	86-03-010	308-156-075	NEW-P	86-05-033
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308-25-010	AMD-P	86-05-032	308-96A-210	AMD-P	86-03-010	308-250-020	NEW-P	86-07-062
308-25-015	NEW-P	86-05-032	308-96A-215	REP-P	86-03-010	308-250-030	NEW-P	86-07-062
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308-61-040	AMD	86-03-011	308-102-100	AMD-P	86-03-083	314-24-080	AMD	86-07-022
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308-61-100	REP	86-03-011	308-102-190	AMD-P	86-03-083	314-24-190	AMD-C	86-07-021
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390-16-105	AMD	86-04-071	400-04-510	NEW	86-04-054
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390-37-070	AMD	86-04-071	434-57-100	NEW-P	86-05-053
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